C]
1-97.

Political (189 8) Department.

ORDINARY MS.

G.O., No. 302

DATED 2-5-98

E

[Despatch Abstract.]

Sanctioning the recommendation of the Paymaster, Carnatic stipends, that Lalamma, wife of late Vocramma a Carnatic stipendiary, may be granted a compassionate allowance of Rs 4-6-0 per mensem for her life with effect from the 28th Feb 1898

[Poll. 8.]
1,000—24-8-97.

Political (1898) Department.

ORDINARY MS.

G.O., No. 302

DATED 2-5-98

INDEXED.

E

W3/4-5-98

[Despatch Abstract.]

Sanctioning the recommendation of the Paymaster, Carnatic stipends, that Salammal, wife of late Veeraswamy a Carnatic stipendiary, may be granted a compassionate allowance of Rs 4-6-0 per mensem for her life with effect from the 28th Feb 1898

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Political (1898) Department.

S.G.R

CURRENT No. 490

File is incomplete. See G.O. 385 P/ 22.6.92 and the papers quoted therein. All the latter should have been put up and flagged and a short note of them registered which should have been added. Should please be resubmitted with note.
Cmb. 15/4/98
Tkv 20/4/98

From The Paymaster Carnatic Stipendiary Chepauk

Order W. 302 P/ 2d. May 98

CHIEF SECRETARY'S GOVERNMENT OF MADRAS 1 APR 1898

No. 131 of 1898.

The Paymaster's recommendation is sanctioned as a compassionate grant.

Cmb 29.4.98

ASA 2.5.98

Dated 1st
Received 1st } April 1898
Registered 1st
Enclosures One (1)
Spare copies

To The P.C.S. (F)
A.G. (a)

Tkv 13/4/98

Desp 4.5.98

SUBJECT.

Reports the demise of Carnatic Stipendiary [illegible]96 Veerasawmy and recommends a moiety of his Stipend to his widow Salammal.

R.O.
Cmb 2/4/98

put up
Cmb 4.4.98

BACK PAPERS.

G.O.	No.	Department.	Date.
135	1.3.98	469	10.7.88 ab
422	29.6.95	781	17.10.87
385	22.6.82	740	26.9.87 ab
220	22.3.88	729	22.9.87
359	22.5.85	21	10.1.85
35	22.5.85	651	23.9.84
252	18.4.84	252	18.4.84
842	8.12.96	436	8.6.83
282	5.5.92	33	17.1.78
		724	20.4.76
		74	2.2.76
		70	25.1.59
		79	6.58

FURTHER PAPERS.

G.O.	No.	Department.	Date.

RECD 30-3-78

No 4 B.C. 30

30. iii. 78.

I Certify that I have examined Carnatic Stipendiary Salamah and am of opinion that she is about 50 years of age.

Madras.
29th March 1878

Go Lwacker M.D.
Surgn: Lieut: Col.
Ag: Surgn: 4th Dist

(1898)
№ 194 of 1898.

From

The Medical officer
Rayapetta

Dated 29th }
Recd 30th } March/98.

Certifies that the age of
Salamal is about 50 years.

Pole

490

Endg

№ 131 of 1898. Paymaster Carnatic Stipe.
office Chepak 1st April 189

From.

Lt. Colonel D. D. Pryce I. S. C.
Paymaster Carnatic Stipends, Chepa

To,

The Chief Secretary to government
Fort Saint George.

Sir,

I have the honour to report the demise on the 27th February 1898 of Carnatic Stipendiary № 4969 Veerasawm who was drawing a stipend of Rs 8-12-0 per mensem by Gos № 252 dated 18th ~~august~~ april 1884 "Political."

2. The deceased Veerasawmy registered the name of his wife Salammal in 1889; he is one of the 50 male Stipendiaries whose registry was allowed by government to stand vide Gos. № 385 dated 22d June 1892 "Political".

3. Salammal is 50 years old (vide medical certificate herewith attached) I have therefore the honour to recommend her name for the favourable consideration of Government for grant of a Compassionate allowance of Rs 4-6-0 per mensem for her life with effect from 28th Febn 1898, to be paid in the Shape of monthly Stipend in accordance with Gos. № 422 dated 29th June 1895 "Political".

4. The name of the deceased will be found at page 8, appendix B, Part III, Serial № 30, of Gos. № 13 dated 18th March 1897 "Political".

No 30

I have the honour to be
Sir
your most obedient Servant

D. D. Pryce Lt.
Paymaster Carnatic S

[G. / 25]
1,000 -22-11-97.

.....Political.....DEPARTMENT

C. No. 490

~~HIS EXCELLENCY THE GOVERNOR.~~

~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~

~~THE HON'BLE MR. CROSE, C.I.E.~~

SUBJECT.

Carnatic Stipends.

FOR ORDERS.

G.O.No.651 Pol, dated 25-9-84.

In September 1884 Colonel the Govt. Agent at Chepauk Baynes represented that in consequence of the impossibility of obtaining satisfactory evidence regarding the claims of females to compassionate allowances as the widows of Carnatic Stipendiaries, he had issued an order warning all those informing Carnatic Stipendiaries ~~that~~, ~~with the exception of those~~ who had not already registered the names of their wives in the agency office, to do so ~~they should get the names of their wives registered in his office; while those~~ and intimating that stipendiaries who might subsequently contract Shadi or Nicka marriages would be expected to ~~should~~ furnish in writing information on the point from time to time. As the majority of the stipendiaries had not furnished the information required by Colonel Baynes, that officer suggested that Govt. should issue a formal notice to the effect that the future claims of women to compassionate allowances as widows would not be entertained unless their husbands

× Now the Office of the Paymr. Carnatic Stipends.

husbands had registered their names and ages in the Govt. Agent's Office. Accordingly G.O.No.651 Pol,d/ 23-9-84, ~~was passed and~~ fixed the 1st January 1885 ~~was fixed~~ as the date after which claims to compassionate allowances of widows of Carnatic pensioners would not be entertained unless their* names and ages had been registered in the Govt. Agent's Office during their husbands' life time.

2. In December 84 owing to a delay in circulating the notification in Hidustani the Govt. Agent, Chepauk, requested that the time allowed by G.O.No.651 Pol,d/ 23-9-84, might be extended to 1st April 85. This was sanctioned in G.O.No. 21 Pol,d/ 10-1-85, and in G.O.No.359 Pol. d/ 22nd May 1885, the date was further extended to 1st Septr. 85.

3. In October 1891 one Ghulam Dustagir applied ~~for orders~~ to have his wife's name registered in the Carnatic Stipends Office on the ground that he was ignorant of the orders of January 1885 (No.21 Pol.). Colonel Underwood who at first declined to register the name of Ghulam Dustagir's wife subsequently ~~on~~ did so a ~~reference from Govt. undertook to do so~~ under a misapprehension of the orders on the subject. The Govt. however, after some discussion (vide notes in the orgl. of G.O.No.282 Poll,d/ 5th May 1892) informed Colonel Underwood that he had no authority for registering the name of Ghulam Dustagir's wife; that her name should be taken off the register; ~~and~~ that her husband should be informed that Govt. could not accede to the

* i.e. the widows' ~~[illegible]~~

G.O. No. 282 Pol., d 5th May 1892.

The Paymaster, Carnatic Stipends,

Vide J & K

* Vide para 17.

G.O. No. 385 Pol., d 22nd June 92.

With ref. to this G.O. the continuance of a pension to any of these persons should be noted as a compassionate grant.

S.K. 2.8.98

his request ~~made in his petition of the 10th Oct. previous~~ and that he should be referred to G.O.No.359 Poll.d/ 22-5-85. The attention of the Paymaster was at the same time called to that order & to G.O.No.357 Poll. of the same date containing Colonel Bayne's report,* & ~~it was ordered that~~ he was directed not to depart from the instructions therein laid down, ~~should not be departed from~~

4. Colonel Stewart, who had succeeded Mr Underwood, then reported that there were 61 names of wives of Carnatic Stipendiaries that had been registered subsequent to 1st Sep.85 (the date prescribed in G.O.No.359 Poll. d/ 22-5-85) and that 11 cases of the widows thus registered had been conceded compassionate allowances by Govt. He therefore considered it his duty to acquaint Govt. with the fact and to request orders as to whether he was right in concluding that G.O.No.282 Poll,d/ 5th May 1892, was to be considered as peremptory and to have the effect of cancelling the registration of the remaining 50 names ~~from the register alluded to proposed by his predecessors in his office~~. The Govt. in its order No.385 Poll,d/ 22nd June 92, permitted the registry of the 50 wives in question to stand, but the Paymaster was directed to clearly intimate to them that they had no claim as of right, that their cases would be considered as each came up & that they could expect nothing except on purely compassionate grounds.

5. In the current read above the Paymaster Carnatic Stipends, reports the death of Carnatic Stipendiary Veeraswami who was drawing a stipend of Rs.8-12-0 per mensem under G.O.No.252 Poll, d/ 18th April 84, and states that the deceased registered the name of his wife Salammall in 1889 and is one of the 50 male stipendiaries whose registry was allowed to stand by Govt. in its order quoted in the preceding paragraph. The Paymaster recommends that Salammall, who is 50 years old, according to the Medical Certificate submitted, may be granted a compassionate allowance of Rs.4-6-0 per mensem for her life, with effect from the 28th Feb. 98, to be paid as a monthly stipend in accordance with G.O.No.422 Poll. d/ 22nd June 1895.

It is submitted that the Paymaster's recommendation may be sanctioned.

Draft to that effect is subd on the docket of the current.

Cuts. 29.4.98

No 30 on page 8 of G.O. 21.135 Pol dt 1st March 1897.

When given for copying 4/5
When copied
When examined 4/5 1898.
When signed

READ AGAIN G.O., No. 189 , DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only

Poll. 6
8
799

GOVERNMENT OF MADRAS
12 JUN 1896
CHIEF SECRETARY

IN THE

Court of Final Appeal

Travancore.

JUDGMENTS

IN

SECOND APPEAL No. III OF 1061.

THE RIGHT REVD. MAR ATHANASIUS

AND OTHERS,

(Defendants—Appellants.)

THE RIGHT REVD. MAR DIONYSIUS,

(Plaintiff—Respondent.)

Printed at the Koralodayam Press, Trivandrum—1890.

CHIEF SECRETARY
31 JUL 1896
GOVERNMENT OF MADRAS

Poll. 8 799

IN THE

Court of Final Appeal

Travancore.

JUDGMENTS

IN

SECOND APPEAL No. III OF 1061.

THE RIGHT REVD. MAR ATHANASIUS

AND OTHERS,

(Defendants—Appellants.)

THE RIGHT REVD. MAR DIONYSIUS,

(Plaintiff—Respondent.)

Printed at the Koralodayam Press, Trivandrum—1890.

GOVERNMENT OF MADRAS CHIEF SECRETARY 31 JUL 1896

IN THE

Court of Final Appeal
Travancore.

SECOND APPEAL No. III OF 1061.

THE RIGHT REVD. MAR ATHANASIUS AND OTHERS,

(Defendants—Appellants.)

v

THE RIGHT REVD. MAR DIONYSIUS,

(Plaintiff—Respondent.)

JUDGMENT.

MR. JUSTICE ORMSBY.

Printed at the Keralodayom Press, Trivandrum—1890.

ERRATA.

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IN THE ROYAL COURT OF FINAL APPEAL,

TRAVANCORE.

Present—K. KRISHNASWAMY ROW, W. E. ORMSBY and A. SITARAMA IYER. } *Members.*

Case No. 3 of 1061.

IN THE HIGH COURT OF TRAVANCORE.

Regular Appeal No. 137 of 1059.

IN THE ZILLA COURT OF ALLEPPEY.

Original Suit No. 439 of 1054.

1. Mar Thomas Athanasius, Syrian Metropolitan;
2. Punnathara Chandapilla Kathanar and
3. Thalathillathu Chakko Ittiavira.

} Defendants 1, 2 & 7; Appellants in the High Court; Appellants.

Mar Dionysius, Metropolitan... ... ... Plaintiff; Respondent in the High Court; Respondent.

For Appellants.....*Mr. Gover* and *Mr. Prince.*

For Respondent.....*Mr. Ramanatha Row* and *Mr. Vargese.*

This Appeal having been heard from the 17th Makarom to the 10th Kumbhom and having stood over for consideration to this 30th day of Mithunom 1064, Mr. Justice Ormsby, one of the Members of the Committee, recorded the following,

JUDGMENT.

This Second Appeal arises from a suit instituted in the Zilla Court of Alleppey on the 4th March 1879 by the Right Revd. Mar Dionysius, described as "Metropolitan—President of the Jacobite Syrian Christian

Association Committee of Malankarai" against the Right Revd. Mar Athanasius and two others. No description of the chief Defendant is given in the title of the plaint beyond his age and place of residence, an omission which was properly taken exception to in the written statement. No description at all is given of 2nd Defendant, who is a duly appointed Trustee of certain property of the Syrian Church Community, and against him no cause of action is stated. As frequent reference will be necessary to this plaint, and as it seems impracticable to give any abstract of it which does not alter the sense, I shall set it forth at length. The plaint runs as follows:—

"The movable and immovable properties describ-
"ed in Schedules A and B herewith presented, are the
"property of the Seminary at Cottayam, belonging to the
"Jacobite Syrian Christian Community of Malayalam,
"and those in Schedule C are those worn and used by
"the successive Metropolitans of that Community, in
"virtue of their office.

(2) "The aforesaid movable and immovable pro-
"perties were under the control and in the possession of
"the successive Metropolitans who held their place under
"the Holy Patriarch of Antioch, the Supreme Head of
"the Syrian Christians; and, following this practice, the
"aforesaid properties were lastly under the control, and
"in the possession of the person known as Mar Athana-
"sius, Metropolitan, deceased, by right derived in virtue
"of his consecration as Metropolitan by the said Patri-
"arch of Antioch.

(3) "The aforesaid Mar Athanasius departed this
"life on the 2nd day of Karkadagom 1052, since which
"date, the 1st Deft. and the 2nd and 3rd Defendants
"who have joined him as persons favouring him, are un-
"lawfully retaining possession of the properties described
"in the said Schedules A to C.

(4) "Being the Metropolitan who was vested with
"the *Sthanom* by the Patriarch of Antioch and has been
"appointed President of the Syrian Association Committee
"and who has also been accepted by the Syrian Com-
"munity, we, in pursuance of the past practice, have
"thus become fully entitled to the control and possession

"of the entire properties described in the aforesaid
"Schedules.

(5) "We, therefore, pray that the Defts. be direct-
"ed to deliver up possession of the properties named in
"Schedule A, and valued at 72,700 fanams, with further
"profits upon the lands Nos. 1 to 6 and Nos. 14 to 16
"included therein, as well as the movable property men-
"tioned in Schedules B and C, worth 3,52,324 fanams with
"further interest on items 1 to 3 of Schedule B and
"together with Court costs.

	Fanams.
"Estimated value of the real property as per Schedule A.....	72,700
"Do. of the personal property as per Schedule B.....	3,43,432¼
"Value of the property as per Schedule C.....	9,300
Total.	4,25,432¼

(6) "The title of Metropolitan held by the late
"Mar Athanasius was cancelled even during his lifetime
"by the Patriarchs of Antioch. And the obstruction
"which existed against bringing a suit in the local Civil
"Courts having jurisdiction, to therefore oust him of his
"possession and control, has been removed by the Royal
"Proclamation of the 23rd Kumbhom 1051. Hence the
"cause of action to bring this suit arose as against the 1st
"Deft., who, owing to the deposition of the late Mar Atha-
"nasius and his death, had simply to hand over the pro-
"perty to Us without any question and had no right what-
"ever to retain possession of the same, as well as against
"the 2nd and 3rd Defts. who are favouring the said 1st
"Deft.. The cause of action accrued from the 3rd day of
"Karkadagom 1052, the date of the death of the aforesaid
"Mar Athanasius.

(7) "Schedules A, B and C. referred to in para 1
"above and including such properties as we have been
"able to describe, are herewith produced. Owing to the
"situation of affairs and as the properties are in the pos-
"session of the Defendants, it is not possible at present
"to give fuller details. Therefore, if during the progress
"of the suit from the admissions of the Defendants or
"otherwise, there appear to be any further property, or

proved, and the suit as against him wholly fails. The necessity or otherwise of considering the case against the 7th Deft. (3rd Applt.) representing the 4th Deft., deceased, depends on the decision come to on the main issues, and from the view I have taken of these, it becomes unnecessary to consider the case as against that Defendant. Throughout the remainder of. my Judgment, then, I shall simply refer to the 1st Defendant on the record, the Right Revd. Mar Athanasius, as Defendant or Defendant-Appellant.

No additional statements were taken from either side, and on the 22nd Puratasi 1056 (October 1880) the Zilla Court proceeded to frame the following issues, the 25th being added a year afterwards.

(1.) "Does the right to sue vest in the Plaintiff?

(2.) "Is the suit or any part thereof barred by limi-"tation?

(3.) "Did the Proclamation of 1027 bar the Plaintiff "and the Patriarch, whose supremacy he asserts, from "suing in the Travancore Courts to establish their respec-"tive rights?

(4.) "Can the Plaintiff bring a suit to establish his "rights before the Patriarch has procured a recognition "of his title either by the Government or by the Courts?

(5.) "Is the suit bad for mis-joinder?

(6.) "Is the suit purely about a religious matter and "therefore not maintainable?

(7.) "Is the question of the independence of the "Syrian Church in Travancore of the control of the "Patriarch of Antioch *res judicata*? Is the Defendant "estopped from pleading this independence?

(8.) "Has any Patriarch of Antioch or any foreign "prelate, claiming under the Patriarch, at any time, exer-"cised control or supremacy over the Syrian Church in "Travancore, and has this Church or the Syrian Com-"munity in Travancore recognized the Patriarch's autho-"rity? If so, when, and in what manner?

(9.) "What forms are necessary to constitute a Sy-"rian Bishop entitled to be recognized as such?

(10.) "When, by whom, and in what manner, was "the Syrian Church introduced into Travancore, and in "what mode was it afterwards established and extended?

(11.) "What are the Articles of faith, received in the "Syrian Church? By what canons and forms of disci-"pline are the Syrian Christians bound?

(12.) "Have the Defendants departed from such "articles of faith, canons and forms of discipline so as "to disqualify them for any participation in the tempo-"ralities or spiritualities of the Church?

(13.) "How have the Syrian Bishops usually acquir-"ed ecclesiastical jurisdiction over the Syrian Christian "Church in Travancore? Has the Plaintiff acquired such "jurisdiction?

(14.) "Was the Plaintiff's appointment as Metran "duly made? Has it been cancelled?

(15.) "Is the 1st Defendant a duly consecrated "Bishop or not?

(16.) "Have the 1st and 2nd Defendants been ex-"communicated? Had the Patriarch a right to excom-"municate them?

(17.) "If there are two sections in the Syrian Com-"munity, which is the one entitled to the plaint property, "the Patriarch's adherents or their opponents?

(18.) "Is the Malabar Jacobite Syrian Association "recognized by the whole Syrian Community?

(19.) "Was the late Mar Athanasius appointed as "Metran through any deceit practised by him and was "his consecration therefore void *ab initio*?

(20.) "Which of the plaint properties belong to the "Church, and which, if any, are the self-acquisitions of "the Defendant or of the late Mar Athanasius?

(21.) "Did the Defendants obtain possession of pro-"perties 1 to 3, 7 to 9 in Schedule B only on the death "of the late Mar Athanasius, or did they get them before "his death, and, excepting No. 1, independently of him?

(22.) "Which of the plaint properties are in the pos-"session of the Defendants?

(23.) "Is the valuation of the plaint properties, as "given in the plaint, correct?

(24.) "Ought the mortgage to the 4th Defendant to "be cancelled?

(25.) "What portion of the Trust Funds has been "expended by the Defendants or any of them, and under "what circumstances?"

The Judge, who eventually tried the case, adds the following note:— "I doubted at the time the advisability of framing the 11th, 12th and 17th Issues, but gave in to the senior and the Christian Judge who was sitting with me." I shall give hereafter my reasons for holding that the Judge's doubts were more than justified.

Many of these issues are loosely drawn and inaccurately expressed. But apparently the great issue between the parties—viz, is Plaintiff the lawfully appointed Metropolitan of the Syrian Church in Malankarai and is he, as such, entitled to recover possession of the properties sought to be recovered in this suit—is involved in the issues recorded, especially the first, eighth, thirteenth and fourteenth issues. Plaintiff's right to sue in some other capacity, viz, his Presidentship of the Jacobite Syrian Association is obscurely hinted at in issue eighteen, on which issue, I may remark, in passing, the Court of first instance has recorded no formal finding.

The Zillah Judge, having heard the case at great length, gave Judgment for the Plaintiff, and his decree was, with some very trifling modifications, confirmed by the Court of First Appeal. The Defendants, thereupon, appealed to this Court.

Objection was taken here by the learned Counsel for the Appellant that the Judgment of the Court of First Appeal is irregular in form. That the Judges have neither jointly delivered a written Judgment, nor separate Judgments disposing of the whole Appeal, nor has one Judge delivered Judgment and his colleague concurred therein. This is so. But the point is so technical (the whole case being now before us) that I should not notice it were it not that it was assumed at the hearing that we had complete *concurrent findings of two Courts* on all the important issues. But it is perfectly clear, as I shall have occasion again to notice further on, that

Mr. Justice Arianayagom Pillay does not profess to write a Judgment. He says expressly (*Book IV. p.* 26), "I shall confine my remarks to a few of the issues," and these, it should be noted, are the very issues already specially referred to, the 11th and 12th, which formed no part of the original case. That learned Judge, in the opening sentence of his Judgment, says "I agree with the original Court substantially in its view of the law and the evidence." In the closing sentence, he adds "I agree with my learned colleague in the decretal part of the Judgment." Now this latter cannot be construed as equivalent to a Judgment generally concurring not only in conclusions drawn, but in the reasons by which those conclusions are supported. It follows that there is no distinct Judgment on the merits by the two Judges who sat as a Court of first Appeal, but a Judgment by one Judge—exceedingly brief in its discussion of some vitally important questions—and a second Judgment, concurring, not with the former, but "substantially" with that of the Court of first instance. I think this variation from the customary form of recording Judgments, is to be regretted in this case. The matters in issue are of unusual importance, and the persons likely to be affected by the results, about three hundred thousand, or, if the estimate of the numbers of the Church in Malankarai given by the Patriarch in Exhibit XIII is to be adopted, four hundred thousand.

Both parties have agreed in their respective Pleadings (Plaint para 4. Written statement para 11)—and similar admissions have been made at the hearing—that to constitute a duly appointed Metran of the Syrian Church two conditions must be present, viz., proper consecration and *acceptance* or *acknowledgment* by the people. Both agree that this consecration must be by a Bishop belonging to a Church possessing the Apostolical succession by imposition of hands. But Plaintiff-Respondent asserts, and Defendant-Appellant denies, that such consecration must be either by the Patriarch of Antioch or by some Bishop duly authorized by that Patriarch to make the consecration. These are the really vital questions at issue, and I propose to consider them in detail with reference to the evidence which has been adduced by both sides.

There are, however, two preliminary questions which it seems convenient to discuss here. The first is the question of limitation (Issue 2). The plea that the suit is *res judicata* (Issue 7) was abandoned, and very properly abandoned, by the learned Counsel for the Appellant. The Defendant–Appellant urges that this suit is barred by limitation. That inasmuch as the late Athanasius (by whom he was consecrated and whose lawful successor he claims to be) did, many years ago, repudiate the claims of Antioch, that prelate must be held to have been in hostile possession of the property now sought to be recovered. That the present cause of action must be regarded as identical with that which existed, and Plaintiff has alleged that a cause of action did exist, against Athanasius in his lifetime. The third para of the plaint certainly gives some color to this argument. Para 6, as already stated, is very obscure. It states that the late Athanasius was deposed "during his lifetime." But when, how, or for what reason, we have no indication at all. Then follows an incomprehensible allusion to a Royal Proclamation of 1051. Incomprehensible I say, for lower down in this same para the "cause of action" is explicitly stated to have accrued "on the 3rd day of Karkadagom *1052*, the date of the death of the aforesaid Mar Athanasius." I think the allusion to the Proclamation must be taken as surplusage. In any case, it seems highly undesirable that any technical informality, or obscurity, should now affect the Judgment of this Court, provided a cause of action is stated and shown to exist.

That the late Mar Athanasius was consecrated by the Patriarch is fully admitted by Plaintiff, though it is alleged (19th issue) that that consecration was the result of deceit practised by him. But this is not stated in the plaint. So far as the plaint is concerned, we must take it that a suit brought against Athanasius in his lifetime must have been to remove him from office on the ground of his "title" being "cancelled" (para 6) or on some similar ground. But such a suit might have been brought without in any wise affecting what I consider is really put forward as the cause of action in the present suit. Suppose a case. Suppose Athanasius successfully resisted all attempts to remove him from office, and had, on his

death-bed, appointed a layman his successor. Could it be said that a suit against such layman was barred because the late Metran had, for more than 12 years, resisted all attempts to deprive him of the temporalities of the Church? The case against the present Defendant is quite distinct from any that could have been brought against his predecessor. Against him it is alleged that he never had that form of consecration which could alone entitle him to hold the Headship of the Syrian Church. If it is shown that, as alleged, consecration by, or under the commands of the Patriarch of Antioch is an indispensable condition to the vesting of the Metranship of the Malankarai Church (and the fact that Defendant has never been so consecrated is undisputed), then I am of opinion that a cause of action may be held to have arisen against him on the death of Athanasius, viz., in Karkadagom 1052.

It is, from this point of view, unnecessary to discuss minutely the question whether this is a suit against a Trustee for Trust property, and thus not barred. There is no doubt that the bulk of the property sought to be recovered is property belonging neither to Plaintiff nor Defendant, but to the Syrian Community, and that it is trust property. If, then, Defendant-Appellant came into possession of this property for the first time in 1052, and it is sought to have him removed as a Metran who cannot, according to the implied terms of the trust, hold such property, I cannot see how the suit can be regarded as barred by limitation.

A great deal was said in the course of the argument as to the effect of the Royal Proclamations O and P with Exhibits XXXII, OO, and other documents that were quoted in the same connection. From the view I have taken of the question raised in the 2nd issue, no reference need be made to those documents. They are only relevant on the supposition that the cause of action arose against Defendant prior to the death of Athanasius. But, for the reasons already stated, I am of opinion that the plaint sufficiently alleges a cause of action in 1052, and that, if this cause of action is shown to exist, the suit is not barred.

The second preliminary question which I propose to deal with, is that raised in the para 15 of the Defendant's

written statement, and embodied in the second part of the fourth issue—viz., supposing Plaintiff has been duly appointed Metran of Malankarai by the Patriarch of Antioch, has that appointment subsequently been cancelled? As to the fact of his consecration by the Patriarch, I think it admits of no doubt at all. Indeed the contrary was not urged here.

There is no evidence on record which directly goes to show that Plaintiff has been removed, or that any attempt has been made to remove him by the Patriarch. That the Plaintiff was recognized by the Patriarch as Metropolitan and actively supported as such at the date of the meeting at Mulanthuruthu (GG. 1876) will appear when we come to deal with the Resolutions passed at that meeting. But in the Court of first instance (*Bk.* ii. 29) the following note is inserted in the middle of Plaintiff's deposition. "First Defendant's Vakil admits that the "Defendant's contention is that Plaintiff was excommu-"nicated before the Synod of Mulanthuruthu"; and it would seem that evidence to disprove a subsequent dismissal was, consequently, rejected. Here, however, it was argued that the appointment by the Patriarch of six new Metropolitans—so they are styled—subsequent to that Synod is tantamount to the removal of Plaintiff from office, especially as the whole of Malankarai is parcelled out among these Metrans, and, it is added, there can be no Bishop without a See. The document most relied upon to prove Plaintiff's deposition is Exhibit XIII a Staticon given by the Patriarch to Mar Gregorius, one of these newly consecrated Metrans, on the 23rd Madom 1877. It is said that the Staticons given to the other Metrans—Exhibits LII, LV, and LVI—are exactly similar. But they do not appear in the printed book. Exhibit XIII is certainly, in many respects, a remarkable document. It is remarkable not only in what it says, but in what it does not say. Having commented upon the "quarrels, differences, and faithlessness" which he had found in the Church of Malankarai, the Patriarch says, "We conceived in our mind that if the four lacs of the people of Malayalam have but one or two Metrans, they would become spiritually blind, proud, pretentious and conceited." In the next page we read, "Owing to

this, We have divided the Churches of our people into seven dioceses," naming them in order. The Staticon then proceeds "No one has authority from God to vary this division in the Church of the Messiah. No Metran has the right to go out of his own diocese, and stepping into anothor diocese, to cause breach in the Church of Messiah and to violate the Canons of the Fathers. Such an one is a miscreant and one who by God's word is divested of his dignity." Now the first of the seven dioceses above referred to, is "the Church of St. Thomas the Apostle at Quilon and the surrounding Churches," which the learned Vakil for the Respondent states is the See specially reserved for the present Plaintiff. Mar Ivanius, Defendant's 98th Witness, says "He (Plaintiff) is the Metropolitan of the Quilon diocese, and what is comprised in the Cottayam Seminary, and of all general matters in the whole of Malayalam." I think if we had nothing more to go on but this, we should be compelled to say that the seven Bishops were given co-ordinate jurisdiction, each being independent of the other. Again, the Staticon contains no express reference to the Plaintiff, as we might reasonably expect if, as is now contended, he is supreme Metropolitan over the whole of Malankarai. The references throughout are to the *Patriarch*, and "obedience" to his "commands" (*Bk.* iii. 240) is specially enjoined. That the tendency of this new departure, viz., the creation of a number of Bishops directly responsible to the Patriarch must ultimately lead to the extension of the Patriarch's (alleged) powers in Malabar and to the curtailment of those of the local Metropolitans, is sufficiently obvious. It is impossible then to say that the contention of the Defendant is devoid of any *prima facie* support. But conceding this, I think it is certain that, as a fact, Plaintiff never has been deposed, nor is there any reason (save that already discussed) for supposing that his deposition was even contemplated. In the year following this Staticon, we find all the seven Metrans signing Exhibit HH, the Resolutions of the meeting of the Association Committee at Parumalai (*Bk.* iii. 99). Here the Plaintiff signs first, describing himself as "*Metropolitan of Malayalam*," and the others follow, each describing himself as Metropolitan of his own See. HH. shows clearly that the Plaintiff (who

presided) was recognized as the chief person present, and that the other Metropolitans were prepared to take an active part in collecting the necessary funds for him to bring this suit. It may be added that five of these Metrans appear as witnesses in this case and actively support his cause.

Mar Julius Metran, Plaintiff's 35th Witness (*Bk.* i. 305) at p. 312 says "The Plaintiff is the Metran of Malankarai." Mar Gregorius, Plaintiff's 63rd Witness (*Bk.* i. 419) speaks to the same effect. Paulos Athanasius Metran, Defendant's 97th Witness (*Bk.* ii. 298) also supports Plaintiff. At page 299 he says "the provision in Exhibit LV, that one Metran shall not transgress on the jurisdiction of another Metran, means that none of us, the six Metrans, shall invade the territorial jurisdiction of any of the others. The Plaintiff is not included among the six Metrans." I may remark in passing that the meaning of this provision, namely of non-interference in territorial jurisdiction, is very differently explained by Plaintiff himself (Exhibits XIII and LV are said to be exactly alike); at page 13 of Book ii. he says, "The allusion therein (Exhibit XIII) that some Metrans invade the jurisdiction of their friends, unsettle the belief of the people and ordain those who bribe them, refers to the Metrans who were ruling in Tholyur and Malankari. It is their reciprocal invasion, in violation of the established rule and the orders of the Patriarch, that is referred to." Ivanius Metran, Deft.'s 98th Witness (*Bk.* ii. 301) and Mar Kurilos Metran, Defendant's 102nd Witness (*Bk.* ii. 313) also support the contention that whatever powers the Patriarch conferred on Plaintiff remain unaltered.

As to Exhibits LVII and LIX, we intimated at the hearing that these documents evidencing, as they do, *res inter alios actæ*, could not be received in evidence. Exhibit LVII is a copy of a deposition given by a Mar Kurilos in O. S. 202 of 1058 on the file of the Ernaculam Munsiff's Court, and Exhibit LIX is a copy of a plaint by one Simon Mar Dionysius in O. S. 147 of 1056 on the file of the Anjikymal Zillah Court.

The Plaintiff swears (*Bk.* ii. 15) that Mar Gregorius, the Metran appointed under Exhibit XIII, actually lives

with him (Plaintiff), and continues to conduct educational work in a Seminary established by Plaintiff at Parumalai.

My conclusion is that, save for the wording of Exhibit XIII, there is no support for Defendant's contention, while there is strong evidence, viz., the acknowledgment of the Bishops said to be subordinate to him, that Plaintiff has not been deposed or removed from Office. This ground, therefore, also fails.

We have now to consider the great issue in the case, viz., the relationship, if any, existing between the Churches of Antioch and Malankarai, with special reference to the consecration of Metrans in the latter. The evidence on the issues raised on this part of the case naturally falls under the following heads:—(1) the evidence of what have been called the "Histories" (Exhibits C, WW, HHH); (2) the other oral and documentary evidence including Canons, Liturgies, Staticons, and various correspondence; and (lastly) the evidence touching the receipt from Antioch of *Morone*, or sacred oil, and the regular payment to Antioch of a tax called *Rassisa*.

The oral evidence, as I have remarked in another connection, extends over 750 large printed pages, and the recording of it, with the hearing, occupied the Court of first instance for 186 days, a fact which appears from the Court's diary. The case was actually 5 years, 3 months and 25 days on the file of the Zillah Court. I regret to have to remark that the manner in which the evidence has been taken is eminently unsatisfactory. The presiding Judge would appear to have practically handed over the case to the local Vakils employed, who, so far as appears, were quite unable to grasp the points to be proved, or at all cope with a case of such magnitude and difficulty. The examination of witnesses seems to have been taken in a haphazard fashion. Witnesses were allowed to stray into all sorts of irrelevant matters: to repeatedly give evidence which, on the face of it, was mere hearsay: to testify to facts obviously beyond their personal knowledge, for which no authority is given or demanded: while in important matters which were within the knowledge of some of the witnesses called, *e. gr.* the circumstances which preceded the meeting at Mulanthuruthu in 1876, and the proceedings at the

meeting, the examination was hurried over as seemingly of no importance. The Defendant, as Plaintiff's first witness, was thirty days in the witness-box, and his examination extended over a period of fifteen months. In fact he seems to have been called at different stages of the suit, no reason being alleged for the permission of this gross irregularity. His evidence was taken without any order or method, and many of the questions put, if they may be judged from the answers recorded, were mere waste of time. As to the method of Plaintiff's examination as Defendant's first witness (he was 15 days in the witness-box) a single example may be given. I take the first three lines of his deposition dated 25th Vrichigom 1058 (*Bk.* ii. 25). They are as follow :— "The Synod assembled at Nice to frame rules and laws "to prevent further schisms. It was the English educa- "tion and other matters relating to education, that the "Missionaries took part in, in conducting the Seminary. "The Portuguese destroyed the books that they came by." Now as the Synod of Nice was in the year 325, the arrangement with the C. M. S. Missionaries in 1840, and the destruction of the Syrian books by the Portuguese in 1599, (all these dates are admitted) and these events were wholly unconnected, it would appear as if the examining Vakil had peculiar ideas regarding the way in which an examination should be conducted. Plaintiff's 63rd Witness, Mar Gregorius, was 12 days under examination. The greater portion of his evidence is worthless, and was scarcely referred to in the argument. It is to be much regretted that the presiding Judge did not interpose and thus check a vast waste of public time.

Again, the very record of the evidence is ill-prepared. I find in various places remarks made to the witnesses or regarding their evidence—it does not always appear by whom—mixed up with the depositions themselves. The abstract of the statements of some 170 witnesses, in order of their examination, which fills nearly half the Zilla Judgment, is useful for no purpose whatever.

Before entering on Plaintiff's case so far as it is founded on the past history of the Syrian Church in Malankarai, it will be convenient to consider the legal question regarding the admissibility or otherwise of historical

works in proof of facts—a question of some difficulty which seems to have been overlooked in both the lower Courts.

We have no written law of evidence binding upon this Court. But where, as in the present case, the rulings of our own Tribunals afford no precedent, it is the understood rule that we should take as our guide the provisions of the Law of Evidence obtaining in British India; the decisions of the English, American and British Indian Courts being always treated as authorities worthy of the greatest respect.

Act II of 1855 (British India), now repealed, contained a distinct provision regarding the admissibility of books of history, which obviously are of the nature of "opinion" and so, generally inadmissible. Section XI ran as follows :—"All Courts.....may, on matters of public history, literature, science, and art, refer for the purposes of evidence to such published works..... as such Court shall consider to be authority on the subject to which they relate."

The present Indian Evidence Act (Act I of 1872) contains a similar provision in the last para but one of Section LVII. We there read "On all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference." In Mr. Justice Stephen's Digest of the Law of Evidence, the following passage (Art : 35) occurs. "Statements as to matters of general public history made in accredited historical books are deemed to be relevant when the occurrence of any such matter is in issue or is, or is deemed to be, relevant to the issue." There can be little doubt that the "appropriate books" of the Act are equivalent to the "accredited historical books" of the Digest, and that both contemplate reference to works of established character.

In *Morris* v. *Lessees of Harmers heirs* VII. Peter's (U. S.) Reports at page 557, a very clear rule is laid down. "Historical facts of general and public notoriety may, indeed, be proved by reputation, and that reputation may be established by historical works of known character and accuracy. But evidence of this sort is confined, in a great

measure, to ancient facts, which do not presuppose better evidence in existence, and where from the nature of the transactions, or the remotness of the period, or the public and general reception of the facts, a just foundation is laid for general confidence." The Judgment of the Court from which I have taken the above extract was delivered by Mr. Justice Story, and contains, in my opinion, a very just rule and one capable of application in practice.

In a well known English text book, the rule is stated as follows:—"A general history may be given in evidence to prove a matter relating to the Kingdom in general." Buller's *Nisi prius p.* 248 (*a*). This does not assist us much.

I have not been able to find any recent authoritative ruling on the subject by the English Courts, but some of the older authorities are given in a note in Judge Taylor's well known work on evidence (*8th Edition Vol. II p.* 1518) and these seem not to be uniform. The rule laid down by him (following Greenleaf) at Section 1785, is this:—"Books and chronicles of public history may be mentioned as partaking, in some degree, of the nature of public documents, and as being entitled, on the same principle, to a certain degree of credit. Any approved public general history, therefore, is admissible to prove ancient facts of a public nature....."

The present is a very exceptional case. Not only are matters said to have taken place nearly three centuries ago affirmed on one side and denied on the other, but the events of the fourth century of the Christian era have been made the subject of considerable discussion, it being Plaintiff's contention that we have evidence before us regarding those events.

The Plaintiff's case, though not set out in detail in the plaint, is that the properties of the Church in Malayalam have been "in the possession of the successive "Metropolitans who held their place under the Holy "Patriarch of Antioch, the supreme Head of the Syrian "Christians" (para 2). It was contended in argument here that this connection between Antioch and Malabar began early in the fourth century. That since that date, saving for a little more than half a century (1599—1653)

when the Malankarai Church was united with the Roman Church, the former has always been subject to, and has taken her orders form, the Patriarch of Antioch. I understand that the possibility of occasional union in remote times with Eastern Churches other than Antioch was, however, admitted. But any such breach, it is said, of the continuity of the Antiochian supremacy was exceptional and irregular, jurisdiction over Malankarai having been assigned to the Patriarch of Antioch at the Synod of Niccea.

Now if this case is to be dealt with, it is obvious that some appeal to history is inevitable. For the greater part—by far the greater part of this immense period of time—we can have no evidence other than that of "historical works of known character and accuracy." To rule that the evidence of such is inadmissible (and that point is, perhaps, open to argument) is to entirely alter the aspect of the Plaintiff's case as presented in both the lower Courts and in this Appeal. As a fact, it appears that the oldest document on record, proved or admitted, and having any bearing on the historical question, is dated 1751 (Exhibit W), while the Zillah Judge (*pp.* 61, 62) distinctly finds, and it would appear correctly, that "there is no contemporaneous document to show any "admission of the Patriarch's authority by any one in "Malabar between 1770 and 1829 or rather till 1836." Plaintiff's Counsel has never argued, or attempted to argue, that without any appeal to history, he can succeed in proving his case. See *e. gr.* the 8th and 13th issues. Neither party has anywhere contended that no historical evidence—i. e. evidence contained in well known and approved works of history—is admissible. There is some authority for the admission of such evidence, and no ruling of this Court to the contrary. The question is, then, to what sources are we to look for enlightenment regarding not only the remote past, but that very important part of this case viz., the position of affairs immediately preceding and following, what I may term, the Portuguese period—viz., when the Church here was in obedience to Rome (1599—1653)?

The evidence relied on by Plaintiff to prove the ancient and still continued supremacy of Antioch in the

Church here, is contained almost exclusively, in two works which, therefore, demand very particular attention. The first is a work called "The Christians of St. Thomas and their Liturgies" published in 1864, by the Revd. Mr. Howard formerly a Chaplain at Quilon. The work (Exhibit C) treats in the briefest manner of the outlines of the History of that Church, and merely, it would appear, as an introduction to its Liturgies. It is not shown that Mr. Howard ever professed to be, or has ever been regarded as, an authority on the questions now in issue; or that he was "a person having special means of knowledge" in the words of the Indian Evidence Act, Section 49. His work was published long after the breach between the Patriarch and the late Mar Athanasius had occurred.

Like objections—but with increased force—may be urged against the second authority relied on by Plaintiff, viz., what is called Ittoop's History (Exhibit W W$_1$.). We have little means of judging of the author's capacity for writing history, and that little is highly unfavourable. It seems hard on a writer who meritoriously endeavoured to place before his countrymen what he calls a "General Sketch, and introductory notice" of the outlines of Malabar Church History, to adduce proof that his book is not what it never professed to be. Probably, nobody would have been more surprised than Ittoop himself, who is said to have been clerk to a merchant in Cochin, to learn that his little Manual printed in pamphlet form and enclosed in paper covers, would be quoted as an authority in a case deciding the fate of a Church which had existed some eighteen centuries.

Ittoop's book was published in the Malayalam language in 1869, and was said at the hearing, I do not know with what truth, to have been a collection of articles contributed, from time to time, to the local Newspaper at the office of which it was printed. It is absolutely impossible to regard this work as a "public general history" within the meaning of the rule above quoted from Taylor.

I fear, however, that a critical perusal of the introduction to W W$_1$. will show that the author was wanting in two cardinal qualifications for writing history, firstly,

accuracy, and secondly, the possession of proper materials. Both these grave charges may be very easily demonstrated. In support of his statements, Ittoop, throughout his book, gives no authority of any kind. But in his preface he tells us the works from which he obtained information. He speaks of some manuscripts, but what they were there is nothing to show. That they were not public manuscripts—i. e. drawn from the Seminary of the Syrian Church, or from the Library of the Church Mission Society at Cottayam—is sufficiently obvious, first by his making no special reference to either of these sources, and secondly, from what he does say regarding the manner in which he obtained the manuscripts. He obtained them, he says, by promising to give a printed copy of the work for every manuscript. He adds that no manuscript contained any connected account of Church History. This circumstance he attributes to the burning of the Syrian books by Archbishop Menezes in 1560. [*sic*]. Now this grave error as to an important date, may be due to the printer. But surely it ought to have been promptly corrected.

Of the authors whom he specially mentions, the first is "St. Paolium a Portuguese." I should have concluded that the reference here was to Fra. Paulino da san Bartolomeo, except that as Paulino (or Paoli) was neither a Saint nor a Portuguese, the description is somewhat inapt. The next authorities referred to are Buchanan and Howard. That is, if "Dr. Howa" is Mr. Howard the author of Exhibit C. He refers to Chapman's Church History, a little hand-book of general Church History published at the C. M. S. Press, Cottayam "for the use of the Syrian College." Some five pages of this work are devoted to the Church in Malankarai. The last authority quoted in the preface to WW is "Whitehouse's Sketch-book of Cochin." I have unsuccessfully endeavoured to find any one who has ever seen this work.

It is clear that the author took his materials from second-hand or third-hand sources. We have no mention of Geddes, Raulin, La Croze, Assemanus, Hough, or any other recognized authority on the subject of Indian Church History. But it may be well here to note the opinion which Plaintiff and his witnesses have formed of

this so-called History. The ninth Witness for Plaintiff, in cross-examination, deposes as follows (*Bk.* i. 139) "the greater part of Ittoop Writer's history is true, but some parts are false." Not a word is asked the witness in re-examination as to this very startling statement. Nor does Plaintiff himself (who seems very ignorant of the history of his own Church—see *Bk.* ii. 5) speak more favourably of these documents. He says "I do not wholly admit the three histories contained in Exhibit WW. *I produced them simply because Mar Athanasius had admitted them*.....The greater part of Ittoop Writer's history, contained in the book Exhibit WW is correct. *Some parts are not correct.* Revd. Eapen's History is not correct to that extent; nor is Revd. Kurien's History correct to that extent." Plaintiff's 45th witness Ittoop Jacob Kathanar, Vicar of Chengalom Church, is called as an expert in the matter of the History and Canons of the Malabar Church. Of the former, he makes very short work indeed. In answer to the Vakil who called him, he said (*Bk.* i. 361) "Subsequent to the year 325 and down to the year 1000 (the context shows that he meant 1000 M. E. or A. D. 1825) there were prelates over Malankarai without any interregnum. *Of them, all but one Mar Thoma, were foreigners. The Metrans who ruled over Malankarai, prior to the year 1000, were such as were consecrated and sent down by the Patriarch to Malankarai.*" The Zillah Judge remarks of this witness that he would "not scruple to swear anything," and I see that towards the close of his examination he admitted having concealed the fact that he had seen a certain book as he thought the admission would affect the value of his evidence. Both "The Christians of St. Thomas and their Liturgies" and Ittoop's History have been filed as Exhibits, viz., as C and W W$_1$. This proceeding was irregular. Neither work is, in any sense whatever, proved as an Exhibit, and it is, to my mind, apparent that such filing can add no additional weight whatever to their authority. It must be noted here that strong objection is taken, in the 24th ground of appeal to this Court, to these and all the other historical authorities produced on behalf of Plff.. They are described there as "hearsay and unreliable tales

in respect of the questions involved in this suit," and, it is added, that any opinion founded on the strength of these Exhibits is "bad in law."

Having given the matter very careful attention, I have come to the decided opinion that they are, *save in so far as they are admitted* by the other side, wholly inadmissible in evidence. My reasons are these. "The Christians of St. Thomas and their Liturgies" does not even profess to be a History. There is not a particle of evidence that it ever has been regarded as such. It is a mere fragmentary sketch introductory to the consideration of the Anaphoræ. It is a curious circumstance that the author himself tells us in his preface that had he earlier had access to Hough's "History of Christianity in India" (to which I shall have occasion hereafter more than once to refer) his own work "would probably never have been undertaken." (C. vi.)

The objections against Ittoop's book are still stronger. It is not a public general history. It is not a work of "known character and accuracy." There is nothing to show that it has ever been translated out of Malayalam or subjected to criticism of any kind. I have already shown that it is inaccurately compiled from second-hand materials—third or fourth-hand materials would perhaps be more accurate. It was published in 1869 long after the present dispute arose and it was admitted at the hearing that the compiler had once been a clerk to the late Mar Athanasius. To his obvious inaccuracy, admitted by both sides (but strangely enough denied in the Judgment under appeal *p.* 12), has been added the suggestion that his impartiality is open to question. On this matter, I express no opinion. I have already enumerated various reasons for holding that Ittoop's History is wholly unworthy of credit. And these hold good even were my view on the question of law shown to be inaccurate. But as a question of law, I do not hesitate to rule that a pamphlet written at Cochin subsequent to the consecration of the Plaintiff by the Patriarch, and of the Defendant by the late Metropolitan, Mar Athanasius, is *absolutely inadmissible in evidence*, save in so far as any facts therein contained are admitted to be accurate.

To these observations, it may be added that even if these books were admissible to prove "ancient facts which do not presuppose better evidence in existence," they certainly cannot be adduced to prove facts of which other and better evidence might and ought to be produced. Not only has Ittoop's history been used to prove matters which are said to have taken place in 1813 (this subject will be discussed hereafter) but there are translated extracts from the book filed by Respondent here to prove events said to have taken place in 1858. Were it not a fact, I should not have conceived it possible that any one could have seriously thought that the account given by a Cochin writer of events which transpired in the life-time of nearly every witness called in this case could be received in a Travancore Court in 1877.

Two other so-called histories have been accepted by the Zillah Court in support of Plaintiff's case. They have been filed (very irregularly as it seems to me) as Exhibits WW_2 and WW_3. These are two Essays written as lately as 1871 for a prize offered by a late British Resident in Travancore. It is, perhaps, sufficient to say that they are of the nature of academical exercises and wholly inadmissible in evidence. The writer of WW_3 is said to be still living and has not been called as a witness. Plaintiff's 9th Witness, Ittiyavira Cheryan, declares of this work (*Bk.* i. 139) that it is "half true and half false," which is certainly a more favorable estimate than I have formed of the evidence of that witness. I express no opinion upon the merits of these Exhibits, but content myself with saying that it is mere trifling with this Court to produce them in evidence.

A volume by Dr. Claudius Buchanan (published in 1811) containing three Sermons "to which are added Christian Researches in Asia" regarding the Chinese, Hindoos, Malays, Syrians, Romish Churches, Persians and Jews, is filed as Exhibit HHH. No authority is given us for receiving this work which does not profess to be a history. In any case, it really proves nothing.

If, then, an appeal to history is necessary in order that we may understand something of the circumstances of this ancient Church of Malankarai, it is in the highest degree important that this appeal should be made (1) to

writers of reputation; (2) on matters of general history as distinguished from particular and minute circumstances; (3) of which no better evidence is available.

The works to which I propose chiefly to refer for the earlier history of the Syrian Church in Malankarai are two. The first is the *Bibliotheca Orientalis* of Joseph Simonius Assemanus, a very learned work published at Rome during the early part of the eighteenth century. Assemanus was a Syrian, a Doctor of Theology and a reader of the Syriac and Arabic languages in the Vatican. His work is too well known to need commendation here, and it is made a frequent subject of reference by all recent writers on Eastern Christianity. Gibbon is "deeply indebted" to him, and speaks of him as the "learned Maronite." (*Decline and Fall. Vol. VI. p.* 286 *Note.* The *Bibliotheca Orientalis* is referred to in Plaintiff's Exhibit C. p. 251 Note as "Asseman's great work."

The second writer whom I shall lay under contribution is the Revd. James Hough, whose "History of Christianity in India" in five Volumes was published in London in 1839. This work, though scarcely a rival of Assemanus', seems to come within the definition of history which I have given above. Mr. Howard (Exhibit C. vi) refers to this History as a "laborious and valuable work" and, as already pointed out, goes so far as to say that had he seen it sooner, his own work would probably not have been written. The antecedents of these two writers were as dissimilar as were, there is ample proof, the bent of their minds. The one a devoted member of the Roman Catholic Church and Professor of Eastern languages. The other a Chaplain on the Establishment of the Hon'ble East India Company, and, as is apparent, very hostile to the supremacy of Rome. Indeed it is clear to any careful reader that in discussing the events immediately preceding the union of the Malankarai Church with Rome, Mr. Hough, in his zeal against Rome, scarcely does justice to the intrepidity of that very remarkable man, Arch-bishop de Menezes, by whom the union was effected. On matters of ecclesiastical polity, we should expect these writers to differ. But where Hough accepts or adopts the statements of Assemanus on general questions *of fact*, we have additional security for the correctness of

those facts. I shall give a single example here. The writers of the Roman Church repeatedly assert that when the Portuguese were in power in Cochin, and prior to the Synod of Diamper in 1599, the Syrian Church was *Nestorian* and received her Bishops from *Babylon*, whose Patriarch was publicly prayed for in the Syrian Churches. Now I think such statements as these, if incorrect, would have been long ago disproved by the protestant historians who have followed, and that their acceptance of those statements is strong corroborative evidence of their truth. I have only to add that in referring to these works, I have not lost sight of my own ruling regarding ancient facts. Asseman's work was published 150 years ago, and I make no reference to Hough within that period. No reference, it seems to me clear, can be made to any history for the proof of facts of which better evidence might possibly be procurable.

I have made some references to a "History of the Church in Malabar," during the sixteenth century, by Michael Geddes, a well known and valuable work, published in London in 1694; to Raulin, *Historia Ecclesiæ Malabaricæ cum Diamparitana Synodo* (Romæ 1745), and to the *India Orientalis Christiana* of Paoli, a bare-footed Carmelite attached to the Cochin Mission during a portion of the last century. His work was published at Rome in 1794, and is valuable from the circumstance that the writer had exceptional means of acquiring knowledge at first hand on the subject of his history. His "Voyage to the East Indies" contains some interesting references to the Syrian Church in Malabar. But as that work does not come within my definition of an admissible historical record, I shall not lay it under contribution. I deeply regret that all my endeavours to secure a copy of La Croze's *Histoire du Christianisme des Indes* before the disposal of this case have proved unsuccessful. It is but slight consolation to me to know that La Croze is constantly referred to and followed by Hough.

Now in references which will be made to the standard authors above mentioned, it seems almost unnecessary to disclaim all intention of writing a history of the Syrian Church. Nothing could be further from my design. I shall make use of them for the following purposes:—(1) to test, as far as possible, the accuracy of the case set up by Plaintiff, viz., that, with a break of about fifty years, the Church in Malankarai has been subject to the Patriarch of Antioch for upwards of fifteen centuries: (2) to elucidate subsequent events which, without some reference to history, are not easily intelligible. These remarks refer to the history of the Church prior to the breach with Rome in 1653. Subsequent to that event, though particular points have been very warmly disputed in appeal, I shall be able from the admissions of the parties here, and the evidence on record, to put together a very brief sketch of the leading events in the history of the Church.

Of the earlier history of the Syrian Church in Malankarai little seems to be positively known. There is a tradition that that Church was founded about A.D. 52 by the Apostle St. Thomas—a tradition which is mentioned (so far as I am aware) by every writer on the History of the Malabar Church. See Gibbon, "Decline and Fall" Chap. XLVII. Asseman, *Bibliotheca Orientalis—De Syris Nestorianis* p. 435, says, *Thomam Indorum Apostolum fuisse, monumenta Ecclesiastica omnia Græca, Latina, Syriaca testantur.* Though of early date, this tradition is by no means universally received. (Hough *History of Christianity* i. 40.) Into the merits of this question it is wholly unnecessary here to enquire. Both parties to this litigation accept the tradition as authentic, and neither alleges that the Church in Malabar was founded by, or under the authority of, Antioch.

As to the statement that India was represented by a Bishop (Johannes) at the Council of Nicœa in the year 325, I can only say that it appears to me very doubtful that the Bishop of "Persia and of the great India" really represented Malankarai, though his jurisdiction may have nominally extended to the whole Continent. If he did not, then Malankarai was unrepresented at the Synod of Nicœa. The translation given by Plaintiff of the Syriac Staticon of Dioscoros CCC (*Bk.* ii. 25) is remarkable. If it is correct, the Patriarch of Antioch describes himself as, amongst other places, Patriarch of "Malayalam and all Hindustan." The Court translation is different, but it is merely a translation of the Malayalam translation of

the original. The phrase just quoted would seem to suggest the inference that at one time "India" did not include Malayala, which is extremely likely. According to Plaintiff (as Defendant's witness *Bk.* ii. 8) the Patriarch of Antioch obtained jurisdiction in Malankarai at a division made at the Synod of Nice. Hough (*History of Christianity Vol.* i. 61) quotes Cosmos to the effect that "in "most of the cities of any note upon the coast of that "country (India) Christian Churches were found at the "beginning of the sixth century in a flourishing condition, "and that the functions of religion were performed by "priests ordained by the Archbishop of Seleucia, the "Capital of the Persian Empire, to whose jurisdiction "they continued to be subject." See also Assemanus. *Biblio. Orient.* iii. 2. 437.

I do not think that the extracts from the Canons of Nice (no copy of the Canons has been filed) contained in Exhibits EEE and XXXVIII necessarily support the claim of supremacy put forward by the Patriarch of Antioch. In a passage in Exhibit XXXVIII (*Bk.* iii. 271) a very special provision is made for the election of the Metropolitan of Cyprus "when the sea is furious." The Episcopas were allowed, at such time, to elect their own Metran "lest Edavagays should be in a state of widow-"hood for long periods." Now when we consider the geographical positions of Cyprus and Malabar with respect to Antioch (even now Antioch is so far off that we are not furnished with necessary documents because they are in the Patriarch's possession) it seems impossible to suggest any reason for making this provision in the case of Cyprus and not making it in the case of Malabar—except the one already suggested, viz., that Malabar was not represented at the Council or provided for by its Acts. In EEE, Plaintiff's copy of the Canons, such a provision is made. "Likewise may the people of India do with "the sanction of the Patriarch of Antioch." That is, they may consecrate their own Metropolitan. But not a word is said as to how the sanction is to be obtained. Does the sanction referred to mean a special sanction or a general sanction?—If the former, how was it to be obtained (the sea being *ex-hypothisi* impassable)? and, if the latter, how was it to be controlled? I do not here

say anything of the doubts which have been raised as to EEE.

We come next to the romantic episode of Thomas of Cana, so frequently referred to by the witnesses in this case, but which seems to me to be involved in much obscurity and doubt. The following is the account given of it in WW_1.

"The Christians of Malayalam were in a state of "disorder for about 300 years from the time that Apostle "Mar Thomas visited Malayalam and established the "True Faith, as it had neither head nor shepherd. But "by the Grace of the Lord, the Episcopa of the Syrian "land called Uraha had a vision in his sleep, in which a "person appeared to him and said, 'grieve ye not for the "flock that suffer and collapse in Malayalam which I "won even at the sacrifice of my life?' The Episcopa "hereon awoke and at once announced the important tid-"ings to the Holy Catholica of Jerusalem. He thereon "called together learned Malpans & others and consulted "them; and it was resolved that the respected Christian "merchant called Thoma of Canae and residing in Jerusa-"lem should be sent to Malayalam and the particulars "ascertained through him. And thereon, he was sent to "Malayalam on a trading enterprise.

"This Thoma of Canae arrived at the Cranganore "Bar and landed and saw and, from the Cross then worn "round the neck, recognized the Christians who were "brought to follow Christ by the exertions of Apostle "Mar Thomas, and who in spite of the oppressions of the "heathens and heathen sovereigns continued to remain in "the True Faith without any deviation. He struck their "acquaintance and asked them about their past particu-"lars and learned that their grievance was very hard on "account of the want of priests and that the Church "was owing to that reason in a tottering condition. On "learning these particulars, he thought delay was im-"proper and lading his ship with the pepper &c. which he "then could gather, sailed off, and, by Divine grace, rea-"ched Jerusalem without much delay and communicated "to the Venerable the Catholica of Jerusalem, in detail, "all the facts he had observed in Malayalam. And "thereon, with the sanction of Eustathius Patriarch of

"Antioch, 400 and odd persons, comprising men, women, "and boys, with Episcopa Joseph of Uraha and priests "and deacons were placed under the orders of the res- "pectable merchant, Thoma of Canae, and sent off by "ship to Malayalam, with blessings.

"By the grace of Almighty God all these arrived at "Cranganore in Malayalam in the year 345 of Our Lord, "without experiencing any inconvenience or distress on "the way. On this, they were received by the people "of the Kottakkayal Community and the Christians called "*Dhariakkel* of the 64 families. They acknowledged "allegiance to Joseph Episcopa who came from Jeru- "salem, as their Metropolitan. And the affairs of the "Church continued to be regulated by Thoma and others.

"Thoma went and obtained an interview of King "Cheraman Perumal, the then ruling sovereign of Mala- "yalam, and made presents to him and represented to him "the sufferings and weakness of the Christians; and the "sovereign was pleased and said that he, the lord of the "land, would undoubtedly render all help. Not only was "command issued to have all aid rendered to the Christi- "ans, but privileges of honor were also bestowed under "title deeds with Sign Manual and engrossed on copper- "plates, the sun and moon being witnesses, to be enjoyed "without any demur from any quarter as long as the sun, "the moon, &c. shall exist. Further, King Cheraman "Perumal made a grant of a tract of land in Cranganore, "144 *Koles* in extent by the *Anakole*, comprising land "on which a parah of paddy was scattered, and conveyed "it to the Christian Thoma with the (then usual) rite of "dropping water and flower into the hands of the donee. "This grant was obtained at Karkadagom Rasi, the *Sap-* "*thami* day, Saturday the 29th Kumbhom of the above "year, and called it Mahadevarpatnom, and (Thoma) "lived there in the enjoyment of great power."—*Bk. III. pp.* 146 and 147.

That there is some foundation for this tradition may be conceded, but that the account just given of it is in accordance with historical fact is altogether another matter. The details I regard as pure myth. As to the statement regarding "Eustathius Patriarch of Antioch," we might naturally expect to be referred to some recog-

nized authority seeing how much depends on this statement if true. That the tradition as to the arrival of Thoma is very far from definitely fixed, might have been discovered by the writer of WW_1 from works easily accessible by him. Visscher, for example, in his Letters from Malabar (published 1743) gives an account of the arrival of a Christian Colony in Malabar "in company with the merchant Thomas." and he gives the date as 745. See also Day, "Land of the Perumals." Of course, I do not quote the opinions of these authors as entitled to weight, but simply to show that Ittoop had no excuse for his dogmatic statements. Hough (*History of Christianity* i. 94) says "About the year 780, the Church "in India was again under the authority of the Patriarch "of Seleucia, to whom its Bishops were subject, and con- "sequently they were Nestorians. *Not many years after*, "an Armenian merchant took up his abode, in Malabar, "who is said to have been the first to obtain for the "Christians in those parts immunities of considerable "importance. His name was Thomas Cana, or as he is "usually called, Mar Thomas." So uncertain are the accounts of this Mission that it appears that Thomas of Cana has been confounded with Thomas the Apostle (Hough, quoting La Croze, i. 97.). Assemanus, who mentions various theories regarding Thomas of Cana, regards him not as an Armenian merchant, but as a Nestorian Bishop sent by the Nestorian Patriarch. (*De Syris Nestorianis* p. ccccxliii.) Paoli, in the prologue to his *India Orientalis Christiana* (p. xxii), makes Thomas an Armenian merchant and gives the date of his arrival as 825. Assemanus says "about the year 800." In concluding his account of the various theories which have been advanced on the subject, Hough says (i. 97) "Though it is uncertain at what time this Mar Thomas settled in India, yet there is no reason to doubt the assertion of Gouvea, who dates it in the ninth century." But even if it were conceded (the weight of authority is all on the other side) that Thomas of Cana arrived in Malabar in the fourth century, it is not shown that he came from Antioch. And if that too were conceded, there would still occur a long period—a period extending over several centuries—during which there is not the slightest reason for supposing that any communication existed between

Antioch and Malankarai. Yet, if I understand aright the argument based on the extract from Exhibit EEE above referred to, the Patriarch of Antioch was bound to consecrate every Metran here, save in stress of weather, when a Metran might be locally consecrated "with the sanction of the Patriarch." There is, according to Plaintiff's Exhibit C p. 18, reason for supposing that in the sixth century the Syrian Church here was "in communion with the Nestorian Patriarch, the Bishop or Metropolitan of Malabar receiving his consecration from the Catholicas of Babylon." So also in Ext. WW_1 (*Bk.* iii *p.* 121) we read that in A. D. 825 two Episcopas, called Mar Sabor and Mar Abrotha, were sent here from *Babylon*, and that, after they had worked amongst the people with great success, "the Archdeacons themselves used to promote the development of the Church during their respective periods." But Paoli, quoting Le Quien, puts the arrival of these Bishops a century later. He says—I translate from the original—."In 925 Mar Sabor and Peroses, Nestorian Bishops from Persia, came to Malabar. About 1129 they were followed by Mar Johannes Episcopa who was sent by the Catholic of Bagdad." (*India Orient. Chr.* p. xxii.) See also Raulin.

This portion of the history of the Church is summed up in WW_1 as follows:—"Thus Episcopas came down to Malayalam frequently from foreign parts—from under the Antiochian supremacy, or from Babylon under orders of the Nestorian Patriarch, till the arrival of the Portuguese in 1500." I quote this as occurring in a book filed by the Plaintiff and not because I regard it as of any authority whatever. It will be observed that the list of Bishops given by the author (*WW. Bk.* iii. 122) is not continuous, even during the period between the tenth and fifteenth centuries, great gaps of nearly two hundred years at a time occurring. In truth, of the History of the Syrian Churches during these centuries, almost nothing appears to be known. And this is a point that cannot be too strongly insisted upon in this case.

The account given by Hough (vol. i. 107) of the two Bishops whom he calls Mar Sapores and Mar Pheroz, is as follows:—"sometime after the foundation of Quilon, in the beginning of the 10th century, there is an account

of two Syrian Ecclesiastics arriving there from Babylon. Their names were Mar Sapores and Mar Pheroz. It is nowhere explained for what purpose they came to India; but it is probable that they were charged with some particular ecclesiastical commission from the Metropolitan of Persia or that they came from him merely with the general intention of strengthening their Eastern brethren in the faith, and keeping up the communion already subsisting between them and their Patriarch." Assemanus, *Biblioth. Orient. De Syr. Nest.* 442, tells us that the Syrian Christians venerated these Bishops as Saints. Of the events of the century beginning with the arrival of the Portuguese in Cochin and ending with the adoption by the Syrian Church of the Roman Communion at the Synod of Diamper in 1599, it seems unnecessary to treat in detail. Some account of the events of that century will be found in Assemanus, *Bibliotheca Orientalis De Syr. Nestor.* 446 and in Raulin, *Historia Ecclesiasticæ Malabaricæ.* There can be no doubt that during this century, the Church in Malabar was in communion with the Nestorian Patriarch.

Prior to the Synod, however, there was trouble in Malankarai owing to the intrigues of the Portuguese and their persecution of the Syrian Church. The first attempts to bring the Syrians of Malabar into communion with Rome, were made, according to Hough (i. 246), in 1546, by the Cordeliers or Friars of the Order of St. Francis. But, "seeing the inutility of all attempts hitherto made to turn them from their faith, and from their allegiance to their own Patriarch: and attributing failure to the presence of the Syrian Bishop, they determined to remove him" (i. 250). Mar Joseph the Metran was accordingly sent to Portugal. Soon afterwards a Bishop named Abraham arrived in Cochin (WW_1. *Bk.* iii. 122). The writer of this Exhibit calls Abraham a Nestorian (*p.* 122) and states that when persecuted by the Portuguese he fled to *Babylon* where also he subsequently sought to obtain a new Metran (p. 123). The history of this prelate's connection with Malabar is treated at length in Geddes' "History of the Church in Malabar." See also Assemanus *Bibliotheca Orientalis tome* iii part ii, and Hough "Christianity in India." Vol. i. pp. 253—296.

It is clear from these writers that Mar Abraham was sent from *Babylon*, and at the request of the Malabar Church. The history of the Metranship of this unfortunate Bishop is a series of plots and counterplots. He seems to have tried unsuccessfully to manage the two opposite authorities of Babylon and Rome, yet his constant changes of front failed to secure for him the approval of either. "At length," says Hough, "beginning to bend under the weight of years, worn out by the long and unremitting persecutions of his enemies, and, probably, afflicted with compunction for his frequent prevarications Mar Abraham felt unequal to the duties of his office, and wrote to the Patriarch of Babylon to send them a Bishop, to assist him while he lived, and to succeed him after his death." (i. 283). In answer to this request, Mar Simeon was sent apparently about 1578. (Assemanus *Bibliotheca Orientalis De Syr. Nestor.* 447. Hough i. 283. Raulin pp. 12—18. 438.)

Geddes gives a very graphic account of the events immediately preceding the Synod of Diamper. The position of the native Church with respect to the Roman pretensions is his theme, and the connection between Malabar and Babylon is over and over again referred to. The great cry of the Portuguese was "that the Pope was the only head of the Church on earth, and that the Bishop of Babylon was a heretic." (*Geddes. p.* 61).

Speaking of the Malabar Church at this period, Gibbon says, "Their separation from the Western world had left them in ignorance of the improvements or corruptions of a thousand years; and their conformity with the faith and practice of the fifth century, would equally disappoint the prejudices of a Papist or a Protestant." (*Decline and Fall.* Chap. xlvii). The proceedings of the Synod are referred to but not given in WW_1. Bk. iii. 123. Session III Decree VIII (Geddes 144. Hough ii. 525) begins as follows: "For that, till the very time of the "most illustrious Metropolitan entering this Diocese, "there was a certain heresy twice repeated in the Holy "Sacrifice of the Mass, and twice more in the Divine "Office, in calling the Patriarch of Babylon the univers-"al pastor and head of the Catholic Church ..... ". The same matter is referred to, again and again. See

Hough i. pp. 345, 347, 356, 359, 369, 392, 441. Vol. ii. 336 and in various other places. Whatever may have been the original connection between Babylon and Antioch, there can be no doubt that at the time of the advent of the Portuguese in India it was not to Antioch but to Babylon that the Church in Malabar looked for aid and counsel in times of difficulty. It seems strange that no copy of the Proceedings of the Synod of Diamper should have been produced in this case. They are, however, alluded to, in Plaintiff's Exhibit WW_1 at Bk. iii. p. 123. At page 147 of the same book the following passage occurs. "But the Synod that assembled at Udyamperur "(Diamper) has to be described at fuller length. The "only object of convening this Synod was to turn the "Syrians of Malabar *subject to Antioch* into the Roman "Catholic persuasion and to bring them under the supre-"macy of the Pope. The writings drawn up at this "Synod will themselves evidence this." I do not think there is a particle of evidence that the writer of this ever so much as saw a copy of the "writings drawn up at this Synod," for he seems profoundly ignorant of the whole subject. Where did he get the statement I have underlined? Not only is it quite inconsistent with what I regard as overwhelming evidence, but about a dozen lines down, this writer, just as if he had made no allusion to Antioch at all, calmly quotes a passage from the Proceedings of the Synod to the effect that "the Patriarch of "Bagdad who stands opposed to the Roman Catholic "Church, and prelates sent down from there, should not "be obeyed in future." Are we to suppose that he considered Antioch and Bagdad convertible terms? In the publication and calling of the Synod, Archbishop Menezes says that he had been commissioned by His Holiness the Pope "to take possession of this Church and Bishopric, so as not to suffer any Bishop or Prelate *coming from Babylon*, to enter therein, as has been hitherto the custom." (*Geddes p.* 90. *Raulin p.* 60.) The History of the Visitation of Don Aleixo de Menezes, Archbishop of Goa composed by Antonio de Gouvea is the authority which Geddes follows, and, as he indicates, the highest possible authority in the Roman Church has testified to its correctness. The proceedings of the Synod of Diamper are given by various writers. Geddes is a Protestant and

published his work in 1694. But I have compared the passage last quoted from his work with the Latin of Raulin and find that the two exactly correspond. This passage from Geddes will be also found in Hough ii. 2.

This closes the first long period of the History of the Syrian Church in Malankarai. I entirely concur with the conclusion of the Zilla Judge (*p.* 54.) that "However this may be"—whether Thomas of Cana, with a Bishop and priests, was sent here by the Patriarch of Antioch or not—"there is nothing on record to show a continued connection between Antioch and Malabar from A. D. 345 to the time when the Portuguese came here except Buchanan's statement." But the learned Judge in saying this has really very much understated the case.

My own view is that, for the purposes of this case, there is *practically no evidence at all that any connection between Antioch and Malabar existed prior to the latter half of the seventeenth century.* But it is necessary to look carefully into Buchanan's statement just referred to, of which much was said in the argument. Having pointed out how the Syrian Christians repudiated the authority of the Pope when his supremacy was asserted by the Portuguese, Buchanan (*Researches.* 201) says "The European priests were yet more alarmed when "they found that these Hindu Christians maintained the "order and discipline of a regular Church under Episco-"pal jurisdiction; and that for 1300 years past, they had "enjoyed a succession of Bishops appointed by the "Patriarch of Antioch." I think it unnecessary to pause to question the validity of this statement as evidence, or to show that Buchanan was not, nor ever claimed to be, a Historian. His work is merely that of a traveller, and his "Researches" embrace a considerable number of subjects, as has been already said. Suffice it to say here that *he gives no authority whatever for the statement.* He was but a few months in Travancore, and, for all that appears to the contrary, his information may have been picked up in some casual conversation, or may be due to the mistake of a translator. That the Syrians, while actually praying in their Church for the Patriarch of *Babylon* as Universal Pastor, could make such a statement, is surprising enough. But if they did make it, what can be the explanation of the succession of Mar Joseph, Mar Abraham, and Mar Simeon, all of whom, there is the best historical evidence for holding, were sent from *Babylon*? The Syrian Church was at that period Nestorian. This is repeatedly referred to as an undisputed fact by *Geddes*, *Assemanus*, *Paoli*, *Hough* and others. Hough, quoting the Abbe Renaudot, states that the Malabar Christians had professed the Nestorian heresy for nine hundred years (*Hist. of Chri.* i. 240). How, it may well be asked, could this be so, if they were subject to Antioch which was then Jacobite? Again, thirteen hundred years before the arrival of the Portuguese would take us to a period prior to the Council of Nicœa and to the very earliest year now contended for as the date of the first connection of the Malabar Church with Antioch. I incline to think that the word Antioch was due either to the carelessness or ignorance of Dr. Buchanan's informant; for in Hough (*Hist. of Christ.* i. 366) we find it stated that just prior to the Synod of Diamper the Syrian Archdeacon informed Archbishop Menezes "that all "his attempts to separate them from the Patriarch of "Babylon, to whom they had been subject for more than "1,000 years, only caused them to adhere more tenacious-"ly to his authority." I attach, however, no great importance to this as Hough does not give his authority. A very similar statement is, however, attributed to the inhabitants of Vaipicotta by Geddes. (*History of the Church of Malabar p.* 60.) It may be confidently asserted that no writer of repute on the History of the Malabar Church at this period gives the slightest support to the theory of a connection between that Church and Antioch or of the dependance of the former Church upon the latter.

It is not pertinent to the matter in hand to review the further history of the Syrian Church during what may be called the Portuguese usurpation. For more than half a century the Church was subservient to foreign ecclesiastics, and it was not till 1653, that it finally broke with Rome. The Syrian Christians were by that time full weary of the Roman yoke, and were determined to renounce obedience to the Portuguese Arch-

bishop. They, accordingly, elected their Archdeacon as chief ecclesiastical authority. "The next thing to be "done was to obtain a Metropolitan from one of the "Eastern Patriarchates, but the watchful jealousy of the "Portuguese rendering communication with Babylon "impracticable, the Syrians applied to the Coptic Patri-"arch of Grand Cairo, who sent them a Syrian Bishop "named Ahatalla." (C. 45). Assemanus, quoting as his authority Vincentius Maria, says that the Syrians wrote letters to the Patriarchs of the Nestorians, Copts and Syrian Jacobites to send them some one, (*quemcum-que vellent*) whether a Copt, a Syrian, or a Nestorian Bishop. (*Bibliotheca Orientalis tom.* iii. *pt.* 2. 461.) "At that time," says Hough, "all Eastern Churches were sufficiently uniform in their polity and equally indepen-dent of Rome to answer their purpose." (*Hist. of Christ.* ii. 300.)

Now a good deal was said in argument at the bar regarding this Ahatalla, so that it is well to see what in-formation regarding him is available. For the Plaintiff-Respondent it was argued that he was not only a Jaco-bite, but the Patriarch of Antioch himself. No evidence was adduced in support of this except a local tradition, which also assigns to him the name of Ignatius. On the other hand, that Ahatalla (also called Attila or Theodore) was a *Nestorian* and not a Jacobite, Assemanus, follow-ing La Croze, distinctly states (see *Bibliotheca Orientalis tom.* iii. *pt.* 2. 462). Ahatalla arrived in Madras in 1653, (WW_1. 148; *C.* 45) and, it is said, communication was opened with him by the Malabar Church. Soon after his arrival, however, he was seized by the Portuguese, and brought in chains to Cochin. Regarding his subsequent fate, there cannot be much doubt. Paoli tells us that he perished at the hands of the Inquisition, *Goæ flammis datus interiit.* (*India Orient. Chr.* 97.) This event seems to have greatly exasperated that portion of the Malabar Church which was hostile to the claims of Rome. The result was a complete rupture between a large portion of the Syrian Church and Rome.

Prior to the arrival of the Portuguese, as has been already stated, we have little beyond tradition regarding the history of the Malabar Church. For the years im-

mediately preceding the assembling of the Synod of Diam-per (1599), and the subsequent history of that Church till the end of the seventeenth century, we have ample authority in writers of the highest repute, some of whom have been already referred to. I have stated that, in my opinion, Exhibits C and WW_1 cannot be admitted save in so far as they are allowed to be correct by the Defen-dent-Appellant. In the succeeding outline of the history of the Syrian Church, I think all the facts as to the succession and consecration of Metrans were admitted at the hearing, save where the contrary is indicated. This explanation is necessary as otherwise it would appear as if I were using evidence which I had already ruled to be inadmissible.

Upon the rupture with Rome, the Syrians elected Arch-deacon Thomas as their Metran, or, as Gibbon puts it, "The Indian Arch-deacons assumed the character of Bishop till a fresh supply of Episcopal gifts and Syrian Missionaries could be obtained from the Patriarch of Babylon." (*Decline and Fall.* Chapter XLVII.) That the Arch-deacon professed to justify his consecration by virtue of a letter received from Ahatalla, Hough regards as "very improbable." There is certainly no proof of it. The History of the New Bishopric during the suc-ceeding years is given at length in the writer last refer-red to. So hard pressed was the Arch-deacon or rather Metran, at one time, that he seemed to desire consecra-tion by the Roman Church. (*Hist. of Chr.* ii. 338).

In 1665, Mar Gregorius, Patriarch of Jerusalem, came to Malayalam and Mar Thomas was formally conse-crated by him. Gregorius apparently was sent from Antioch. It may be noted that Mar Thomas adminis-tered the Diocese for 12 years on the mere strength of his election. Nor can any argument in favour of the claims of Antioch be based on his readiness to receive consecration at the hands of Gregorius, as Mar Thomas had never received any regular "imposition of hands." Re-consecration was, therefore, most desirable, if not absolutely necessary.

Mar Thomas and Gregorius exercised joint rule, and during this period an Anandraven of Mar Thoma was consecrated as Mar Thoma II. Mar Thoma I died

in 1670 (WW_1), but apparently in 1678 according to Exhibit C. (*p.* 52.) Paoli (*Ind. Orient. Chr. p.* 103) gives 1674 as the date of Thoma's death. In WW_1 (*Bk.* iii. *p.* 124) it is said "Andrews Patriarch came from foreign parts in 1678." No authority is given for calling him a Patriarch, and Paoli asserts that he brought with him a forged commission from Rome. But this is extremely doubtful. Andrews was drowned according to the same authority: *Ebrius in flumen prolapsus mortuus est.* (*Ind. Orient. Christ.p.* 104.)

Mar Thoma II was killed suddenly in Medom 861 (A. D. 1685). On Andrews' death, according to Ext. C, "two foreign prelates Mar Basilius and Mar Gabriel came to reside in the country and had a Church assigned to them for their residence. They did not, however, interfere in the Government of that Church which rested with Thomas the native Metropolitan." (*C.* 52). According to WW_1 the date of Mar Andrews' death would seem to be 1692. (*WW_1.* 124, *but see C.* 52). Paoli, who visited Andrews' tomb in 1782 says Andrews died in 1683. Mar Thomas appointed his nephew to succeed him.

We have at this point, a great gap in Ext. C, the next date being 1750. The persons who came in 1685, according to WW_1, were Basilius and Ivanius (*p.* 149). Ivanius is said to have consecrated Mar Thoma IV. The exact date of that consecration is not given. But as Ivanius died in 1695 (*p.* 150) the consecration must have taken place between 1687 and 1695. In 1708, the Nestorian Mar Gabriel arrived. He and Mar Thomas seemed to have got on very badly and to have divided the Church between them (see, regarding Mar Gabriel, Visscher's Letters from Malabar p. 104. Hough ii. 385 and Paulinus *India Orientalis Christiana. p.* 108.) It is worthy of remark that not only was Gabriel a Nestorian, but he is described by Paoli as the implacable foe of the Jacobites, *Implacabilis hostis Jacobitarum.* (*p.*108.)

Thomas IV himself consecrated his Nephew Thoma V, by whom he was succeeded in 1728. In 1747, Ezekiel, a Cochin merchant brought from Bassorah Mar Ivanius (WW_1. 150). Of this man little seems to be known. Paoli says that he was a Jew. (*India Orientalis Christiana.* 110.) No reason is suggested for regarding him

as connected with Antioch. But in consequence of his interference with images in the Church, the Metran and people united in opposition to him, and "resolved that since it was the practice for prelates who had up to that time come from foreign parts to be subject to the Metran and Archdeacon of Malayalam.....a proper prelate should be got down" (*WW_1 Bk.* iii. 125). A letter was, accordingly, despatched to the Patriarch of Antioch, who sent Basilius Catholica, Gregorius, and Ivanius, who, with some others, arrived in Cochin in 1751. I may here refer to Exhibit W, the letter of the Patriarch to Thomas Metran announcing the mission of these Bishops. The document is remarkable in many respects. It shows that Thomas had questioned the necessity of any imposition of hands under the authority of Antioch. "You wilfully contend," writes the Patriarch, Bk. iii. p. 54, "that the perfection of your dignity is not needed," and he goes on to allege that Mar Thoma's consecration had consisted in the placing upon his head, by a priest, during his Karanaven's illness, of the Episcopal Mitre. Further on, the Metran is exhorted to become obedient, and "get his Episcopal title confirmed." Exhibit W is admittedly genuine.

Then followed misunderstandings, arising, it would appear, from the non-payment of the passage money by the Bavas. A meeting to arrange matters between the Metran and foreigners at Puthiakavu was broken up in disunion. Exhibit 27, a letter from Basilius to Thoma (dated 1754) seems a sort of offer of compromise "I give you this agreement that so long as you follow the Living Holy Ghost and Aboon Mar Ignatius Patriarch of Antioch, I shall not, without your consent, ordain any priest or deacon." But there is not a word regarding any re-consecration of Mar Thomas himself.

In 1761, Mar Thomas raised his Anandraven to the dignity of Episcopa as Mar Thoma VI. He died in 1765. It appears that this Metran, consecrated by his predecessor only, was head of the Syrian Church in Malankarai for thirty seven years.

Whether his successor, Mar Thomas VI, was re-consecrated by the foreigners was the subject of argument

at the bar. The affirmative is asserted in WW_1 Bk. iii. p. 153 and the date of the re-consecration is given as 1770. But the fact is doubted in Exhibit C. vide pp. 55-54. Of Exhibit X, said to be the Staticon given to Dionysius (Thomas VI), I shall speak hereafter. For the present it is sufficient to say that I am not altogether satisfied with the proof of its genuineness. I am, however, satisfied that this re-consecration really took place. Paoli who had ample means of knowledge (he visited Thomas VI in 1785) states it as a fact. (*India Orientalis Christiana p.* 113.)

About this time we meet with a curious Episode in the history of the Syrian Church. One Kattumangat Ramban succeeded in persuading Gregorius (one of the Bishops who arrived in 1751) to consecrate him as a Metran. We do not know by what authority, but there is absolutely no reason, as far as the evidence before us goes, for saying that it was by authority of the Patriarch of Antioch. This Ramban was afterwards known as Mar Kurilos. Dionysius strongly resented the act, and finally Kattumangat Ramban fled to Calicut, and, in 1774, laid the foundation of the Tholyur Church. The account given in Exhibit C, is somewhat different. There it is said that Kattumangat (or Cyril) received the Metranship in 1772, having been consecrated as far back as 1757. On Cyril's retirement, Dionysius ruled in peace. In 1796, (according to C., 1797) the ruling Metran Mar Dionysius (Thomas VI) appointed Mathan Ramban as an Episcopa.

In 1806, Dionysius being still Metran, Dr. Buchanan visited Malabar. It is a remarkable circumstance that in the account of the interview between Dr. Buchanan and the Syrian Metran, and of their discussions regarding a possible "union" with the Church of England (see Buchanan's Researches p. 220) not a word is said of any reference to Antioch. "I would sacrifice much," said the Metran, "but let me not be called to compromise anything of the dignity and purity of our Church." It seems passing strange that if no consecration could be good unless under the authority of Antioch, a possible alliance should be repeatedly discussed by the Metran as if he alone was competent to contract it.

In 1807, Dioscorus Bava came from "foreign parts." He seems to have interfered with the Church "without sanction" and to have been deported the next year. Mar Thomas died in 1808.

Mar Thomas VII survived only a year, and just before his death consecrated one of his relatives an Episcopa. That Thomas VII was consecrated by or under the authority of Antioch, is not alleged.

Mar Thomas VII having appointed one Vadakken Joseph Kathanar a Ramban, soon after died. It was during the Episcopate of this Metran that seventeen questions regarding the history of the Syrian Church were sent down here by the Madras Government. That these questions were actually sent was admitted at the hearing. But the correctness of the *answers* given in WW_1. pp. 157—161 was disputed here, and, indeed, forms the 45th ground of appeal to this Court (*Bk.* iv. *p.* 53). The objection is as follows: "That the Court was "wrong in placing implicit reliance on the answers found "in WW, which purport to have been given by Mar "Thoma VIII to certain queries referred by the Madras "Government and taking them to be correct, before the "originals thereof were produced or the non-production "of the originals accounted for: in fact, there is nothing "even to show that the answers found in WW itself "were taken from the original or even that such a paper "in fact ever existed."

Now the question whether these *answers* as given in WW_1 are admissible in evidence against the Defendant without further proof is a mere question of law. I am clear that they are not so admissible. These questions (admitted) and answers are mere private documents and should be proved in the manner provided by law in the case of such. Even were WW_1, ruled to be admissible generally as a history, such ruling would not cover events, in this case correspondence, of comparatively recent date, of which better evidence might be, but is not, produced.

Joseph Ramban, afterwards known as Pulikote Dionysius, was consecrated by Philixinos, the Metran of

Tholyur Church in 1816, and upon his death, Philixinos himself seems to have ruled for a short time (Exhibit C), the validity of this consecration having been upheld by a Synod at Cochin.

To meet the difficulty arising from the fact that Pulikote Dionysius and his immediate successors were consecrated by Philixinos of Tholyur, witnesses have been called to prove that Philixinos had authority from the Patriarch of Antioch to consecrate these Metrans. (*See e. gr. 22nd Witness for Plff. Bk.* i. 233. *44th Witness Bk.* i. *pp.* 348 *and* 355. *45th Witness Bk.* i. 362. *55th Witness Bk.* i. 399.) This evidence I utterly disbelieve. It is in great part hearsay, and the facts spoken to are, in the highest degree, unlikely. If Philixinos had any such commission, it must necessarily have been *in writing* and yet no writing is produced or any excuse given for its absence. If, in a case like this, we accept the mere statement of the Plff., backed up by some worthless hearsay, why then *cadit quæstio.*

The Plff.'s own evidence is remarkable (*Bk.* ii. 2). He says "the Patriarch had invested Philixinos, after his "becoming Metran, with a general power to thus conse- "crate one or two Metrans as may be found necessary." If this means anything, it means that, though a Metran of Malankarai cannot consecrate his successor, the Metran of the little Diocese of Tholyur consisting of a single church in foreign territory (the origin of which Church has been already explained) may be invested with a general authority to consecrate Metrans for the infinitely more important See. Again, at p. 24, he says "It was "owing to the distance, that Philixinos was empowered "to consecrate Metrans. It was owing to the nature of "the times too ; by which I refer to the length of time, "viz., 2, 3 and 4 years which one took to reach this place "and the fact that *all the people who left for this seldom "reached their destination.*" The italics are mine. I fear Plff. was too intent on proving Philixinos' commission. If it took 2—4 years to reach Malabar from Antioch in the end of the 18th and beginning of 19th centuries, the difficulties of communication must have been considerable in the 8th and 9th.

In 1817, Joseph Ramban (Pulikote Dionysius) died at the Seminary. He was succeeded by Punnatharai Dionysius as Vicar-General—the Missionaries of the Church Mission Society and the British Resident seem to have made the nomination in this case—and the following year Dionysius was consecrated Metran by the Metran of Anjoor (i. e. Tholyur). In Exhibit XXIX a Staticon given by Philixinos to Punnatharai Dionysius in 1817 (its genuineness seems not disputed) the former describes himself as "of the throne of Malankarai and the whole of India."

Punnatharai Dionysius was succeeded in 1827 by Cheppat Dionysius who was chosen by lot by the Pallikar. The Travancore Government issued a Proclamation in his favor, and his consecration was performed by Philixinos of Anjoor. The same year the attention of the Patriarch of Antioch was again directed to this country (complaints seem to have been made) and he sent two monks named Athanasius and Abraham (C. 67)—or Athanasius and Isaac according to WW—with the title of Metropolitan and Ramban to assume charge.

This action, it may be remarked, shows a very manifest advance on any previous claims put forward by the Patriarch. He appears, on this occasion, not only to have acted on *exparte* representations, but to have actually appointed a new Metran, though Dionysius, the ruling Metran, was indisputably in possession.

As might be expected, difficulties followed. If we are to receive as correct the account given of this Athanasius in C. pp. 68—70 that Bishop must have been a veritable firebrand. The Travancore Government summarily deported both Metran and Ramban, apparently acting on the advice of the British Resident.

Reference must here be made to the use made by the High Court, in the Judgment under appeal (*p.* 35) of certain letters printed in Exhibit C. pp. 71—86, which purport to have been written by Bishop Heber and his Chaplain. It is almost unnecessary, or ought to be so, to point out that these letters are not proved. But assuming their genuineness—assuming that the letters as printed are true copies of originals written by the persons

by whom they are said to have been written—I fail absolutely to see how they can be evidence in this case. Mr. Justice Arianayagom Pillay gives long extracts from these letters, underlining a number of passages as supporting the theory of Antiochian supremacy. It seems impossible to conjecture how Bishop Heber's opinions, expressed in letters of a private nature (their object was to heal dissensions)—opinions apparently derived for the most part from the deported Athanasius himself—can possibly prove anything but the pious disposition of the writer. Nor, *a fortiori*, how the Revd. Mr. Robinson's opinions of Bishop Heber's opinions contained in the letter printed at pp. 78—86 of Exhibit C, can be used as evidence in the present suit.

The circumstances attending the consecration and appointment of the late Mar Athanasius, who arrived in Malabar in 1842 are commented upon in another part of this Judgment. From 1842 forwards there is no event that need here be noted.

Thus, very briefly, but, perhaps, sufficiently for the matter in hand, the outlines of the history of the succession in the Malankarai Church have been set forth. The really important points are, who are the persons who have ruled as Metrans in that Church from 1665—1842? and secondly, whence did these persons obtain consecration and imposition of hands? The sketch which I have given of this period is drawn chiefly from those parts of Exhibits C and WW_1 which I understood at the hearing were substantially admitted by both parties. I have elsewhere pointed out matters, such as the History of Ahatalla and the re-consecration of Mar Thoma VI, regarding which the correctness of Exhibit WW_1 has been expressly challenged. I am at the same time aware that the line of succession given by other authors is slightly different from that given above.

It remains that the conclusions deducible from the facts set out be carefully noted.

Regarding the Metrans who succeeded to the See of Malankarai from the accession of Thoma I in 1653 to the arrival of the late Athanasius in 1842 the following remarks may be made. In the case of Thoma I, succession by imposition of hands having been lost, recourse was necessarily had to one of the Eastern Patriarchs, while in the case of Thoma II, we have no certain authority as to the person from whom he received consecration. Of the remaining Native Metrans—nine in number—six, viz., Mar Thoma V, Mar Thoma VII, Mar Thoma VIII, Pulikote Dionysius, Punnatharai Dionysius, and Cheppat Dionysius, never received consecration, directly or indirectly, from Antioch.

It was objected at the bar that Punnatharai Dionysius and Cheppat Dionysius having been formally recognized by the Travancore Government, and Proclamations directing obedience to them having been issued, it was impossible for the Patriarch of Antioch to assert his claims. But there seems no reason, why the Patriarch, if he then considered that his connection with the Malabar Church was of the nature now contended for, should not have addressed a respectful but firm remonstrance to the Travancore Government. But it appears from Plff.'s own evidence (*Bk.* ii. 3) that Mar Joseph Dionysius, Mar Dionysius of Punnatharai, and Mar Dionysius of Cheppat were all accepted by the people as true Metrans. And this acceptance, the Plaintiff clearly bases (*See Bk.* ii. 2) not on the Government Proclamation but on the alleged authority conferred by the Patriarch of Antioch on Philixinos "to consecrate one or two Metrans as may be found necessary"—a theory which, I deeply regret to say, I consider to have been invented for the purposes of this case.

As to the re-consecration of Mar Thoma VI (Valyia Dionysius) while he actually held office, the authorities do not agree. But I think such re-consecration may be considered as proved. Conceding this, it is still a fact that since 1770, until the appointment of the late Mar Athanasius in 1842, no consecration was performed by, or under authority from, Antioch. In fact, the only Metrans of Malankarai from the time of St. Thomas the Apostle till the beginning of the present dispute, of whose consecration by Antioch we have any proof, are Thoma I, Thoma III, Thoma IV and Thoma VI, and, of these, *two were defacto Metrans at the time of consecration*. So far of the Metrans of the Native Church.

There is no evidence that foreign ecclesiastics at any time came into Malankarai under the authority of the Patriarch of Antioch save in the years 1672, 1685 and 1750. No argument favorable to Plaintiff's case can well be founded on the appointment of Dioscoros who was deported in 1807 or of Athanasius who was deported in 1826, while, during the period under review, at least one Nestorian Bishop (Gabriel) for about 22 years administered a portion of the See of Malankarai. Of Andrew, who came in 1676, we have no certain information. In the face of these facts, collected chiefly from Plaintiff's own Exhibits, it is somewhat startling to find Mar Gregorius Metran (Plaintiff's 63rd Witness) swearing that "From that date (A. D. 340) the Patriarchs of Antioch have been consecrating Metrans to Malankarai." (*Bk.* i. 419). But no witness seems to have been called on either side who possesses even a superficial acquaintance with the history of the Syrian Church.

Coming now to the documents filed with reference to the question of the supremacy of Antioch, as distinct from what have been called the Histories, my first remark must be respecting the extreme paucity of the evidence filed. I have not only carefully referred to the documents relied on in argument during the hearing of this Appeal, but I have gone through the entire Exhibit Book document by document. Of course, several of those filed have reference to other questions at issue and some I shall have occasion to notice in another place. But of the documents bearing on the great issue, viz., is the Syrian Church in Malankarai an independent Church, or has the Patriarch of Antioch alone authority to consecrate or authorize the consecration of her Metrans, there is extremely little documentary evidence to help us in arriving at a just conclusion. I must add in this connection that I have an uncomfortable suspicion that evidence which might have been produced, and ought to have been produced by the defence, has been kept back. It was pressed upon us in argument at the hearing of this Appeal, though it is curious that no reference to any such documents is made in the preface to WW_1, that the Cottayam Seminary which was in the possession of the Defendant and of his predecessor and relative Mar

Athanasius, must have contained records other than those produced. The difficulty is met (*See evidence of Defendant Bk.* i. 53) by alleging that various books, documents, and other valuables, which were kept in the Pallikarai Church, were stolen in the year 1050 or 1051, i. e. about 1875. He says "We got information about the theft in "1053, after Mar Athanasius was dead. No formal com- "plaint or trial was made as to the theft." All this is very unsatisfactory. It is true that no documents, other than those produced, are shown to have actually reached the Defendant's hands. But if the story of the theft were true, we should surely have expected that some effort would have been made to recover the lost property. A great deal was made at the bar of this story of the theft of documents. It is, indeed, sadly apparent that neither side has put forward his case in the manner which, considering the nature of the suit and the position of the parties, might have been expected. Plaintiff himself (*Bk.* ii. 19), as pointed out elsewhere, swears that he carried to Antioch "deeds of consent from all the Pallikar of Malankarai" not one of which he produces, while as regards the deeds of consent said to have been sent up to the Meeting at Mulanthuruthu (to be considered hereafter) we are told they were carried away to Antioch.

On the other hand, if the connection with Antioch, which the Plaintiff contends for, is a fact, it might reasonably be expected that the Patriarch would himself be in a position to adduce important evidence in the shape of epistolary correspondence between Malankarai and Antioch. Nor is the point raised in para 62 of the Appeal Memo. to this Court devoid of significance. It is Plaintiff's own case that Mar Kurilos managed to get possession of certain documents belonging to that Seminary.

Exhibit EEE, an alleged copy of the ancient Syrian Canons, was produced by Plaintiff's 35th Witness, Mar Julius, one of the six extra Metropolitans consecrated by the Patriarch before he left Travancore and the executant of Exhibit 41, a registered bond by which Mar Julius binds himself to absolutely obey the Patriarch of Antioch under a penalty of Rupees 2,850. Exhibit EEE was not produced until *three years* after the filing of this suit. The witness endeavours to explain the delay by

saying that the book was lent to a friend. "This book" he says "is one that was given me by my Karanavan, "the late Abraham Malpan. It was a short time before "the death of that Karanavan that the book was given "me. The above-said Karanavan had brought a book "from the Cottayam Seminary. This was copied from "that book. I saw the book being thus brought and "copied. I saw the Karanavan taking the book back to "Cottayam to be returned. This book was got written "in 1854 A.D." (*Bk.* i. 300). This deposition was taken before a Commissioner. *Nearly a year afterwards* the witness was again examined, this time in open Court, and in cross-examination in answer to a question regarding the seal in EEE, at page 302, he said "It is the seal "of Gregorius Metropolitan of Jerusalem. Gregorius of "Jerusalem had come to the Pampakudai Church. There "(my) Karanavan showed him the book, Exhibit EEE. "He compared it with the book that he had with him. "Gregorius Metran said 'the book is good; it is well "done; it does not contain many errors; it is well done; "it contains no errors.' Then my Karanavan requested "him to affix his seal to the book, to evidence the fact "that he had compared it. It was, therefore, that he "affixed his seal therein." The witness added subsequently that EEE was the Hudaya Canons and that the Syrians had no others. At page 309, he continues, "It was about three or four months after the arrival of "Gregorius that the book Exhibit EEE was compared, "assisted by Gregorius. It was about '30 that he came "(1855).....Gregorius Metran and my Karana-"van did not compare any other book. The book was "compared, as it was thought, on seeing the one which "belonged to Gregorius, that the latter being one writ-"ten in foreign country must be more accurate." If I understand this evidence, and the language seems plain enough, Exhibit EEE was compared by Gregorius not with the original, from which it was taken, and which might, perhaps, be presumed to be an authority here, viz., a manuscript from the Cottayam Seminary, but with a book produced by himself of which we know absolutely nothing. It would appear, then, that no conclusion can be safely based on the isolated passage in Exhibit EEE which refers to the "people of India" (*Bk.* iii. 191) in

which this Exhibit differs from Defendant's Exhibit XXXVIII. It should be noted here that at the date of the visit of Gregorius, the dispute between the late Metran Mar Athanasius and Antioch had already begun.

Exhibit XXXVIII is a series of extracts from a work produced from the Church Missionary Society's library at Cottayam. This is entirely rejected by Plaintiff, who, as Defendant's witness (*Bk.* ii. 42) says "This is not our book of Canons," and proceeds to point out that the work from which it is taken is incomplete. That this Exhibit is a copy of the Canons binding on the Syrian Church is not satisfactorily made out. It is much to be regretted that Mr. Neve who is apparently the Chief Librarian of the Church Missionary Society College (*evidence of Defendant's 2nd witness. Bk.* ii. 47) was not examined as to the history of the work from which these extracts have been taken and the manner in which it had been kept. The witness who actually produces the book seems to know little or nothing about it. If Exhibit XXXVIII contains the recognised Canons of the Syrian Church, I agree with the learned Vakil for the Plaintiff-Respondent, that it is difficult to explain why the late Mar Athanasius should have collected Exhibit A from "primitive Canons which were in scraps and notes" (*evidence of Defendant. Bk.* i. 58). Again, if Exhibit XXXVIII is an authority recognized by the Deft., surely he might have been definitely examined on the point. But not only has this not been done, but it appears from the Judgment of the Court of first instance (p. 71) that the Zilla Judge did not understand the defence to put forward this Exhibit as an authentic Canon. No definite reference to the point is made in the Appeal Memo. to the High Court, though the Exhibit is referred to in another connection. The result is that neither Exhibit EEE nor Exhibit XXXVIII is proved in such a manner as to enable me with confidence to say that in any particular passage we can rely on one rather than the other. That they are both substantially correct, is, I understand, not disputed by either side.

One of the few documents which are not of comparatively recent date—Exhibit W has been already

referred to—is Exhibit X, said to be the Staticon given to Mar Dionysius (Thoma VI) by Gregorius and Ivanius in 1770. It bears, however, only one seal, which purports to be that of Gregorius. The genuineness of the document was much disputed on behalf of the Applt. in this Court. The Zilla Judge, having stated his reasons for so holding, says, "I think, on the whole, that Ext. X is genuine, and that the custody from which it comes is not improper." This document was obtained by Plaintiff through his 30th witness (*Bk.* i. 268. 269. 273. 275) from Mar Kurilos, the former active opponent of the late Metran Mar Athanasius. Kurilos, it should be remembered, was found guilty of systematic lying and forgery by the Quilon Committee appointed by Government to report on the divisions in the Syrian Church. (*Exhibit H. Bk.* iii. 23. 25). He, it is said, got this document with some others from Cheppat Dionysius. Plff.'s 30th witness, a younger brother of this Kurilos, speaks to these facts. I confess I do not think his evidence at all conclusive. Leaving aside the obvious fact of his partisanship, it is most difficult to follow his evidence as to the identification of this Ext. It has been objected by the defence that Kurilos and Dionysius were on bad terms and that it is not likely that the latter would have given documents to the former. The Zilla Judge meets this difficulty by stating that Dionysius had actually handed over the management of the Syrian Church to Kurilos. Exhibit SS. shows that some such transfer of management was made. But SS is dated September 1846, the very year in which Kurilos arrived in the country (H. *Bk.* iii. 13) with his brother Malki Makkuthisa Gabriel the 30th witness. How then are we to explain this witness' statement at page 273 (*Bk.* i.) that "it was four or five years after our arrival that, as I said, Kurilos gave the Plaintiff the two letters obtained from Gregorius and Ivanius"? For what purpose? Plaintiff was not consecrated till 1865. I am not satisfied that there is sufficient proof that this document came from the archives of the Cottayam Seminary of the Syrian Church. That it came from Kurilos may be taken as proved. Plaintiff himself says that he got it from Kurilos four or five days before the death of the latter. (*Bk.* ii. 34). He makes no reference to his 30th witness Malkki Makkuthisa Gabriel, and swears that he does not

know when or under what circumstances Kurilos got the documents X, TT, BBB and CCC. The manner in which the Plaintiff was examined as a witness is most unsatisfactory. Though he was fifteen days in the witness-box—his examination lasted from the end of November to the first week in February—many material questions were not asked him, while the record is loaded with an immense mass of irrelevant matter and hearsay.

Exhibit CCC (see *evidence of Plaintiff Bk.* ii. 24) is a translation from the Syriac of a Staticon conferred by Matthews Patriarch upon Dioscorus Catholica in 1805, and confers on him very extensive powers. As, however, this Catholica was summarily deported in 1807 (*Bk.* iii. 127) it is not easy to see what conclusions can be based on the terms of this appointment. I see no sufficient reason to doubt the genuineness of this document. Exhibits W and XXVII have been already considered in connection with the history of the Syrian Church.

The remaining documents to be considered are, of much more recent date. Ext. I I I a fragment from the Church Missionary Record of 1836 is not, in my opinion, receivable in evidence. We do not know who the author was, and consequently know nothing of his capacity to translate the original of which this Ext. professes to be a copy, or the circumstances under which the translation was made, or of the translator's accuracy and general trustworthiness. Exhibit I I I is not, in any case, very material. N purports to be a letter addressed by the Syrian Community to the Patriarch in 1840. It is not signed, nor proved to have been sent by the community. Q is not proved. In any case, it adds little to the argument based on the letters of the late Metran to be hereafter discussed. TT is another document said to have been got by Plaintiff from Kurilos, and professes to be a copy of a Syriac letter written by the Patriarch Elias II to Philipose Metran, i. e., Cheppat Dionysius in 1840 in answer to a request that "as ravenous wolves had got in," some shepherd should be sent to tend and govern the Church in Malankarai. This document is spoken to by Plaintiff and his 30th Witness. As any argument founded on it must presuppose that a letter was actually sent by Cheppat Dionysius, and that letter is neither produced

nor satisfactory secondary evidence given of its contents, the document TT seems not very important. It must be recollected in this connection that the Patriarch came here in 1875 in consequence of the independent attitude adopted by the late Mar Athanasius, and that during his stay in the country the filing of a suit was the subject of much discussion. It might be expected then that he would have come armed with all important documents, especially letters, if any such existed, from the heads of the Church here acknowledging his supremacy. There was ample time—more than ample time—to remedy any oversight in these respects subsequent to the Patriarch's return to his Patriarchate, and Plaintiff's 64th witness seems to have actually come from Antioch since this litigation began. As a matter of fact, it appears that Exhibit TT was filed on 28th Kanni 1058 M. E—i. e., about 3½ years after the filing of the plaint, and this, though Plaintiff swears that the document was in his actual possession. No explanation at all is given of this great irregularity. The document should not have been filed at that stage of the suit.

Exhibit RR, which is admitted to be a genuine document, shows that on the death of Patriarch Elias, Cheppat Dionysius issued a letter to the Church here ordering a fast and solemn Mass. This Exhibit is dated 18th Dhanu 1023, corresponding with the 1st January 1848.

I now come to the consideration of the arguments based on the letters of the late Mar Athanasius. Exhibits J and K were discredited by the Judge of the Court of first instance and their genuineness was not pressed in this Court. Nor, in any case, do they appear specially important to Plaintiff's case. I shall place the remaining letters in chronological order.

Exhibits QQ (21st September 1843)
MMM (30th November 1843)
OOO (15th January 1844)
NNN (7th May 1844)
RRR (4th December 1844)
QQQ (12th July 1845)
PPP (21st March 1846)
KKK (26th May 1846) and
LLL (10th June 1847).

All these purport to be letters addressed by the late Metran to the British Resident in Travancore and Cochin. The genuineness of these letters has been disputed in the original Court, and in both Appeals. In my opinion they have been rightly held to be genuine documents. Not only is there as much formal proof of them as could be expected of documents professing to be written so long ago (that they come from proper custody is not questioned) but absolutely no good reason is adduced for attaching to them any suspicion whatever. I go further than this. I think there is internal evidence that they were written by Athanasius. The whole drift of these letters, the references to contemporary matters, the local colouring which is so striking, all lead me to the conclusion that they are what they profess to be. The difficulties of any other theory—the idea that they were artfully fabricated and surreptitiously foisted into the Residency records—are immense. Is it in the least likely that any forger would run the risk of forging such a number of lengthy documents? One or two would have perfectly suited his purpose, while obviously every additional letter would, while very little strengthening his case, add immensely to the danger of detection. Before discussing these letters, it is necessary to say a few words of the antecedents and circumstances of the writer.

The late Mar Athanasius was an adventurer—I do not use the term in any invidious sense—He was a native of this country and a member of the Syrian Church. With fair abilities, he possessed no inconsiderable share of ambition. He desired to see the world and "improve his theological studies." His own account, as recorded in Exhibit H, and I do not understand that the main facts are disputed, is that being a *Karoya* of the Maramannu Church, he went to Madras where he studied for some time. That there he conceived the idea of visiting the Patriarch and seeing the Churches and Convents in and about Antioch. That on arrival there, he was hospitably received, entertained for several months by the Patriarch whose good will he speedily obtained. That being satisfied with his (Athanasius') qualifications, the Patriarch appointed him first Deacon, secondly Priest,

thirdly Ramban, and fourthly Metropolitan. Lastly, that, having conferred a Staticon upon him, the Patriarch sent him back to Malabar. This was in 1842.

Whether this account is, in every particular, correct or not, is not very material. The main facts, I believe, are undisputed. The point on which the parties are at variance is this, whether the Patriarch received real commendatory letters respecting Athanasius, or whether Athanasius misrepresented matters to the Patriarch and, by means of false statements, secured his consecration. These questions were considered by the Quilon Committee, and are scarcely relevant to the matters now under consideration. There is no proof in this case that any false statements were made.

With the Patriarch's Staticon, Athanasius came back to Malankarai, being admittedly the first (native) claimant to the Metranship of the Syrian Church who had had the honor of being consecrated by the Patriarch in person. He doubtless expected that his claims would be at once recognized and that the aged Metran, Cheppat Dionysius, would forthwith surrender the reins of office. But things turned out differently. A dispute arose about the reading of his Staticon (QQ). Athanasius was accused of sectarianism and of having deceived the Patriarch by Mar Dionysius and his Kathanars (OOO) who petitioned against him. Though he was now a year in Malabar, he failed to obtain a public recognition of his appointment by the Government (NNN) Mar Dionysius continued to oppose (RRR) and contumaciously persisted in his usurped authority (QQQ) having even recourse to bribery (PPP) to prevent the due recognition of the Patriarch's appointee. KKK complains of "unaccountable" procrastination in the issue of a proclamation in his favor. LLL repeats former complaints, and adds this fresh one that the party that had hitherto opposed him (Athanasius) was now intriguing with Mar Kurilos against him. It would appear that Mar Kurilos arrived in the country early in 1846.

The position of Athanasius was thus very peculiar. He came to this country with credentials which he thought, or professed to think, indisputable. So far from being

welcomed with open arms by the native Metropolitan, he was, apparently, from the first, regarded with no little distrust and suspicion. As time advanced, his difficulties increased. The man in possession seemed determined to keep possession, and a Government Proclamation was thought to bar any active assertion of his rival's claims. Now, is it to be wondered at, that, under these circumstances, Athanasius should assert, and assert persistently, the paramount claims of Antioch? What other case had he? Whether commendatory letters were sent to Antioch or not, there was absolutely nothing to shew *then* that the mass of the people had the slightest desire for his advancement to the Metranship. The Metran in office was first suspicious, then hostile. What case could be put forward, I ask, except that which he actually did put forward, namely that the Patriarch was "supreme in all religious matters over the Syrian Churches in Malabar as well as in other places," that the Patriarch was his "ecclesiastical head and superior."? Now in estimating the value of testimony to any fact or state of facts, it is most necessary to know whether the person making the statement under consideration, has, or has not, a distinct interest in the statement he makes. Again, the greater the interest the more necessary it is to scrutinize closely the matters deposed to. With Athanasius the putting forward of the claims of Antioch can scarcely be described as a matter of interest. It was a matter of life and death, so to speak. Unless he could secure the acknowledgment here of the paramount power of Antioch, his position must continue as it then was, that of a Metran without a see, without funds, without recognition. My conclusion is that the repeated assertions of the Antiochian claims in these letters by Mar Athanasius are of little more weight than his complete repudiation of those claims a few years afterwards. Such a change of front may be, and no doubt is, most immoral. But the effect which it has on my mind is mainly to discredit Athanasius. I am unable then to understand the meaning of the first para of p. 31 of the Judgment of the High Court. It is there apparently laid down that these letters of Athanasius (though he was not then in possession of the see of Malankarai) "estop (the Defendant) from pleading that he is not under the control of the Patriarch." Surely, this

involves a misconception of what a Bishop takes from the imposition of hands of the consecrator. The mistake is so obvious that it seems unnecessary to pursue the subject further. I shall only add that it seems to be tacitly assumed that every statement by a Metran will bind the community—a position which it is wholly impossible to maintain.

Reference was made in the argument to SS. (already referred to) a copy of a letter by Cheppat Dionysius to the British Resident, dated September 1846, wherein the Patriarch of Antioch is described as the "head of Syrian Metropolitans." But I much incline to think that the true explanation of this is that arrived at by the Quilon Committee (*H. pp.* 24–25) viz., that "Mar Dionysius and Mar Kurilos arrogated to themselves the right, the former of making over, and the latter of receiving charge of the Syrian Churches; and this they have done solely with a view of preventing Mar Athanasius being recognized as Metropolitan." Cheppat Dionysius was now an old man and probably cared little for actively asserting his own rights.

That Exhibit M, a copy of the Staticon given to Mar Athanasius by the Patriarch and filed on behalf of the Plaintiff (Defendant failed to produce the original), should contain matters favorable to Antioch was, of course, to be expected, and it is very natural that the Patriarch should be therein described as "Patriarch of the great See of Antioch and of all the East." No one denies that the Patriarch claims to be "Patriarch of the great See of Antioch and of all the East." All this helps us in no degree at all. Nor does Exhibit Q, purporting to be a Pady Ola executed by Mar Athanasius and the Pallikar of Ankamali and others in 1843 (even if it were held to be genuine) add anything to this part of Plaintiff's case. It is abundantly clear from the letters above discussed that at that time (September 1843—May 1847) Athanasius did actively assert the claims of Antioch.

The oral evidence save so far as it has been already referred to, seems to add little or nothing to the case put forward by the parties—that is with respect to the claims of Antioch. A great number of witnesses has been examined, and one thing at least is proved by their depositions, viz that the Syrian Church is very distinctly divided into two parts—the one upholding almost without qualification the supremacy of the Patriarch, the other completely repudiating any connection whatever with the Church of Antioch. It seems incomprehensible why whole books should be filled with the evidence of cultivators and other obscure individuals on topics regarding which they have no information whatever. Sometimes, it is true, a witness shews that he has been coached up a bit (the number of persons acquainted with the history of Thomas of Cana is remarkable, their agreement still more so), but scarcely a witness has been examined who can throw the smallest light on the history of the Syrian Church in Malankarai. This remark applies to the voluminous depositions given by the rival Metropolitans, and to those of the Kathanars attached to the respective parties. One witness at least was alive to the difficulty of his position. The following question and answer are recorded at length at p. 135 of Bk. i. "Q. Can you swear that one of the reasons for calling the Christians of Malankarai 'Syrians' is because the Sabha was founded by this Thoma (of Cana) who was a 'Syrian'?" His answer is this:—"The whole of my deposition is given "on oath. *It is very difficult to swear to every separate "statement of mine.*"

Next as to the support given to Plaintiff's case by the alleged dependence of the Church here on Antioch for the supply of *Morone* or sacred oil. There is a good deal of evidence on this subject, both oral and documentary. That Morone has been occasionally sent from Antioch and received here with esteem and gratitude to the donor, is deducible from the evidence. It seems to be admitted—in any case it is clear—that the multiplication of Morone by a Metran is permitted by the Canons produced by Plaintiff (EEE). At page 186 of Bk. iii the following passage headed *Hudaya* occurs. "It is clear "from these that only the Patriarch and the Malprian "who is the Catholica can consecrate Morone. Metropoli- "tans and Episcopas may prepare the oil for Extreme "Unction and Baptisms. They can consecrate Morone "also, if, owing to extreme necessity, the Patriarch gives "them power." Again, at Section 2, "When Morone is

" about to be exhausted, the Prelate alone has power to " add *Sythe* to thus multiply it. The priests have not." Now Sythe, I understand, is a species of oil which the Metran may admittedly prepare himself. Turning to Exhibit XXXVIII, we have the case put otherwise. At page 270, the law regarding Morone is stated thus :— " *Hudaya*. It is clear from these that only the Patriarch, " Catholica, and Metropolitan have power to consecrate " Morone."

The Defendant, as Plaintiff's witness, says, (*Bk.* i. 41) " Morone oil is used to smear the body with at the bap- " tism of children and on the death of Metrans, and to " purify churches and for other purposes." This was given in reply to a question of Plaintiff's Vakil. It is to be regretted that the witness was not asked further what these " other purposes " were. He says (*p.* 70) that he has *heard* that former Metrans made Morone, but that the Morone now used in the Church is what was in the possession of the late Mar Athanasius. I do not find that any question was put to Plaintiff on this subject, though, as stated elsewhere, he was some fifteen days in the witness-box. No conclusion can be founded on the statements of the Patriarch on the subject. Exhibit TT (1840) has been referred to in argument. Here the Patriarch says " If possible we will ourselves come bring- " ing you Bavas and Morone and the books you have " written for." The same remark applies to M and other documents. The Patriarch, certainly, regards Morone sent by himself as vitally important to the well-being of the Church in Malankarai. The evidence on this part of the case is very inconclusive. I have already pointed out my reasons for being dissatisfied with the proof of Ext. EEE, and the evidence adduced to prove that Exhibit XXXVIII is a binding authority in the Syrian Church. If the possession of Morone is indispensable and this oil can only be procured in Antioch, surely this might have been established clearly by the evidence of experts in the usages of Syrian Churches. But not a question, as I have said, seems to have been put to the Plaintiff. To say that Defendant's evidence—especially as to the loss of the book relating to the consecration of Morone—is satisfactory, is another matter altogether. My conclusion

is that on this part of the case Plaintiff has failed to make out his contention, and the burden of proof is on him. I shall only add a curious circumstance which is certainly not conclusive one way or the other, viz., that at the Synod of Diamper, 1599, one of the charges formulated by Archbishop Menezes against the Syrian Community is that they were unacquainted with the use of Holy oils. In decree XIV of Session IV (*Geddes p.* 201 ; *Raulin* 126 ; *Hough* ii. 567) we read " The Holy oils having " hitherto not being used in this Bishopric in any of the " Sacraments, and if any have been used it having been " without any distinction, and without having been " blessed by the Bishop ; wherefore for remedy thereof ....." At p. 345 *(Geddes)* the negligence of the Syrian Church is again prominently referred to. Now it seems strange that a diplomatist like Archbishop Menezes should make such a charge if it were unsupported by fact. It was his policy, in furtherance of his great object, viz,, the union of the Syrian Church with Rome, to make the points of disagreement as few, not as many as possible. The way would have been comparatively smooth had he been able to assure the Syrian Archdeacon and his followers that the differences between the Syrian and Roman doctrines and practice were comparatively trifling.

Next as to *Rasisa*, or the tax said to have been paid annually by the heads of families here for the use of the Patriarch of Antioch. There is a great deal of evidence, chiefly oral, on this part of the case, and it seems to establish beyond doubt, that a tax called Rasisa is paid. But the defence say that it is for the support of the local Metropolitan. Assuming, then, the fact of the collection of *Rasisa*, the question to be determined is whether that tax is for the Patriarch of Antioch and if it is demandable as of right. As to the witnesses who simply swear that *Rasisa* is paid to the Patriarch, and those who swear that no such tax is, or ever has been, paid, it is sufficient to say that they are palpably partisans of either side, and that their mere affirmation of one proposition or the other is entitled to very little weight. We must look into the proof that, as a fact, *Rasisa* has been paid to the Patriarch. Nor is it essential to the defence to shew

that no money offering has ever, on any occasion, been sent. Such might very reasonably be sent considering the connection with Antioch which unquestionably existed, though not continuously, during the time of the Mar Thoma Metrans. Now, as to the despatch of *Rasisa* to, or its receipt by, the Patriarch of Antioch, the evidence on record is very unsatisfactory.

Plaintiff's 35th witness, Mar Julius Metropolitan (who, of course, is deeply interested in the result of this suit) says "though *Rasisa* is collected and sent by the "Metran, it is usual on the Patriarch's part to so write "to the Pallikar to testify his pleasure" (*Bk.* i. 311). Exhibit EEE seems to be the only document filed which professes to be of an earlier date than the present dispute, in which *Rasisa* is referred to. It is not mentioned in M the Staticon of Mar Athanasius but is very prominently mentioned in Exhibit 13 (dated 1877) the Staticon given to Mar Gregorius. See also Exhibits 52. 55. 56. As to the witnesses referred to in page 71 of the Zilla Judgment, I regard their evidence as practically worthless. Plaintiff's 37th witness gives us most details as to the sending of *Rasisa*. He says (*Bk.* i. *p.* 320) "It was in the year 1032 and 1033 that I saw Athana- "sius remitting the *Rasisa* money. After that I have "seen Athanasius remitting *Rasisa* once, *after* 1040 (1865). "It was at Kuntara that I saw Athanasius remit *Rasisa* "on both the occasions. On one such occasion, he sent it "by a man who had come from Antioch. And on the "other, I saw him hand over the *Rasisa* to the Cash- "keeper of the Cottayam Seminary for the purpose of be- "ing sent. *My belief is that that money was given for being* "*remitted.*" Whether the concluding sentence, which I have italicised, was meant to explain away all that preceded it, is not clear. Looking back, however, to the evidence of the 30th Witness (to whom reference has frequently been made in the course of this Judgment) we find him swear (*Bk.* i. 276) "afterwards, in the time of "Elias Patriarch '*Maharone*' was pronounced against "Athanasius. '*Maharone*' means curse. It was towards "the close of 1022 or in the beginning of 1023 that Elias "Patriarch died. The ban against Athanasius only deve- "loped subsequently, but never was cancelled." Now that

a Bishop already cursed and with a ban of excommunication "developing" against him by Antioch should remit *Rasisa* to that Patriarchate, is not inherently probable. At all events, we should at least expect that, considering the relation of the parties, some written account of the transaction or some written acknowledgment should be forthcoming. But there is none whatever. Another witness—Plaintiff's 39th Witness at page 332 of Bk. i,—also swears that he saw the late Athanasius remitting *Rasisa* in 1035 and 1036. I regard this as distinctly false. I have carefully read the evidence indicated by the Zilla Judge and some further evidence not apparently specially referred to by him. In the absence of any documentary evidence or account of this sending of *Rasisa*—and surely such might be expected—I regard this oral evidence as worthless. Even if accepted wholly as true—and I regard it as in great part deliberately false—it goes but a very little way to prove that *Rasisa* is an annual (*see Plaintiff's 26th Witness*) tax remitted to the Patriarch of Antioch. It may be added that the Defendant, as Plaintiff's witness, distinctly swears that the late Mar Athanasius never remitted *Rasisa* to Antioch (*Bk.* i 59). If this payment be not affirmatively proved, the argument based thereon—viz., the supremacy of Antioch—so far fails.

The fact that the Syrian Churches in Malankarai offer a special prayer for, or make special mention in their prayer of, Mar Ignatius Patriarch, has been used in argument to show that the Church here practically admits the supremacy of Antioch. There is absolutely nothing on record, so far as I am aware, to suggest that, prior to the period when the Portuguese actively interfered with the affairs of the Syrian Church here, any prayer was offered for the Patriarch of Antioch. There is very decided authority for believing that prayers were, as a fact, offered for the Patriarch of *Babylon*. After the secession of the Church of Malankarai, however, from Rome, I think that the evidence does undoubtedly show that communication was opened with Antioch. That Bishops, or, as they are frequently styled "Bavas" came from that Patriarchate (and on one occasion at least from elsewhere) and were received with high distinction and

consideration by the Church. I say on one occasion from elsewhere, for Gabriel, already referred to as sharing the Episcopate with Thoma IV, was a Nestorian. Unless the Syrian Church were to accept orders through the Roman Catholic Bishops who were in power during the period of the connection with Rome—and the spirit evinced on the famous occasion of the oath taken at the Mattancharry Church shows that this would have been scarcely practicable—it was necessary to obtain the "imposition of hands" from some Eastern Patriarchate. That this was obtained from Antioch seems fairly established in evidence, and it does not strike me as extraordinary that, under these circumstances, some special mention should be made in prayer, in the Syrian services, of the Patriarch of Antioch. Even so it may be said that the fact is favorable to the Plaintiff's contention : and so much may be conceded. But the weight to be attached to it seems inconsiderable.

The second ground on which Plaintiff bases his claim to the property now in litigation, is his "acceptance" as Metran by the Syrian Community composing the Church of Malankarai. See Zilla Judgment pp. 1. 77–78–Judgment of the High Court pp. 7. 19–21. That acceptance or election (these terms I use indiscriminately throughout) by the people is a condition precedent to the vesting of the Metranship was fully admitted at the hearing of this Appeal.

This election or acceptance has been put in a double form—viz., that Plaintiff was the elect of the people prior to his consecration, and that this fact was evidenced by a letter or letters sent to Antioch ; (2) that he was subsequently chosen by them as Metran.

No letter is produced in evidence, but some eight witnesses, viz., the 5th, 17th, 22nd, 26th, 27th, 29th, 32nd and 37th witnesses for Plaintiff have been called to prove that such letters were sent. Their testimony is of the vaguest description. We know absolutely nothing of the contents of such letters, nor does it appear that, if such letters were really sent, the persons who signed them in any wise represented, or even professed to represent, the Syrian Community.

Plaintiff's 5th witness, Panikar Jacob Kathanar (*Bk.* i. 100) says, "Plaintiff went with the letter of the Pallikar of Malayalam and got himself consecrated. The Pallikar of Malayalam are subordinate to the Patriarch." Plaintiff's 17th witness Thommi Paulos Kathanar (*Bk.* i. 209) "The Plaintiff was sent with the letter of the Church people of Malayalam." Plaintiff's 22nd witness Mathu Paulo (*Bk.* i. 230), "We, the Pallikar of Malayalam, wrote to the Patriarch that the Plaintiff should be consecrated as Metran.....I have signed the letter to the Patriarch." But in cross-examination (*p.* 232) the witness says "I have not seen all the Pallikar of Malayalam having written that the Plaintiff should be made Metran. Saying that it was from all the Pallikar, the Plaintiff brought a (writing) to our church and got it signed by us." The 26th witness, Mathai Isaac Kathanar (*Bk.* i. 254) "I have seen consent being given to the Plaintiff from our Church for his consecration. I too have given my consent.....It was by the trustees and Kathanars of my church that the consent was given. There was the consent of some Pallikar too." All this in cross-examination. Plaintiff's 27th witness Kochitti Geverghese (*Bk.* i. 257) says "It was with our letter, which he came to our Church and received, that the Plaintiff went to Antioch to get himself consecrated," and at page 258 "I too had given deed of consent when the Plaintiff went to Antioch. When the Plaintiff was going to Antioch, six others of our church, besides myself, had given consent." Plaintiff's 29th witness Ausep Iscariot (*Bk.* i. 264), "While the Plaintiff was going to receive consecration, my Karanaven and some others gave him a letter. Then I was also present." This witness gives his age as 30 in 1058. He would, accordingly, have been eleven or twelve years old at the time spoken to. Plaintiff's 32nd witness, Kunjena Eapen (*Bk.* i. 283), "Before the Plaintiff left for Antioch, he brought us a letter from Kurilos and obtained a deed of consent from us." In cross-examination (p. 285) witness says he did not give any writing, but mentions four persons who did, three of whom, according to him, were living at the date of his deposition. Plaintiff's 37th witness Mathan Mathan (*Bk.* i. 318) says, "The Plaintiff went with the letter of the people owing to the heresies brought into the Church

by Athanasius and the ill-health of the then Kurilos Bava." At page 320, "I saw the Yogakkuri (writing of the Yogam) being given to the Plaintiff. I have joined in it." I have elsewhere given reasons for discrediting this witness' testimony. The Plaintiff himself as Defendant's witness (*Bk.* ii. 19) says "When I went to receive the title of Metran, I had taken deeds of consent from all the Pallikar of Malankarai." I am sorry then to say that I consider this evidence quite unworthy of credit. At the present moment it is scarcely disputed—in fact not disputed at all—that Defendant has a very considerable following. Even at the meeting at Mulanthuruthu summoned by the Patriarch of Antioch in 1051, only 102 out of 170–180 churches are even nominally represented. There is evidence on record that a considerable, probably a very considerable, defection occurred from Defendant's party during the prolonged stay of the Patriarch in Travancore. Plaintiff's 5th witness, for example, who professed to sign GG. on behalf of the Mavelikara Puthiakavu Church says, (*Bk.* i. 104) "Up to 1050 there was none in the Puthiakavu Church who totally discarded Athanasius." Plaintiff's 24th witness (*Bk.* i. 248) says "Before the Patriarch's coming, I have obeyed Athanasius." Plaintiff's 49th Witness (*Bk.* i. 380), "It was from 1050 that 1st Defendant commenced to be treated as being no Metran." Plaintiff's 50th Witness, speaking of the Churches of Cheppat, Karichal, and Pallipad says, "It is since 1050 that there came to exist two parties in those three Churches. Till 1050 we were under the orders of Athanasius Metran." (*Bk.* i. 382). Plaintiff's 53rd Witness, a Kathanar (*Bk.* i. 392) says he separated from Defendant after the arrival of the Patriarch. Plaintiff's 55th Witness (*Bk.* i. 401) says, "When the Patriarch came, the division into parties took place." See also Plaintiff's 41st Witness (*Bk.* i. 341). Now this is the testimony of Plaintiff's witnesses, and there is evidence on the other side to the same effect. To assert, then, that eleven years before this, when Mar Athanasius was ruling, with a Government Proclamation at his back, his rival Kurilos utterly discredited (Exhibit H), and no other Metran in the field (for Plaintiff was not then consecrated) to assert, I say, that "all the Pallikar" were on Plaintiff's side is to state a proposition which is simply impossible. It may be added that not a single one of these deeds of consent is produced. There is no trustworthy evidence that even any considerable minority were then favorable to Plaintiff's claims. Plaintiff's 11th Witness (*Bk.* i 174) says, "All the Syrian Churches of Malankarai were under the authority of the late Mar Athanasius before 1050. By 'before 1050,' I mean till 1050." With reference to the eight witnesses above-mentioned, it may be added that no less than six are also called to prove Plaintiff's confirmation at Mulanthuruthu.

But Plaintiff, notwithstanding the remarkable evidence above set out, seems elsewhere to have put his own case otherwise. In his memorial to the Madras Government (UUU) dated 3rd February 1869, he says "In 1865 *the Patriarch appointed*," the italics are not in the original, "and consecrated Your Petitioner as Bishop and Metropolitan of the Syrian Christians of Travancore, Cochin, Malabar &c., and on his arrival from Antioch, all the Syrian Christians have acknowledged, and do still acknowledge him, as such." It is a remarkable fact that in para eight of this memorial, the Plaintiff seems to regard consecration by the Patriarch of Antioch as the only necessary condition precedent to entering on the office of Metran. He says, "Your Petitioner, who was appointed by the Patriarch of Antioch as Bishop and Metropolitan in supersession of Mar Athanasius, should, as soon as he produced his seal of appointment by the Patriarch before the Travancore Government, and as a matter of right, thereunder, have been entitled to all help and protection from that State." I may remark in passing that it is difficult to reconcile this para, or the letter (Exhibit XIV) addressed by the Plaintiff the same year to the then Resident in Travancore, with the eleventh and nineteenth paras of this very memorial. In UUU, para 11, he writes, "If that authority (viz., the authority of Athanasius) rested solely on the voluntary submission of the clergy and congregations, your Petitioner would have nothing to complain of." But in Exhibit XIV, para 4, he denies that the followers of Athanasius are Syrians "in anything but name," and states that the application of trust-funds to their advancement would be

a breach of trust. The Plaintiff says "In 1865, the Patriarch of Antioch appointed and consecrated your Petitioner as Bishop and Metropolitan..... and on his arrival from Antioch, all the Syrian Christians have acknowledged and do acknowledge him as such." If this is true, a decision in the case may be easily arrived at. But where is the proof of it, or of any proposition at all like it? And who then are "the actual followers of Athanasius" mentioned in Exhibit XIV written later in the same year (1869)? Or how shall we reconcile paras 1 and 14 of UUU? In the latter we read "Your petitioner begs to bring to the notice of Your Excellency in Council, that he has the solemn consciousness that almost all the Syrian Christians, as a matter of conscience, lean towards him as their present legally constituted superior and Metropolitan, but that they fear, if they were openly to subject themselves to him, they would be taken up and punished penally by the Travancore Government, with reference to the Circular Order in question, and it is the fact that the wishes, in this respect, of the majority of the Syrian Christians are actually ignored by the Travancore Government." Thus we come from an actual acknowledgment by "all the Syrian Christians" in page 208 to a "consciousness of the leaning of almost all" in page 210. Even during or after the visit of the Patriarch in 1876, neither of these statements, would be consonant with facts. The oral evidence of a vast number of witnesses in this case proves beyond possibility of doubt that a very large party of the Syrian Church (how large, we have no means of determining) have been, and are, devoted adherents and followers of the Defendant-Appellant.

But the High Court, following the ruling of the Zilla Judge, has regarded this question of the acceptance or election of Plaintiff as Metran by the Community as settled at the Mulanthuruthu Meeting. Mr. Justice Narayana Pillay (*Bk. IV* 19) says, "If consecration by "the Patriarch *ipso facto* entitles a Metropolitan to rule "over the temporalities of the Churches, there can be no "question that the Plaintiff's cause of action accrued in "1865 when he was consecrated a Metropolitan, but it "has been found by the Zilla Judge, and I agree with

"him, that acceptance by the Community is as essential "a condition of the right as the consecration itself. It "may be noted, in passing, that the correctness of this "view has not been questioned by either of the parties "to this Appeal." And again at page 21, "*If accept-*"*ance by the Community is necessary to entitle a Metropo-*"*litan to rule over the temporalities of the Church, as I* "*hold it is, the Plaintiff's right became perfect only on the* "*date of GG.* On that day—18th Ani 1051—he became "entitled to the possession and management of the "Seminary and all the property belonging thereto. The "late Mar Athanasius having refused to give him such "possession and management, the Plaintiff's cause of "action accrued that day." It is from this stand-point that this appeal has been argued here. The learned Vakil for the Respondent when arguing the question of Limitation, according to my note made at the hearing, said, "We don't abandon the ground put forward in the "High Court, viz., that we have a starting point from the "date of acceptance by the Community (GG)."

It becomes necessary, then, very carefully to consider the circumstances under which that meeting was convened, the manner in which it was summoned, the conduct of the meeting, and the resolutions passed thereat. In my opinion, neither party in the original Court adequately realized the importance of this portion of the case. On the 22rd Kumbhom 1051, a fresh Proclamation (Exhibit P) was issued by the Travancore Government, explaining the former Proclamation (Exhibit O) and declaring the Government's neutrality in the affairs of the Syrian Church. The Patriarch of Antioch was then in Travancore. That the Church Dignitary who visited this country at that time was really the Patriarch of Antioch was originally denied by the defence. But the contention was practically surrendered here, and there appears to be absolutely no evidence on record to show that that Dignitary was other than he professed to be. While, on the other hand, there is undoubtedly evidence to prove that he was really the Patriarch.

The position of affairs in the Church seems, as might have been anticipated, to have been practically unaffected by the New Proclamation. The Community was divid-

ed, and the Patriarch was naturally anxious to strengthen the position of his followers. It was resolved, therefore, that a meeting should be summoned at Mulanthuruthu.

The meeting was convoked in part at least by printed summons (12th witness for Plaintiff page 186: 36th witness page 315) addressed, it would appear, to various Churches. When I asked at the hearing for a copy I was astonished to learn that there was not a copy on the record. Mr. Ramanatha Row stated that a copy had been produced in the Court of First Instance but had been rejected. The following day (4th February 1889) he produced the rejected copy of the summons issued to the Kunnikkurudi Church. Other copies of a printed summons were also produced. There is no reason, nor was any alleged, for doubting the genuineness of this document, but Plaintiff is, of course, bound by it. It has been filed as Exhibit WWW_1 and is sufficiently important to merit insertion at length. As translated, it runs as follows:—

"By the sacred name of the Eternal Being who is "the Lord of everything, the Unbeginning and Endless, "and full with Essence, praise be unto Him. Peter III. "Ignatius Patriarch ruling on the Apostolic throne of "Antioch and all the East.

"May Divine mercy and celestial blessing come and "dwell upon the foreheads of our children of the Form- "less the beloved priests and deacons and all blessed "people of Our blessed parish of the Kunnikkurudi "Church.

"May the blessing of the Lord God dwell upon "them, upon their houses, upon their progeny, and upon "everything that is theirs. And that by the prayer of "Mary who brought forth God and of all the Saints. "Amen.

"Furthermore, We make known unto your love. It "is about a year now since we arrived in your midst in "this country. We very much regret that we have had "no time in the meanwhile to call you together to meet "in a Synod and to speak to you regarding spiritual "matters. Therefore, what We now make known unto

"you is that the moment this writ of blessing reaches "your hands, you should choose from among you a priest "and two of the leading people, being such as are honest "and trusted, to speak before the Synod on behalf of you "all and send them entrusting to their charge your views, "so that the matters that may be resolved upon at the "Synod may be accepted by you. As this Synod (intend- "ed) to consult upon, and come to a conclusion regarding "the spiritual affairs of Our Church in general, is to "(meet) at the Mulanthuruthu Church, founded in the "name of Apostle Mar Thomas, appearance should be "made before us on the 15th Mithunam ensuing. May "it be granted that all disputes and schisms existing in "Our Church may be removed, and that good order may "be vouchsafed to our people by the deliberations that "are to be held at this Synod which is to be held by "Divine Grace. And you should not take part in (or, "give room for) any disputes and quarrels. We wish in "God that this Synod should meet in the sacred name "of Jesus Messiah, Our Lord, so that the promise "'Wheresoever two or three may meet in my name there "will I be in their midst,' may be fulfilled unto us by "God. Just as in former days when Spiritual Synods "met, the Holy Ghost spoke in them openly, even so, "as in them, will the Holy Ghost, We confidently trust "in God, speak to us if we proceed to our deliberations "without any difference. This will suffice for the time "for (considering) your knowledge. May the mercy and "blessing of God ever multiply in you. Amen."

Now it is a general rule applicable alike to public Companies, Associations, Clubs—and surely no less to religious bodies—that when the shareholders in such company or the members of such association or body are to be summoned to transact important business, it should be previously clearly notified to them what that business is. If the object of the meeting at Mulanthuruthu was to elect a Metran, or to confirm the appointment of a Metran already consecrated by the Patriarch, we might reasonably expect that such matter would be explicitly stated. But not a reference is made to the subject. The parishioners are exhorted to choose certain persons to speak before the Synod putting them in possession of

their views "so that the matters that may be resolved upon may be accepted by you." No hint is given as to what these matters are, except that they are "the spiritual affairs of our Church in general." There is, indeed, a reference to "disputes and schisms," but as to what disputes or what schisms are meant, no indication is vouchsafed us. Assuming that the document above set forth is a copy of the notice issued, where a printed notice was issued, to the Churches which followed the Patriarch, I think it not unreasonable to ask how a "deed of consent" could be drawn up in accordance therewith. In any case, *neither the deeds of consent nor copies of them are produced*, and I regard the explanation of this omission as utterly vain. It is said that they were all put into a box and taken away by the Patriarch to Antioch. But if they cannot be produced in support of Plaintiff's case in Travancore, it seems difficult to conjecture the purpose for which they were executed and collected. To prove that notices, that is printed notices of the Synod of Mulanthuruthu, were circulated generally among the Syrian Churches, our attention was drawn to the following evidence, viz., that of Kuruvila Philipos (Plaintiff's 2nd witness) Bk. i. p. 194, Panikar Jacob Kathanar (Plaintiff's 5th witness) page 102, Cherian Cherian (Plaintiff's 8th witness) page 122, Thommi Kurian (Plaintiff's 12th witness) page 179, Kora Ulagannan (Plaintiff's 13th witness) page 188, Pothen Kuruvila (Plaintiff's 14th witness) page 191, Kunju Thomma Iscariot Kathanar (Plaintiff's 15th witness) page 196, vide also page 200, Perumal Tharaken Philipose (Plaintiff's 16th witness) page 204, Oolakannan Chakko (Plaintiff's 18th witness) page 214, Poonnoos Pothan (Plaintiff's 19th witness) page 219, Kora Itten (Plaintiff's 21st witness) page 226, Mathu Paulo (Plaintiff's 22nd witness) page 231, Varid Eapen (Plaintiff's 24th witness) page 247, Mathai Isac Kathanar (Plaintiff's 26th witness) page 253, Kochitti Geverghese (Plaintiff's 27th witness) page 258, Auseph Auseph (Plaintiff's 31st witness) page 282, Kunjena Eapen (Plaintiff's 32nd witness) page 284, Luke Kori Episcopa (Plaintiff's 34th witness) page 295, Yohannan Geverghese (Plaintiff's 36th witness) page 314, Eippu Abraham (Plaintiff's 38th witness) page 322, Koshi Geverghese (Plaintiff's 67th witness) page 472, and Iroopootti Ikka (Plaintiff's 69th witness)

page 477. To these may be added Werky Werky (Plaintiff's 6th Witness) page 114, Matthunni Esau Kathanar (Plaintiff's 25th Witness) page 251, and Chandapilla Werkey (Plaintiff's 40th Witness) page 339. This evidence I have carefully read and considered. In my opinion, it in no wise supports the conclusions which it is now sought to deduce from it. The great majority of these witnesses say nothing of printed or written notices. They simply say that the Patriarch "convened" or "called" the meeting. Or, that the meeting was convened by his "order," or in pursuance of his "command," or that "commands were received." This evidence does not show that notices were served, I will not say on all, but even on any considerable number of Churches. Pothen Kuruvila (Plaintiff's 14th Witness) at page 194 says, "In the order received to attend the meeting at Mulanthuruthu, it was not stated what matters were proposed to be settled." But the 15th Witness Kunjen Thoma (page 201) swears that "the order convening the meeting had specified what matters were to be discussed."

There ought obviously to have been formal evidence of the issue and service of the notice of meeting on all the Churches, unless, indeed, we hold, as suggested by Exhibit XIV, and in argument here, that those who have refused to obey the Patriarch have ceased to be Syrian Christians.

This absence of proof of the service of notice seems to me a fatal omission. All that the evidence on record proves, supposing for a moment that it is beyond suspicion, is that some sort of order, or command, or message was sent down to some of the Churches. But even in the case of these Churches, there is absolutely no evidence, or next to none, that these "notices" were duly promulgated in the various parishes, or that one parishioner in fifty knew anything about them.

Exhibit GG, the record of proceedings of the Synod at Mulanthuruthu, professes to be signed by the representatives of 102 Churches. Now Plaintiff himself in his evidence as Defendant's witness (*Bk.* ii. 15) says, "I think there are 175 Syrian Churches in Malankarai." It appears, therefore, that some 73 Churches were not

even professedly represented at that meeting, and I have failed to find any proof on record that notice of the meeting was served on the parishioners of these seventy-three Churches.

I next come to the deeds of consent. It will be conceded that these deeds were either executed on printed forms (which is not, I think, anywhere said) or that they were not. If on printed forms, it would seem easy enough to produce one in evidence even without reference to the Patriarch. But there is really no reason for suggesting that printed forms were used, and there is evidence that the consents were intended to be in writing. Perumal Tharaken Philipose, Plaintiff's 16th Witness, says this. I shall refer more particularly to his evidence further on. Plaintiff's 21st Witness, Kora Itten, (*Bk.* i. 226) says that the consent taken from the Pampakudai Church was in his hand-writing. Thommi Kurien, Plaintiff's 12th Witness, a Vakil of the Cottayam Munsiff's Court says, "It was with the consent of the people that "priests and laymen went from Cheriapalli to the meeting held at Mulanthuruthu. It was on verbal consent." (*Bk.* i. 179). At page 183, the same witness says, "I did "not attend that meeting. I sent only my oral consent." Plaintiff's 14th Witness Pothen Kuruvila (*Bk.* i. 194) gives us to understand that written consents were taken from but a small minority of the parishioners. "The others gave their consent only orally." How can we possibly deal with these consents without seeing them? I have already pointed out the extreme vagueness and elasticity of the printed notice produced in this Court. May not the consents have been still more vague? Can we, by any process of reasoning, conclude that they were all even *substantially* to the same effect, and that if some were wide enough to cover the sweeping resolutions passed at that meeting, that all were sufficiently comprehensive? I find on reference to the list of signatures (*Bk.* iii. *pp.* 89—96) that no less than 27 Churches are each represented by a single individual, and 28 Churches by only two members each. It seems but reasonable that, before it is ruled that these 27 persons (more accurately 26 persons, for Makkankunnu and Paryarom are represented by the same individual) can bind 27 churches by their

votes, we should be allowed to see the authority given them in writing, viz., the deeds of consent. Again (and this point I do not remember having been taken) the printed notice put in here is *dated* 22nd Idavom 1876, *i.e.* 2nd June 1876, and the Patriarch's address to the Mulanthuruthu meeting when assembled is dated 15th Mithunem 1051, *i.e.* 27th June 1876. Thus from the issue of the notice, supposing it was issued immediately on its execution, to the actual assembling of the Synod, only 25 days intervened. The time of the year must not be forgotten. It was in the very height of the South-West Monsoon, when travelling in North Travancore is a matter of considerable difficulty. Plaintiff's 36th Witness, Yohannan Geverghese Kathanar (*Bk.* i. 315) and Plaintiff's 38th Witness Eippu Abraham Kathanar (*Bk.* i. 324) tell us that the people had to take refuge in the Church because of the inclemency of the weather. My experience of this country suggests to me the extreme likelihood that these consents, if taken at all, may have been very informally taken, and there are obvious indications of this. The notice already referred to required that a priest and two laymen should be sent up from each Church. How are we to explain, then, the fact that 27 Churches are each represented by a single member, some by a Kathanar, some by a Trustee, and 28 others by two members each? The people of the Kalluparai Church were "to choose from among them" three representatives. Why did they only choose two (*Bk.* iii 94)? True several Churches are said to have sent more than three, but the whole argument founded on GG pre-supposes that Churches, not individuals, are the units of calculation. The evidence of Plaintiff's 31st Witness, Ausep Ausep, is curious. He says that he is a member of Mallapalli Church. That that Church had sent up Pyampalli Avira to Mulanthuruthu as their representative. That they "had sent only one person." But on referring to Exhibit GG, I find two signatures added to Pyampalli Avira's. Pyampalli, the witness states, is alive. He has not been called (*Bk.* i. 282–283). Nor is there evidence that the votes of the Churches were taken in any formal manner or that the printed notices (if they were issued to all the Churches professedly represented) were formally laid before the congre-

gations and deliberately acted on. How they were taken in one case, at least, the Plaintiff's 16th Witness informs us, as will be presently noticed. The result then seems to be that we have no means of determining what these deeds of consent contained, under what circumstances, and by whom they were executed. If these conclusions are just and reasonable, it seems to follow that the signatures of GG are not shown to represent even the Churches mentioned in that document, much less the Syrian Church in Malankarai, and that, therefore, it cannot be held that any selection, or acceptance, or ratification of the appointment of the Plaintiff-Respondent by them will bind that Church.

The learned Vakil for the Plaintiff-Respondent, referred us to the evidence of some seventeen witnesses who signed Exhibit GG and who speak to having brought consents.

The majority of these have been already referred to on the question of notices. Indeed, it was to be expected that the same witnesses would be examined on both points. The witnesses not included in the former list are Werky Werky (Plaintiff's 6th Witness) Bk. i. page 108, Ittyavira Cheryan (Plaintiff's 9th Witness) page 135. This latter witness swears to the work of St. Thomas the Apostle in Malabar and of Thomas of Cana as if he had been an eye-witness thereof (page 130). Thommi Paulos Kathanar (Plaintiff's 17th Witness) page 210 and Kurian Cherian (Plaintiff's 39th Witness) page 329. Chandapilla Werky (Plaintiff's 40th Witness) page 339, was also referred to, in this connection, but though he speaks to a deed of consent, he says that he did not go to Mulanthuruthu.

It is useless to attempt to analyse the evidence of these witnesses. I have already said that in my opinion the Vakils in the Court of first instance failed to realize the importance of this question of acceptance by the community. Of course, it may be said that in the absence of the deeds of consent, Plaintiff's Vakil saw that nothing could be made of GG. Be this as it may, anything more helplessly vague and worthless than this evidence it is difficult to conceive. There is little or no-

thing in it as to the nature of the "consents," as to the persons by whom they were executed, or the circumstances attending their execution. The Plaintiff's 16th Witness, Perumal Tharaken Philipose (*Bk.* i. 207), however, gives some remarkable evidence. "I have heard," he says, "the order requiring the people to attend at "Mulanthuruthu,..... In the order of the Patriarch then "received at Mavelikarai, there were both his signature and "seal. The outline of the deed of consent to be taken to the "Committee was given in it. It is stated that the deed of "consent should be taken, if there was time to do so, *and* "*if not, that it could be reduced to writing after going there.*" All this was in Cross-examination; yet no attempt whatever was made in re-examination, to elicit any explanation of this most damaging testimony. If true, it reduces the question of notices to a dilemma. Either all the notices were like that spoken to by the witness, or they were not. If alike, they must be held to have afforded an opening for unlimited fraud. If not alike, then we simply know nothing of their contents. This witness goes on to say that out of the 400 families in his parish, the Deed of Consent was taken from some ten or sixteen families. Thus the non-production of one Deed of Consent is accounted for. It seems, however, a new method of proving the consent of 400 families, to produce a single witness to swear that he had a deed of consent signed by four per cent of those families, the document itself not being forthcoming. Chandapilla Werkey, Plaintiff's 40th witness, speaks to the consents forwarded by the congregation of the Anaprambal Church. This Church is represented by two members, who are said to have signed GG, but neither of whom has been called as a witness. He says in Cross-examination, at Bk. i. p. 340, "There are below 200 families under that Church. There "are 75 families obeying the 1st Defendant..... "In the deed of consent forwarded to Mulanthuruthu, all "the partisans of 1st Defendant have also signed. It "was the late Athanasius whom all the families forming "the congregation of that Church had been obeying prior "to 1050. It was after the Resolutions at Mulanthuru-"ruthu that they split into two parties." I cannot find that in re-examination the witness was asked to explain these extraordinary statements.

I have already noticed the fact that of the Churches professedly represented in GG, no less than twenty seven are each represented by a single delegate. The question is not here whether these churches do, or do not, belong to the Plaintiff's party, but simply whether these churches have really voted at the Mulanthuruthu Synod. There is evidence on record to show that several of these do, and that some do not, belong to that party. The treatment of this question by the High Court is extremely strange. At page 21 of the Judgment, Mr. Justice Narayana Pillay says, "The remaining 27 Churches are each represented "only by a single individual and this would be utterly "worthless, if the individual who has signed did so for him "alone. But the Plaintiff's case is that these individuals as "also the others who signed for the different Churches had "written authority from the parishioners of their respective "churches to represent them at the meeting." This is undoubtedly *the Plaintiff's case*. But the question is, has Plaintiff adduced legal proof of it? The learned Judge speaks of "the individual who has signed." But where is the evidence? Only three of these persons have been examined and even the signatures of the others are unproved. It seems to me impossible, as a mere matter of law, to hold that the great majority of these 27 Churches were represented at all, seeing that Defendant has throughout disputed not only the binding force of GG, but the genuineness of that document. But the inaccuracies of the Judgment under appeal regarding these consents by no means end here. A few lines further down, in the same para (page 21) the following occurs:—"The Plaintiff applied "for a commission to examine the Patriarch who is at An- "tioch, but the Defendant raised frivolous objections (vide "Petition dated 10th Kanni 1059, put in by his Vakil). "Hence, and owing to the difficulty to execute the commis- "sion, the Zilla Judge declined to grant the application "(vide his order dated 24th Kumbhom 1059)."

Now Plaintiff's Petition for this Commission was dated Magarom 1058, or nearly four *years after the filing of this suit*, and Defendant's Petition (which the High Court wrongly date 10th Kanni 1059, the real date being 14th Ani 1058) seems to have been filed in answer to some notice from the Court. I have read that petition,

and am far from endorsing the High Court's opinion that it was, in any wise, "frivolous." The points raised were obvious enough, viz., that the Patriarch was intimately connected with the suit, in everything but name a party. It was further urged, and with much justice, that a commission issued at so late a date would be most unfair to the defence. The Judge's order seems to me, in effect, a proper one—its date given in the High Court Judgment is incorrect; it was really dated 14th Thulam 1059—I say in effect, for it seems to have escaped the notice of all concerned that the Patriarch not being resident within Travancore territory, a commission to examine him could only be issued by the High Court "on the application of" the Zilla Court. Regulation II of 1037. Section 162.

I greatly doubt whether the Sections of the Indian Evidence Act referred to by Mr. Justice Narayana Pillay will cover the present case. This suit was filed in accordance (it is said) with resolutions passed at a meeting presided over by the Patriarch himself, and in which the interest of the Patriarch is little, if at all, less than that of the Plaintiff himself. Indeed, the learned Judge, whose views are under consideration, a little further down (page 21) says:—"The Plaintiff is, as we have seen, as "much the representative of the Patriarch as of the com- "munity who accepted him." This question of acceptance has not been sufficiently dealt with in the Judgment of the High Court. The documents (GG.) connected with the meeting at Mulanthuruthu were retained by the Plaintiff, except the deeds of consent, which it is stated, were given to the Patriarch, put into a box, and carried off to Antioch. No reason whatever is assigned for this extraordinary procedure. There was ample time to get them back before this suit was filed, yet no attempt seems even to have been made to recover them either then, or during the five years and three months that the suit was pending in the Court of first instance. I have little doubt, having carefully studied the record, that there was *in fact* nothing to produce which would, in any wise support the Plaintiff's claim.

I think secondary evidence of the contents of these documents (we have no evidence how many documents) is not receivable in the present suit. But the point is

immaterial, there being in effect no secondary evidence on record of their contents. The learned Judge, to continue the quotation, holds that "such secondary evidence "adduced on Plaintiff'ssi de, satisfactorily establishes that "the several individuals who signed GG had proper au- "thority from the parishioners, whom they professed to "represent. The fact that the Defendants have not called "a single witness out of the numerous persons who are "said to have granted the powers to disprove the state- "ments of the Plaintiff's witnesses, is very significant and "renders the evidence on the Plaintiff's side all the more "credible."

There is an error here. Except in a very few cases, I have been unable to discover any mention of the persons who, it is assumed, signed GG, outside that document itself. No such mention was even contended for here in argument. It is unquestionable that of the great majority of these individuals we know absolutely nothing. A number of names are appended to the loose sheets of GG. Regarding a very few of them, as has been already pointed out, we have some evidence. Whether the remaining signatures represent real or fictitious persons, we have no legal evidence to show.

Again, who are "the parishioners" referred to, and how could Defendant, supposing him desirous of disproving a case of which there was no proof, call these parishioners unless he was given their names? To the present time, we do not know who or what they were. Defendant has called witnesses from some of these parishes (as will be seen hereafter) who swear they know nothing of the Synod of Mulanthuruthu or of any consents despatched thereto. The Plaintiff's witnesses do not tell us who commissioned the delegates. It was, therefore, no part of Defendants' case to produce witnesses who had not granted such commissions.

The error into which the learned Judge has fallen in the passages just referred to, is vital. It was, however, argued in appeal here that we have before us "concurrent findings on facts," and authority has been quoted to show that the Judicial Committee of the Privy Council in England are unwilling in such cases to interfere.

Musadee Mahomed Cazum Sherazee. v. *Meerza Ally Mahomed Khan* VI Moore I. A. at page 49, was referred to. But not very happily as it seems to me; for, their Lordships expressly state their reason for non-interference in such cases to be that, in India, "the Judges are so much "more familiar with the circumstances of the parties, "the nature of the case, and the probabilities or impro- "babilities attached to certain states of circumstances." How can this reasoning possibly apply here? We are sitting as a Court in India, and are really in a much better position to judge of the facts than our learned colleagues who heard the first appeal, inasmuch as, while they had the evidence before them as a vast pile of ill-written manuscript on loose pages, we have the whole translated, printed, and bound in convenient volumes. We, of course, have also the manuscript for reference whenever necessary. *Goshain Tota Ram.* v. *Rajah Reilrunee Bubbub*, XIII Moore I. A. p. 77, states the general rule that the Judicial Committee will not interfere upon a mere question of fact unless it appear clearly that there has been a miscarriage of justice, or the conclusion of the Courts below is plainly erroneous. This is the general rule. But in a recent case, not referred to at the bar, their Lordships have expressly laid down some of the limitations with which that rule is to be received. "It is true," they say, "that on this question "(the nature of certain property) there are concurrent "decisions of the Courts below. But though the question "may be called in its result one of fact, its decision "turns upon the admissibility or value of many subordi- "nate facts and involves the construction of documents "and other questions of law." *Venkateswara Iyan.* v. *Shekhari Varma* L. R. VIII. In. Ap. at page 150.

This matter of consents, as already said, goes to the very root of the case. Without Exhibit *GG* there is no sufficient evidence, no evidence which, in my view, can possibly be held sufficient, to prove Plff.'s acceptance as Metran by the Community. The High Court saw this clearly enough. Now without proof that (1) the persons whose names are in *GG* did really sign, *and* (2) that they were duly authorized to sign, Exhibit *GG* becomes absolutely worthless.

That notices were generally circulated is not proved. On the other hand, Defendant's 58th Witness Varid Matthen, a parishioner of Perunad (*Bk.* ii. 205) says, "to join a committee at Mulanthuruthu no command was received." Defendant's 61st Witness Esau Chandapilla Kathanar (*Bk.* ii. 210) is to the same effect. See also Defendant's 64th Witness Kurian Matthunni (*Bk.* ii. 214), Defendant's 74th Witness (ii. 232), Defendant's 72nd Witness, Varid Kochukunju (ii. 228), Defendant's 79th Witness, Kochukoshi Chakko (ii. 244), Defendant's 88th Witness, Kunjandy Kochukoshi (ii. 269), Defendant's 94th Witness, Thommen Umman (ii. 294), and Defendant's 96th Witness, Itti Eipu (ii. 297).

But it is said that at least the majority of the Syrian Churches were represented at Mulanthuruthu. The Respondent has not adduced any list of the Churches (save in *GG*) forming such majority, nor do I think it possible to construct any such list without the document just referred to. My deliberate opinion is that even supposing Exhibit *GG* formally proved, which it is not, the Synod at Mulanthuruthu in no sense whatever represented the Syrian Church in Malankarai, and that the resolutions passed thereat are not binding on that Church. And this conclusion is as fatal to any claim put forward founded on the Presidentship of the Jacobite Syrian Christian Association as to that founded on an election to, or ratification of, an election to the Metranship. I make this remark not at all as implying that even were *GG* proved, any claim founded on such Presidentship could be substantiated. No such case was advanced at the hearing in this Court, and it is so manifestly untenable, though at the date of the plaint Plaintiff's advisers apparently thought otherwise, that the matter need not be further discussed here.

It may, of course, be said, and has been said, that there are no binding rules regarding the selection of a Metropolitan in the Syrian Church. That Metrans have hitherto been chosen in an informal manner, and that often the only evidence of such choice is acquiescence in the rule of a Bishop already instituted. This may be so, but it is very much beside the real question. The point is not here whether, were Plaintiff the only claimant for

the headship of the Syrian Church, an informal or inadequate recognition of his claims might not be held sufficient for some purposes—say, for example, to justify the payment to him of the interest of the Trust-funds of which so much was said during the argument. This, I say, is not at all the point we have to adjudicate upon. We have to determine whether the Plaintiff has affirmatively proved his acceptance as Metran by the Syrian Church in Malankarai in such a manner as to justify us in ousting the Defendant-Appellant, who at the date of suit, was, at least, a duly consecrated Bishop and in undoubted possession of the lands, buildings, jewels, and insignia of office sought to be recovered. It does not appear to me that the extreme gravity of this case was properly understood by either the Court of first instance, or the lower Appellate Court, or that the Courts have distinguished between an informal election or acceptance which every one acquiesces in, and which is quietly acted upon, and the nomination to an office of which another is rightfully or wrongfully in actual possession. How could there have been an *informal* acceptance of Plaintiff during the life-time of the late Mar Athanasius? Plaintiff can succeed only on the strength of his own and not on the weakness of his opponent's title.

But I have hitherto discussed this meeting at Mulanthuruthu chiefly from the stand-point of Plaintiff's evidence, and the ordinary course of events. There is positive evidence on the defence side which it now becomes necessary to notice. This evidence I shall exhibit (together with some evidence on the Plaintiff's side not already referred to) taking one by one a number of Churches said to be represented in . GG I shall only make one preliminary remark which I have had occasion more than once to repeat, viz., that Exhibit GG is put in the forefront of Plaintiff's case. The theory of an election of the Plaintiff as Metran prior to consecration is so unsupported that it has almost been abandoned. To succeed in this case, Plaintiff must show that, at the date of plaint filed, he was the chosen Metran of the Syrian Church. To prove this, he relies on Exhibit GG. The first Church which I shall take in, with reference to the question of representation is that of.

Niranom (GG *Bk.* iii 89). Of the persons whose names are subscribed in that Exhibit as delegates of this Church, only one Verky Verky, Plaintiff's 6th Witness, has been called. This witness was examined at immense length, but very little was asked him by either party touching the matter now under consideration. He says he signed GG, but apparently was not asked to prove the signatures of those who went up to Mulanthuruthu with him. He says "there were present 2 or 3 Syrians (laymen) and 2 or 3 Kathanars from Niranom." Exhibit GG is professedly signed by *nine* representatives. Nor was he asked anything about how the consents were taken, nor as to what proportion of the congregation of his Church were of the Plaintiff's party. Now Thommy Chandapilla (Defendant's 44th Witness) a member of this Church says, "We have no committee called The Association Committee..... There were 1,000 families in the Niranom Church, and now there are over 600, the rest having built other small Churches and gone away. The families now attending this Church form two parties. On 1st Defendant's side there are 300 and odd families. The rest are on the Plaintiff's side—Bava's party. It was after 1050 that the Bava's party arose in that Church." He is very briefly cross-examined on this, and all that that cross-examination elicits is that, of the twelve priests in the Church, eight are on the Plaintiff's side. Idicheria Kurien, Defendant's 45th Witness (*Bk.* ii. 171) *in cross-examination by Plaintiff's Vakil* (why the Plaintiff's Vakil should elicit this evidence, I cannot say) says "There are 800 or 900 families attending the Niranom Church. They are equally divided between the Plaintiff and Defendant. Of the twelve priests in the Church, eight are on the Bava's side and the rest on the Defendant's." Jacob Kathanar (a priest of this very Church) as Defendant's 101st Witness (*Bk.* ii. 310) says—again in cross-examination—"There are eight "Kathanars of the Patriarchal party and four of ours, "including myself and my father. The other 2 Katha-"nars of our party are members of one and the same "house. The Patriarch's party comprises about 300 "families.....Besides the senior priests, all the "junior priests were ordained by the late Athanasius." Now this evidence is uncontradicated save by Plaintiff's

38th witness who says, "there are above 1000 families "under the Niranom Church. There are about 1000 "families adhering to the Patriarch" (*Bk.* i. 323). But in cross-examination (*p.* 327) he varies the account. He there says, "Under the Niranom Church there are about "100 or 100 and odd families and three or four priests "adhering to the 1st Defendant."

Makkankunnu Church (*GG.* 90). This Church, we have already seen, is represented by a single member, Kochitty Givargese Kori Episcopa. It was in 1051 that he was raised to this dignity. The witness makes a curious admission (*Bk.* i. 258) viz., that the Deed of Consent given him was executed in the names of four others besides himself. He says little or nothing as to the position of this Church with reference to the present dispute. The number of families in the congregation he puts at 230. Koshi Esau Kathanar, however, Defendant's 43rd witness (*Bk.* ii. 165) says, "I am Vicar of the Makkan-"kunnu Church.....There are 100 and odd fami-"lies in the Makkankunnu Church, who obey the 1st "Defendant. There will be within 70 families who do "not obey the 1st Defendant.....It was after 1051 "that the Bava's party came into existence in the Mak-"kankunnu Church." Now, it is a remarkable circumstance that the witness was not asked a single question in cross-examination touching these points. Though he does say that he knows nothing of Plaintiff's 27th witness having the order of Kori Episcopa, I attach little importance to the sweeping statements of Givargese Kathanar, Plaintiff's 61st witness. His deposition disposes of about a dozen churches in as many lines.

Kundara Church. This Church (*GG*) is said to be represented by two members. Neither is called. Deft.'s 55th witness, Philipose Matthai (*Bk.* ii. 200), says, "I "am Vicar of the Pennad Church: am Kathanar also of "the Kundara Church.....There are about 500 "families in the Kundara Church who obey the 1st Deft. "In the Pennad Church, there are about 50 and odd "families who acknowledge 1st Defendant. I am not "aware of any Committee having assembled at Mulan-"thuruthu or Parumalai. Nor has any one gone thereto

"from either of those Churches. No command came to "those Churches so to go." This witness was cross-examined (*p.* 201) and this is what he says, "All the 50 "families of the Pennad Church acknowledge the 1st "Defendant. Of the 500 and odd families of the Kun-"tara Church, all but 4 or 5 families of the Bava's party "acknowledge the 1st Defendant. There are two Katha-"nars of the Bava's party in the Kundara Church. That "Moopen Kathanar is one of the Thomas Athanasius' "party." And this is absolutely all. The cross-examination then proceeds to other matters. Ummammen Philipose, Defendant's 57th witness (*Bk.* ii. 204) a member of this Church, says that he knows nothing of the assembly at Mulanthuruthu. In cross-examination he says, "there would be ten families of the Bava's party "in the Kundara Church."

Panthalam Church (*GG.* 91). This Church, as already noticed, is said to be represented by a single delegate. That delegate has not been called. Nor has Plaintiff produced evidence regarding his following in that Church. For the defence, Koshi Variyathoo (63rd witness *Bk.* ii. 212) says "I attend the Panthalam Church. The head of the Syrian Church is the Metropolitan. The name of the present Metropolitan is Thomas Athanasius. The Plaintiff, Pulicote Dionysius has not come to our Church; nor has he been accepted. There are 100 families in that Church. In that Church, there is no Patriarchal party." The witness was not asked in cross-examination a single question touching this statement. At page 208, Defendant's 60th witness, described as a Kathanar of Panthalam Church, swears that there was, at the time he deposed, no Bava's party in that Church. "It is the 1st Defendant that the people in our church acknowledge." Though this witness was cross-examined on a variety of subjects, the position of the Panthalam Church was absolutely excluded from them. I must confess that the sworn evidence absolutely uncontradicted—not a word is said against the respectability of the witness—shows very clearly that the Panthalam congregation should be regarded as adherents of the Defendant. It may be added, the Plaintiff's Vakil avoided asking Defendant when in the witness-box any question regarding it.

Ranni Church (*GG.* 92). This is also represented by a single delegate, and he has not been called. Uthuppan Thomas Kathanar, as Defendant's 42nd witness, swears that in the Ranni Church there are 100 families who obey the 1st Defendant (*Bk.* ii. 158). At page 162, in cross-examination, he says there are 70 families of the Patriarchal party.

Ayroor Church (*GG.* 92). This Church is represented by two delegates neither of whom has been called as a witness. Defendant's 16th witness says "I attend the Ayroor Church.....there are 300 and odd families in our Church. They all acknowledge the first Defendant as their Metran." The evidence of Defendant's 17th witness, Ittiavira Chakko, is to the same effect (and he is not cross-examined thereon). But from the evidence of the former witness at pp. 68–69, it would appear that there are two Ayroor Churches. I hesitate, therefore, to draw any certain conclusion from their evidence.

Mallapalli Church (Exhibit GG. 92). None of the three persons alleged to be delegates of this Church has been called. But Plaintiff's 31st witness, Ausep Ausep, a parishioner of that Church was examined. He said that he had not attended the meeting, but that the deed of consent was signed by all the Church-people. He distinctly states that the object of the meeting "was for raising funds for the new litigation." In cross-examination he said that the people of about a hundred houses signed the deed of consent. Defendant's 48th witness, however, tells a different story (*Bk.* ii. 177). He says "I am a member of the Mallapalli Church. In that Church there would be about 500 families who adhere to the first Defendant. There is the Bava's party in that Church. They would form about 50 families. The Bava's party came to exist in our Church from 1051." Further on he denies all knowledge of the Synod at Mulanthuruthu. This witness was cross-examined at immense length, and on a marvellous variety of subjects (Plaintiff's Vakil seemed to think that one of the most important points in the case was the History of Thomas of Cana), but not a question was put on the above evidence which, if true, demolishes Plaintiff's case so far as the Mallapalli Church is concerned.

Omallur Church (*GG.* 92). The single delegate said to have represented this Church at Mulanthuruthu is not called—nor is his signature proved. Cherian Varid, Defendant's 33rd witness (*Bk.* ii. 135), says "I attend Omallur Church. Our Metran is Thomas Athanasius.... about 400 and odd families attend the Omallur Church now. Of them, 200 and odd families obey the 1st Defendant. It was after 1050 that the other families ceased to obey the Defendant." And further down, "We have no committee called the association." In cross-examination he says "There are seven priests of the two parties in the Omallur Church." Nothing further is elicited. Thus the evidence, positive and circumstantial, on record goes to show that the Omallur Church is divided between the two parties. Plaintiff's 61st witness, Geverghese Kathanar, while admitting that Defendant has a party in the Omallur Church, gives Plaintiff the immense majority. One item of indirect evidence seems strongly in Defendant's favor, viz., that, in the long list of Churches which seems to have been submitted to Defendant (when under examination by Plaintiff's Vakil) as hostile to his claims, Omallur is not included (*Bk.* i. 48). My conclusion as to Omallur is that Plaintiff has not shown that it accepts him as Metran.

Puthupalli Church (*GG.* 93). I have to make the observations already so often made, viz., that the delegates from this Church have not been examined, nor even their signatures proved, save in one case, that of Jacob Kathanar, whose signature is spoken to, though not quite positively by Kuruvila Philipos, Plaintiff's 2nd witness. Though professedly a Kathanar of this Church, this witness' evidence is of the vaguest description. That persons whose names correspond with those entered in GG as delegates of Puthupalli, attended at Mulanthuruthu, we have the authority of Plaintiff's 18th witness. But he is unable to identify any of their signatures (*Bk.* i. 217). Defendant's 51st witness Ausep Ausep (*Bk.* ii. 188) a parishioner of that Church repudiates the Synod of Mulanthuruthu. In cross-examination he swears that the Puthupalli Church is under the authority of the Defendant. And, at page 190 "There are some 300 families of the Metran's party in the Puthupalli Church. I can name some 100 families of the Metran's party in the Puthupalli

Church. There are some 100 families of the Bava's party. There are also about 100 families calling themselves members of the Bava's party but who do not acknowledge any body." This evidence is not very clear. But in its most unfavourable aspect, in still goes to prove, if true, that the majority of the Church are with the Defendant and not with the Plaintiff.

Cottayam Valiapalli (*GG 93.*) From the two persons said to have signed *GG* on behalf of this Church, we have no evidence. Thommen Kora, Defendant's 95th witness, swears that there are 50 and odd families in that Church, and that the majority, *i.e.* 30 out of 50 obey the Defendant. In cross-examination he adds that "the Patriarchal party have erected a shed to the south of the Church and conduct worship there." *Bk.* ii. 296.

Puthenkavu Church (*GG 93*). Kunjena Eapen, one of those who signed Exhibit *GG* has been called as Plaintiff's 32nd witness. The remaining alleged executants of that document are not witnesses in this case. He swears (*Bk.* i. 284) that, at the time of the Synod, there were 600 and odd families in the parish of Puthenkavu. But in cross-examination (at page 286), he says "the people of eight families had signed the deed of consent which had been taken by us from the parish of our Church." Nothing is asked him in re-examination as to the absence of consent by 592 families. Defendant's 75th witness, Korathu Keevarithu, offers an explanation. He says (*Bk.* ii. 75) "There are nearly 500 families in the Puthenkavu Church obeying the Deft. There are withiu 100 families that do not obey the 1st Deft. It was about 1050 that this separation took place."

Chenganur. This Church is represented (*GG* 93) by a single layman who is not called as a witness. Plaintiff's 52nd witness, Chakko Thomma Kathanar, says "In the Chenganur Church there are four priests in each of the two parties. In all, there will be about 700 people. The majority will be of the Bava's party and the minority of the Metran's. I am not certain how many there will be on each side." (*Bk.* i. 388). Ausep Koshi, however, Defendant's 85th witness, who is described as "Vicar of Chenganur," in cross-examination (*Bk.* ii. 262) says "I am not certain how many families

there are of the Patriarchal party. On our side, there are about 700 families. On the Patriarchal party, there are four Kathanars there. And of our party also, there are four Kathanars there." This witness is strongly corroborated by the 91st witness, Mamman Joseph, another Kathanar of the same Church. The latter says (*Bk.* ii. 279) "There are about 600 families attending our Church. There is a small fraction out of these six hundred families who do not obey Thomas Athanasius Metropolitan." Though this witness was cross-examined at great length, no question seems to have been put to him regarding the relative position of the two parties in the Church.

Kalluparai Church. Neither of the two persons said to have signed GG (page 94) on behalf of this Church is called. But Plaintiff's 24th witness, Varid Eapen, is called to prove that consent was forwarded to the Synod from the Kalluparai Church. I cannot find in his evidence anything material to the present matter, except the statement that there were 300 families in the parish. But Werky Yohannan, another parishioner, as Defendant's 47th witness, swears that nobody attended the Mulanthuruthu Synod from his Church (*Bk.* ii. 175). That there are 300 and odd families who obey the Defendant, and about 200 and odd who do not. Chakko Jacob, described as Vicar of the Kalluparai Church was examined as Defendant's witness. According to him (page 273) two-thirds of the parishioners follow the Defendant.

Cheppat Church. (GG 94). No witness has been called to prove that this Church was represented at the Synod. Defendant's 22nd Witness, Koshi Matthai, Vicar of the Cheppat Church, acknowledges the Defendant. And from Defendant's 23rd Witness, a parishioner's, statement, it would appear that Defendant's party are in the majority. Plaintiff's 47th Witness, Chakko Chakko, states that the great majority of this parish are on Plaintiff's side. But the witness attends another Church (*Bk.* i. 371–2). Plaintiff's 50th Witness, Philipose Kathanar, admits that nearly half the parish of Cheppat adhere to the Defendant (*Bk.* i. 382), and, in cross-examination, that out of five Kathanars in the Cheppat Church, two are on the Defendant's side.

Karichal Church (GG. 94). We have no witness called by Plaintiff to prove any of the signatures appended to GG on behalf of this Church, nor the circumstances under which consents were obtained. Matthen Chakko, a parishioner of the Church, as Defendant's 28th Witness (*Bk.* ii. 127), deposes that in this parish 40 and odd families obey the Defendant. In cross-examination he adds, "In the other party there will be above 20 and odd families" (page 128). Plaintiff's 50th Witness, Philipose Kathanar, says the great majority are on the Plaintiff's side, but admits a minority on that of Defendant. This is the same witness who gave evidence in the case of the Cheppat Church.

Cottayam Cheriapalli. Of the alleged executants of GG on behalf of this Church, only one, Ittiavira Cherian, has been called (See *Bk.* i. 134). We have a great deal of Thomas of Cana in his evidence, but very little indeed of the Cottayam Cheriapalli. I regard this witness as altogether unworthy of credit. Defendant's 96th Witness, Itti Eipu, swears "there are no partisans of the "Patriarch in our Church." (*Bk.* ii. 297). In cross-examination, he explains that those who had been of the Patriarchal party had gone over to the Narikunnel Church. Chandi Eipu, Defendant's 93rd Witness (*Bk.* ii. 291), deposes to the same effect. He says, (*p.* 292) "On Sundays now, about four hundred people congre-"gate in the Church usually." Plaintiff's 56th Witness, Geverghese Kathanar, admits Defendant's possession of the Church, but says it is due to a "police decision" in consequence of which a large number of the Plaintiff's followers attend other Churches. His evidence is vague, and, as he is not a parishioner, I do not attach much importance to his statement that the Plaintiff's party were formerly much the more numerous. He does not say when the "police decision" took place.

Thalavadi Kilakkekarai Church (GG. 95). None of the alleged executants of GG on behalf of this Church is called, but Avira, Defendant's 11th Witness (*Bk.* ii. 60) a member of this Church, is entirely for Defendant and says he knows nothing of the "Association Committee." The next witness, Chakko Kuruvila, another member of this Church, swears that he is a Trustee of

Thalavadi Kilakkekarai Church. He adds, "It is to the "Defendant that the accounts of that Church are sub- "mitted. In that Church there are 70 and odd families "who acknowledge the Defendant. It is from 1054 "that the number became 70 and odd. *Till 1054, all the "congregation of the Church* acknowledged the Defendant. "There are now about 30 houses in that Church who do "not acknowledge the Defendant." There is, in effect, no cross-examination on the subject, though the witness was asked how many languages St. Thomas the Apostle was acquainted with, and the seemingly inevitable questions regarding Thomas of Cana.

Kattanom Church. No one has been called to prove either of the two signatures of laymen attached to GG on behalf of this Church. Plaintiff's 68th Witness, Matthunni Matthen deposes that there are 300 families on Plaintiff's side and about 30 on that of Defendant. Defendant's 87th Witness, however, Kuruvila Kathanar, Vicar of Kattanom swears that this Church is on Defendant's side. But more than this. He swears that there is no Patriarchal party in the Church, which numbers about 400 families. He adds that no command came to the Church, nor did any one go from there to either Parumalai or Mulanthuruthu. No attempt was made in cross-examination to break down this testimony.

Karuvatta Church (GG. 96). Of the persons who are said to have signed GG, Plaintiff has called his 36th Witness, Yohannan Geverghese, then a deacon, now a Kathanar of the Church. The witness gives us no particulars of the way in which the consents were obtained or whether the congregation or any majority of them, agreed thereto. Chakko Eapen, Defendant's 39th Witness (Vol. ii. 154), swears that there are fifty families in the Church who obey the Defendant. In cross-examination, he says, "There will be about 20 families that be- "long to the Bava's party attending service in that "Church." And further on, "We have no Association Committee among us."

Anaprambal Church. Plaintiff's 40th Witness, Werky, is not one of the two laymen said to have signed GG. But he is a parishioner of Anaprambal Church. His evidence (*Bk.* i. 340) does not help the Plaintiff much. He says there are "*below* 200 *families*" attending the Church of which 75 families obey the Defendant. Further down, he makes the rather surprising statement that "In the deed of consent forwarded to Mulanthuru- "thu all the partisans of the Defendant have signed." It is a pity, therefore, that this deed of consent is not produced. But some of Defendant's "partisans" speak for themselves. Matthai Matthai, Vicar of Anaprambal (Defendant's 3rd witness *Bk.* ii. 47), deposes "There are "no other priests in the Anaprambal Church, except myself. There are about 180 families attending that Church. Those 180 families acknowledge the Defendant as Metran." This evidence is practically unqualified in cross-examination. The witness entirely repudiates the Association Committee (*page* 49). The next witness for the Defence, Kochu Kunju, a parishioner of Anaprambal, says "We do not acknowledge any other person as Metran except Thomas Athanasius Metran." He adds that, except the Defendant and the late Mar Athanasius, the witness has not seen any other Metran come to the Church. The next witness says (*page* 50) "We have not acknowledged any except the late Athanasius and Defendant as our Metran. I am a Trustee of the Anaprambal Church." I cannot find any attempt in the cross-examination of any of these three witnesses to seriously dispute the correctness of their testimony. Plaintiff's 48th witness, Ittiavira Chakko, in his examination-in-chief, admits that half the Anaprambal Church adhere to Defendant (*Bk.* i. 374.)

Chengalom Church. Neither of the persons said to have signed GG as delegates from this Church is called as a witness. Plaintiff's 18th witness, Oolakannan Chakko says "from Chengalom, Uppukkootil Kathanar and Mangat Eipu had come." Whether Uppukkootil Kathanar is the same person as Jacob Kathanar does not appear. But the witness is unable to speak to either signature in GG. But Jacob Kathanar of that Church is examined as 69th witness for Defence (ii. 222). He says "there are 200 and odd families in Chengalom Church. There is no Bava party.....There has existed no committee called the Association Committee." This evidence, so destructive to the Plaintiff's case, is unnoticed in cross-

examination: though, it is almost needless to say, we have the stock question about Thomas of Cana.

Kayamkulam Church (GG. 96). None of those said to have signed on behalf of this Church is called. Thommen Mathunni (*Bk.* ii. 202) a parishioner, as 56th witness for the Defence, says, "No foreign Metrans have come to our Church or exercised any power. There are 500 and odd families in our Church. It is the Defendant, Mar Thomas Athanasius, that they now accept as their Metran. Before this, it was the late Mar Athanasius that they obeyed." This evidence is left unnoticed by Plaintiff's Vakeel in cross-examination. The 59th witness, Mathai Koshi (ii. 207), another parishioner, swears "There is no Patriarchal party in the Kayamkulam Church," and he is not cross-examined on the point. Plaintiff's 65th witness Idicheria Kunju Thommi says, "The Kayankulam Church is reported to have a congregation of 500 and odd families. There will be some 10-30-40- families on the side of the Defendant." The next witness in order, Kosbi Idicheria, puts the Plaintiff's party in this Church as 300 families, and adds that there are about 50 families following the Defendant. He says that there is "one Kathanar of the Bava's party and another of the Metran's party." No Kathanar from this Church has signed Exhibit GG.

Kannenkode Church (GG. 96) This Church, as we have already seen, is supposed to be represented at the Synod by a single layman. That individual is not called. But his son, Koshi Geverghese (who is not asked to prove his father's signature), as Plaintiff's 67th witness, swears that there are 500 families in the parish, and that these belong to the "Bava party." But Defendant's 67th witness Geverghese Kathanar, (a parishioner of this parish), says (ii. 209), "There are about 500 and odd families of the Kannenkode Church. In the parish of that Church, there are 4–5 houses belonging to the Patriarchal party. All the rest, excepting these, obey the first Defendant. Defendant's 74th witness, Kunju Mathunni Idichandy, the Vicar of the Church says (page 231) "Out of these 500 houses, there are one Syrian and four families under his influence, belonging to the Bava's party.....All the people, except this Syrian and

the four families, obey Thomas Athanasius Metropolitan now. Among the seven priests, there is none belonging to the Bava's party." This witness was cross-examined at length, but apparently not a single question was put to him touching the matters deposed to in his examination–in–chief. The deposition of the next witness, Ummammen Mathen, is to the like effect. He adds "No one went from our Church to join the Committee of Mulanthuruthu.....There are seven Kathanars in our Church. They are acknowledging Mar Thomas Athanasius." Yet another witness, Iruppootty Kathanar (*Bk.* ii. 235) who attends the Kannenkode Church, swears that there are about 500 houses and that, of these, Kallote Kunju Koshi Geverghese and some four houses that obey him are of the Patriarchal party while the rest obey Mar Thomas Athanasius. The witness was cross-examined at enormous length, but I cannot find that even an attempt was made to cross-examine him on this point.

I have thus examined with some minuteness, the evidence concerning the position of 22 Churches at the date of Exhibit GG, with reference to the alleged deeds of consent forwarded by them. I need not repeat here what I have said elsewhere of the hasty way in which the meeting was summoned, the absence of direct proof that the notices were circulated, or deeds of consent properly executed. We now have to consider the facts as they appear in evidence. This evidence is enormously voluminous and exceedingly difficult to disentangle. I may, indeed, remark that this Court has the great advantage of having this evidence printed in convenient volumes. It was before the learned Judges of the High Court, whose decree is now under appeal, in a vast pile of hastily written manuscript. I doubt if it would have been possible (considering the time it has taken me) for those Judges to have analysed it in the time, or anything like the time, at their disposal. That it was not analysed is very apparent, indeed it seems to me as if a "majority" on Plff.'s side is rather assumed throughout than deduced from legal evidence.

It may be objected that all this evidence is open to suspicion as the testimony of partisans. The objection is not without foundation. It may be said that all, or

almost all, the evidence in this case is open to like objection. Indeed, having very critically examined it, I entertain no doubt that a very great part of the oral evidence adduced on both sides is altogether worthless. Thus I have made no reference, in this connection, to the evidence of Deacon Thomas, Plaintiff's 49th witness, because I regard his evidence as unworthy of credit. He swears that Defendant has no adherents in some fifty Churches enumerated by him, but admits in cross-examination that his testimony rests on "hearsay" as well as on personal knowledge (*Bk.* i. 378). My view of the trustworthiness of the witness is very unfavourable.

Now there are 102 Churches mentioned in GG. In my opinion, and I record it without the slightest hesitation, the evidence (if such it can be called) produced to prove the adhesion of these twenty one Churches to the proceedings of the Synod at Mulanthuruthu has utterly failed. On the other hand, Defendant has produced distinct evidence (in some cases uncontradicted) to show that these very Churches adhere to his (Defendant's) party. This list of 21 Churches might, of course, be increased by adding those Churches (mentioned in GG) of which there is no evidence at all, certainly no evidence on which this Court could proceed, to show that they are on Plaintiff's side. Where, for example, is the evidence on record that the Kilavulloor, Onakkur, Vadakara, Srayi Cheriapalli, Chathannoor, Palanji, Channampalli, and Chennithala Churches adhere to him?

This argument is good supposing Exhibit GG legally proved. That is, supposing it were satisfactorily shown that all the signatures attached to that document were affixed at the meeting by the persons whose signatures they purpose to be. But Exhibit GG is not legally proved, and we know nothing of the signatures appended to it save in a few isolated cases.

It remains to consider the actual proceedings of the Synod of Mulanthuruthu. The Plaintiff's 38th witness, Eippu Abraham, a Kathanar of the Niranom Church, tells us (*Bk.* i. 324) how the consents were received. "Most of the Pallikars had brought deeds of consent. I know that most of the Pallikars had brought deeds of consent because I saw. The deeds of consent brought by the

Pallikars were placed on the table. It was because Gregorius Metran, then Ramban, told (us), that the deeds of consent which the Pallikar had taken were deposited over the table (sic). He only said in common, that the 'Patriarch commands that the Pallikar present their deeds of consent. Let the Pallikar present their deeds of consent.' Beyond this, the Pallikar were not called, each individually, and asked to present their deeds of consent .....The deed of consent which was presented first was read. Those afterwards presented were not read." In this, however, the witness is directly contradicted by Gregorius Metran, Plaintiff's 63rd witness (*Bk.* i. 455), then a Ramban. Not a word is asked this witness in cross-examination touching the subject. If this evidence is true, there are, probably, overwhelmingly good reasons for not giving us any evidence of the contents of these writings.

Very strong objections were urged against the document GG in the lower Courts. Four grounds of exception were urged against it in the first appeal (High Court Judgment Vol: IV. 19). I think the allegation that fraudulent additions have been made to the document since the date of the meeting has been, in no wise, substantiated. It was urged in appeal here that the signatures being on loose sheets of paper and not having been formally countersigned by some one in authority, an opening was left for grave irregularities, and that signatures may have been subsequently added. There is also, it must be noted, the very awkward fact that Plaintiff's 39th witness Kurien Cherian Kathanar (*Bk.* i. 333) swears positively that all the papers were initialled by the Patriarch, and that he saw this done. Probably, this is quite false. There seems no sufficient ground for presuming actual fraud. Though there are discrepancies in the evidence of the witnesses—some twenty in number—who speak to their signatures in GG, such discrepancies seem not very material. But to hold that there is no reason, or no sufficient reason, for concluding that signatures have been forged since the date of Exhibit GG, is a different thing from concluding that the signatures attached thereto are legally proved. Plaintiff's qualified statement (Bk. ii. 17) "so far as I remember, nobody who failed to bring deed of consent was

"allowed to sign," can scarcely be regarded as satisfactory.

Coming now to the Resolutions themselves, the first striking fact is that the question of Metranship was never directly raised in the proceedings. It is true references were made to Athanasius as "Beliar," and a most incorrect account of the effect of the Government Proclamation is given in the Patriarch's address. The following passage occurs (Vol. III. 82) "His Highness the Maha-"rajah revoked the previous Proclamation and issued "another. What this Proclamation says is 'Owing to "the Patriarch's letter, We at first proclaimed him "(Athanasius); now that the Patriarch has dismissed "him, *We also dismiss him* and revoke the Proclama-"tion accordingly. But by the Patriarch's letter he at "first got authority over the Churches. *The Patriarch "having dismissed him, the Sircar has also dismissed him "from the Church'.*" It might be fairly argued that an account of the effect of the Proclamation (Exhibit P)* so grossly incorrect (I have italicised two portions of it) put forth by a High Church Dignitary in the Patriarch's position, and in his opening address, may have completely misled many of his hearers as to their real position. Further references to "Beliar" and his alleged excommunication occur early in the "resolutions." But no proof of the excommunication is anywhere given or referred to. Then follows a proposed "covenant" to be executed and registered by the people of each parish binding themselves "never to transgress the mandates of the See of Antioch." It was further resolved that lists should be made of the families in each congregation and of their Karanavers; that a book of Canons should be printed, and a register of births, deaths and marriages opened. Then follows a reference to "contentions that have befallen Our Churches" and a statement of the necessity of creating an assembly which might meet and determine disputes. "But should the same (*i.e.* disputes) "arise from the opposite party, it is necessary that the "needful expenses of money for litigation should be met "and carried on by the common funds, and thus accom-"plished." Then comes the proposal for the creation of an association "to be formed and called the Syrian "Christian Association of which Our present Holy Father

* See Appendix.

"and his successors should be the Patrons, and the ruling "Metran, the President." The Synod then resolved that a chief committee selected from the first class (*i.e.* those contributing Rs. 100 per head) with a paid Secretary and Cash-keeper should be appointed and "that they "should be made responsible as Managers and responsi-"bility-bearers *to manage and control all the religious and "social concerns of the whole of the people in general.*" This is a comprehensive piece of legislation by an assembly convened in the vague manner to which reference has been more than once made. The Committee, 24 in number, are then named, and further powers conferred upon them—amongst these being most extensive powers over "Church and common funds" including the determination of the salaries to be paid to parish priests. They were to collect and transmit Rasisa to the Patriarch, and, after some matters which I need not now dwell upon, the following passage occurs.

"It was resolved, and the resolution was confirmed "by the Meeting, that although in the foregoing para-"graph it has been resolved that the Committee should "be responsible managers of every thing connected with "our Community, yet, as it would be difficult for them "all jointly to conduct and carry on all litigations aris-"ing generally as to religious or social matters, the "President, Mar Dionysius Metropolitan, shall be the "person who should have power to carry on all such "and to collect the moneys necessary for the purpose "and that the members of the Committee shall be "auxiliaries to him therein." Now, strange as it may appear, this is the single reference to the Plaintiff-Respondent by name in the whole proceedings. It is simply assumed in a document submitted to a meeting convened and presided over by the Patriarch in person that Plaintiff is Metropolitan and that is all. The object of the Synod so far as Plaintiff was concerned, appears to have been to give a sort of general Power of Attorney to sue on behalf of the whole Association, and there is ample oral evidence that it was so understood. As it is not contended now that he can succeed in this suit by virtue of such Power—and it is sufficiently clear that he cannot—it seems unnecessary to pursue that matter further.

A careful study of the earlier stages of this case is sufficient to shew that Plaintiff and his advisers did not intend originally to put forward Plaintiff's election or "confirmation" *as Metran* at the Mulanthuruthu Synod as a part of his case. Para 4 of the Plaint runs as follows:—"Being the Metropolitan who was vested with "the Sthanom by the Patriarch of Antioch and has been "appointed President of the Syrian Association Committee, *and who has also been accepted by the Syrian Community* (the italics are not in the original), We in pursuance of past practice....." The first para of the Zilla Judgment contains the same distinction. That GG was not filed to prove Plaintiff's election by the people, appears further from the list of documents (B) put in by him, printed at page 21 of Bk. I. There the first document set down is "the signed document called the Mulanthuruthu Nischayam," adding full description and date of Exhibit GG. In the column opposite is the heading "To prove what," and underneath is the statement, "To prove that there is an Association Committee for the Jacobite Syrians of Malankarai for the management of the affairs of the community, that it has a President; and that that President is the Plaintiff, and that the Plaintiff has power to sue for common purposes of the community." Not a word is said here of his suing as Metran. Again, the 18th issue raised is as follows:—"Is the Malabar Jacobite Syrian Association recognized by the whole Syrian community?" I fail to see how such an issue can have been raised unless it was then intended to rely on what I have called the Power of Attorney. But that is certainly not the case which was argued at the bar.

Enormously voluminous as is the oral evidence—it occupies more than 750 large printed pages—the evidence regarding the meeting at Mulanthuruthu is meagre in the extreme. Witnesses, as a rule, merely say that such a meeting was summoned by authority of the Patriarch, that consents were sent up (by whom we don't know except in a few isolated cases), that the Synod sat for three days, that resolutions were put, and signed by the delegates, with some other particulars. The references to it in the Zillah Judgment are very brief. In pages 76-77, the Judge says "I look on.....G G and H H simply

as documents evidencing the Plaintiff's appointment as President of the Committee and his acceptance by the people and the rules of the Committee." The phrase "acceptance by the people" is ambiguous, but what the Judge meant is clear from a passage lower down in which I italicize the important words....." in G G the Jacobite Syrian people and the Patriarch speak of the Plaintiff as 'our Metropolitan' so that they considered him *at the time to be the Metropolitan of the whole of Malankarai*....."

The genuineness of GG was actively disputed in the Court of first instance, and in the Appeal Memo to the High Court. See ground of appeal No 38. But not a word is said regarding any question of election or acceptance by the people as Metran in connection therewith. In the High Court, the case is put differently. Having discussed at length the objections taken to the genuineness and validity of Exhibit GG (pp 19-21), Mr Justice Narayana Pillay says (BK IV p 21) "If acceptance by the Community is necessary to entitle a Metropolitan to rule over the temporalities of the Church, as I hold it is, *the Plaintiff's right became perfect only on the date of* GG. *On that day— 18th Ani 1051— he became entitled to the possession and management of the Seminary and all the property belonging thereto.* The late Mar Athanasius having refused to give him such possession and management, the Plaintiff's cause of action accrued that day." In my opinion this passage fatally obscures the distinction I have taken. Plaintiff at the Synod *was* accepted as the President of the Association Committee, and such Presidentship does not give him the right to recover in this case. It is difficult to reconcile all this. But if I might hazard a conjecture, it would be this. That Plaintiff when he filed the plaint thought he might succeed as President of the Association Committee. That subsequently, his advisers, perceiving the impossibility of this, fell back on Exhibit *GG* (originally filed to prove that Presidentship, as I have shewn) as proof of the Plaintiff's acceptance by the community as Metran; the third case, viz:—election prior to consecration being open to obvious objection.

I shall briefly restate my conclusions on this part of the case. The notices of meeting, to judge from the

copy produced here, were defective in that they did not state with any sufficient clearness the object of the meeting. Further that it is not shewn that they were served on all, or even on any considerable number of, the Syrian Churches. That the evidence is insufficient to prove that the deeds of consent were executed by 102 Churches, and that there are no means of judging whether the consents forwarded to Mulanthuruthu were sufficient or otherwise as they are not produced. That considering the scattered position of the Churches, the shortness of the time allowed, and the season of the year in which the meeting was convened, it is highly probable that these consents were very informally taken, *if taken at all*, a conclusion which is supported by the consideration that not half the Churches, nominally represented, sent up the prescribed number of delegates. That there is absolutely nothing to show that the meeting was convened to elect or ratify the election of a Metran. That there is no evidence that any such election or ratification took place thereat—for the mere reference in the Resolutions to the Plaintiff as Metran, however it may bind the persons who signed, cannot bind the congregations which those persons professed, or did not profess, to represent. That there is a considerable amount of evidence on the Defendant's side to show that a number of these churches (enumerated in *GG*) were really adherents of his party. That Exhibit *GG* is not proved, *i. e.* that there is no sufficient legal evidence on record that, except in a few cases, the signatures attached thereto are those of delegates sent up by the parishes. That finally the proceedings of the Synod left the Plaintiff's title as Metran precisely where it was before.

I do not think that these matters were sufficiently considered, or, more correctly, considered at all, either in the Court of first instance or in the Court of first appeal, and I cannot, therefore, attach importance to the conclusions arrived at under such circumstances. The subsequent meeting at Parumalai scarcely demands very special consideration. If I understand the learned Vakil for the Plaintiff-Respondent aright, he relied upon the document (HH) containing the proceedings thereat only as evidencing a meeting of the Association Committee.

That he does not regard the meeting as a Synod of the Community though it is so described in the resolutions passed thereat. The objects in view in the Parumalai meeting are succinctly given in the opening para of the resolutions passed thereat.

"Whereas, beyond that it was resolved and settled "in the Synod that was assembled on the 15th Mithu- "nom 1876 at Mulanthuruthu Church by Maran Mar "Ignatius Patriarch, called Peter III, ruler of the Apos- "tolic See of Antioch, and our Holy Father, that there "should be an Association for our Jacobite Syrian Church "in Malankarai, that it should be called "The Syrian "Christian Association," that there should be Committee "therefor consisting of 24 members and a President, "and, among many things to be conducted by them, that "a common fund should be raised by means of debt-bonds "and the Civil Suit &c. conducted, nothing has as yet "been done: and whereas our Church is in a pitiable "condition: and whereas some of the Committee mem- "bers have left on account of their *Sthanom*, and two, "on account of death or disease: and whereas the Asso- "ciation is in a state of infancy notwithstanding that it "has existed for one year and odd: and whereas the "right (lit: question) to the *Sthanom* is about to be "barred by limitation by lapse of the period fixed in the "Proclamation: and whereas, for consideration of that "matter and for commencing of suit without delay, orders "have been sent to all and summoned, so that it would "excite grief in all: the President Mar Dionysius Metro- "politan Avergal has commanded that the necessary "resolutions should be passed; and the order issued has "been read out." It was then resolved to raise funds by means of bonds, and that, for the purpose of carrying out the resolution, forty persons (including all the surviving members of the original Committee) should be elected. Provision is then made for the manner in which this money should be raised, consents being taken from those who had not attended the meeting. "Beyond this, it "was also resolved and affirmed by the meeting that the "President should himself conduct the common suit, and "that an order should be sent from the Committee to all "the Churches giving a list of the names of the Metro-

"politans appointed to issue bonds and the limits within "which they are to issue such bonds." The resolutions are signed by the Plaintiff Mar Dionysius as Metropolitan, by each of the six extra Metropolitans recently consecrated by the Patriarch, and by forty other persons. Plaintiff's 15th witness, Kunju Thoma Kathanar, says that he was present at this meeting, having been ordered to attend to consider the matters settled at the meeting of Mulanthuruthu (*Bk.* i. 202). The 32nd witness says (*p.* 287) that the "deeds of consent of those people who "did not attend Parumalai were brought by their co-"parishioners." But the 15th witness had previously sworn (*p.* 202) that he attended the meeting "as repre-"sentative of the parish of Puthenpalli," and had brought no deed of consent, while the 16th witness (*p.* 208) had sworn that "nobody had brought deeds of consent to "that meeting," which is confirmed by the 29th witness (*p.* 265). But the point seems immaterial and need not be pursued further. It is clear that the meeting at Parumalai adds nothing, so far as Plaintiff's claim to be the elect of the Syrian Community is concerned, to the proceedings at Mulanthuruthu.

I have thus discussed, with considerable detail, all the theories put forward here or in the Courts below as to Plaintiff's "acceptance" or "election" by the Syrian Church in Malankarai, and I have shewn that on the evidence recorded—rejecting that not legally admissible—Plaintiff has completely failed to make out his case. Had it been argued that Plaintiff's title to be regarded as Metran was not founded on any open election but on the gradual recognition of an increasing number of parishes, the answer would have been obvious, viz., that *whatever the manner of Plaintiff's acceptance by the community, it was equally incumbent on him to prove that, at the date of suit filed, the Syrian Church or a majority of the parishes of that Church had, as a fact, accepted him.* To rule otherwise is to condemn this ancient Church to perpetual litigation. I lay down no rule as to the mode of acceptance or election necessary in the case of a Metran. Probably no fixed rule exists. But this helps Plaintiff's case in no degree whatever. The question is not as to the formality of Plaintiff's election but as to the

fact of his acceptance by the community in some form. Neither at the date of Plaintiff's consecration (1865) nor at the date of the meeting at Mulanthuruthu, nor at any intermediate time is it shown that a vacancy in the Metranship existed. At the former date, the late Mar Athanasius, a Metran consecrated by the Patriarch himself, was *de facto* in possession, apparently with the consent of the Church and with the express recognition of the Government of Travancore (Exhibit O). In 1876 (M. E. 1051), the date of the meeting at Mulanthuruthu, although the Proclamation (Exhibit O) had been withdrawn and explained by Exhibit P, Mar Athanasius continued in undoubted possession. Unless, then, it is shewn that he had been formally removed from office by some competent authority, it is difficult to see how any new appointment could be valid. The Patriarch's powers to appoint have been made a leading matter of controversy in this case. But it appears to me that it has been tacitly, if not expressly, assumed that if these powers are conceded, it follows that the Patriarch may, at any time, summarily remove a Metran against whom vague charges are made by any discontented member of the community. If this be really so, the admitted powers of the Community to elect may, at any time, be neutralized by the issue of an arbitrary deposition. The Plaintiff's own case as to what occurred just before this breach arose is very worthy of note. It is that the Patriarch conferred all the orders in the Church from Deacon to Metropolitan on a stranger (the late Athanasius) on the strength of false statements made by the latter—the Patriarch not even waiting to verify such statements. That the Patriarch, thereupon, conferred the See of Malankarai upon Athanasius, deposing the ruling Metran without enquiry or trial. That on the strength of ex-parte statements sent to Antioch, the Patriarch sent Mar Kurilos here to supersede Athanasius. That without trial, he first "cursed" and secondly, excommunicated Athanasius, appointing the present Plaintiff to his See. If the Patriarch endorses the Plaintiff's view about the meaning of *acceptance by the people*, he must understand something different from what is ordinarily understood by these words. My conclusion on this important portion of the case is that Plaintiff has entirely failed to prove affirmatively his acceptance as Metran by

the Syrian Church so as to make a good title as against Defendant who is in actual possession and not as a mere trespasser.

That Defendant is not in possession as a trespasser is abundantly clear. Indeed, it cannot be disputed. He proceeded peaceably to take possession of the Seminary and other properties, now sought to be recovered, after the death of Athanasius (having been recognized as his successor elect by a large party since the year 1868), and he retained that possession for two years prior to suit. He puts forward a distinct title, viz., due consecration by his predecessor and acceptance by the Syrian Church, which title is now actively supported by a very large section of that Church, including the surviving Trustee elected by the Syrian Community to watch over the Trust funds. That Defendant's consecration was, at the time, generally approved by the people, seems deducible from the evidence. We have it sworn to by a great number of witnesses that the necessity for the appointment of a successor to Athanasius was duly considered and that Defendant was consecrated by that Metran in the presence of an immense concourse of the Syrian Church people. See *e gr*: Defendant's 36th witness (*Bk*: ii. 145): Defendant's 37th witness (*Bk*: ii. 150): Defendant's 42nd witness (*Bk*: ii. 160): Defendant's 45th witness (*Bk*: ii. 169). This witness says "at Defendant's consecration, besides the late Athanasius, there was Kurilos Metran of Anjoor present. There were 150 Pallikar, priests and about 5,000 people." The other witnesses just referred to, put the number of people at 3,000 or 4,000. Defendant's 51st witness says, "There were 4,000 to 5,000 people present at the consecration.....It was at a previous meeting that the person to be consecrated was selected" (*Bk*: ii. 188). Defendant's 64th witness says, "The first Defendant was consecrated by him with the consent of the Church" (*Bk*: ii. 214). To the same effect, the 56th witness *p*. 203, 60th witness *p*. 209, 63rd witness *p*. 213, 67th witness *p*. 218. This witness adds "more than 3,000 men had come to witness the consecration." Defendant's 13th witness (*Bk*: ii. 63) says "There were over 3,000 persons at the consecration." Defendant's 25th witness puts the number at 5,000 (*Bk*: ii. 98). Under these circumstances, the ordinary rule

of law applies. On Plaintiff lies the burden of proof of the two great issues involved in this suit, and it is for him to substantiate his case by reasonable proof.

I now come to what have been called the charges of heresy. It must, however, be premised that the word "charges" is used in a very unnatural sense. For charges of heresy there are absolutely none.

The plaint has been already set out in detail. The case set up *there*, however obscurely put, is that Plaintiff, by virtue of consecration by the Patriarch of Antioch and acceptance by the people, is entitled to the office of Metran of the Syrian Church, Defendant being in wrongful possession thereof and with no title whatever. It might, indeed,be questioned whether with reference to sections 7 and 8 of the Civil Procedure Code (Regulation II of 1037) the cause of action above stated could be "conveniently tried" together with one seeking Defendant's removal from office on the ground of departure from the orthodox faith of the Syrian Church. The causes of action are *wholly distinct* and dissimilar. If Defendant is in possession without warrant of title, any decision as to his orthodoxy seems superfluous. While, if it be found that Defendant is lawfully in possession as Metropolitan, it is perfectly obvious that such decision would, in no wise, affect Plaintiff's right to seek Defendant's removal from office by a fresh suit, supposing there is a cause of action. But the question of joining these causes of action was never raised for the simple reason that no charge of heresy, not even by the remotest suggestion, is stated in the plaint. Unless then the plaint were subsequently amended with the permission of the Court, no issue regarding heresy could be raised or tried in this suit. But even this question, viz., of amendment, now carefully safe-guarded by various provisions of the Code of Civil Procedure in force in British India, see Act XIV of 1882 (as amended by Act VII of 1888) Section 53, does not arise, for no amendment was ever made or even suggested. No supplementary plaint was put in, nor was any oral statement of the party reduced to writing by the presiding Judge. So far as I can discover what was done was this:—At the settlement of issues, the Plaintiff's Vakil came into Court with three issues ready drawn out not one of which had

any the remotest reference to the pleadings already recorded. The Judge, objection being taken on behalf of the defence, hesitated. But under the unfortunate system then obtaining in Travancore, a *second* Judge (not a professional lawyer) was present, and urged that these issues should be recorded. The presiding Judge yielded, and these issues, based on no plaint, supplemental statement of claim, or verified statement of any sort, were bodily imported into the record. An issue can only arise in a case when a material proposition of fact or law is affirmed by the one party and denied by the other. And that affirmation and denial must appear either in the pleadings or in the sworn depositions of the parties or in their answers to interrogatories.

That a Bishop should be solemnly tried, found guilty, and adjudged to be deposed for heresy (for this is, in effect, what has been done) without any charge being formulated against him, is a proceeding so extraordinary that, even after a lengthened experience as a Judge of appeal, I should not have conceived it possible. The course actually adopted seems to have been this. Certain issues were raised. The Defendant was examined minutely—by minutely, I do not mean to convey that the examining Vakil had even the most superficial acquaintance with the subject on which he attempted to examine—on some of the most difficult and abstruse questions of Christian faith and dogma, including the doctrine of the Blessed Sacrament. A number of fragments of Canons and the like were then produced, and, on these materials, the Court was asked to say that some answers at least shewed that the Defendant held unorthodox opinions.

But it is necessary to look into the issues under consideration closely and see what points they did raise. These issues, as already stated, are the 11th, 12th and 17th issues. They are as follows:—

"11. What are the articles of faith received in the Syrian Church. By what Canons and forms of discipline are the Syrian Churches bound?

"12. Have the Defendants departed from such articles of faith, Canons and forms of discipline, so as to

disqualify them for any participation in the temporalities or spiritualities of the Church?

"17. If there are two sections in the Syrian Community, which is the one entitled to the plaint property, the Patriarch's adherents or their opponents?"

The way in which these issues were raised is not more surprising than the substance of the issues themselves. "What are the Articles of faith received in the Syrian Church"? An answer to this would, I presume, be something corresponding to the Thirty-nine Articles of the Church of England, or the Westminster Confession of the Presbyterian Church. We are, in fact, asked to construct a system of belief, for it appears to me that the second half of this issue (11) "By what Canons" &c., clearly shews that by "Articles" in the former part cannot be meant "what book contains the Articles of faith of the Syrian Church," but what are the Articles themselves. The distinction between "Articles" and "Canons" is maintained in issue 12. In that issue (12) we are asked to find whether or not the Defendants departed from "such Articles of faith." To what does the "such" refer? No articles of faith are specially mentioned. Then we have the "Defendants" *i. e.* Athanasius Metran and the two Trustees clumped together as if they were all on the same footing, which nobody avers. The charge of heresy (I use the word "charge" to avoid a long periphrasis) against Mar Athanasius, first Defendant, is that he holds views which render it impossible that he should any longer discharge his episcopal functions as Metran of the Syrian Church. The charge of heresy against the remaining Defendants is that their views (the matter as put by the High Court is chiefly as to the invocation of saints and prayers for the dead) are such as render it inexpedient that they should any longer be allowed to discharge the office of trustees of certain lands and monies appertaining to that Church. I should have considered these criticisms unnecessary, as being so very obvious, but for the fact that the Judgment under appeal confounds both together. What is meant by "any participation in the temporalities or spiritualities of the Church," we have no means of surmising. In issue 17, the contest seems to be regarded as between the "Patriarch's adherents"

and "their opponents" without any reference either to Plaintiff or Defendant. Now there is absolutely nothing on the record to show that the expression "Patriarch's adherents" is equivalent to supporters of the Plaintiff. It is at least conceivable that some of the Churches which adhere to him may have other reasons than any interest in, or concern for, the Patriarch of Antioch. Still less, can we assume that "their opponents" are identical with the Defendant and his followers.

No one reading these issues carefully can fail to see that, even disregarding all verbal criticisms, they give neither the Metran nor the Trustees the remotest hint of what is alleged against them. How, I ask, could they produce evidence to disprove charges that were never made, or to prove the affirmative or negative of issues which might mean anything, everything, or nothing? I understand from the learned Vakil for Plaintiff-Respondent here that these charges are twelve in number, ranging from the most important to the most insignificant matters. What number of "charges" the lower Courts supposed they had before them does not appear; indeed, I cannot find anything to shew that these charges had been counted before the appeal to this Court.

Here the learned Vakil for the Plaintiff-Respondent argues that "substantial justice" has been done between the parties, and that the errors of procedure, just pointed out, are not material. He referred to three cases from Moore's Indian Appeals which I shall now consider.

The first is *The Mokuddims of Kunkunwady* v. *The Enamdar Brahmins of Soorpal* (III Moore I. A. 386). This was a case of disputed boundary between two villages. A *Punchayet* was appointed to determine the boundary, but nothing being done, after a long delay, Government directed an officer to proceed to the spot and settle the dispute. He did so. Subsequently, the arbitrators made their award. Objections were taken to this award, and the revenue officer who had been deputed by Government having examined it, stated that he considered it unfair, and in fact that the Punchayet itself was nullified. The parties aggrieved appealed to the Sudder Dewanny Adalut at Bombay, and subsequently to Her majesty in Council. Their chief ground of appeal was that both parties had bound themselves by the deed of reference; and that the award of the Punchayet was binding. The Respondents argued that the Punchayet was, for certain reasons, irregular and, therefore, not binding, and that the decision of the revenue officer was "fully warranted." The Judicial Committee held that mere formal objections to this decision were of secondary importance. That it was right "to deal with the matter before them on its substance and its merits." That *an award properly to be so considered, did not exist in the case*, and that as a fact, the line fixed by the Punchayet was not the true line. That the revenue officer having personally inspected the spot and carefully considered the whole matter (even though there was not evidence before their Lordships to show that the line approved by him was the true line), it did not seem likely that any further investigation could "materially advance the cause of truth and Justice."

The next case relied upon is *Bhugwandeen Doobey* v. *Myna Baee* (XI Moore I. A. 487.) The part of the case now in point was this:—In an Application for a Review of Judgment before the Sudder Court, the written grounds of review impugned the correctness of the decision of the Court below on grounds which only related to the immovable property concerned, and not to certain movable property in dispute. And what the Judicial Committee held was that it was competent for the Judges, notwithstanding the omission, to enlarge the grounds of review on an oral application (so as to include the movables), if satisfied that there was a proper case on the merits for so doing. Their Lordships said (*p.* 499) "Even if the Court below had been wrong in its procedure, its miscarriage ought not to prevent this Committee from deciding the question touching the disposition of the movable estate on its merits. There has been no surprise. The question was fully argued before the Full Bench of the Sudder Court on ample notice to both parties. It has been fully argued here. The objection, therefore, *is purely technical, and the result of yielding to it might be to place the Respondent at a very unfair disadvantage.*" The passage which I have italicized is very important. Their Lordships refused to allow a mere omission to defeat a party who had a good case on the merits.

The third case referred to is *Hunoomanpersaud Panday v. Mussumat Babooee Munraj Koonweree* (VI Moore I. A. 393). But what was decided in this case was this:—If by inadvertence, or other cause, the recorded issues do not enable the Court to try the whole case on the merits, an opportunity should be afforded by amendment, and, if need be, by adjournment, for the decision of the real points in dispute (*p.* 411). The matter at issue in this case, so far as it now concerns us, was whether a charge created by the second Defendant *Ranee Degumber Koonweree* would bind the lands sought to be recovered. The first Defendant was mortgagee under the Ranee, and did not by his answer deny the Plaintiff's title as heir. The Sudder Ameen decided in favour of the security and dismissed the claim. The lower Appellate Court reversed this decision remarking "the bond itself assigns to the Ranee a proprietory character and it was not amongst Defendant's pleas that the Ranee acted as her son's guardian, but he has claimed for her the proprietory character, both in his answer to the plaint and still more broadly and unreservedly in his answer to the pleadings in appeal .....It is needless for the Court, their enquiries being thus stopped *in limine*, to enter on the real merits of the transaction" as between the Defendants.

But the Judicial Committee (*p.* 411) found as a fact that "if the wording of the issues be carefully considered, it will be found that the issue in substance is, whether the charge under the instrument bound the lands." They proceeded to point out that "Deeds and contracts of the people of India ought to be liberally construed. The form of expression, the literal sense, is not to be so much regarded as the real meaning of the parties which the transaction discloses." They held that such terms as "proprietor" and "heir," which, perhaps, usually imply ownership ought not to be so construed unless they were so intended.

None of these cases, as it appears to me, is at all in point. They all agree in this (and the propriety of the rule cannot be disputed) that mere technical objections to forms of procedure, or objections founded on the technical use of words should not be allowed to affect the

substantial merits of a case where the matter in dispute is abundantly clear, and where, by giving place to such objections, material injury might be done to one of the parties.

The present case is wholly unlike any of those just referred to. Here the objection is not technical. It is that a perfectly new case, wholly unconnected with that put forth in the plaint and, indeed, inconsistent therewith, has been set up against Defendant in the course of the suit. That this new case is utterly undefined, no attempt to formulate it having ever been made. That the attempt to answer this case has materially hampered Defendant in his defence on the merits. The Plaintiff–Respondent has altogether failed to show that any rule of "substantial justice," or "equity," or the like, requires that these charges—I have again to point out that there are really no "charges" at all—should be adjudicated upon in the present case. They should be made the subject of a separate suit. To adjudicate on them on the materials before us is impossible.

For my own part, I have no hesitation in saying that, after a very careful study of the whole case, I think the introduction of these questions of heresy has prejudiced the Defendant, and tended to obscure that "dry light" which it was all-important should be brought to bear upon the case. I think it impossible to read the Judgments of the High Court without seeing this. That Mr. Justice Arianayagom Pillay considered the question of heresy a very material part of the case is obvious from the opening sections of his Judgment. He says (*p.* 26) "I shall confine my remarks to a few of the issues, particularly the 11th and 12th which are among the more important points in the case." In appeal here the arguments of Counsel with reference thereto occupied our attention for several days. My view of the case, so far as these issues are concerned, is absolutely free from doubt. I hold that the Plaintiff never "charged" the Defendant with unorthodoxy, and that the statement of Mr. Justice Narayana Pillay (*p.* 23) to the contrary is not borne out by the record. That no such "charge" could have been tried in connection with the matters averred in the plaint in the present suit. That if, on the contrary, any such

matters were so capable of adjudication, it would have been imperatively necessary to obtain the leave of the Judge to amend the plaint, which amendment should have definitely given particulars of the charge or charges, each and all being verified by the Plaintiff, or by some other person having the requisite knowledge of the facts. That this not having been done, nor attempted, and no additional statement having been put in for the Plaintiff, the Judge was wrong in admitting the issues under consideration, viz., the 11th, 12th and 17th issues. That these issues are in the highest degree vague and indefinite, so that the Defendant may have remained, nay must have remained, in great part ignorant of what was alleged against him. That in consequence of the foregoing considerations, these three issues and all the evidence taken thereunder should be considered as struck out of the record, and that the finding of the lower Courts thereon should be reversed.

It remains to recapitulate briefly the conclusions already arrived at on the two great questions on which the parties are at issue in this case.

That the Church in Malankarai was founded independently of Antioch, is not only admitted, but strongly affirmed by both sides. How long that Church remained independent of foreign aid is not proved by legal evidence. The proof of the mission of Thomas of Cana (whether an Armenian Merchant or a Bishop) put prominently forward by the Plaintiff as strongly supporting the theory of an Antiochian Supremacy, is far too shadowy and unsubstantial to be made the foundation of a legal Judgment. That some Christian Colony arrived here in the earlier centuries of the Christian Era is probably true. But we do not know when it came, or by whom Thomas, if he was the leader of it, was commissioned. Of the circumstances attending that mission, we know almost nothing, the details given in Plaintiff's history being obviously mythical . But upon the authorities, it would appear that the episode must be referred to a date some centuries later than that contended for by the Plaintiff. There is reason for supposing that subsequent to that mission, probably about the ninth century, Malabar was visited by Nestorian Bishops sent from

Babylon. It does not appear to me, however, that to the arrival of the Portuguese in India, we have firm historical data on which to base a legal Judgment. It seems, however, that before that time (the beginning of the 16th century), some connection existed between Malankarai and the Eastern Churches, and that if in an earlier age that connection was with Persia, it was latterly with Babylon. So far from its being shewn that Antioch was at that time supreme, there is abundant reason for concluding that Babylon, and not Antioch, was the Patriarchate to which the Malabar Church looked for counsel and support. The fact (which can scarcely be questioned) that, upon the arrival of the Portuguese, the Malabar Church was *Nestorian*, gives strong support to this theory. That the Bishops of that Church, during the latter half of the 16th century, were sent from Babylon, and acknowledged the supremacy of that Patriarchate is beyond question, while the Plaintiff's theory that the Portuguese effected the transfer of the Syrian Church here from *Antioch* to Rome is unsupported by a scintilla of historical evidence.

From the close of the 16th to the latter half of the 17th century, the Church of Malankarai was in alliance with that of Rome and acknowledged the supremacy of the Pope. About twelve years after the breach with Rome, communication was opened with Antioch, and the local Metran, who had, during those years, administered the Diocese on the mere strength of his election by the people, received episcopal consecration at the hands of a Bishop sent from that Patriarchate. It was clearly essential that "imposition of hands" should be had from one of the Eastern Churches, and if we are to believe the histories of that period, application was made simultaneously for that gift to more Patriarchates than one.

The connection with Antioch thus begun, lasted for about a century. It seems to have been intermittent, communication being at long intervals and not exclusive, for it is clearly proved that a Nestorian Bishop (Gabriel) actively administered a large part of the Church during the early years of the eighteenth century. It does not appear that during that century, or, indeed, till much later, Antioch claimed more than a small fraction of the

authority now contended for. The Bishops sent from that Patriarchate were, in many cases, content to assist by advice and counsel the ruling Metrans, who, sometimes, but by no means always, received consecration at their hands. There is, indeed, no sufficient evidence to show that the Patriarch of Antioch till comparatively recently claimed the power of consecrating a Metran not previously elected by the people, or of deposing, without trial, one already in office. It is admitted that the office of Metran in the Syrian Church here was, during the eighteenth century, regarded as hereditary in the family of Pakalomattom.

I think it impossible to deny that the consecration of the present Defendant is as valid as that of any of the five Metropolitans (omitting the late Mar Athanasius whose case was peculiar) who immediately preceded him.

It seems a rather startling proposition to hold that the Metrans who ruled from 1808 to 1852 were not duly consecrated Metrans of Malankarai, and that the succession by imposition of hands was restored to the Church by the consecration of Athanasius, whose subsequent deposition by Antioch, on account of his having secured his consecration by false representations, is now made a part of Plaintiff's case. The suggestion that Philixinos, Bishop of Tholyur, had a commission from the Patriarch of Antioch to consecrate Metrans for Malankarai is wholly unproved. I have not, indeed, the least doubt that this theory was invented to get over the difficulty which I have just stated. Plaintiff himself expressly states that as to these Metrans "all accepted their consecration as valid."

My conclusion, on the whole, is that it is not made out that imposition of hands by Antioch is essential to the consecration of a Metran of Malankarai, which is itself an independent and coeval Church. It follows that Plaintiff fails on this portion of the case.

Then as to election by the people, or acceptance by them. Both sides have agreed throughout that such election or acceptance is an indispensable condition to the vesting of the Metranship. On this question, Plaintiff has put forward an alternative case, viz., that he was chosen (1) prior to consecration in 1865, (2) that he was accepted by the community at Mulanthuruthu in 1876. In my opinion, he has altogether failed to prove that he carried the consent of the people to Antioch in the former year, and that on the strength of that consent he received consecration. The evidence adduced to prove this is entirely worthless. I cannot find any evidence that, subsequent to consecration, and independent of the proceedings of the meeting at Mulanthuruthu, Plaintiff was received by the majority of the Church as their Metran, nor is any such case set up. The document containing the Resolutions passed at that meeting is insufficiently proved, and, if regarded as proved, the Resolutions neither amounted to such acceptance, nor to a confirmation of any prior acceptance, nor did they (supposing such a thing possible) confer on Plaintiff a special power to sue as President of the Syrian Christian Association in-as-much as the convening of that meeting and the proceedings thereat were wholly irregular and invalid. They were irregular and invalid not as contravening mere forms not affecting the substantial merits of the case, but irregular and invalid, because it does not appear that (1) the notices of meeting sufficiently indicated to the congregations the nature of the business to be transacted, or that (2) such notices were duly circulated amongst the 175 or 180 Churches of the Syrian Church, or (3) that sufficient time was allowed them for consideration. Because (4) it is not proved that consents were actually taken from the Parishioners—that is from a majority or even a considerable proportion of them—or (5) that, if taken, these consents (not one of which is produced) were sufficient to justify the resolutions introduced at that meeting. On the other hand, there is the evidence of about thirty witnesses, for the most part uncontradicted, that in a great number of cases, the so-called consents, *if taken at all*, were taken from Churches wherein the Defendant's party were in the majority.

There is no proof that either at the meeting or before it, or since, the majority of the Churches in Malankarai have accepted the Plaintiff as their Metropolitan. Without this proof, Plaintiff cannot succeed in a suit brought expressly to eject the Defendant in possession. I find

that, on the other hand, the consecration of the Defendant (which took place long before the Patriarch's visit to this country) by his predecessor in office is supported by many precedents, and that, though subsequently, and in consequence of that visit, many individuals and possibly some Churches have gone over to the other side, the Defendant still remains the accepted Metran of a very large proportion of the Syrian Church who have come forward in numbers to testify to their loyalty to him and their utter rejection of the claims of Antioch. As the record now stands, we have, in effect, *no legal evidence*—certainly no sufficient evidence—that the majority of the Syrian Churches here is on Plaintiff's side. As to the majority of the *members* of the Church, there is no evidence before us; nor is any claim on the ground of such majority put forward in this case.

It follows then, that, on this second ground, the Plaintiff, who must succeed on the strength of his own title if at all, completely fails, and that it is consequently unnecessary to enter upon the difficult question whether, supposing it were shewn that Plaintiff has now absolutely a bare majority of Churches on his side, this would justify us in taking from Defendant property of the community which he holds with the entire approbation of a very large section of that community and with the express approval of the only surviving Trustee of the Church property. On this question, I express no opinion whatever.

On both the above issues the burden of proof was unquestionably on the Plaintiff. To succeed, he was bound to prove (a) the necessity of consecration by Antioch; (b) his acceptance by the people, which must at least mean a majority of the people. He has failed to prove either, and I am, therefore, of opinion that this appeal should be allowed, the decrees of the Lower Courts reversed and this suit dismissed.

APPENDIX.

EXHIBIT P.

[Royal Proclamation, dated 23rd Kumbhom 1051, referred to at page 98 of Mr. Justice Ormsby's Judgment].

Proclamation by His Highness Sree Padmanabha Dausa Vanchee Baula Rama Vurmah Koolasakara Kireetapathi Munnay Sultan Maharaja Rajah Ramarajah Bahadur Shamsheer Jung Knight Grand Commander of the Most Exalted Order of the Star of India, Maha Rajah of Travancore.

Whereas by a Proclamation dated 15th Karkadagom 1027, it was notified that Mar Athanasius has been appointed to the post of Metran of the Syrian Church by letter from Antioch; and whereas representations have been made that the Patriarch of Antioch or his predecessor claims to have deposed the said Mar Athanasius and to have appointed another Metran; this is to inform all whom it may concern, that :—

The former Proclamation is not to be considered as in any way precluding the entertainment and decision by the ordinary Courts of Law of any questions, as to the rights in, or ownership to, any churches or property connected therewith, or as to the power of appointment or removal of officers connected therewith.

With regard to all such matters and to any other disputes that may arise from the alleged deposition of one Metran and appointment of another, the action of His Highness the Maha Rajah's Government will be confined to the maintenance of peace and good order.

Any apparent connection with appointments relating to the Syrian Church which Proclamation issued under times and circumstances now altered may seem to indicate will henceforth be avoided.

All parties will be clearly given to understand that they are to seek such remedies as they may deem themselves entitled to through the established Courts of the country.

SIGN MANUAL.

IN THE

Court of Final Appeal

Travancore.

SECOND APPEAL No. III OF 1061.

THE RIGHT REVD. MAR ATHANASIUS

AND OTHERS,

(Defendants—Appellants.)

v.

THE RIGHT REVD. MAR DIONYSIUS,

(Plaintiff—Respondent.)

JUDGMENT.

THE CHIEF JUSTICE

AND

Mr. JUSTICE SITARAMA IYER.

Printed at the Keralodayam Press, Trivandrum—1890.

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IN THE ROYAL COURT OF FINAL APPEAL,
TRAVANCORE.

Present—K. KRISHNASWAMY ROW, W. E. ORMSBY and A. SITARAMA IYER. } *Members.*

Case No. 3 of 1061.

IN THE HIGH COURT OF TRAVANCORE.

Regular Appeal No. 137 of 1059.

IN THE ZILLA COURT OF ALLEPPEY.

Original Suit No. 439 of 1054.

1. Mar Thomas Athanasius, Syrian Metropolitan; } Defendants 1, 2 & 7;
2. Punnathara Chandapilla Kathanar and } Appellants in the High Court;
3. Thalathillathu Chakko Ittiavira. } Appellants.

By Vakils Messrs. Gover and Prince.

Mar Dionysius, Metropolitan... ... ... Plaintiff; Respondent in the High Court; Respondent.

By Vakils Messrs. Ramanatha Row and Vargese.

This Appeal having been heard from the 17th Makarom to the 10th Kumbhom and having stood over for consideration to this 30th day of Mithunom 1064, the Judicial Committee (Mr. Justice Ormsby dissenting) delivered the following

JUDGMENT.

The suit out of which this Appeal arose, was instituted on the $\frac{\text{4th March 1879}}{\text{22nd Kumbhom 1054}}$ in the Zilla Court of Alleppey by Mar Dionysius (Respondent), as the properly

consecrated and appointed Metropolitan of the Syrian Church and as the President of the Jacobite Syrian Christian Association Committee of Malankarai, against Mar Athanasius (Appellant) and two others, for the recovery of certain movable & immovable properties, valued in all at 4,16,123¼ fanams with future profits thereon, as also certain vestments and *insignia* appertaining to the Dignity and Office of Metropolitan. The dispute which led to this suit related to the succession to the Metropolitanship of the Syrian Church in Travancore on the death of the late Mar Athanasius, the elder brother of the present Appellant, who had admittedly been a properly consecrated and appointed Metropolitan till the 3rd of Adi 1052.

2. The plaint which is remarkably (and somewhat obscurely) short, ran as follows :—

"The movable and immovable properties described
"in Schedules A and B herewith presented, are the pro-
"perty of the Seminary at Cottayam, belonging to the
"Jacobite Syrian Christian Community of Malayalam,
"and those in Schedule C are those worn and used by
"the successive Metropolitans of that Community, in
"virtue of their office.

"The aforesaid movable and immovable properties
"were under the control and in the possession of the
"successive Metropolitans who held their place under
"the Holy Patriarch of Antioch, the Supreme Head of
"the Syrian Christians; and following this practice, the
"aforesaid properties were lastly under the control, and
"in the possession of the person known as Mar Athana-
"sius, Metropolitan, deceased, by right derived in virtue
"of his consecration as Metropolitan, by the said Patri-
"arch of Antioch.

"The aforesaid Mar Athanasius departed this life
"on the 2nd day of Karkadagom 1052, since which date,
"the 1st Deft. and the 2nd and 3rd Defendants who have
"joined him as persons favouring him, are unlawfully
"retaining possession of the properties described in the
"said Schedules A to C.

"Being the Metropolitan who was vested with
"the *Sthanom* by the Patriarch of Antioch and has been
"appointed President of the Syrian Association Committee

"and who has also been accepted by the Syrian Com-
"munity, we, in pursuance of the past practice, have
"thus become fully entitled to the control and possession
"of the entire properties described in the aforesaid
"Schedules.

"We, therefore, pray that the Defts. be directed to
"deliver up possession of the properties named in Sche-
"dule A, and valued at 72,700 fanams, with further profits
"upon the lands Nos. 1 to 6 and Nos. 14 to 16 included
"therein, as well as the movable property mentioned in
"Schedules B and C, worth 3,52,324 fanams with further
"interest on items 1 to 3 of Schedule B and together
"with Court costs.

	Fanams.
"Estimated value of the real property as per Schedule A.....	72,700
"Do. of the personal property as per Schedule B.....	3,43,432¼
"Value of the property as per Schedule C.....	9,300
Total.	4,25,432¼

"The title of Metropolitan held by the late Mar
"Athanasius was cancelled even during his lifetime by
"the Patriarchs of Antioch. And the obstruction which
"existed against bringing a suit in the local Civil Courts
"having jurisdiction, to therefore oust him of his pos-
"session and control, has been removed by the Royal Pro-
"clamation of the 23rd Kumbhom 1051. Hence the cause
"of action to bring this suit arose as against the 1st Deft.,
"who, owing to the deposition of the late Mar Athanasius
"and his death, had simply to hand over the property to
"Us without any question and had no right whatever to
"retain possession of the same, as well as against the 2nd
"and 3rd Defts. who are favouring the said 1st Deft..
"The cause of action accrued from the 3rd day of Kar-
"kadagom 1052, the date of the death of the aforesaid
"Mar Athanasius."

3. The suit was, as originally filed, against three persons; viz. the present first two Appellants and another, since deceased, whose legal representative has not been brought on the record. The first Deft., the present first appellant,

(who would, in this Judgment, throughout be referred to as the Appellant, the other two being mere nominal parties as will be noticed at the concluding part of the Judgment) claimed to be in possession of all the properties belonging to the Syrian Church of Malankarai as the successor of the late Mar Athanasius, to the office of Metropolitan, and the 2nd and 3rd Defts. (2nd Appellant and another since dead) were Co-Trustees, elected by the Syrian Christian Community, with the Metropolitan, of the immovable properties and moneys belonging to that Church.

4. The first Deft's. (Appellant's) answer dated 7th Adi 1054 was to the following effect:—(1) That the plaint was defective inasmuch as the Plaintiff had not stated therein when, and by whom, he had been raised to the Dignity of Metran and appointed President of the Association Committee of the Edavagai of the Puthencoor Syrian Christians (the Association itself having no existence) by virtue of which he (Plaintiff) pretended to institute this suit; and also inasmuch as the cause of action for the claim had not been stated distinctly and as against each of the Defendants; (2) that the suit was bad for *mis-joinder* of parties and causes of action; (3) that the claim was *Res judicata* by the decisions of the late Sadr Court as well as those of the British Malabar Zilla Court and the Madras High Court; (4) that the claim was barred by lapse of time, the Defendant (Appellant) having been in adverse possession for more than twelve years; (5) that the Plaintiff held no *Sthanom* and was not accepted by the Syrian Christian *Sabha* of Malankarai; (6) that he consequently had no right to bring this action to recover the properties described in his plaint Schedules; (7) that the Plaintiff was largely involved in debts and was unfit to hold the Dignity of Metropolitan "his conduct "having been contrary to the ordinances of religion and to "custom" and himself "being also one physically defective;" (8) that the See of Malankarai and the Syrian Christian Community under its jurisdiction, having been subject to the rule of their own successive Metropolitans, were altogether independent of the See of Antioch; (9) that the Patriarchs of Antioch had no authority of any kind over the Syrian Church in Malabar; (10) that the consecration by the Patriarch of Antioch of the late Mar Athanasius, the last admitted Metropolitan, was almost

accidentally brought about; (11) that there being more than one Patriarch according to Appellant's information (1st Defendant's) at Antioch, it did not appear from the plaint, from which Patriarch, Plaintiff had had his consecration; (12) that from whatever Patriarch, Plaintiff might have had his consecration, he had no right to succeed to the Metropolitanship of Malankarai Edavagai which had been independent of Antioch; (13) that the customary rule of succession in this country from the remotest times was "for a ruling Metropolitan of Malankarai to "nominate a successor during his lifetime and to make him "perform his functions and to put him in possession of the "property and funds;" the person so nominated becoming Metropolitan "by the consent of the Metropolitan who was "his Predecessor and the acknowledgment of the people;" (14) that the Appellant (1st Deft.) was, according to the above practice, nominated and allowed to perform the functions of Metropolitan by the late Mar Athanasius; (15) that the Plaintiff (Respondent) had been, according to the Appellant's information, removed from the office of Metropolitan "by the person who came here as the Patri-"arch, occupying the place of the one from whom Plaintiff "pretended to have obtained his title;" (16) that a portion of the plaint Schedule property was in the possession of one Chakko under a mortgage from the late Mar Athanasius whose self-acquisition it was, for 6,860 Rs; and (17) that the Plaintiff was not entitled to recover all the properties described in the plaint Schedule.

5. The 2nd Defendant (2nd Appellant) made the same answer to the Plaintiff's claim as the first, so far as it affected him. He further contended that the Plaint disclosed no cause of action against him.

6. Chakko, referred to in the Appellant's answer, was supplemented as 4th Defendant. He, in his Statement dated 8th Kumbhom 1055, maintained the truth and validity of his mortgage.

7. Chakko having died during the progress of the suit, his sons were made 7th, 8th and 9th Defendants as being in possession of the mortgaged premises after their father. Of these the 7th alone answered to the claim, supporting the 4th Defendant's pleas.

8. The 5th and 6th Defendants were made parties as persons in possession of two items of the property in suit; but they put in no appearance.

9. Of these, the 1st, 2nd and 7th alone have been parties to the appeal to the High Court and to the present appeal, the others having ceased to be parties to this litigation after the decision of the Court of First Instance.

10. Upon the above pleadings, the Original Court (according to the system that had obtained before the passing of the Civil Court's Regulation I of 1057) presided over by two Judges (Messrs. Lafrenais and Krishna Menon) called upon the Vakils on both sides to put in papers containing the issues necessary in their (Vakils') opinion to be determined for the decision of the suit and upon perusal of those papers and hearing the Vakils themselves, framed on the 22nd Kanni 1056, no less than 25 issues for consideration. Six of these issues (viz. 2, 3, 4, 5, 6 and 7) related to purely questions of law; four (viz. 9, 11, 12 as also partly 17) to purely religious matters, such as the Articles of Faith and Canons of the Syrian Christian Community; nine (viz. 8, 10, 13, 17, 18, 19, 20, 21 and 22) to the History of the Syrian Church of Travancore, the alleged Supremacy of the Patriarch of Antioch over it and the nature and extent of the endowments and other properties appertaining thereto; two (viz. 1 and 14 and partly 13) to the Plaintiff's right to succession as Metropolitan and to institute this suit; three (15, 16 and 25) to the Defendants' right to hold possession of the properties and to their administration of the Trust Funds and especially to 1st Defendant's (Appellant's) disqualification to be the ecclesiastical Head of the Church. The other two related to the valuation of the subject matter of the suit and to the 4th Deft.'s mortgage.

11. The Zilla Judge Krishna Meenon, who eventually tried and decided the suit singly, made the following observation regarding the issues in his Judgment:— viz. "I doubted at the time the advisability of framing "the 11th, 12th and 17th issues, but gave in to the "opinion of the senior and the Christian Judge who was "sitting with me."

12. However the Judge tried all the issues and recorded findings on each of them in a Judgment dated 16th Mithunom 1059.

13. He overruled all the legal objections to the suit; on the merits, found the Plaintiff's (Respondent's) title well established; declared the title pleaded by the Defendant (Appellant) defective and unsustainable and the mortgage to the 4th Defendant invalid; and made a decree in favour of the Plaintiff (Respondent) as follows:—

"The decree of this Court on the whole of the "case is, that all the plaint properties, admitted in the "1st Defendant's deposition to exist, be made over to the "Plff. as the lawful Jacobite Syrian Metropolitan of "Malabar; that, as regards the trust funds which do "not remain in the shape of money, they be considered "as existing in the state in which the accounts filed by "the Defendants show them to have existed at the date "of the suit and the Defendants 1 to 3 be made to ac- "count for them in this state and to pay to the Plaintiff "together with whatever increments or accretions they "may have received, the moneys, lands, title-deeds &c. "going to make them up, less the expenses necessarily "incurred for the purposes of the trust and provided "that allowance be made for the conversions of lands "into money or money into lands necessitated by extra- "neous circumstances, such as the re-payment of money "lent out on mortgages, the buying up of lands for their "proper value &c.. As regards the future profits claim- "ed by the plaint from Nos. 1 to 6 and 15 & 16 Schedule "A, these will also be given to the Plff. subject to the "deduction of necessary expenses. In fact, the taking "of the accounts of the Nos. 1 to 3 in Schedule B will "necessitate the taking of these accounts also, as the two "have been jumbled up together by the accounts of ex- "penses for both being partly one."

That Court thought that in the peculiar circumstances of the case, each party should be made to bear his own costs.

14. From this decree, the 1st, 2nd and 7th Defts. appealed to the High Court on the $\frac{\text{8th August 1884}}{\text{25th Adi 1059}}$ on

almost all the grounds on which they had resisted the suit in the Court of First Instance. The appeal was heard and determined by a Division Bench of that Court consisting of the late T. R. Narayana Pillai and G. S. Arianayagam Pillai JJ. on the 29th Thulam 1061. They, in the result, substantially affirmed the decree of the Zilla Court. Both the learned Judges upheld the Supremacy of the Patriarch of Antioch over the Syrian Church in this country; and Plaintiff's (Respondent's) right to become Metropolitan of that Church in preference to the 1st Deft. (Appellant) by virtue of the former's consecration as Bishop and appointment as Metropolitan by the Patriarch; and decreed to him possession of all the properties and moneys admitted to appertain thereto. Arianayagam Pillai J., a Christian Judge, went rather elaborately into the issues relating to the Articles of Faith and Doctrinal matters of the Syrian Christians and held that the Appellant had departed from the received and accepted beliefs and tenets of the Jacobite Syrian sect and had consequently further become disqualified to hold the dignity and position of Metropolitan of the Church following that persuasion. The appeal was, accordingly, dismissed with costs throughout being made payable by the Appellants.

The modification made by the High Court in the decree of the original Court was with regard to the appointment of two co-trustees to administer the funds belonging to the Church with the Metropolitan (Respondent), the 2nd and 3rd Defts. having ceased to be so, the former by the decree of the original Court which had removed him from that office, but made no provision therein with regard to the appointment of a successor; and the latter by death. This appointment, the High Court directed, should be made by the Community at the execution of the Decree. The other modification was with regard to costs of suit, which the Court of First Instance had ordered to be borne by the respective parties, but which the High Court decreed to be paid by the Defendant (Appellant.)

15. Against the Decree of the High Court, the present appeal to His Highness the Maha Rajah was

made on the $\frac{\text{1st March 1886}}{\text{19th Kumbhom 1061}}$ and admitted on the $\frac{\text{12th July 1886.}}{\text{30th Ani 1061.}}$

16. The Memorandum of Appeal sets forth so many as 143 grounds of objections to the Decrees of the Courts below. These grounds simply reiterate the objections already taken to the suit in the Court of First Instance. But the learned Counsel for the Appellant did not urge all the grounds of appeal taken up in the Memorandum, at the hearing. He urged only such of them as he thought he could maintain on the facts and the evidence on the records. The points taken up by him for argument before us were briefly these.

17. (1) Plaint was defective both in form and in substance and lacked particulars and clearness to enable the Appellant to meet the Respondent's case sufficiently well; charge of heresy against the Appellant was not even hinted therein.

(2) The claim was barred by limitation taking any view of the Respondent's case; it was not a case of Trust.

(3) The Patriarch of Antioch had no power to vest the Trust in the Respondent; consecration by him of a Metran did not give the latter any right or title to the property of the Syrian Church in Travancore; the power that the Patriarch had exercised, or was said to have exercised, was purely spiritual rather than temporal. His attempt to exercise any power over the Temporalities of the Church was repeatedly resisted by the community and the successive Metropolitans.

(4) Respondent's appointment was void because there was no vacancy then, Kurilos and Mar Athanasius having been in the country. Patriarch had no power to depose Metrans without the consent of the people.

(5) Respondent was not properly *elected* by the community or constituted the President of the Syrian Association. There was no proper representation of the churches at the meetings at Mulanthuruthu and Parumalai, and consequently the Resolutions passed at those meetings were not binding on the community; besides, the Resolutions were not ratified and carried out.

(6) There was no acceptance of the Respondent as Metropolitan by the people, established in the case.

(7) No disqualification, misfeasance, malfeasance, or incapacity was shown as against the Appellant to disentitle him to hold the position and dignity of Metropolitan; nor any departure from received doctrines and beliefs of the Syrian Church shown against him to justify the declaration that the Appellant was a heretic.

(8) There was no case alleged and proved to remove the 2nd Deft. (2nd Appellant) from the office of Trustee.

(9) The mortgage to the 4th Defendant (3rd Appellant's father) was good and valid.

(10) The Appellant should not be saddled with the costs of the suit, taking any view of the case.

18. It must be remarked before proceeding to deal with the points above noted, that the Appellant's Counsel did not press, and in a manner gave up, the other technical legal objections to the suit urged in the Courts below, as well as in the Memo. of Appeal here, viz.; *mis-joinder*, *Res judicata* and want of jurisdiction to entertain the suit as being purely one about a religious matter. He also gave up the contention relating to the Respondent's consecration and nomination as Metran by the Patriarch of Antioch and his subsequent deposition from that position. These objections were wisely given up; for, from the records of the case, they appear to be groundless.

19. The plaint is defective and meagre admits of no doubt. It seems to have been drawn up most inartificially with no idea of distinctness and precision. As stated in the Appellant's answer, it had not clearly described the Respondent's title to succeed to the Metropolitanship, though it stated without sufficient particulars, what constituted the right to succeed to that office. The cause of action against the Defendants (Appellants) and the date of its accrual were also not described with sufficient definiteness. Above all, it said nothing about the Appellant's disqualification to be the Ecclesiastical and Temporal Head of the Syrian Church of Malankarai, which he claimed to be on and after the death of the late Mar Athanasius. As contended by Mr. Gover, the plaint

was singularly silent about the heresy charged against the Appellant, which seems to have assumed an importance at the trial of the case which the pleadings had not given to it and to have engaged, to a great extent, the attention of the Courts below. The matter of heresy against the Appellant seems to have been first introduced into the case only at the settlement of issues, the paper of issues put in by the Respondent's Vakil, containing some issues relating to it. One of the Judges that presided over the Court then and who eventually tried and decided the suit, had expressed his doubt about the propriety of allowing those issues to be laid down. Heresy is an important matter; and if the Respondent really rested his case on it also, he ought to have set forth the points of departure from the Orthodox Faith and Rituals, with distinct and clear details so as to enable the other party to meet the charge definitely and prove the contrary satisfactorily, if he maintained the contrary, as the Appellant seems to us to do in the present case. The Civil Courts themselves which have been called upon to deal with a matter of such nature, ought to have been furnished with the particular facts and circumstances which constituted heresy.

20. Apart from the objection that the pleadings had not raised the question of heresy distinctly and with sufficient details, the Courts below need not have considered and pronounced an opinion upon it, as, in our opinion, it was altogether immaterial for the purpose of deciding the present dispute. Such being our view, we leave out of consideration the points relating to the departure from the Articles of Faith, Canon and Form of Rituals charged against the Appellant.

21. With regard to the other defects in the plaint pointed out by the Appellant's Counsel and noticed above, we find the Appellant has not been, to any degree, prejudiced by them. The Appellant seems to have clearly understood the Respondent's case in all its details and to have answered it sufficiently as the record amply testifies. The Respondent's title to succeed to the dignity and office of Metropolitan and the cause of action against Appellant (1st Deft) and the date of its accrual were all made clear at the further stages of the suit, though the Court of

first instance ought to have had the defects remedied when its attention was first drawn to it by the Appellant's statement. However, we cannot, at this stage of the case, refuse to adjudicate upon the dispute between the parties upon such technical objections to the frame of the plaint.

22. The Respondent's Vakil, Mr. Ramanatha Row, drew our attention to some reported cases of the Privy Council in England wherein it was laid down that technicalities should not be allowed to defeat substantial justice when the cases had gone up to their final stages. It is needless, in our opinion, to refer to those authorities for such a simple and well-known proposition of law. We, therefore, proceed to consider the case of the Respondent so far as it was expressly laid in the plaint.

23. It may be observed here that the Appellant's answer was open to almost the same or similar objection as the plaint was. The answer was equally defective in describing the Appellant's title to succeed to the Metropolitanship of Malankarai. It was silent as to when, and how, he had derived his title to that Dignity and Office. He charged the Respondent with physical defect, unfitness on account of pecuniary difficulties and with heretical observances, as disqualifications to be Metropolitan. These charges were not at all described in the answer with any degree of distinctness and precision.

24. On the whole, we are of opinion that the pleadings in this case have been drawn up with little or no care and with no idea of the importance of the question therein raised for adjudication by Courts. It must also be observed that at the first hearing of the case in the Original Court, no pains appear to have been taken to have the omissions supplied and the defects remedied, in the pleadings. But, at the same time, we are clearly of opinion that neither of the parties has been prejudiced by the defects in the pleadings filed by his opponent; and that the issues, as settled by the Court of First Instance, gave them distinct notice of what each was expected to prove. The Appellants could not certainly plead surprise. They had ample opportunity to prove their case and disprove the case of their adversary.

25. This disposes of the first ground urged at the hearing of the appeal.

26. The second relates to the Bar by Limitation. The determination of the question would be better deferred to the consideration of the questions of fact which are the most important ones in the case and whose determination would more or less facilitate the decision on the plea of the Bar by Limitation. We will, therefore, reserve the consideration of this question to the last.

27. Now to the facts. The functions of a Metropolitan are partly spiritual and partly temporal. The parties allow that the Head of the Syrian Church in this country or its Metropolitan, should be a properly ordained Bishop or, to borrow the Appellant's own words, "a Metran "who has derived the *Imposition of Hands* from other "Metrans (it is said that three Metrans should be present "at the ordination of a Bishop or Metran) who should have "obtained the same in *unbroken* succession from those "that received such *Imposition of Hands* from the Apos-"tles." (*Bk.* I. *p.* 77.) It is absolutely necessary that the consecration or the Imposition of Hands should be performed by one competent to do so as described by the Applt., to make a man a Bishop or a Metran. He must have the Morone or the Holy Oil for Baptismal and other purposes; he must be the highest Spiritual Functionary in the country and must have control over all the spiritual affairs of the Church. These constitute him the Ecclesiastical Head of the Church and qualify him to perform the spiritual functions. The Respondent contends that the Patriarch of Antioch, who according to him, is the supreme Head of the Syrian Churches and who has had Imposition of Hand in unbroken succession from the Apostles, could alone by consecration either directly in person or by authorised Deputies, confer that Diginity upon Metrans. The Appellant denies the Patriarch's authority to do so, but maintains that one Metropolitan of the Syrian Church in Malabar could nominate and ordain his successor as Metran without reference to the Patriarch and thus continue the succession. This is the point of difference between the parties so far as the ordination of the Spiritual Head of the Church is concerned.

28. But with regard to the Government of the temporal affairs of the Church, the parties are agreed in saying that acceptance of the Metropolitan *as such* by the

community is necessary. In other words, the Appellant maintains that the acceptance by the community and that alone can make one, the Temporal Head of the Church, though the Respondent, allowing that it is essential, contends that by itself, it is not sufficient to give one that position.

29. Thus entering upon the merits of the case. The first and the most important question that claims our attention is the one relating to the alleged supremacy—spiritual and temporal—of the Patriarch of Antioch over the Malankarai Edavagai, by which name the Syrian Christian Diocese of Travancore is known.

30. This supremacy, the Respondent, Mar Dionysius, asserts, consists in the Patriarch consecrating and appointing Metropolitans from time to time to govern and rule over the said Edavagai, sending the sanctified oil (Morone) for Baptismal and other purposes, receiving what is called *Rassisa* from the community to maintain his (Patriarch's) dignity, and generally in controlling the ecclesiastical and temporal affairs of the Edavagai.

31. The Appellant's (Mar Athanasius') contention amounts to a total denial of the assertion of the Respondent. His Counsel, Mr. Gover, contends that the Patriarch cannot claim, as a matter of right, to have any control over the Syrian Church in Travancore—either in temporal or spiritual matters— and that as a High Dignitary in the Churches of a country where their Saviour was born and crucified, the Syrian Christians of Travancore may, and do, venerate the Patriarch of Antioch; and that this veneration creates no right in him to take the position that is now claimed for him by the Respondent.

32. The consideration of this question of supremacy requires, then, a careful and searching review of the History of the Syrian Church in Travancore from its foundation to the date of the dispute which led to the present litigation. The materials for such a history would naturally be expected to come from the Church Records i. e. from the archives of the Cottayam Seminary which is, and has been, in the possession and control of the Appellant Mar Athanasius. His own as well as other evidence in the case amply prove that such materials did exist in

the Records of the Church very shortly before the commencement of this action. The Appellant was required to produce them by the Court of First Instance is apparent on the face of his own evidence. We will briefly notice that evidence before going into the reasons for the non-production of those materials themselves.

33. The Appellant in his examination swears "There was a Syriac manuscript book with Mar Athana- "sius (his brother and predecessor in office) Metropolitan, "treating of the History of the Syrian Sabha. I have seen that book...." (*Book* I. *p.* 47.) This is exactly the book that will decide the present dispute. Further on he swears "There was a book which was a history of all "ancient events (things).....That history was in Syriac. "I do not know who wrote that history. There was only "one copy of that history...," (*P.* 63.) He gives a considerably different account of the authorship of this Record of ancient events at a subsequent stage of his examination. Referring to the same book he says "I "have stated before that there was a book containing the "history of the meeting of the Fathers of Malankarai to "draw up canons.....That book was a manuscript: not "a printed one. *That book was one which had been written* "*and left behind by the primitive Metrans of Malankarai.* "*That is a book, the writing out whereof had been continued* "*to be kept up by Metrans after Metrans in succession from* "*time to time. That book was in the Syriac language.* "It was in the possession of the respective Metrans during "the time of each. But it was from the Cottayam Semi- "nary that Mar Athanasius got that book." (*P.* 78.) Now the Appellant is positive about the authorship of the History. Further on, he confirms the same with his own knowledge. He continues "The book in the course of the "narrative contains entries as to by which Metran each "part was writen.....I do not recollect so as to say, "from what Metran's time, the writing of the book com- "menced and from what year. Neither can I say to the "time of what Metran the History has been brought down, "and to what year. There are very old sheets of paper "in that book. There were among them papers very "much damaged and such that the writing thereon was "illegible. *Looking at those papers, they appeared to be,*

"*1500 or 1400 years old. Those of the least age would be* "*between 40 and 50 years old.* That book appeared as "having been written *and compiled from time to time and* "*composed of different sorts of papers.*" *(P. 88.)*

34. From the above extract, it appears to us that the existence of a manuscript History of the Malankarai Syrian Church almost from the 2nd or 3rd century in the Seminary in the possession of the Appellant, and its antiquity and authenticity admit of no doubt. That such a Record will satisfactorily and conclusively solve the question now under our consideration, equally admits of no doubt. The Appellant has not produced that Record and his explanation for its non-production we give in his own words.

35. He says "This book (referring to the History) "was placed in Pallikarai Church with other things "which belonged to Athanasius and were kept there. "From there it was stolen." *(P. 47.)* It strikes us that this is a very summary way of disposing of this important document. Let us see whether this is probable. In his further examination he swears "It is in the Seminary that "the records of the Metrans ought to be secured." Then came the question "If the records of the Metrans ought "to be secured in the Seminary, how came the records "of the late Mar Athanasius to be stolen from the Palli-"karai Church?" To which he replies "It was the habit "of Mar Athanasius, while going on circuit to the "churches to take with him the records &c.; so, when he "went to Pallikarai Church, he took his things and re-"cords thither. Leaving those things and records in the "Pallikarai Church, he returned to the Seminary. It "was then that the theft took place." *(PP. 81 and 82.)* In another part of his examination, the Appellant says "I am not aware when it was that the theft so committed "took place. It was in 1050 or 1051 that the things "were kept in the Pallikarai Church. We (evidently "honorific) got the information about the theft in 1053, "after Mar Athanasius was dead. No formal complaint "or trial was made as to the theft. *People on our side* "*have possession of the Pallikarai Church. We also have* "*people there.*" *(P. 53.)* In this connection it must be observed, that the Appellant, the younger brother of the

late Mar Athanasius, was the *Private Secretary* and afterwards *Co-adjutor* in the Government of the Church in Travancore of that Athanasius: and in both capacities, he admits he had charge of the records and things belonging to the Church even during the late Athanasius' time.

36. Thus it is seen that the plea of theft is improbable on the evidence of the Appellant himself. He made a very weak but utterly unsuccessful attempt to prove the so-called theft. That attempt has made the plea a mere pretence. We may safely conclude that the Appellant has with-held the best evidence in his possession regarding the origin and progress of the Syrian Church in this country.

37. Failing to have the best evidence in the circumstances of this case, secured, the Respondent was obliged to have recourse to other works more or less reliable, containing the history of the Syrian Church. He filed "The Christians of St. Thomas and their Liturgies" by the Revd. G. B. Howard, late Assistant Chaplain in the Diocese of Madras (Ext. C); "Christian Researches in "Asia" by the Revd. C. Buchanan, late Vice-Provost of the College of Fort William in Bengal; "History of "Syrian Christians" by one Ittoop, a Syrian Christian of some position and considerable attainments and a native of Cochin; "Syrian History" by the Revd. Kurien and another by the Revd. Eapen, both Syrian Christians. Of these five books of history, Howard's appears to be mostly compiled from the accounts of Syrian Church written by foreign travellers and Missionaries as also based upon traditions related to him by the natives during his travel through the country. He himself in the preface admits "to attempt to trace, as far as possible, the "records of this interesting people was beyond my pre-"sent purpose; and I have contented myself with giving "a general sketch of their history, in the earnest hope "that it may tend *to reawaken the sympathy of English* "*Church-men for these Native Indian Christians.*" The object of the undertaking being thus laid down, the tendency of the work must be in that direction. The mode of treating the subject is quite in keeping with the object desired to be gained is apparent on the face of the

work as we will further on notice. The History itself takes only a cursory view of important events whose accuracy with regard to dates and particulars is not sufficiently examined or authenticated.

38. Dr. Buchanan does not profess to write Syrian Church History and does not write one. He only records what he observed during his travels through the country and what he believed to be the Syrian Christian Doctrine so far as his observation went.

39. But Ittoop's History deals with facts and events with more care and detail than that of either of the English Missionaries. He professes to compile his history from the manuscript records of the Syrian Church, probably including the Syrian History which, the Applt. admits was among those records. This History itself affords intrinsic evidence of the fact that the writer was allowed access to the records of the Church. It was written in 1869, long before the alleged theft in Pallikarai Church. A mere reading of the book shows that great pains must have been taken to accurately and correctly narrate events connected with the Syrian Church in Malankarai. We are satisfied that this book may be fairly and safely accepted as our guide in considering the question of the supremacy of the Patriarch.

40. We are unable to say that the other two books are equally reliable. They are both treatises written to compete for the prize offered by Mr. Ballard, the Resident of Travancore and Cochin for the best compilation of the History of the Syrian Church of Travancore. It was in 1870 that they were so written. One thing must be said in favour of them and that is they were accepted as substantially correct accounts by the late Mar Athansius, the Metropolitan, who was one of the Judges appointed to award the prize. Mar Athanasius certainly knew the history of his own Church well and had ample means of discovering and correcting inaccuracies in the narrative, if any. The writers of these two treatises must have been allowed free access to the Records of the Church and must have been given other facilities also to enable them to compile a true and accurate History. In fact, the whole of the Syrian community, its Metropolitan and the Madras Government (for we see that the Resident invited "ex-

pression of opinion on a subject of great importance to the Travancore and Cochin States," the Metropolitanship being just then in dispute between the late Mar Athanasius and the present Respondent, a nominee of the Patriarch of Antioch who was representing his claims to the Resident and to the Madras Government as against the other) were deeply interested in having a correct account of the "Syrian Church and Community in Malayalam." It was the interest then of all concerned that nothing more than its real due should be given to the See of Antioch by way of control and supervision over Malankarai. Essays written under such peculiar circumstances and with such facilities to obtain facts, and approved of as "the most thoughtful and judicious treatise on the subject conveying the largest amount of information and most practical ideas" should not be summarily rejected as unworthy of credit. The authors of these treatises being alive is no valid objection to their being accepted as books of history and reference. We are unable to see the force of the observation of Mr. Gover that the contents of these books are not entitled to more weight than the evidence of the authors themselves to the same effect on oath. True, they give no reference to any published work on the subject on which they have undertaken to write; but it must be borne in mind that they do not profess to take the facts from any such book but only from manuscript records in the Seminary which are undoubtedly more reliable than the stray notes of a traveller. It may also be mentioned in this connection that the Syriac History kept by the successive Metrans according to the Appellant's evidence was in the Seminary and these writers must have compiled their history mostly from that book.

41. The modest and unpretending titles given to them though compiled from the best and most reliable materials, should not mislead us as to their value as books of history. Their size and the position in life of their authors formed the subject of much comment at the argument. The former is not worth the serious consideration of the Court. Mr. Ittoop the author of W W_1, is said to have been a merchant's clerk at Cochin, when he compiled his book. This fact need not detract much from the value of the work when we bear in mind that some of the great-

est authors—historians, theologians, reformers &c.—had had the smallest beginnings in life—so much so that if they were alive now, they would be surprised to see the world making so much of them and their doings. The value of the book stands on its merit and not on the high or low position of its author in life. The same observations have to be made with reference to W W_2 and W W_3. It is true they were prize essays; but the committee appointed to judge of their merits—literary and historical—and to award the prize was a strong and discriminating one. It consisted of the Valia koil Tamburan—to judge of its literary merits, for the essays were written in Malayalam, a language in which he is universally recognised to be a proficient, late Mar Athanasius—to judge of the correctness and accuracy of the events and facts in the history of the Church, for he was the best living authority on his Church history and Church matters then and he had then the most reliable materials for such a narrative of events in his possession, and Revd. Mr. H. Baker, a C. M. S. Missionary—to see that the narrative is strictly impartial and dispassionate so far as it affected the other sectarians of Christianity. This committee approved of these two essays and awarded the prize to them. The essays have thus been published with the stamp of the late Mar Athanasius as containing a correct history of his own Church. It would be absurd to say that they should be rejected altogether as worthless. Both parties rely upon portions of them.

42. The Counsel on both sides allowed that Revd. Howard's, Mr. Ittoop's, and Dr. Buchanan's works might be taken to be fairly correct narrations of events though they were far from saying that these books could be wholly relied on. We are very nearly of the same opinion of all the historical treatises filed in this case. But it must be remarked at the outset that with regard to all the important events, these books of history almost agree.

43. The learned Counsel for the Appellant in the course of his argument asked for permission to refer to books of history other than those already filed by the parties, to support his client's case; but the Respt's. Vakil very properly objected to that course as he could not be prepared at a moment's notice to meet the arguments founded upon short extracts from such books. We ruled that the objection should prevail and that the Counsel on both sides should *strictly* confine themselves *to the histories already filed* (which they admitted to be more or less accurate record of events in connection with the Syrian Church) and not travel out of the records for facts to compile a history. We also ruled that they were not at liberty to refer to any document filed on either side, which had not been translated and printed. We however with the consent of Counsel on both sides permitted reference to Dr. Day's Book on "The Land of Perumals" as that book is often relied on by Revd. Howard as his authority for the correctness of his compilation, Exhibit C. With this single exception, we allowed no departure from the Ruling made by us at the very commencement of the argument on this part of the case. We strictly confined our attention only to the historical works already filed by the parties and translated with the Record.

44. To do otherwise, would, in our opinion, be unfair to both parties. We have, therefore, excluded from our consideration the works of Gibbon, Geddes, Hough &c. consulted by Mr. Justice Ormsby, but to which not even a passing allusion was made by the parties.

45. Besides, reference to short extracts here and there from other works of history without the context and the means of knowledge of the authors themselves would be most misleading. Works of authors who never visited the country, who had no means of acquiring correct knoweldge of the Syrian Church here, and who got their information second and third hand from travellers who had paid flying visits to the Western Coast of India, would be entitled to little or no weight. Among the histories by European authors of Christianity and especially of Syrian Church in Travancore, those of Messrs. Howard and Buchanan and Day are entitled to some weight as they had visited the country and sojourned therein with a view to study the past history of this "*interesting people and their church*" and also as they had had interviews with that object with the then Metropolitans and other clergymen of the Syrian Church.

46. On the whole, therefore, we think it safe, and fair to the parties that we should consider the question

of the connection of Antioch with the Malankarai Edavagai (as the See of Malabar is designated) with the aid of Exhibits C, W W_1, W W_2, W W_3 and H H H.

47. Accepting then these books as our guide, we proceed to consider the past history of the Church. That history may be conveniently divided into two Grand Periods for the purpose of this case, viz., the first period commencing from the foundation of the Church and ending with the overthrow of the Portuguese Power in India, which undoubtedly, had great influence in religious matters over the Syrian churches here, i.e. till 1663; and the second period commencing from that year or 1665 and extending to the date of this litigation.

48. Now to the first period. It is admitted by both parties and allowed by all the Historians that the Apostle St. Thomas arrived in Malankarai in A. D. 51—52, preached Christianity and made many converts. He is said to have built seven churches at seven different places in Malabar and ordained two men as Arch-Deacons, one from each of two respectable families, viz., *Sankarapuri* and *Pakalomattom*. He made Cranganore near Cochin the centre of his Diocese. Leaving the affairs of his Church here in the hands of his two nominees upon whom he had conferred holy orders, he left Malayalam. How the Diocese fared after him, we have no authentic account anywhere. All our historians are singularly silent on the subject. About a hundred and fifty years after the foundation of the church, i. e. in A. D. 200, we are told by Ittoop, that some Christians of India had written to Demetrius the Bishop of Alexandria, requesting him to send a teacher, to instruct them in the doctrines relating to the beliefs in Christ. (*W W p.* 87; *Book III p.* 121.)

49. Ittoop is confirmed in this matter by Dr. Day whose work on "The Land of Perumals" was referred to in the course of the argument. (*p.* 212.) Beyond this, we have no information of any kind about the Syrian Christians of Malabar for a long time.

50. In A. D. 325 the first general Council, well known as the Council or Synod of Nice was held. This was the first great epoch in the history of Christianity. To this Council priests and prelates from all parts of

Christendom were invited. Representatives of all Dioceses in the Christian world attended that Synod. In the acts of this Council, we find the Christians of India were represented by their Bishop or Metropolitan who had subscribed to them (acts). He was Johannes, Metropolitan of Persia and India. (*Dr. Buchanan p.* 229; *Revd. Howard p.* 8; *Dr. Day p.* 215.) All the English Historians are agreed with regard to this representation of India at that grand Council. This fact has an important bearing on the present dispute. The Council of Nice among other matters relating to the revival and establishment of Christianity, revision of the Scriptures, and framing a code of faith and rituals &c., settled the jurisdiction of the several ecclesiastical heads who were charged with the due carrying out of the acts of the Council. In fact this was an important part of the work done at the meeting of the Representatives from all Christian communities. Ittoop says "To prevent the rise of heresies in future" (Heresies being the immediate occasion of the Council of Nice) "four Patriarchs were appointed over four Sees. The "four Patriarchs appointed were (1) the Patriarch of "Rome (2) the Patriarch of Constantinople (3) the Patri- "arch of Alexandria and (4) the Patriarch of Antioch. "These were given authority and supreme jurisdiction "over their respective Sees.....Besides these four "Patriarchs, one was appointed at Jerusalem as a mark "of distinction for that place with the title of the fifth "Patriarch and *subordinate to the Patriarch of Antioch.*

51. "*It was also laid down that the Catholica appointed at Tigris (Bagdad) to manage the affairs of the Eastern Churches subject to Antioch was common and could exercise all the functions of Patriarchs.*" (*Ittoop pp.* 39 *and* 41; *W W. p.* 145.)

52. This account of Ittoop is fully confirmed by Exhibits E E E and XXXVIII. The latter of these documents was filed by the Appellant himself as a reliable document. In these the Patriarch of Antioch is said to have been given authority over all the East and the Patriarch of Jerusalem, specially designated the fifth Patriarch, was made subject to the See of Antioch. Thus it is seen that so early as the 4th century, the Christians of India accepted the Patriarch of Antioch as

their Supreme authority in the Ecclesiastical Government of their Church, Johannes their Metropolitan or Bishop representing them at the Council of Nice.

53. Within almost twenty years of the decision of the Council, we find the Patriarch of Antioch taking action upon it. Thomas of Cannan, who had much intercourse with the nations of the Western Coast, in pursuit of merchandize, arrived at Cranganore in A. D. 341. Seeing some persons at that place wearing the cross about their neck, he made enquiries about their religion and soon learned that they were his co-religionists. Upon further enquiry, he, to his sorrow, discovered that they were in great distress on account of the spiritual as well as temporal affairs of their Church. Thomas, who had a great zeal in the cause of Christianity, at once resolved to use every effort to promote its adoption or restoration among the people. With such a resolution he soon returned to his country and, with the aid of the *Catholica* of *Bagdad*, (already referred to) set out on a voyage to Malabar with a Colony of Syrians consisting of men, women and children numbering in all about 400, some Deacons and Joseph Episcopa of Uraha under the direction of Eustathius, Patriarch of Antioch. This party arrived at Cranganore in A. D. 345. It is further said that Thomas gave up his secular calling altogether and devoted himself entirely to the service of the Church in Malabar of which he himself assumed charge, by the direction of the Patriarch of Antioch. All the historians are agreed with regard to the above account of the Mission of Thomas and of the useful work done by him in the cause of Christianity under the authority of the Patriarch of Antioch. (*Dr. Day p.* 214; *Revd. Howard p.* 15; *W W. pp.* 83–91.)

54. Mr. Gover, the counsel for the Appellant, urges an improbability in Eustathius being the Syrian Patriarch of Antioch, because the Patriarchs have been all along known by the titular name of Mar Ignatius. But it must be observed that this title was assumed for the first time only by the 3rd Patriarch and that the first two Patriarchs had no such titular name. (*W W. p.* 67; *Book III p.* 145.) Hence, there is no improbability in the account of the historians. There is not even a suggestion that, at that time, there were more than one Patriarch at Antioch.

55. This Thomas had an interview with King Cheraman Perumal the then Sovereign of Malabar and obtained from him various privileges, honours and titles and, above all, a grant of land for the purposes of his mission. The grant was engrossed on a copper plate. With the help of the Ruling Power, Thomas built a church at Mahadevapuram—Kodangallore in the Cochin State—which he made his Capital.

56. Captain Swanston, as quoted in Howard, says of this Thomas that he introduced among the people in Malabar "several Bishops, priests, as also many Chris-"tians, men, women, and children from foreign parts."

57. Thus we see Thomas made the power of the Patriarch of Antioch supreme in Malankarai in those days and founded a colony, as it were, of Syrians. For many years after Thomas' mission, there is again a long blank in the history of the Church. Communication with Antioch was extremely difficult in those days. But it was different with Persia and Alexandria which had extensive trade with the Western Coast. This was the chief reason why we find further on that ecclesiastics from Persia, Egypt and Babylon visited Malabar oftner than Antiochians.

58. In 572 A. D. Cosmos, a merchant of Alexandria who had extensive trade with Indian Coasts, speaking of Malabar, says "Christian churches existed in Malabar... "the Bishops being sent from Persia where they were "consecrated; the doctrines at this period were those of "the Nestorians, for the Patriarch of Persia was at that "time subject to the Nestorian Patriarch of Seleucia (evi-"dently Babylon)." (*Dr. Day p.* 215; *W W*$_2$ *p.* 7; *Book III p.* 135.) It must be observed here that the Nestorian Creed had its origin in A. D. 429. It was the Creed established by Nestorius Bishop of Constantinople. With regard to the origin of the creed known as Jacobite Creed, there is some difference of opinion among the Missionary historians themselves. Revd. Howard says that "it takes "its name from James Baradæus—an eminent promoter "of their tenets, though Eutyches is regarded as the "founder of the doctrine." (*P.* 20. *Note.*) While Dr. Day says that it is derived from Jacob of Uraha who in A. D. 656 was consecrated Bishop of Uraha. (*P.* 216. *Note.*)

Mr. Ittoop almost agrees with Dr. Day.—*(PP. 66 and 67; Book III pp. 145–6)*

59. However, one thing appears certain, viz. that these creeds began to split the Christians in the East, of those days, into sects, in about the sixth or the seventh century. With the difference in their doctrines, we have nothing to do now. Suffice it to say there is some difference between them regarding the Nature and Person of Christ.

60. Now to come back to the history, the Patriarch of Antioch who had adopted the Jacobite Creed and who had his authority over all Asia, the East and the Indies, sent a Catholica about the tenth century to those parts. This is Howard's account. *(Howard p. 20.)* But Dr. Day says that about 696 a Bishop of the Church of Jacobites arrived in India from Alexandria (*P.* 216.) He doubts the authenticity of this account. Whatever may be the truth of this fact, it is clear that the visits of foreign Ecclesiastics in those days were few and far between, either owing to want of interest in the Syrian Christians here or to the difficulty and the enormous expenses of sea voyages in those troublous times. On account of this rarity, the Christians of Malabar welcomed and venerated foreign Bishops, Episcopas or Metrans and allowed them to take part in the spiritual affairs of their Church, whatever might be their creed and beliefs. It must also be remarked that the differences that divided the Eastern Christians i. e. those that acknowledged the supremacy of the Patriarchs of Syria, Persia &c. had not become so great till the tenth or the eleventh century, as to exclude the prelates of one creed from the Churches of the others. The Syrian Church in Malabar was almost in a transitional state before the advent of the Portuguese Power. In other words, the Syrians had not much attachment to one creed or great aversion to others. They could not very well afford to do so. They had no choice in the matter. They were obliged to accept things as they came to them. In this connection it is highly interesting to note what Revd. Howard says of the frequent visits of Nestorian Bishops from Persia and Egypt to Malabar. He says "Thus early, it seems, were the tenets of Nes- "toriaus introduced into the Church of Malayala;

"and the testimony of Cosmos, who visited the country "in A. D. 522, shews that it was then in communion "with the Nestorian Patriarch; the Bishop or Metropoli- "tan of Malabar receiving his consecration from the "Catholicos of Babylon. But it is doubtful whether the "Nestorian heresy ever took a deep hold in this branch "of the Church" *(Howard p.* 18.)

61. This becomes apparent as we proceed with the history of the period.

62. In A. D. 825 M. E. 1. two Ecclesiastics or Episcopas by name Mar Sabor and Mar Abrotha arrived in Malabar under command of the Nestorian Patriarch of Babylon. They had interviews with the Rulers of the country and were much respected by the Syrian Christians and their Arch-Deacon. With the aid of the one and the co-operation of the other, they travelled through the country, built churches and looked after the religious affairs of the Syrians. *(Book III p.* 121; *Howard p.* 19.) Ittoop observes "It was subsequent to the coming of "these Episcopas that the Nestorian Creed came slightly "to be intermingled with that of Malayalam." (*W W. pp.* 95—98.)

63. The Nestorian Christian merchants of Persia and other places who had large trade in pepper and other articles of the Western Coast freely mixed themselves up with their co-religionists in Malabar, so that gradually the repugnance of the Syrians here to Nestorianism gave way and they became reconciled to the change though they always watched for an opportunity to revert to Jacobitism, the creed of their Syrian Patriarch.

64. Thus the Syrians of the Western Coast became a rich and influential class of people. They were much respected by their Hindu neighbours and the Ruling Authority. The increase of their power was not unattended with evil. They became the object of envy to others and to the Ruling Authority. Oppression followed envy. This oppression becoming unbearable. they gave up seeking Royal favour and, meeting in a body, resolved to elect one of themselves as their King who was styled "*the King of the Syrians of Apostle Mar Thomas*" and the Community itself being designated *Swaroopam*. Uda-

yamperur or, as is commonly known to European Missionaries, Diamper, was made their Capital. Succession in the King's family was made hereditary. This state of things continued for some time till one of the Kings, the last of them, dying issueless the Christians were again subjected to the Native Ruler. This evidently was about the end of the tenth century. Then followed a succession of Metropolitans from foreign parts who ruled over the Church. They were Johannan $\frac{988}{163}$, Mar Thoma $\frac{1056}{232}$, Mar Jacob $\frac{1222}{299}$, Mar Joseph $\frac{1231}{396}$, Mar David $\frac{1285}{460}$, and Mar Yavalah $\frac{1407}{582}$. (*W W. pp.* 97, 98; *Book III p.* 122.)

65. After giving this list (this may not be a regular succession in an unbroken line) Ittoop observes "thus "Episcopas came down to Malayalam from foreign parts "from under the Antiochian Supremacy or from Babylon "under the orders of the Nestorian Patriarch till the "arrival of the Portuguese in 1500." (*W W. p.* 98.) This account is not altogether unconfirmed. Messrs. Howard and Day, to some extent, bear him out. Dr. Buchanan says, referring to the anti-Portuguese period "The "European priests were yet more alarmed when they "found that these Hindu Christians maintained the or- "der and discipline of a regular Church under Episcopal "Jurisdiction, and that for *1300* years past, they had "enjoyed a succession of Bishops *appointed by the Patri- "arch of Antioch.*" (*Dr. Buchanan p.* 201.) This 13 hundred years takes us back to the second century. The above was the impression of the Portuguese and the full belief of the Syrian Christians when the Portuguese came to India and began to force their religious beliefs and doctrines upon the Syrians as well as the Hindus.

66. The advent of the Portuguese resulted in the persecution of the Syrians to join the Roman Faith. For some time at the beginning, the Portuguese under the belief that the Syrians could be persuaded by peaceful means to adopt their faith, treated them with kindness and consideration. But gradually finding them tenacious in the profession of their own Jacobite faith, the Portuguese changed their attitude towards the Syrians in matters of religion. The Syrians would not yield to persuasion or even to persecution. They resisted the efforts of the Portuguese to convert them.

67. Finding the Syrians unyielding, the Portuguese resolved to adopt gigantic measures to accomplish their end. They charged the Syrian Metropolitan Mar Joseph whose Head Quarters was then at Ankamalikarai with having taught Portuguese youths who were residing with him some heritic doctrines, summoned him to Goa and sent him to Portugal and thence to Rome. This was in 1547. Finding their Bishop gone, the Syrians were in great distress and were anxiously looking for some Ecclesiastical Head to lead them and to guard their faith against heresy. At this juncture, Mar Abraham, a Nestorian Metropolitan under the direction of the Patriarch of Babylon, arrived in Cochin in 1547 A.D. He brought many religious books for the Syrians. (*Howard p.* 24; *W W*$_3$ *pp.* 27, 29; *Book III p.* 141.) According to one Historian, Abraham was sent on the application of the Syrians of Malabar, and according to others he was sent by the Patriarch himself unasked. (*Howard p.* 25; *Dr. Day p.* 217.) Ittoop says "as some difference was "found between that Episcopa's faith and that of the "Syrians, much dispute issued. There being no Episcopa for the Syrians at that time, Arch-deacon Gevurgese, the superior in Malankarai resolved to obtain "Ecclesiastical Order alone from him and received from "him in full, all dignities on the 24th Kumbhom of 1547 "and agreed to work on terms of union, if the faith of "the Syrians would be in no way violated." (*Ittoop p.* 102; *Book III p.* 122).

68. This is indeed, a very significant fact to show how zealous the Syrians were in preserving their old faith uncontaminated by contact with the professors of other faiths even under the persecution of the *Inquisition.*

69. The Portuguese having got scent of the judicious union between the Syrian Metran and the foreign Nestorian Episcopa Abraham, felt frustrated in their object and at once brought down Abraham to their Capital, threatened and illtreated him; and with the help of the Cochin Rajah sent him to Rome. He effected an escape on the way and reached Babylon. (*Book III p.* 122.) In the meantime, Mar Joseph who had been sent to Rome by the Portuguese returned to Malayalam. Mar Abraham also, about the same time, returned to Malabar

under the orders of the Patriarch of Babylon. A dispute ensued between the two. The Syrians would not acknowledge the latter as their Head because he was suspected to have gone over to the Roman faith and to have acknowledged the supremacy of the Pope. Nor would they receive Mar Joseph their former Metropolitan because he had gone to Rome and submitted himself to the authority of the Pope. The result was, they conducted themselves in obedience to their Arch-deacon and in conformity with precedents. The Portuguese disposed of the two disputant Episcopas in the way they thought best. (*Howard pp.* 25, 26; *Ittoop p.* 102.)

70. For ten years after all this commotion, there was comparative quiet. But the Portuguese would not be satisfied with anything less than the complete subjection of the Syrians to Papal Supremacy and complete conversion of them to Roman faith. At this juncture, a small incident occurred which forcibly showed the antipathy of the people i. e. Syrian Christians to other than their own Jacobite creed. It was this. The Patriarch of Babylon hearing of the then state of the Syrian Church in Travancore, sent a Nestorian Bishop named Simeon to take charge of the Church. The people and their Arch-deacon strongly opposed him and would not receive him. They even preferred to him Mar Abraham whom they had at first refused to accept. However, the Portuguese disposed of him as easily as they did the other two that had preceded him.

71. It is not to our purpose to pursue the Portuguese Inquisition any further. But no persecution of any kind would make the Syrians to give up their old and simple faith.

72. The climax of the persecution was reached in 1599 and culminated in the so-called Synod of Diamper (Udayamperur). On the 20th June of that year, the Portuguese Arch Bishop, Menezes by name, called a meeting of all the Syrian clergy at Diamper for the purpose of settling their doctrines, canons and rituals. The Arch-Deacon, Cathanars &c. all attended. The decision of the Synod was communicated to them. Their books which were denounced to be heretical were burnt and destroyed. *All traces of Apostolic succession in their church were ob-*

literated. (*Howard p.* 36; *Ittoop p.* 110; *Revd. Eapen p.* 21; *Dr. Day pp.* 231—233.)

73. This high-handed action had been preceded by precautionary steps taken to prevent the arrival of any more Prelates from Syria, the object being to render the people utterly helpless. Orders were issued to their seaports to arrest foreign prelates who might arrive there. (*Howard p.* 29.)

74. Thus was the Syrian Church subjugated to the Portuguese. But the subjection was only for a time. The Syrians were watching for an opportunity to throw off the yoke.

75. In 1604 the Arch-Deacon Gevurgese died, appointing Arch-Deacon Thoma as his successor. The earnest desire of the Syrians then was to get a Metropolitan from one of the Eastern Patriarchs to consecrate their Arch-Deacon and make him Metran. So far the historians are agreed. At this point a divergence occurs in the histories. Revd. Howard says (*P.* 45.) that the Coptic Patriarch at Grand Cairo sent them a Syrian Bishop by name Ahattala to take charge of the Church. But adds in the foot note "Captain Swanston and Mr. Day call him Attila. In the Syrian manuscripts he is called Mar Ignatius." But Dr. Day says (*PP.* 234–235.) "a person named Attila or Mar Ignatius, who appears *to have been a Nestorian* arrived as Bishop from Babylon." Ittoop says "while affairs were in this state, Ignatius Patriarch of Antioch arrived at St. Thomas' church at Mylapore in Madras on his way to the Syrians of Malayalam." (*W W. p.* 114; *Book III p.* 148.) Revds. Kurian and Eapen support him.

76. As much turns upon the dispute as to whether this person was the Patriarch of Antioch or a Nestorian from Babylon, we deem it necessary to consider here this matter rather carefully.

77. The historians are all agreed about the date of this person's arrival in India. It was $\frac{1653}{825}$ or 1654. Howard allows that the Syrian manuscripts call him "*Mar Ignatius.*" Dr. Day himself gives him that name. Ittoop who must have had access, as already pointed out, to the Church Records, as well as the other two Syrian

Christian historians, positively say that that person was Mar Ignatius the Patriarch of Antioch. Mr. Howard does not say how he got his information that that person was a Nestorian and not the Patriarch. It must be borne in mind that 'Mar Ignatius' is the titular name of the Jacobite Patriarch of Antioch.

78. With the above facts, may be considered the observation of Dr. Day at p. 216 that "the Jacobite sect "came to India in 1663 according to some authorities; "and from that period most of the prelates of the Mala- "yala Church have considered themselves *as dependant "upon the See of Antioch.*"

79. From the foregoing, we incline to the opinion that the person that came to India in 1653-54, was the Patriarch of Antioch. In this view we are in a manner confirmed by what followed his arrival.

80. The Portuguese hearing of the arrival of Mar Ignatius at Mylapore and fearing that if he came to Malankarai, the Syrians might revert to their faith, giving up the Portuguese persuasion, arrested him and detained him there. Here all the historians substantially agree as to what followed this detention. Ittoop says that hearing of their Patriarch's arrest at Mylapore, two deacons of the Syrian Church went to that place to communicate to their Patriarch the affairs of their Church and obtain his commands. They, accordingly, had an interview with the Patriarch who drew up a Staticon to have Arch-Deacon Thoma to be consecrated and appointed as Metropolitan and entrusted the same to the Deacons and sent them away secretly to Malabar. The Deacons on their return summoned the people to meet at Alangad and communicated to them what had occurred. (*Ittoop pp.* 114—117; *Book III p.* 148.) This is Ittoop's version; but Howard and Day do not expressly speak of the meeting of the Patriarch and the Deacons and the authority entrusted to them to consecrate Thoma as Metropolitan; but say that "the Patriarch had communicated to his flock his approval of the appointment of Thoma as Metropolitan." However, substantially they all agree about the authority given. (*Day p.* 235; *Howard pp.* 45, 46.)

81. To resume the history; the Portuguese brought this Mar Ignatius in fetters to Cochin. Howard says

(here it is important to give his own words) "He was seized and embarked in fetters for Cochin, but not until he had found means to communicate with his flock, approving of the appointment of Thomas and directing that four Assessors should be nominated to act with him, but *enjoining him on no account to consecrate the holy oil or to presume to confer orders.*" Almost to the same effect is Dr. Day's account of the Patriarch's instructions. (*Day p.* 235).

82. When Mar Ignatius was brought down to Cochin on his way to Rome, the people became enraged and their excitement knew no bounds. They at once assembled at Alengad and in a body went to the Portuguese Governor and solicited the release of their Patriarch. The Governor declined to grant their prayer. Thereupon, the Arch-deacon and people, numbering about 25,000, resolved to forcibly effect the release of the Patriarch and boldly march to the fort where the Patriarch was confined. The Raja of Cochin was appealed to. He at first seemed to sympathize with the Syrians but finally yielding to the influence of the Portuguese allowed them to have their own way. (*WW pp.* 114–117; *Book III* 148; *Day pp.* 235–236). The Portuguese, in some mysterious way, disposed of the Patriarch. Some believed he was drowned with a stone tied to his neck; some that he was burnt to death; and others that he was sent off to Rome. (*WW p.* 117; *Book III p.* 148). Anyhow he was not heard of afterwards.

83. The Syrians' rage could no longer be restrained. None could control them. They met at Muttancherry Church and resolved that they should never again unite themselves with the Portuguese who had, without any scruples or fear of God, murdered their holy Patriarch; that Francis Metran of the Roman persuasion should not be acknowledged as their superior; that Arch-deacon Thoma should be consecrated *as Metran in accordance with the Staticon given by Ignatius Patriarch;* and that their ancient and spotless doctrines should be followed. A Patyola (Resolutions) was accordingly drawn up "and all unanimously, and casting themselves on the refuge of God, attached a large cable to the Koonan Cross at Muttancherry and extended it both ways in the

market place; and the people assembled held by this rope and unanimously and with one voice swore as stated above and separated themselves from the followers of the Roman faith." This was on the 3rd Makarom 1654. This event marks an Epoch in the history of the Syrian Church. The Syrians then split themselves into two parties known as Puthenkoor and Palayakoor. The former were Jacobite Syrians following the creed of the Patriarch of Antioch and the latter were Romo-Syrians following the Roman creed of the Pope of Rome.

84. The Puthenkoor people, after the meeting at Muttancherry, came to Alengad Church and, in obedience to the Staticon of Mar Ignatius, consecrated Arch-deacon Thoma with the title of Mar Thoma Metran. This was 55 years after the Synod of Diamper. The Puthenkoors became independent of the Portuguese.

85. But the Syrians did not feel that everything was quite complete. They felt that something very important in their estimation to perfect the Dignity of their Ecclesiastical Head, *i. e.* Metropolitan was wanting. They enjoyed no peace and comfort on account of the want. Mar Thoma himself admitted the irregularity and invalidity of his consecration. After various endeavours and troubles, Mar Gregorius, the fifth Patriarch of Jerusalem, was got down to Malayalam by the command of the Patriarch of Antioch in $\frac{1665}{840}$. He perfected the consecration of Mar Thoma I. (*Dr. Day pp.* 236, 237; *WW.* 117; *Book* iii 149; *Howard* 49.)

86. With this event ends the *first grand Period* of the history of the Syrian Church.

87. We have been so far able to cull a short history of this Period from the materials that the Respondent was able to produce, labouring as he did, under disadvantages, viz: the appellant withholding important Church Records and the Portuguese having destroyed some Records at the Synod of Diamper.

88. Apart from the works of reference already noticed, we have an important document which fully bears out the facts established by the above historical sketch. The value of that document, as establishing the

supremacy of the See of Antioch over Malankarai Edavagai, is very much enhanced by the circumstances under which the document came into existence, the parties between whom it passed and the occasion which gave rise to it. We mean the seventeen questions proposed by the Madras Government through its Resident in 1813 A.D. to the then Metropolitan of the Syrian Church, Mar Thama VIII. As we have to notice this document at some length further on, we may here briefly observe that answers to questions 1, 2, 3, 4, 15 and 16 amply confirm the conclusions we draw from the foregoing history as given below.

89. Now looking back to the account given above, we cannot but be struck with the tenacity with which the Syrian Christians of Malabar adhered to their old faith, the faithfulness with which they tried their utmost to continue under the supremacy of the Patriarch of Antioch; the eagerness with which they sought spiritual control from him, and failing to secure it from him, from any other *Eastern Patriarch*; the boldness with which they resisted the Nestorian and Roman Prelates during the latter portion of this Period and even the ruling authority, to preserve their Jacobite faith pure and uncontaminated, and the admirable manner in which they unanimously freed themselves from the influence of the Popish Priests and established once more again their Church as a pure Jacobite Church under the supremacy of the Patriarch of Antioch.

90. After this hard struggle of more than 1500 years, a new *era* dawned upon them. Of the beginning of this new *era*, *i. e.* our *second grand period* (1665 to 1877), Revd. Howard says (*p.* 49) "The unwearied exertions "of the people were at length rewarded by the arrival "in Malayala of Gregorius Bishop of Jerusalem about the "year 1665 or perhaps a little earlier. In that year..... "he consecrated Arch-deacon Thomas to be their Metro- "politan and continued to render the assistance of his "counsel in the Government of the Church until his death. "..... The arrival of Gregorius introduces us to a period "in the history of the Church in Malabar not more re- "markable for the restoration of the *Episcopate to the* "*remnant of the Native Church than for its adoption of the*

"*Jacobite Liturgies and rituals in the place of those* of the "Nestorians which had been in use previous to Synod of "Diamper." He further on says (*p.* 51)" It appears doubt- "ful, indeed, *whether the distinctive tenets of the Nestorians "had ever taken any* very strong hold in the Church in "Malabar; and the present remarkable instance shews "how feebly they maintained that hold in the hearts and "affection of a people who were resolved to be free;" and we may add how they once more freely breathed under the supremacy of Antioch which they eagerly and as their birth-right clung to. From all accounts, it may be safely concluded that the Portuguese influence wholly ceased and the supremacy of the Patriarch of Antioch restored in 1665.

91. The second period (1665–1877). Mar Thoma I was eventually consecrated in 1665 by Gregorius, Patriarch of Jerusalem, under the Command of the Patriarch of Antioch. Thoma I and Gregorius jointly ruled the church with peace. It was from this time that regular church Government commenced under the auspices of the See of Antioch. Mar Thoma II the Anandaravan of Mar Thoma I was consecrated as the next Metropolitan by Gregorius who continued to manage the spiritual affairs of the people for some time even after this event. Gregorius died on the 14th Medom $\frac{845 \text{ M. E.}}{1669.}$; Mar Thoma I having died on the 12th Medom $\frac{845 \text{ M. E.}}{1669.}$, two days before the other. Thus the consecration of Mar Thoma II was doubtless during the life-time of Gregorius and his spiritual management of the Church. There can, therefore, be no doubt about the consecration having been done by that Patriarch. Mar Thoma II's rule commenced in $\frac{845}{1669}$. According to Ittoop, Mar Gregorius died only in 1685 and not in 1669. However, one thing is certain viz., that he was alive when Thoma II was consecrated. The Syrian Christians of Malabar, of whom Dr. Buchanan, with great earnestness, says (*p.* 219) "*That if "there was such a thing in the World as ordination by the "laying on of hands in succession from the Apostles, it was "probable that they* (*Malabar Syrian Christians*) *possessed it*, and that there was no record or tradition to impeach their claims;" again (*p.* 220) "I did not con-

"sider that the Church of England was entitled to "reckon her ordination to be higher or more sacred "than that of the Syrian Church," would not be slow to have the Imposition of Hand done by the Delegate from their Patriarch (whom they had got down with very great difficulty to perfect the consecration of their previous Metropolitan) especially when he was on the spot.

92. We make no doubt, therefore, that Mar Thoma II was duly consecrated by the Patriarch of Jerusalem acting as the authorized Deputy of the Patriarch of Antioch.

93. During Thoma II's time some foreign Metrans visited the country. Andrews Patriarch came in $\frac{1678}{853}$. He died soon after his arrival. In $\frac{1685}{861}$ Mar Basilius Catholica, Mar Ivanius Episcopa, two Armenian priests and others came from foreign parts. (*Howard* 52–53; *Bk.* iii 149; *Revd. Eapen* 56–57). From what parts, the histories do not clearly say, but from the circumstances attending their reception by the people of Malabar, it is only fair to presume that they must have come from Antioch or under directions from Antioch. Mar Basilius did not long survive his arrival in India and died within almost a fortnight of it.

94. Mar Thoma II suddenly died on the 3rd Makaram 861 by a thunderstroke. Evanius Episcopa himself managed the affairs of the church for some time. He then consecrated and appointed Mar Thoma III, as Metropolitan. Thoma III died two years after his consecration *i. e.* he died on the 9th Medom 863. Mar Evanius Episcopa then consecrated an Anandaravan of the deceased Metran as Mar Thoma IV. This Ivanius is said to have done much to free the Syrian Jacobite churches from the heretic practices which had crept into them by long contact with Nestorians and Jesuits. After a long and useful career of church administration, he died on the 3rd Chingom 869 and was buried at Mulanthuruthu. (*WW* 122, *Book III* 149).

95. During the time of Mar Thoma IV, a Nestorian Metropolitan by name Mar Gabriel came to Malabar in $\frac{883}{1708}$ by command of Mar Elias Catholica—evidently of Bagdad. (*Howard* 52. *WW. Bk. III* 150). His arrival disturbed the peace and quiet of the Syrian Church,

On account of his creed, he was refused to be acknowledged by the Metropolitan and his people. He was not allowed to preach in their churches. Some, however, of the Syrians joined him and there were consequently factions among them. Mar Thoma IV, without consulting Mar Gabriel, consecrated his own Andandaravan with the designation of Mar Thoma V. Thoma IV died on the 13th Meenum 903. (*Howard* 52, *WW Book III* 150).

96. *Here we have almost a case similar to the present Appellant's case. A Metropolitan duly consecrated by a Delegate from Antioch consecrated his successor.* We shall see presently what followed.

97. Revd. Howard says (*p.* 52.)— "His authority "(Thoma V's *authority*), *however, was rejected by a consi-* "*derable party in the church and the dissension was only* "*appeased by the interference of the Rajah of Cochin, and* "*by an Appeal to Antioch* which was, it is said, made "through the medium of the Governor of the Dutch "Colony on the Coast." Ittoop says (*p.* 150) "Some "people contended that the consecration by Mar Thoma "(Thoma IV alone) was not right and *refused to acknow-* "*ledge him* (Thoma V)." Further it was averred "that "consecration so had was not valid; and representation "was made to the Dutch Company." Further on, the same writer says, (*pp.* 120, 134) "as the resolution of "the people that the office of Mar Thoma V could not "be accepted and as their request to the Dutch Company "to get down for them a Syrian Metran had no effect, "they applied to Ezekkiel Rabbi, a Jewish Merchant...; "who got down Mar Ivanius Malprian from Bassorah." What authority this Ivanius had and from whom, we have no means of knowing. On his arrival, however, he was opposed by the Metropolitan and by the people for breaking down and burning the images in the churches as opposed to the Command of God. Ivanius went on, in spite of all opposition, to remove what he considered improper practices. While this dissension was going on, a merchant named Antonius Deacon arrived at Cochin in pursuit of merchandise. Hearing of his arrival, Mar Thoma V sent for him to Pallikarai Church and requested him to get down from foreign parts a very learned Prelate, promising to pay all expenses. Upon the merchant's suggestion, Mar Thoma V wrote a communication to the Patriarch of Antioch and entrusted it to the merchant to be taken to Antioch. The merchant, accordingly delivered the letter to the Patriarch who conferred upon one Sakrallah, a learned and pious person, the dignity and title of Mar Basilius Catholica and sent him with Mar Gregorius, Metropolitan of Jerusalem and Mar Ivanius Episcopa from Mosul and some others with Morone, Sythe, Staticon with authority to consecrate Mar Thoma Metran as Metropolitan of Malayalam. They all arrived at Cochin on the 14th Medom $\frac{1751}{926}$. Mar Thoma Metran sent some priests and laymen with a letter to receive the Bavas and take them to Kantanad where preparations had been made for their reception.

98. Now arose difficulties and troubles which prevented the Bavas from proceeding to perfect the Metropolitan's consecration at once. The merchant who brought them in his ship to India claimed 12000 ₹s, as their passage money, and represented the matter to the Dutch Company which pressed the Bavas for money. Mar Thoma Metran heard of this and before he could do anything to satisfy the merchant, a civil action was filed and people were sent to arrest the Metran. He had to seek freedom from arrest by avoiding to go to Cochin. Various atrocities ensued after that, with which this narrative has nothing to do. Then attempts were made to bring about an interview between the Metran and the foreign prelates, Gregorius Metropolitan and others. During this attempt, His Highness the Maha Rajah, who was then at Mavalikarai, got down the Metran Mar Thoma to that place and commanded him to go to Cochin to satisfy the Dutch Commodore's demand with respect to the passage money. Mar Thoma at once went to Cochin and was threatened with deportation unless he paid the passage money 12000 ₹s. Being unable to satisfy the demand and frightened by the threat, he resolved at any risk to consecrate his successor which he did in 936. Soon after, the Pallikars raised subscription among themselves and paid the Commodore's debt. The Metran was then permitted to go. He came to Puthenkavoo where he met the Bavas. An interview between them was arranged; but they could not come to terms (*WW p.*

151). The difficulty was evidently the enormous cost of getting down these prelates.

99. Upon this difference, we find Exhibit W was written to Thoma V by the Patriarch of Antioch. This is dated 25th Chingom 1751 A. D. The Patriarch, in this command, after pointing out the impropriety of Thoma's disobedience to the Delegates and the imperfection in his consecration as Metran by his predecessor in that office proceeded to say "By that authority vested "in Us through the Holy Ghost, being the power of Jesus "Messiah the Lord who has empowered Our Weakness "in the Supremacy of the Apostolic Throne of Peter at "Antioch, I now command unto you; By that authority, "we Command unto you that you should acknowledge "the Supremacy of the Apostolic Throne of Antioch, "that you should obey all commands and that you should "root out from among you all alien and foreign customs "and practices.....Behold, you must obey the "Brothers, the Venerable Mar Basilius and Mar Grego-"rius who are in your midst and all that they command "or counsel unto you; for we have placed the word "given unto Us into their mouth.....you should become "obedient and go to the aforesaid Venerable Father and "get your Episcopal title confirmed and that you should "be on terms of reciprocal union and amity....." The Patriarch, in this remarkable document, denounces the consecratien of Thoma V as utterly invalid and opposed to law. It contains a condemnation of the Dignity assumed by Thoma without a proper Imposition of Hand.

100. This Command had at once the desired effect. Thoma V submitted to the Bavas, not against his will, but with the consciousness that his consecration was imperfect and that it should be perfected by the laying on of hand by the Patriarch's Delegates. The people keenly felt and fully believed that their Metran was really no properly consecrated Metran. The outcome of this submission was Exhibit XXVII produced by the Appellant himself. Under this document, the Patriarch's Delegate Basilius Catholica acknowledged the position of the Metran and gave him commands for his guidance. The terms of the document clearly point to the supreme

position of the Patriarch's Delegate over the Metropolitan of Malabar. Mar Gregorius and Mar Ivanius were witnesses to this Deed. It was well said by Mr. Ramanatha Row, Vakil for the Respondent, that a party that accepts an agreement from another to perfect his right or to make his position or Dignity unassailable on any ground holds certainly a subordinate position to the grantor of the agreement. This agreement certainly implies that Thoma V required the acknowledgment of Basilius to become a perfect Metropolitan.

101. It was argued by Mr. Gover, Counsel for the Appellant, that Mar Thoma and the people resisted and set at nought, the ecclesiastical authority claimed by the Patriarch. The facts above detailed clearly shew that the people and Mar Thoma from the very commencement felt the consecration of the latter by his Predecessor utterly imperfect, and strove, in all possible ways, to perfect it by getting down a duly authorized Prelate from Antioch. When their endeavours were about to be crowned with success by the arrival of Mar Basilius and others, further troubles and complications arose which had to be got over by an appeal to the Patriarch. At last, Thoma submitted to the supreme power of the Patriarch as he had long wished to do. Was this resistance? It was a hard struggle against difficulties to obtain what they sincerely believed to be absolutely wanting to give their Church a spiritual existence. It appears to us that the supremacy of Antioch could not be better established than was done in this case and the feeling of the Malankarai people in that matter could not be better exemplified.

102. After thus perfecting his ordination, Thoma V died at Niranam on the 27th Medom 940 and Mar Basilius on the 9th Thulam $\frac{1764}{939}$.

103. Before passing on to Mar Thoma VI's rule, we have to notice one remarkable feature presented by these two documents (*W and XXVII*). We cannot disguise from ourselves the fact that they purely relate to spiritual matters. The commands of the Patriarch and his delegate have reference only to what the Metropolitan should do as the Ecclesiastical Head of the Church. There is no direction whatever in them regarding the

government of the Church so far as the temporal affairs go. This is significant. The Patriarch's supremacy seems to be, in our opinion, confined to spiritual matters alone. At least, it so appears strikingly in this instance and we have seen nothing to the contrary till now.

104. Let us pass on to the successor of Thoma V. Thoma VI soon made himself a friend of the Bavas and was consecrated by them on the 29th Mithunam 945 at Niranam as the Metropolitan of Malankarai with the title of Mar Dionysius. They gave him the Staff, Mitre, Crosier, Staticon and Morone that had been brought from Antioch. Exhibit X is that Staticon. Everything went on quietly and peacefully for a time. He was commonly known as Valia Mar Dionysius or Dionysius the Great.

105. His was an eventful rule. One Kattumangat Ramban, a designing man, obtained Dionysius' permission to remove Mar Gregorius who was old and sickly to Mulanthuruthu on the pretext of giving him proper medical treatment there. Having thus succeeded in getting Gregorius out of the influence of Dionysius, he prevailed on him to consecrate him as Metran. Gregorius, who had himself a grudge against Dionysius, was only too glad to do so and, accordingly, consecrated him (Ramban) as Metran with the title of Mar Kurilos on 17th Vrichikom 945 M.E.

106. Disputes then arose between Dionysius and Kurilos, the details of which are unnecessary for our present purpose. After various difficulties, the dispute was settled by the arbitration of the Dutch Commodore in favour of Dionysius. Mar Kurilos fled to the North and with the help of a Jenmy in Malabar, he secured a site for a Church and built one at Tholiyur.

107. Thus there came to exist a separate Church at Tholiyur which did take an important part in the history of Travancore Syrian Church as we shall further on notice.

108. In $\frac{1784}{959}$ Mar Ivanius Episcopa consecrated and appointed Philipose Kathanar of Kayankulam and Matthan Kathanar the Anandaravan of the Metropolitan as *Rambans* and shortly afterwards died at Chenganoor. Subsequently on the 24th Medom $\frac{1796}{971}$,

Mar Dionysius appointed Matthan Ramban (aforesaid) as Episcopa and made him his successor elect. (*WW.* 154).

109. In the meantime Mar Dionysius, who had much influence with the reigning Sovereign and people, devoted his attention to placing the temporal affairs of the Church on a satisfactory footing, made an endowment in its favour of 3000 Star Pagodas and built a Church at Puthenkavu mostly at his own expense. (*WW.* 125).

110. There was some dispute at the hearing of this case about the endowment of 3000 Star Pagodas, Mr. Gover contending that it was made by the Madras Government, relying on what appears on *p.* 131 of Book III Ext. WW. This was answered by a reference to para 2 of Exhibit III at *p.* 223. Exhibits NN and WW, (*p.* 128 Book III) make the endowment clearly Mar Dionysius'. In fact, the Appellant to the last went on arguing his case on that clear basis. Dr. Day *p.* 250 most clearly refers to this endowment and says it was Dionysius'. There is no doubt, in our mind, that the endowment was made by Mar Dionysius.

111. It was during this time that Dr. Buchanan, an English Missionary, visited Travancore with introductions from Marquis Wellesley, Governor-General of India, to the then Resident here Lieut: Colonel Macaulay, who, in the words of Dr. Buchanan, "was a friend of Christianity."

112. The Dialogue that he quotes as having taken place between the Portuguese and the Syrian Christians is very striking and indicative of the strong hold that Antiochian supremacy had over the minds of the people at that time. It is thus—"These Churches" said the Portuguese "belong to the Pope." "Who is the Pope" said the Natives. "We never heard of him. We are of "the true faith, whatever you from the West may be, for "we come from the place where the followers of Christ were first called Christians." Every Christian and reader of the Bible must know that *that place is Antioch.* Literally they did come from Antioch, for history tells us that Thomas of Canan brought with him in A. D. 345 several families of Syrians to colonize these parts.

113. Dr. Buchanan had his interview with the Maha Rajah at Trivandrum, with the Resident at Bolghatty and with the Syrian Metropolitan Mar Dionysius at Kantanad. He travelled through the country, visited churches and attended Divine service in some of them. Upon seeing everything about the Syrian Church and their simple doctrines he formed the idea of effecting a union between the Syrian Church and the Church of England. He communicated this idea to the Resident who was really pleased with it. He then broached the subject with the Metropolitan. The Metropolitan said " I would sacrifice much for such an union, only let me not be called to compromise anything of the Dignity and purity of our Church (*p.* 220). This answer speaks volumes for the wish of the people to adhere to their old Jacobite faith. Dr. Buchanan made various other suggestions which were adopted by the Metropolitan. Ittoop says that Dr. Buchanan did not leave Travancore before actually obtaining a Padyola from the Metropolitan agreeing to the union proposed on condition that it should not modify largely the Syrian tenets. Whether it is so or not, we have no other means of knowing.

114. In $\frac{1807}{982}$ oneDioscoros Bava from foreign parts visited Malabar. On his arrival here he went into churches and tried to deal with the funds thereof freely as he chose without any sanction. The Metropolitan very rightly objected to such a course and had him deported by the Sircar. Here is another instance of the Metran and the people objecting to Bava's interference with the temporal affairs of the Church.

115. Mar Dionysius the Great died at Niranam on the 25th Meenom 983 and was succeeded by Mar Thoma VII. This Thoma did not live long. During his illness, people assembled at his residence and consulted about his successor. The disease, they thought, was rather dangerous and that some temporary Head should be selected. They arrived at the conclusion, though not unanimously, that Thoma Kathanar should be sent for and consecrated, the consecration to be afterwards perfected by getting down a Bava from Antioch. Some of those assembled did not agree to this proposal. In spite of this difference, the said Kathanar's party got him down and took him to the bed-side of the dying Metropolitan, raised and put his

hand on the head of the Kathanar and called him Mar Thoma Episcopa. The next day Thoma VII died.

116. Thereupon the Kathanar's party went to the Resident Col: Macaulay and represented matters to him. He summoned the Pallikars to Kantanad and made them execute a Padyola to the new Metran. This was done on the 1st Chingam 958 (*WW.* 156).

117. Thus the Kathanar's party who had at first proposed to get down a Bava from Antioch to duly consecrate him as Metran easily got over the difficulty by making the Resident do the needful. Of course such aberations could not form precedents or make what the whole community believed to be defective, perfect. Nor could this do away with the supremacy of Antioch over Syrian Churches here, if such had existed.

118. To confirm what he had already done, the Resident wrote on the 20th Vrichikom $\frac{1809}{985}$ to the man whom he (Resident) had helped in becoming a Metran to receive the interest due on the money invested in Government Securities on behalf of the Syrian Church by Mar Dionysius the Great. Accordingly Thoma VIII received the interest on the 2nd Dhanu following. (*WW p.* 156).

119. But the people (Syrian Christians) were not satisfied. They compelled their new Metran to draw up anew memorial on behalf of the Malankara Pallikars to the Patriarch of Antioch to send a Prelate duly authorized to consecrate their Metran and submit it to the Patriarch through the Resident. By this time Col: Macaulay left the country and Col: Munro became Resident. The Metran put off complying with the people's request. The people troubled and annoyed him in various ways & would not allow him a moment's rest. They wanted the memorial to Antioch to be submitted without any loss of time. At last finding him unable to do anything to accomplish their wish, they went up to the Resident atAlwaye and represented their grievances. They complained that hitherto the practice had been to appoint members of the Powlomattam family as Metrans to govern the Syrian Churches, that the present one not belonging to that family had no right to assume that dignity, and that his dignity itself was imperfect. They prayed therefore that "the

"present Metran should be prohibited from exercising "episcopal functions, ordaining people for pecuniary con- "siderations &c. &c." (WW. 156, 157).

120. Upon this representation, Col: Munro evidently referred the matter to the Madras Government which sent down seventeen questions through the Resident to the Metropolitan of the Syrian Church in Malabar. The circumstances under which the questions came to be referred to the Metran and the straight-forward and honest manner in which *even to the prejudice of his own personal interest*, the Metran returned replies to those questions have great significance and important bearing on the present dispute.

121. The questions were the result of the people's complaint to the Representative of the Madras Government about the imperfection in the consecration of the Metran, because it had not come from Antioch as it should have been. To admit the supremacy of the Patriarch of Antioch, under those circumstances, would be to deny the Metran his very position and the Ecclesiastical character that he had only recently assumed. Nevertheless, truth was out. The Metran disregarding personal interest spoke the mind of the community in his answers. (WW. 157).

122. Before proceeding to consider the questions of the Madras Government and the Metropolitan's answers thereto, we must notice the objection taken to their reception as evidence by Mr. Gover. He contended that the questions and answers given in Ext. WW being only an extract from a series of correspondence between the Resident and the Metropolitan, that portion of the document should not be accepted as evidence.

123. Mr. Ramanatha Row submitted that it was extremely unfair that the objection which ought to have been taken at the earliest opportunity, should have been taken at the last stage of the case and that when the appellant had disputed the genuineness of a number of letters that had passed between the British Resident and the late Mar Athanasius (which will be noticed further on) before the Lower Appellate Court, this objection had not been even thought of. He further offered to file a duly authenticated copy of the questions which his client had obtained from the Resident's Office and which he then held in his hands, if the Court permitted him to do so.

124. As a fact, it appeared from the records that on the Appellant's objection to the genuineness of certain letters filed by the Respondent, the High Court had sent for the original letters from the Resident's office to satisfy itself of their genuineness. The Appellant had not then objected to the reception of this document nor disputed its genuineness. If he had done so, as he has done now, the High Court would have followed a similar course with regard to it to put its genuineness or otherwise beyond doubt.

125. Considering the circumstance that the objection had come late and the importance of the document itself, we unanimously ruled that the document had been properly received and exhibited as evidence and that if we felt, at any later stage of the case, any doubt about its genuineness, we would send for the original document from the Resident's office and satisfy ourselves about its truth. We felt no such doubt and therefore, resolved to act upon the document as it was before us.

126. We cannot very well omit to quote some of the questions and the answers thereto so far as they bear on the question under consideration.

Second question "As subject to the authority of what Superior have the Syrians been obeying Laws and Rules?"

Answer. "In Malayalam, it is as subject to the authority of Mar Ignatius, Patriarch of Antioch, that the ordinances are recognized. Metrans come from Antioch and consecrate members of the family which has derived ordination from Apostle Mar Thoma and these conduct all routine affairs; and important affairs are conducted informing the Patriarch of Antioch thereof" (*p.* 158).

Fourth question. "What is the rule as to the succession of Metropolitans in the Syrian Churches, and what all are done on one's death?"

Answer. "In 1653, Mar Ignatius * Patriarch was arrested in Mylapore by the Portuguese on his way to

* Attolla or Ahattala.

Malayalam, from Antioch.* At that time two Deacons had gone to Mylapore. Fearing that the Portuguese might kill the Patriarch, he sent Patent of Consecration through the aforesaid Deacons to consecrate the Arch-deacon as Metran. The Portuguese then brought the Patriarch to Cochin and drowned him in the sea. Thereon the Arch-deacon and people met at Muttancherry and swore, holding the Cross † that the Portuguese shall not, to the end of their race, be obeyed. And then all met in the Allengad Church and consecrated the Arch-deacon as Metran in pursuance to the Warrant of Office sent by the Patriarch through the Deacons, and thus the Metran's functions were exercised. Subsequently, in 1665, Mar Gregorius Patriarch of Jerusalem came to Malayalam and *made perfect* the ordination of the then Metran ‡ and gave him the books, Morone, and Sythe that had been sent from Antioch. In those days the Anandaravan of Arch-deacon Thoma was made Metran and empowered to exercise the functions thereto appertaining. Towards the close of his career, his Anandaravan was consecrated as Metran. It is thus that the office of Metran has been vested in succession in members of this family."

Fifteenth Question. "What are the forms of worship of the Syrians?"

Answer "The Jacobite Syrians observe the practices mentioned in the books sent by Mar Ignatius, Patriarch of Antioch."

127. The other questions and the answers thereto fully bear out the present contention of the Respondent.

128. It is the Metran that returned the above answers that is said by the Appellants' counsel to have been one of the Metropolitans of Malankarai that refused to submit to the authority of the Patriarch of Antioch. Is it not futile, after the answers quoted above, to say that this Metran's consecration not having been made or perfected by the Patriarch or his Delegate, amounted to a denial of the Patriarch's authority? We think that this Metran, more than any other, recognized the authority

* Already noticed under the first Period.
† Koonen Cross already noticed.
‡ Thoma VII or Dionysius the Great.

of the Patriarch. As has already been observed, these answers were most prejudicial to his own interests. Hence all the more reliable are these informations.

129. The correspondence passed in A. D. $\frac{1813}{988}$.

130. During the rule of Thoma VIII, the Syrian Church received a donation of 8000 Rs from H. H. The Ranee of Travancore and also 20,000 Rs and the Isle of Munro near Kalladay, free of tax, through the influence of the Resident. A school was built in 1813 for training young men for spiritual Orders.

131. In 1815, one Ittoop Ramban of Pulikote got himself consecrated as Metran by Philixinos the Metropolitan of Tholiyur.

132. Here it is necessary to give a short account of this Philixinos. We have already noticed the establishment of a Church at Tholiyur by Mar Kurilos in 1774. (WW 115). This Kurilos consecrated Geverghese Ramban, his younger brother, as Metran with the designation of Kurilos II in 1794 and retired to Mulanthuruthu, where he died in 1802. From there, Kurilos II on account of the ill-feeling between his late brother and Mar Dionysius Metropolitan, tried to give all possible annoyance to the latter, but eventually failed to disturb him in any way. This Kurilos II nominated one Cheeran Kathanar as his successor with the title of Philixinos IV and died in 1807. This Philixinos, according to his previous promise, consecrated Kidangen Geverghese Kathanar as Metran and died in 1811.

133. Disputes then arose about the legality and propriety of this consecration. The matter was referred to the British Resident Col. Munro who, with the Dewan of Cochin and Kathanars, discussed the subject and declared the consecration valid. (Howard '62–63). Be the authority of the decision what it may, Geverghese's consecration was declared perfect, and he became Metropolitan of Tholiyur with the title of Philixinos. Not satisfied with Tholiyur alone, he aspired to have control over Malankarai also. It was this Philixinos that consecrated Pulikote Ittoop Ramban as Metropolitan of Malankarai with the title of Mar Dionysius in 1815 (*p.* 128).

134. Now to come back to the narrative. Mar Thoma VIII died in 1816 consecrating his relative as Mar Thoma IX. This latter Thoma was advanced in years. Finding him weak and evidently having no support of the people or of the authorities, Ittoop Ramban, newly styled Dionysius on the authority of Philixinos, boldly came to Kadamattam where Thoma IX was staying, forcibly divested him of his staff, Mitre, Crosier and vestment and returned to the Kottayam Seminary, carrying away all the properties of the Metran. (*Eapen* 69–70 ; WW. 131.)

135. Mar Thoma thus divested of Episcopal functions spent the rest of his days at Kadamattam in retirement. This Pulikote Dionysius pretending to have had proper consecration, actually usurped the power of a Metropolitan. The beginning of his career was only quite in keeping with his antecedents. Unscrupulous and designing as he was (Histories abundantly shew this to be a fact), it was no wonder that he forcibly divested a meek and aged man like Thoma IX of the *insignia* of his Episcopal office and assumed the Dignity himself. He was backed by Philixinos—a worthy preceptor of a worthy pupil!!. However, Dionysius (Ittoop Ramban) had the support of Col: Munro, the Resident, that carried everything before it. But for that support, the people of Malabar would not have tolerated such a usurpation. He was recognised by the authorities. However Pulikote Dionysius did not long enjoy his much coveted office. He died within almost eighteen months of the wrongful assumption of the office. Thus was Travancore Syrian Church left without a Metropolitan.

136. Philixinos again made a visit to the country and consecrated Geverghese Kathanar in 1818 as Mar Dionysius Metropolitan. (*Howard* 65). This Metropolitan's Staticon is Exhibit XXIX which makes no mention whatever of the Patriarch or any other Ecclesiastical Head of the Malankarai Church. It must be borne in mind that Philixinos was the successor of a run-away and deported Metran who had all along cherished great ill-feeling towards Malankarai Church. The document came into existence (2nd Vrichigom 1817) within almost three years of the enquiry instituted by Madras Government about the

origin and government of the Syrian Church in Malabar. The answers to the questions from the Madras Government must have then been fresh in every body's mind. It was then that Philixinos—an old enemy of the Malankarai Church—gave the Staticon Exhibit XXIX ignoring altogether the supremacy of the Patriarch of Antioch.

137. Punnatharai Mar Dionysius soon got into the good graces of the authorities by lending his aid to the scheme of union proposed by Dr. Buchanan. The Metropolitan and the English Missionaries of the Church Mission Society were very friendly ; and they jointly set on foot a scheme of general education to the youths of both creeds. Col. Munro gave them much encouragement. The Missionaries used to visit Syrian Churches and preach sermons therein. Thus the C. M. S. Missionaries began to exercise much influence over the Syrian community. (*Ittoop* 132).

138. With all the support of the Resident and the Missionaries, Mar Dionysius did not seem to feel quite at ease about the validity of his own consecration ; for Ittoop says (*WW. p.* 161) that he (Punnatharai Mar Dionysius) "desired to get down a Prelate from Antioch "to Malayalam to have his dignity made perfect and sent "one or two letters to His Holiness Maran Mar Ignatius "Patriarch and tried very much. But it happened that "none arrived during his rule."

139. Though he failed in his endeavours to perfect his consecration, yet he made his position secure by the help of the Resident and Missionaries who prevailed upon the people to consent to his nomination (be it remembered as only *a temporary measure*) and upon the Sirkar to issue a Proclamation (Col. Munro himself being the Dewan then) directing all people to obey him as Metropolitan (*WW* 132 ; *Ittoop* 194). The brevity of the Proclamation (Vide Exhibit VI_2) and the manner in which its issue was brought about are noteworthy. The Proclamation runs thus—"Whereas Mar Philixinos Me-"tropolitan is ill and indisposed and Mar Dionysius "Metropolitan has been consecrated by Mar Philixinos "as his successor to govern the Syrians and the Syrian "Churches, this is to inform all the Syrians in Our coun-

"try that they should obey Mar Dionysius Metropolitan." What had Mar Philixinos, the Bishop of Tholiyur which had been separate and distinct from Malankarai hitherto, to do with the latter? It is said in the Proclamation that Mar Philixinos consecrated Dionysius as his successor; but it must be borne in mind that Philixinos was never Metropolitan of Malankarai and, therefore, his appointment of Dionysius as successor could not have any reference to Malankarai. Philixinos could only appoint a *successor* to the office that he himself had held. It is altogether meaningless to say that he appointed a successor to an office that he had never held or that had never been under him. His appointment of a successor to Tholiyur might be intelligible because he was the Metropolitan of Tholiyur.

140. Again the Government which had hitherto never interfered, though there had been many urgent occasions for such interference, with the appointment of Metrans to Syrian Churches, unsolicited, came forward readily to issue a Proclamation to recognize the consecration of a person who himself felt that his consecration was imperfect without the Imposition of Hands by the Patriarch or his Delegate.

141. Such extraordinary violation of the rule or practice hitherto strictly observed and such utter disregard of the feelings of the people and the Metropolitan himself could not do away with the rule altogether. It could only be treated as an exceptional case, not in the least degree affecting the long established practice.

142. However, this Punnatharai Mar Dionysius died on the 8th Edavom $\frac{1827 \text{ A.D.}}{1000 \text{ M.E.}}$, no doubt with the consciousness that he had not been a perfected Metran (spiritually perfected). No successor was appointed by him. (*W W.* 161).

143. The Pallikars in consultation with the Missionaries fixed upon Philipose Malpan of Cheppat and three others as fit candidates for the vacant seat. They cast lots to make a selection out of them; and certainly as one must come out successful, fortune was on the side of Philipose Malpan. The lot fell to him. Philixinos who had been ready at hand to help on such occasions was brought from Cottayam. He consecrated this Malpan as Metropolitan of Malankarai. (WW 133). The selection and the consecration well matched each other and both were crowned by a Proclamation issued by the Sirkar (Exhibit VI_3). This Proclamation is very curiously worded. It runs thus—"As Mar Philixinos Metropo-"litan (of what?) who was living at Cottayam is dead "and as Mar Dionysius Metropolitan has been appoint-"ed instead (that is his retirement at Cottayam), Procla-"mation &c." So that Cheppat Dionysius was not appointed successor to Mar Dionysius of Punnatharai but to Philixinos. This Philixinos had long ago retired from office and had been in retirement at Kottayam. He was made to appoint two successors to an office he had never held or laid claim to.

144. Now, here is the result of the combined action of the C. M. S. Missionaries and the Dewan-Resident of Travancore. It is these three appointments of Philxinos in retirement that are hurled against the Respondent's case. The last appointment, viz., that of Chappat Dionysius was, after all, cancelled or annulled by the Patriarch and that cancelment was submitted to by Dionysius himself, we shall further on shew. That leaves then only two Proclamation appointments made by Philixinos, a retired Metropolitan of Tholiyur. The first one, viz., Pulikote Dionysius, was almost a usurper has already been pointed out; the second, viz., Punnatharai Dionysius had, to the last, felt his consecration imperfect and had unsuccessfully tried his utmost to get down an Antiochian Prelate to perfect it. These are the only exceptions to the rule of succession.

145. Now we come to Cheppat Dionysius' rule which was a more eventful one than any that had preceded it. It commenced in 1001 M. E.

The first thing that the Missionaries did, as soon as they had Dionysius installed as Metropolitan, was to press the proposed union between themselves and the Syrians "*in religious affairs.*" (*WW* 133). "The Metran," Ittoop says "simply agreed to do so but gave no occasion for the removal of any of the practices (of the Church), as he did not wish it to be said that he undid any prac-

tices of the past times." (*p.* 197). Matters continued in this dubious state till 1838 when the separation became complete, as will be shown hereafter.

146. On the 3rd Vrichigom $\frac{1825\text{-}26}{1001}$ two Ecclesiastics sent by the Patriarch of Antioch with authority to perfect the ordination of the Metran arrived in the country. (*Ittoop. WW.* 133; *Howard* 67). On their way, they saw Bishop Heber of Calcutta at Bombay and got from him letters of introduction to Travancore. They were Athanasius Metropolitan and Abraham Ramban. As soon as they arrived, they were properly received and welcomed. But their hasty and inconsiderate action rather displeased the people and alarmed the Metropolitan. They declared all consecrations after the time of Dionysius I (1810) invalid (as no doubt they were), and began to reconsecrate Kathanars and Metrans. (*WW* 144. *Ittoop* 202-203. *Howard* 68). They conferred fresh Orders and excommunicated those that did not submit to them. Discontent arose (mostly on account of the hastiness of the action) and the Bavas were disregarded. The English Missionaries, the Resident Mr. Newall and the Travancore Sirkar sided with the native Metrans and the foreigners were left almost helpless. (*Howard* 70–71). It was only natural that the Missionaries and the authorities should side with the Metrans; for it is they that made them Metrans. The matter was represented to the British Resident by both parties. He decided that the foreigners had no right to properties in Malabar. The Metropolitan and Ramban were then ordered to go back, the Sirkar paying their passage. The people were very much grieved over this incident. (*WW* 133. 134).

147. Thus ended the attempt by the Patriarch to perfect the consecration of the Kathanars and Metrans in Malayalam. An overwhelming combination there was against them. However, Mar Dionysius did not long resist the supremacy of the Patriarch.

148. Revd. Howard says (after the expulsion of the foreign Bishops, though against the general desire of the people), "The English Missionaries were *now able to* "*carry on their designs* under the most favourable circum- "stances. With a friendly Metropolitan (he might have

"said a creature of their own) to support their efforts "*and possessing considerable influence with the British* "*Resident* and through him with the native Government, "*it is not easy to conceive more hopeful condition of success;* "*and whatever opinion we may entertain regarding the* "*character of their proceedings,* it must be admitted, that "they applied themselves to their work with unsparing "energy and devotion." (*Howard* 70 & 87). The Italics are ours.

149. Here we have the secret of the success attending the resistance to the Patriarch's authority. However, it was only for a time.

150. The long looked for union between the C. M. S. and the Syrian Churches eventually proved a failure. We need not go into the details of the circumstances that led to the breach. Bishop Wilson of Calcutta came to Malabar to effect the union if possible. His proposals were not acceptable to the Syrians. Thus the separation became complete in May 1838. This led to the appointment of a Panchayet to decide upon the dispute regarding the appointment of the endowment which had been held in common till then. The Panchayet Decision is Exhibit III .(*Howard* 95–103 *& Revd. Kurien* 144–45, 168). We may have occasion to refer to this document in another place. For the present, suffice it to say that the decision makes an allotment of the funds and properties between the C. M. S. Society and Syrian Sabah and directs how they should be respectively administered. This document is dated 4th April 1840.

151. In the meantime the Syrian community not being satisfied with the manner in which their Prelates and Priests had been ordained and feeling keenly the spiritual decline that was coming on them, were adopting means to lay their grievances before their spiritual Head, *i. e.*, the Patriarch of Antioch, who alone could grant them redress. In spite of State recognition and the support of the British Resident, Mar Dionysius was not acknowledged by the people as their spiritual Head. His consecration was no consecration in their eyes and belief. They, therefore, in a body, drew up a Memorial to the Patriarch and sent it to him through one Marogee. Though this memorial itself is not produced, yet there is

abundance of evidence on the record to show that such a letter was sent and that many other similar letters were also sent to the Patriarch by the Community. In Ext. H, an undisputed document, the decision of a committee known as the Quilon Committee (this will be referred to at some length afterwards), they say, (*Book III.* 14), "The Committee accordingly assembled at Quilon and "received from Mar Athanasius, the following documents "in the Syriac language, viz.,..... a letter sent to "the Patriarch by the Syrian Community by the hands "of one Marogee, a native of Bagdad ....." Further on in the same document the Committee observe, (*p.* 14–15)—"In the original letter addressed by the Syrian "Community to the Patriarch and which Mar Athanasius "produced before the Committee as having been deliver-"ed to him by the Patriarch himself, it is stated that "'since the former Metran Mar Athanasius (Mar Atha-"nasius deported by the Sirkar) had left Travancore "in 1825, they, the Syrian Community, addressed the "Patriarch Eleven times soliciting that a Metropolitan "may be sent, but that none had come'....." Thus, it is clear that this letter among many others was sent to the Patriarach by the Community. Exhibit TT is the reply from the Patriarch to that letter. It is dated 1st Kanni 1840. There can be no doubt of the genuineness of this document. Exhibit H (Quilon Committee Decision) says, (*p.* 15)—"The Committee find that both this "letter (already referred to) and the one surreptitious-"ly addressed by Mar Dionysius to the Patriarch in the "name of the Syrian Community were taken by Marogee "and Francis (the bearer of the other letter) to Antioch "and that Marogee returned with a general reply from "the Patriarch." Then follows a short abstract from the reply which fully accords with Exhibit TT. The genuineness of TT seems to us to be beyond doubt. This letter after the usual prefatory blessings and greetings begins, (*p.* 114)—"We make known unto your love "that; The letter sent by you through our son Marogee, "the traveller, to Us reached this on Tuesday the 13th "Chingom." Then follows a brief abstract of the contents of that letter. It must be borne in mind here that this is not only a reply to the letter of the community, but also to another letter surreptitiously sent by Mar

Dionysius as proceeding from the community. Hence the mild tone adopted in addressing Dionysius. The reply continues, "If possible, We shall ourselves come "bringing you Bavas and Morone and the books you "have written for and *appoint Metrans* and Priests and "Deacons for you and regulate your Pallikramams..... "We have now heard *that Metran creates Metran and "Kathanar, Kathanar. This act is contrary to the Holy "Gospels.* For, our praiseworthy Lord Jesus Messiah "conferred this great power on our Fathers, the Holy "Apostles. He appointed them firstly as Deacons, second-"ly as Priests, thirdly as Episcopas, and fourthly as "Patriarch. But they have to this day, transmitted this "great authority to their respective successors through "generation after generation.....Henceforth up to "our arrival in your midst none of you hath from our "weakness and from God authority to create a Deacon "or a Kahana or an Episcopa ....." Evidently this letter was not communicated to the people by Mar Dionysius. Exhibit H, clearly says so (*p.* 15)—"It ap-"pears from the same letter, *that the letter sent by* the "Patriarch to the Church was concealed from the know-"ledge of the Syrian Community by Mar Dionysius who "prepared a reply to the same also unknown to them." However, the community again addressed the Patriarch in a very piteous tone exhorting him to grant them spiritual redress in Exhibit N. This is equally genuine admits of no doubt. It is dated 22nd Karkadagom 1840. It runs thus (after the usual greeting):—"We, the Priests, "Deacons and Christians of all Churches of the Jaco-"bite Syrians that are under the authority of Your "Holiness, in Malayalam, beg to submit" ..... "When "for want of a Metran bearing the impress of the "Apostolic Imposition of Hands, we were for many "years subject to difficulty and extreme groans, one "Bava Mar Athanasius (deported by Sirkar already "mentioned) called Abdullah Messiah came to us in 1825. "Then as our constant wish was granted us by our pray-"ers from the very beginning, we in one mass became "glad and rejoiced in him. Then Philixinos (the man "who appointed three Metropolitans) of Malayalam who "then was putting on the garb of Metranship (contempt) "and the present (omission) and his servant Dionysius

"became filled with envy and malice and consulted the "Anglican Priests and expelled him, with the aid and "influence of the officers of Malayalam. From the time "of that event the Church in Malayalam became a widow "without anybody to govern it..... after the death "of the aforesaid Philixinos, the present Dionysius sub- "dued the Churches of Malayalam and began to rule "over the churches of us, sufferers, according to his "blind knowledge and as one who had not received the "Nalvarom of the Holy Ghost from the Holy Fathers "....." (*Bk. III p.* 35). Then follows a long description of their spiritual wants and the atrocities of Mar Dionysius in his office. They wind up the whole letter (very interesting as indicative of their heart-felt feeling)— "With much tears and sorrows we request before Your "Holiness to send Mar Athanasius, blessings and peace "and to rule us through Mar Athanasius and Mar Ku- "rilos and not to regard us as separated from your au- "thority."

152. The other letters of the Syrian Community to the Patriarch have not been filed; but the Quilon Committee which had some of them before it gives a concise summary of the contents of the letters thus (*p.* 15) "That "they (Syrian Community) are as sheep having no shep- "herd (they do not account Dionysius as one); that in "consequence, the Syrian Church in Malabar is in a "state of widowhood; that its spiritual concerns (no- "thing about temporal concerns, for they do not need "Imposition of Hand to be looked after) are in a declining "state; and *that being without a duly consecrated Metro- "politan and Priests* (Dionysius was not so in their im- "pression and belief) they, the Syrian Community *are "deprived of the benefit of Baptism, Absolution, Mass and "other sacred rites and have also no Morone (Holy Oil)*; "that a priest ordains a priest and priest consecrates "a Metran; and that having no holy oil, unsanctified "oil is put into Phials which before contained Holy "Oil; that thus they commit great sin which with- "out shame they confess; *that the Patriarch should "prohibit the Priest, Mar Dionysius who wears the sacer- "dotal habit of Metropolitan* from wantonly transgress- "ing the Canons of the Church; and that a Metro-

"politan should be sent reputed for piety, wisdom and "discretion provided with the necessary Holy Oil and "religous books: and further that the Patriarch should "either send the former Metran Mar Athanasius or "Joseph Metran who is at Nineveh." The words within brackets are ours. It may be added here that the Committee find these letters genuine.

153. Upon the receipt of these letters when the Patriarch was contemplating whom to send to govern the Syrian Church in Malabar, the late Mar Athanasius arrived at Antioch and presented himself before the Patriarch. (*Exts. M. and H.*)

154. Exhibit M. (copy of the Staticon given to Mar Athanasius, the original being withheld by the Apellant who must be in possession of it) after the usual long preface begins (*p.* 32), "Our loving and beloved child- "ren! We further bid unto you that:—In the letters "sent by you, you have said in complaint, 'that we have "no shepherd, nor priesthood, nor baptism, nor ruler' "and used several other expressions of the kind. But, "when we heard that you who are believers live dispers- "ed, we felt very sorry and grieved for you. We strove "to send one to you so that a true shepherd may come "and see you, and a ruler possessing knowledge *for the "spiritual protection* of our trusted people of Malaya- "lam.....While we were labouring with all these "thoughts, as to who may be sent to Malayalam; with "these came our dear son Kassisa Matthai (Mar Athana- "sius) from you in peace. On seeing him, we were much "pleased with him and said that, as one has come from "among them, it is best above all that he should be the "father and ruler of them.....First we ordained him as "Deacon; thereafter, as Kassisa (Kathanar); subsequent- "ly as Ramban and afterwards as Metropolitan.....(*p.* 33). "Furthermore, We lovingly make known unto you, O our "children! that, We have sent through Our son Mat- "thews Metropolitan Holy *Morone* for the use of your "youths. Further, we desire to prepare *Morone* after "the great fast of the Resurrection of Our Lord Jesus "Messiah from the tomb and to sent you same." (*p.* 34.) This document which is dated 1st Kumbhom 1842, gives us a full account of the consecration of the late Mar Athana-

sius who arrived in Malabar under the orders of the Patriarch about the middle of 1843.

155. The appointment of this Mar Athanasius is an important event in the History of the Syrian Church of Malabar, for, after repeated representations from the Syrian Community who had been groaning under oppression of various kinds and who had believed themselves to be spiritually lost, the Patriarch once more asserted his ecclesiastical authority to the great relief and satisfaction of the community. In their own words, "They "were again brought under a properly ordained shep- "herd."

156. Athanasius could not easily persuade the authorities here to undo what they had already done in favour of the Metropolitan created by them *i. e.* Mar Dionysius. There was a Royal Proclamation (Exhibit VI$_S$.) staring him in the face and that must be cancelled before he could be recognized and obeyed by the people. Political difficulties prevented the people from at once following him.

157. This necessitated a series of correspondence between Mar Athanasius and the Resident. Of course Dionysius' interest lay in throwing all obstacles in the way of Athanasius in assuming charge of the office to which he had been declared qualified and nominated accordingly, by the Patriarch. The whole correspondence most positively establishes the supremacy of the Patriarch.

158. The first letter on the record is Exhibit QQ written by Mar Athanasius to the British Resident Major General Cullen, dated 21st September 1843. (*Book III*-110.) It runs thus :—

Sir,

I beg to inform you that His Grace the Patriarch of Antioch (who is supreme in all religious matters, over the Syrian Christians of Malabar as well as of other places) has suspended the present Metran Mar Dionysius who is at present acting without his sanction and cognizance, on which account His Grace the Patriarch sent official letters to the community and to the Metran

himself. In 1842 and on 1st February, I was consecrated by His Grace, Metropolitan to the Syrian Christians of Malabar and sent hither with Letter Patent and other credentials. On my arrival in these provinces, I had the honor to acquaint you of the same.....I beg now to state what has happened since my writing to you last. At an interview between Dionysius and myself, he and the Syrians who were then present acknowledged me and delivered into my hands some of the Episcopal garments of the former *Metropolitans appointed by the Patriarch.* Dionysius also sent official letters and assembled the Syrians on the 30th Ultimo at Candanad for the purpose of reading my Letter Patent before them. At the convocation, people acknowledged me as their lawful Metropolitan, the Metran (though not authorized by the Patriarch) instead of receiving the Staticon from my hand and delivering it to the people to be read, desired me to send it to them in a way not sanctioned by the Church. On account of this, the people and myself departed from Candanad.....solicit your advice that I may begin my duty to which I am appointed by the Patriarch."

159. The Respondent filed Exhibit Q as the deed of acknowledgment by the people of Mar Athanasius at the convocation referred to in the above letter. But the appellant denied its genuineness and the Court of First Instance seems to endorse that denial. (*p.* 66). We think it not safe and fair to touch upon that document though it affords some intrinsic evidence of its truth.

160. The next document we come to is another letter by Mar Athanasius dated 30th November 1843 to the Resident (Exhibit MMM). It runs thus:—

"Sir,

I have the honor to acknowledge the receipt of your letter.....In reply I beg to state that *according to my appointment as Metropolitan direct from the Patriarch of Antioch,* it is my intention to exercise only the lawful and ordinary authority of my office....."

161. The next in order of date is Exhibit NNN dated 7th May 1844. In this also, he says to the Resident that he solicits advice and assistance to enter upon

the duties to which "I am appointed by His Grace the Patriarch of Antioch."

162. It appears that upon these representations, the Resident called upon Mar Dionysius and the Kathanars for explanation. Neither the call for the explanation nor the explanation itself has been filed. But from Exhibit OOO, it is clear that it was done. Upon the receipt of the explanation Mar Athanasius was desired by the Resident to offer his own reply to it. Exhibit OOO, contains Mar Athanasius' reply. It is dated 15th January 1844. It begins (the document consists of 9 paras),

"Respected sir,

"As I am permitted to offer explanation on what Mar Dionysius and his Kathanars have written I beg to state

"I. That all the Churches whose names are in the petition, have neither signed it nor is it sent by their knowledge and consent....."

(This petition is evidently one purporting to come from the churches objecting to Mar Athanasius' appointment).

"II. That most of the Churches who are said to have signed the petition are the very persons who have written to His Grace the Patriarch in the year 1839 against Dionysius and had him suspended. A copy of the letter I enclose for your Excellency's perusal. The original I have in my possession, having been given me by His Grace to use it in case of necessity....."

"VII. That it is always necessary at the consecration of a Metropolitan (either a native of Antioch or of Malabar)that he should give to the Patriarch a writing under his signature containing his confession of faith and his submission to the Patriarchal See, which I did previous to obtaining ordination....."

163. Having got no reply to this, Mar Athanasius again addressed the Resident on the 12th July 1845 in Exhibit QQQ. Here he adopts a very plaintive tone. It is as follows:—

"Sir,

"I beg leave to bring to your kind notice that it is now two years since I am waiting with the hope of seeing

a Proclamation issued by the Travancore Government in enforcement of the Staticon granted by His Grace the Patriarch of Antioch appointing me the Syrian Metropolitan of Malabar.....

"Further, had Mar Dionysius been a duly consecrated Metropolitan and the petitions forwarded by him and his adherents against me founded on truth or *were the majority on his side*, he should have come forward to establish his right before the Synod, which agreeably to your kind suggestion was to be convened by the Sirkar a year ago; but instead of doing so, he treated with absolute indifference the object for which the Synod was ordered .....and contumaciously persisted in his usurped authority of Metropolitan.....

"It is therefore very grievous to me to remain unnoticed in the manner I am while in possession of lawful credentials from my Ecclesiastical Head and Superior....."

164. Failing to obtain redress, he addressed several other letters to the Resident re-iterating the same claims even in stronger terms (Exhibits PPP and KKK). They were as follows:—

"Sir,

"I have the honor to inform you that having been appointed by His Grace the Patriarch of Antioch as Metropolitan of the Syrians in Malabar and the usual Diploma granted me, I accordingly came to Travancore in 1843 and waited upon you with a view of obtaining the Proclamation of His Highness the Raja to enable me in conformity with my appointment to enter upon the duties of my sacred office.

"After being fully satisfied with the authenticity of my documentary Credentials and the legality of the appointment they were intended to confer, you were kindly pleased to obtain for me an interview with His Highness and subsequently recommended, through the proper channel, my solicitation, that the Proclamation of His Highness may be issued in order that the Syrians in this country may recognize me as their duly consecrated Metropolitan.

"His Highness upon a deliberate consideration of the subject, was pleased to accede to your recommendation, and ordered the Proclamation in question to be prepared and submitted for His Royal Signature, but before this would (could) have been done, the late Peishkar Cochu Shangara Pillay artfully endeavoured by mis-representations to prevent the Proclamation being signed by His Highness, the motive that induced him to adopt this course, was, as I am credibly informed, the effect of bribery, having previously received from Mar Dionysius the sum of 3000 Rupees for the purpose of retaining his own usurped position and rejecting my just and lawful appointment.

"How far these improper proceedings have been allowed to interfere in the case, it is not for me to enquire, but experience has sufficiently proved to me that they have not been altogether ineffectual, inasmuch as the Proclamation of His Highness remains to be signed, and I am in the meanwhile subjected to considerable inconvenience and distress, and now for a period of nearly three years waiting at this place in continual anxiety and suspense as to the ultimate tendency of the object that concerns me.

"As such results are derogatory to the appointment I hold and extremely reproachful to my character as prelate, I beg that you will be pleased once more to recommend my case for the favourable consideration of His Highness, and obtain for me the Proclamation of His Highness to enable me to enter upon the exercise of my sacred functions in this country and thus be relieved at once of the distress, doubt and disappointment I am labouring under at present.

I have &c.
(Signed) Athanasius Malabar."

"Sir,

"I beg leave once more to bring to your kind notice that I am still waiting at this place depending on your promise that you will bring my business to a settlement. Indeed, Sir, this procrastination which to me appears unaccountable, has only tended to augment my anxiety and increase my pecuniary difficulties,

while the consideration that a duly constituted prelate like me who holds unquestionable credentials from his lawful superior should be thus left to experience distress and disappointment in the very coast to which he is appointed, afford me no inconsiderable uneasiness.

"I have been positively informed that your kind letter recommending my recognition in Travancore, has been submitted for the favourable consideration of His Highness the Rajah accompanied by a draft of the proposed Proclamation for His Highness' signature; and that these communications were allowed to lay aside owing to the intrigues of the late Palace Peishkar Cochu Shangara Pillay, but as this functionary is now no more and as I doubt not that His Highness will be pleased readily to attend to your kind requisition if only the subject is once more submitted to His Highness' notice, may I beg of you, Sir, as the only alternative that now presents itself, to be pleased to remind the Head Dewan Peishkar on the subject in order that the same may be laid before His Highness and with a view of the Proclamation in question being issued without further delay, and need I add, sir, this act of favour will ever bind me in the utmost gratitude to pray for a continuance of your valuable health and happiness.

I have &c.
(Signed) Athanasius Malabar."

It must be noted that Mar Athanasius prayed to have Mar Dionysius, a Metropolitan that had been ruling over Malankarai, removed on the only ground that he had not received the Imposition of Hand either from the Patriarch or his Delegate and, consequently, he was no properly consecrated Metran, while his own claims to the Dignity of Metropolitan, he (Mar Athanasius) based upon the sole ground of his ordination and appointment by the Patriarch of Antioch.

165. While the long correspondence above noticed was going on between the British Resident and Mar Athanasius, Mar Dionysius and his "intriguing Kathanars" (as Athanasius had described them) were not inactive. They were busy in raising up factions and in making representations true or false affecting the eccle-

siastical character of Mar Athanasius to the Patriarch as Athanasius had anticipated and already intimated to the Resident in Exhibits OOO and QQQ. Upon receipt of those representations (what they were precisely, we have no means of knowing, but that representations were made against Athanasius is abundantly proved), the Patriarch being unable, from local distance, to ascertain personally the truth or otherwise of the representations, sent one Mar Kurilos (Quirilos or Coorilos or Cyril) with letters of introduction to come to Malabar and make enquiries into the complaints. It appears, as we shall see from the Quilon Committee Decision (Exhibit H) that he was entrusted by the Patriarch with blank papers signed and sealed by him for such use as he (Quirilos) might have occasion to make upon his enquiry, such for instance as to issue an Interdict if he found Mar Athanasius really guilty of heretical practices charged against him and to issue a Staticon to one who should take his place and so on. Armed with these letters and papers, Kurilos arrived here and upon an interview with Mar Dionysius, declared himself the duly consecrated and appointed Metropolitan by the Patriarch to supersede Mar Athanasius and forged Staticon and credentials on the blank papers (signed and sealed) entrusted to him. There is no doubt that Mar Dionysius lent himself to this most daring and sacrilegious act to defeat the aspirations of his opponent, Mar Athanasius. However, upon the arrival of Mar Kurilos which occurred in 1846, Mar Dionysius made over the charge of his office to him and gave intimation of that fact to the British Resident in the following letter (Exhibit SS) dated 30th Chingam 1846.

"To.

The Honourable presence of Maha Rajah Manya Raja Sree the Resident Avergal.

Mar Dionysius, Metropolitan of the Edavagai of Malankarai writes and informs that:—

"Though Abraham Kathanar.....and his Anandaraven Deacon Mathai (Mar Athanasius) and some others having forsaken the observances of the Syrian persuasion and having, of their own pleasure, created certain religious observances and Pallikramams and followed the same, were dismissed from the Sabha and

though the matter was communicated in writing to the Most Venerable the Mar Ignatius Patriarch Bava of Antioch, the Head of the Syrian Metropolitans, he (Athanasius) has come down as Metran having presented himself before the Patriarch Bava with a fabricated letter purporting to be one from the Syrian Church people in Malayalam and by having misrepresented facts and given false name, and is causing troubles, has been already communicated in writing. As on writing to, and informing, the Very Venerable the Patriarch Bava with reference to his case, the Venerable Mar Kurilos Joachim Metropolitan of the country of Thurabbudien has been sent with Staticon to govern the Churches according to the religious customs of the Syrians and to conduct religious observances and has arrived on the 26th of this month; charge has been given over to the Venerable Mar Kurilos, with consent thereto, that as written in the Very Venerable Patriarch Bava's Staticon, he may govern the Syrian Churches in Malayalam and conduct religious affairs.....Therefore, prays that all orders that may have to be sent relating to the Churches or the Seminary may be addressed to him (Kurilos)....."

166. Here is the ultimatum of Mar Dionysius whose consecration had been questioned from the commencement. Feeling his ordination irregular and invalid and most unacceptable to the community; knowing that his cause was weak as against the nominees of the Patriarch to whom everybody looked up as the Supreme Head of the Syrian Church, even though himself backed by the authorities and recognized by a Royal Proclamation; and unwilling to surrender his office to an opponent (Mar Athanasius), Mar Dionysius, at last, hit upon the idea of creating a Metropolitan of his own choosing, supported by false credentials and forged Staticon (as we shall see further on). Mar Dionysius and his adherents who had not scrupled to do so many criminal and sacrilegious acts had not, however, the boldness and the unscrupulosity to deny the Supremacy of the Patriarch and consequently of the claim of his nominee (Mar Athanasius). The reason of this is plain. The people, Mar Dionysius must have known, would, with one voice, condemn him, if he did so. They were not prepared to

go that length then and, therefore, under the pretended authority of the universally recognized Syrian Ecclesiastical Head, viz., the Patriarch, he had to work to defeat Mar Athanasius' claims.

167. Upon hearing of this intrigue, Mar Athanasius addressed the British Resident on the 10th June 1847 in Exhibit LLL as follows:—

"Sir

"With due deference, I beg to address you again on the subject of my claim as Metropolitan duly consecrated and appointed to the See of Malabar, in the humble hope that what I have hereunder taken the liberty of representing will merit your attention and consideration.

"Just complaints by the Syrian clergy and laity against the then acting Metran Dionysius having been forwarded to His Grace the Patriarch and received a few months before my arrival at Mardin, he was pleased to consecrate and appoint me; the legality and validity of which the said Dionysius being fully convinced and the same being in disappointment of the hopes he had formed of being confirmed in the authority he was then exercising in pursuance to his application which instead of producing the desired result, drawing upon him the severe censure of the Patriarch and the issue of a writ prohibiting his further exercise of functions, disposed him to resort to means to prevent my superseding him, and availing himself of the delay on the part of the Travancore Sirkar in issuing the usual Proclamation towards my installation by combination with the Kathanars Abraham and Philipose, persons notorious as ring-leaders in causing strife and dissensions among the Syrians (for which they were once punished by the said Sirkar and bound down to future peace) agreeably to their natural propensity, wrote to the Patriarch and the Sirkar accompanied by surreptitious letters in the names of the Syrians, accusing me most falsely of charges which malice and envy alone would suggest.

"Yourself and the Sirkar as you are aware being satisfied of the falsity of those charges dropped the matter, but the Patriarch in consequence of his station at Mardin being far remote from Malabar, not being able to ascertain the truth has sent Mar Kurilos as is usual in matters of such a nature, in cases both ecclesiastical and secular, to investigate the charges against me and communicate the result to him.

"Dionysius and his accomplices being aware that an investigation would inevitably lay open their machinations and bad to a frustration of their plans, joined Mar Kurilos on his arrival and persuaded him that a fit opportunity offered for taking possession of the churches in Malabar in the crisis in which he found affairs and to prevail on his doing so, having prejudiced him against me and representing it his duty to take possession of the churches and fearing that a delay would prove abortive to their scheme precipitately, made over to Mar Kurilos the churches &c. in this See; hence their reason for not obtaining the sanction of the ruling authorities according to the practice observed in such cases accompanying him to the several churches in contravention to the rules of Government and in disregard of the Staticon of appointment which I hold from the Patriarch and which they ought to have rendered void by the same or a similar power that gave it efficacy previous to their having commenced operations in the manner above stated.

"Should the necessity of Mar Kurilos falling into the views of Dionysius or following his suggestions whilst in possession of a Staticon from the Patriarch or the reason of Dionysius aiding the former in the manner above mentioned be questioned, I answer that Mar Kurilos' procedure is in itself a clear proof of his not being authorized by the Patriarch to supersede me, which had it been the case, there was no need of his resorting to such measures as, on the other hand, Dionysius by his support of me could not experience a continuance or exercise of his wonted authority and importance under my administration, as he could under that of Mar Kurilos a stranger who, from his ignorance of the language and manners of the people on whom to exercise the duties of a Metropolitan and have due control, as he is every way ill-qualified, he needs the support and influence of Dionysius and both of them to give the appearance of propriety to their conduct and prevent a failure of their scheme have forged letters &c. as if from the Patriarch the contradictory

nature and suspicious character of which I have had the honor of pointing out to you in my letter of the 2nd November 1846 and my remarks that accompanied it. I likewise observed in the above mentioned letter that it was an established maxim that obtained in the Syrian Church of Malabar to have a Metropolitan out of their own people and that the introduction of a foreigner in that capacity amongst them was an innovation that on one or two occasions when attempted was not submitted to, and in my humble opinion ought not to be tolerated in the case of Mar Kurilos, who instead of acting the part for which the Patriarch has sent him to Malabar, tries, if possible to supersede me in furtherance of his own views by obtaining the sanction of the British Resident and the Sirkar. Wherefore I, Mar Athanasius, Metropolitan of the Syrian Christians in Malabar duly appointed by the Patriarch of Antioch, do by these presents solemnly protest against the said Mar Kurilos for his having exercised episcopal jurisdiction over the Churches within the Cochin Territory in direct opposition of my Staticon of appointment as Metropolitan of Malabar, as well against the machinations and intrigues of Dionysius the late acting Metran in delivering over to the said Mar Kurilos the charge of the above mentioned churches and the property &c. thereunto appertaining as also against all other persons who may have been or may hereafter be instrumental or concerned in endeavouring to deprive me of my said appointment and likewise against permission being granted by the constituted authorities of Travancore and Cochin to the said Mar Kurilos to exercise jurisdiction or of visiting the churches in Travancore.

"I beg to intimate that I intend submitting the whole case to His Grace the Patriarch for his consideration and redress of the wrong that is being done to me in his desire of affording justice to all parties, and that I shall await His Grace's reply.

I have &c.

(Signed) Athanasius Malabar."

168. When matters reached this crisis, the Travancore Sirkar, with the counsel of the British Resident, resolved upon appointing a commission to enquire into the allegations of both parties—Mar Athanasius and Mar Kurilos

suppported by Mar Dionysius and his adherents. Accordingly a Commission composed of four Sirkar officers was appointed in January 1848. This Commission sat at Quilon and investigated into the matter thoroughly as is seen from its Decision (Exhibit H).

169. Before going to consider the decision of the Committee and what followed it, it may be remarked that this incident is one worthy of serious consideration. Here were three Metropolitans—two holding credentials and Staticons from the Patriarch of Antioch and competing for the office; and the third a man that had been already in the office of Metropolitan for quarter of a century all admitting in the most unequivocal terms the supremacy of the Patriarch and claiming to derive their right to office from him. One of these Metropolitans, Mar Dionysius, willingly surrendered his office which he had held for many years under a Royal Proclamation, simply and solely on the ground that he felt his consecration defective or invalid. Does not this incident present a striking illustration of the strong hold that the spiritual supremacy of the Patriarch had had and still has upon the minds of the Syrian community?

170. Now to come to the Committee, Exhibit H begins with the circumstances under which the Commission was appointed, thus:—"A Proclamation having been issued by the Acting Dewan of Travancore under date the $\frac{\text{29th Margali 1023}}{\text{January 1848}}$ to the effect that whereas both Mar Athanasius and Mar Coorilos who arrived in this country in the year 1843 and 1846 respectively have produced to the British Resident, Credentials from the Patriarch of Antioch, appointing them severally Metropolitan of the Syrian Church in Malabar, and that whereas one party of the Syrian Community desire to receive Mar Coorilos as their Metropolitan alleging that the documents produced by Mar Athanasius are not genuine; and the other party desire to receive Mar Athanasius as their Metropolitan alleging that the documents produced by Mar Coorilos are not genuine, the Sirkar, before recognizing either of the two persons above-mentioned as the Syrian Metropolitan, deem it necessary that enquiry should be made into the dispute between the two parties; and with

that view have appointed, with the concurrence of the British Resident, four Sirkar Officers to form a Committee for the purpose of instituting such enquiry, and that Mar Athanasius and Mar Coorilos together with two Kathanars and four principal parishioners of each of the Syrian Churches are required to attend at Quilon on the 4th Meenom 1023 to answer such questions as may be put to them by the said Committee."

171. When the Committee commenced its enquiry, Mar Athanasius and Mar Coorilos both filed their documents, viz., "the Staticon (commission) of his appointment; a letter sent to the Patriarch by the Syrian Community by the hands of one Marogee, a native of Bagdad; letters said to have been addressed by Mar Coorilos from Misraim (Egypt) to Mar Athanasius and to the Syrian Churches and a letter said to have been addressed by Mar Coorilos from Cochin to Edavallical Philipose Kathanar. The Committee also received from Mar Coorilos the following documents (in Syriac) viz.; the Staticon of his appointment; a letter said to be from the late Patriarch Elias placing Mar Athanasius under interdict; letters said to have been addressed by the Patriarch to the Syrian Churches under dates corresponding with the 13th Karkadagom 1845 and 3rd Meenom and 29th Edavom 1847 and letters under dates corresponding with the 15th Edavom 1845 and 29th Edavom 1847, stated to be from the Patriarch to His Highness the Rajah. The above papers were translated by the two parties respectively into Malayalam and the translation (authenticated) were also handed by them to the Committee. Mar Coorilos also produced certain Notes (?) as addressed by Mar Athanasius to Panakel Eapen, Swaminatha Pillay and Cullamparampil Mammen. A letter from the Elliah Mora Metran Mar Coorilos of the Church at Tholiyur, to the address of the Committee and a letter from Poovathoor Isaac Malpan of Chenganoor, also to the address of the Committee together with two Sadhanams addressed on the 21st Meenom and 10th Kumbhom 1023 by Mar Dionysius to the Church at Chenganoor were likewise handed to the Committee by the first mentioned two individuals respectively. These as also the declarations given by Mar Coorilos (the foreigner) and Thommen Cochummammen of Mapolay Veedoo and others and the declarations of Mar Athanasius and Korothoo Kathanar of Chodracunnil, the vicar of the Syro-Roman Church at Thotecaut, together with a letter addressed by Mar Athanasius and an Arzee presented by the clergy and Parishioners of the Church at Quilon and 25 other churches to the Committee expressing their desire to have Mar Athanasius as their Metropolitan; also an Arzee addressed by the clergy and Parishioners of the Vallyapally Church at Cottayam and 39 other Churches to the Committee expressing their desire to have Mar Kurilos as their Metropolitan and the declarations given by the clergy and Parishioners of all the said Churches; also Diary kept by the Committee of their proceedings and certain Exhibits produced in Court by Mar Dionysius, Philipose Kathanar and Abraham Malpan in a Civil Suit filed against them by the said Marogee for the recovery of a sum of money due to him on his return from Antioch for taking a letter to the Patriarch and bringing his reply (which Exhibits were sent for by the Committee from the Appeal Court) all the abovementioned documents and also the address submitted by Mar Dionysius and others to His Highness the Rajah which were obtained through the Dewan." After an elaborate enquiry and a careful examination of documents, the Committee decided as follows:—

"From what has been noticed and from a careful inspection of the documents themselves the Committee are of opinion that the letters produced by Mar Kurilos as addressed by the Patriarch are papers which were brought out by him, Mar Kurilos, with only the first two lines which form the headings of them inscribed therein and the Patriarchal Seal stamped immediately under the headings and were afterwards filled up with the matters forming their subjects.

"Upon a review and deliberate consideration of the whole of the foregoing circumstances and evidences, it is the conviction of the Committee that Mar Kurilos has lent himself to acts which no man of principles would be guilty of; thereby compromising his character and the Dignity assumed by him—that the charges which are made the grounds for the alleged supercession of Mar

Athanasius are utterly unfounded—that independently of his (Mar Athanasius') Staticon being unquestionable his selection as a native of this country being in strict accordance with former precedents it is but just and reasonable that Mar Athanasius should be recognised and proclaimed by the Sirkar as Metropolitan of the Syrian Church in Malabar."

172. Thus ended Kurilos' pretensions and the Patriarch's nomination of Mar Athanasius was after all recognized by the Sirkar and Mar Dionysius quietly abdicated his Church government in his favour.

173. This decision was followed by the issue of the Proclamation Exhibit O which runs thus.

"Whereas Mar Dionysius Metropolitan resident at Cottayam has resigned his Dignity on account of old age; and whereas Mar Athanasius who has brought letter from Antioch for that Dignity, has been appointed as Metropolitan it is hereby proclaimed:—

"That all comprising the Puthencoor Syrians in the Edavagai of Malankarai should acknowledge the said Mar Athanasius Metropolitan and conduct themselves in conformity with past customs."

174. Mar Athanasius was, after ten years' hard struggle, recognized and proclaimed in 1852 as Metropolitan of the Syrian Church of Malankarai on the strength of the ordination and nomination for that office by the Patriarch of Antioch. Exhibit M. is his Staticon.

175. It is, in this connection, very important to notice the contention of the Appellant regarding the manner in which this Mar Athanasius became Metropolitan to shew the nature of the defence. The Appellant in his written statement filed in the original Court, says in para 11 of that document (at page 15 Book I) "And even Mar Athanasius did not become vested with the authority and possession of the property simply by virtue of that consecration (consecration by the Patriarch of Antioch) *but by the consent of the Metropolitan who was his predecessor* and the acknowledgment of the people." The Appellant seriously contends, despite the long struggle that Mar Athanasius had against Mar Dionysius and

Mar Kurilos, that the former became Metropolitan with the consent of Mar Dionysius. It needs no argument to shew the absurdity and frivolous nature of this contention.

176. The Appellant objected to the reception of the whole correspondence between the Resident and the late Mar Athanasius, on the ground that the letters were not genuine. The High Court thereupon sent for the original letters themselves from the Resident's Office and had the copies compared with them and verified. The High Court further satisfied itself of the genuineness of the original letters themselves as we see from the endorsements made on them by that court. Before us, Mr. Gover did not press that objection very much, seeing probably that it would be futile to do so. A fair presumption of genuineness arises in favour of official correspondence. When the originals were produced in the High Court, the Appellant had ample opportunity of disproving them or the signature of the late Mar Athanasius which the letters contained. But he did not avail himself of it. The Proclamation Exhibit O and the Quilon Committee's decision render the existence of these letters quite probable. We feel no doubt as to their genuineness. During the arguments before us, when the Respondent's Vakeel Mr. Ramanath Row wished to address us on "the genuineness" of these letters, we intimated to him that they were, in our opinion, genuine and that no further argument on that point was necessary. We have no doubt that these documents are genuine and we are also further of opinion that the Appellant must have had full knowledge of these letters, as will be shown presently.

177. During the Quilon Committee's enquiry and before the issue of the Proclamation O, two incidents occurred which have some bearing on the present question. It is convenient to notice them here.

178. The first was the intimation given to the Malankarai Syrian Church and Mar Dionysius by Jacob II the Patriarch of Antioch, (evidently unaware of the proceedings going on here) of the death of his predecessor Elias Patriarch and of his own succession to the See of Antioch. The communication is Exhibit BBB dated 28th Meenum 1848. It runs thus (quoted only so far as it is necessary for the purpose of the appeal):—"But, dear

son, Our Father the Holy soul Mar Ignatius Patriarch called Elias has, according to the sacred pleasure of God and by His Mercy, left this world and has returned to the Holy Presence of his Master. Thereafter the Venerable prelates, priests, and the chiefs of all our Syrian Community assembled in Synod in the Dayara of the Throne (See)and on the 8th Edavom 1847 A. D., the 40th day after the demise of the aforewritten Father, Our weakness was anointed as the Patriarch of the Apostolic See of Antioch; and then in accordance with the authority that God has vested in Our weakness, We regulated and settled the general rules relating to the Churches (Sabhas) of our Community and the Prelates &c. But as we were sorry in mind about the case of you, Our sons of Malayalam, even while we were a Metropolitan, I was considering and thinking what I should do concerning you; and while thus, I got letters from our son Mar Kurilos and the Ecclesiastics, Epithropas &c. of the churches, by which they requested us to send Episcopas and Dayarayakkar for the help of yourself, our son Mar Kurilos and the churches of our sons, the Syrian Christians, who are under the protection of the exalted Maha Rajah of Travancore and, accordingly we assembled and consulted with all the Metrans, Priests, Epithropas &c. of the towns near the Dayara of the Throne (See) and sent our spiritual son, Mar Athanasius Stephanos Episcopa as an Apostolic representative and faithful Epithropa and with him Ramban Simon, our disciple and our foster son; and we (have given them orders) to come there and see you and the Syrians, Our people living in all towns and cities and to visit all churches and to command and regulate in all places according to the Apostolic canons of our Syrian Church &c. But as We have sent them as the agents of Our Weakness, as is stated in the *Soostaticon* and those general letters (credentials), none of you should stand against them; moreover we have sent by them books of Church Services that you may by Divine zeal write out (copy) the Service-books for all the churches and thereby get good recompense and eternal name, and Holy Morone. But, our spiritual son, be it known to you that we have sent Our aforenamed spiritual sons in pursuance to the opinion of ourself, and the other Prelates, Priests, Episcopas &c. also to receive and collect

the *Rassisas* that are due to the chief Preceptor of the Apostolic See, and tithes, charity, collections, offerings, and presents and offerings to our church in Jerusalem which is the mother of all the churches. God's mercies be increased unto you in every way.

"Further, as you are all obedient people, it is not necessary that I should specially give command unto you as regards your obeying them with pleasure, contentment, respect, and good heart in matters private or public along with the priests, chiefs &c. of our people, the Syrian Christians of Malayalam and as to any personal assistance that you may have to render them before the Governor, Rulers &c. of your country. But you should also tell Mar Kurilos, our spiritual son, that he should, as we have written, visit all churches along with them and honor them in all the above-mentioned ways. What reaches the hands of our above-mentioned sons will, without fail, reach us and will be expended in the building of the Dayara of the See (literally:—throne) for they are our Epithropas and agents in all the ways enjoined by the Apostolic Ordinances contained in the Staticons in their possession and the common letters (credentials). Therefore, let them rule with you and with Mar Kurilos, our spiritual son. We also command unto you as is said in the Gospel 'A new command I give unto you: that ye 'love one another, as I have loved you. By this let all 'men know that ye are my disciples if ye have love one 'to another;' and as is said in the Epistle of Apostle John 'He that loveth his brother, walketh in the light and 'he that loveth not his brother walketh in darkness'; and as is said in the Epistle of Mar Paulos, the Doctor of the Holy Church, 'Though (one) may do many good things 'and even speak the language of the Angels, if he hath not 'love, his is of no use.' Therefore let it be understood by you that if there is no love and obedience, neither the dignities of the Sabha (Church) nor Royal dignity will endure or be abiding, and that all dignities and disputes are, without these, vain and will vanish away. Therefore, what we command unto you is that you should have Divine love towards one another, so long as they are with you, in their teaching, in their management, in the regulation of the Churches, by appointing Epithropa &c.

there, and in drawing the interest from the Company and conducting the tuition in the school &c. in consultation with yourselves and our son Mar Kurilos for the well-being of your Syrian Community. Whosoever respects and obeys them, respects and obeys us. Whosoever disputes against them and stands opposed to them and makes their labour fruitless, disputes against us and stands as an opponent and enemy of ourself and of the Apostolic See. Because you are obedient sons and because your love and zeal in matters of the Dayara of the See, from olden times, are clearly known to us, that would not become you. May the mercy of Jesus, the Messiah Our Lord, be with you and in your midst. But we have also commanded unto our spiritual sons, Mar Athanasius Stephanos Episcopa and Ramban Simon, to inform in person unto your loving zeal, that you should collect for us as much *Rassisa* as God may realise through you, for the construction of the Dayara of the See, and that it will be a treasure, that neither will perish nor can be plundered, and that it will prove a heavenly reward and a good name unto you. And what you send by them will reach us. As we hear that you are very old, we have entered your name in the book (of commemoration) of the Dayara. But in your old age it is proper that you should earn this good name and heavenly treasure and that will be a memorial for yourself and your dead who were believers, in this world and in the other world which is the Kingdom of Heaven. It is not necessary that we should say unto your love at more length. We give you blessing, mercy, order and peace a second and a third time. All the Venerable Episcopas, Dayarayakar, Priests, Superiors, Episcopas &c. and Deacons and the others who dwell with us in the Dayara of the See, wish you countless peace and order. Fail not at any time to send us letters without any break, and to inform us of your particulars without delay. May you pass your life in good old age and in order and peace, Amen!. Written at the Kurkama Dayara of the See on the 28th Meenam 1848 A. D." (*Bk. III* 178–180)

179. Upon the receipt of this letter Mar Dionysius issued the circular letter Exhibit RR on the 18th Dhanoo 1023 to the Churches in Malankarai. It runs thus:—

"When the disease of old age of Elias, the Holy, the Venerable the Patriarch of Antioch, the true shepherd, and the head of Bavas, advanced, he sent for the Metropolitans of Antioch, Besnagari and all the East, Mar Gregorius Metropolitan of Jerusalem who having built a large Church at *Kusmadinapolis* (?) was living there publishing the Old and New (Testaments) and *Pallikarmom* books, the Bishops, Kori Episcopas, the chief Rambans living in Dayaras, and chosen Malpans; and told them that disease had advanced in us (him) and that the time for his joining the right side of Jesus Messiah was near; and spoke to them of appointing a Patriarch to rule over the Churches and Dayaras properly, and about other necessary matters. The next day, the 1st Medom 1847, Tuesday, our Patriarch leaving this world to go to that world which is the right side of his Lord, Jesus Messiah, the above-mentioned persons buried him with all spiritual rites and with tears and lamentation. Soon after, the above-mentioned Synod assembled and selected 4 or 6 worthy persons and on *drawing lots* (കൊൽക്കൂറ വട്ട) among them, the lot fell in favour of Mar Sicorius (?) Metropolitan of Jerusalem and he received consecration on the 8th Edavom on the festival of Mar Barsoma which followed close on the.....Now that writs have been issued from the throne of Peter at Antioch to the Bishops of all the Churches, to the chiefs of the Dayaras, to Mar Kurilos Yorkis Metropolitan who has come to Malayalam our country, to us who is weak and to the Pallikar, announcing this fact and with respect to some other matters; as soon as this *sadhanom* reaches you, priests and all others should fast, pray and perform Mass for three days in commemoration of our departed and Holy Patriarch. Also you should specially pray in *Namaskaroms* and Masse sthat the Venerable Ignatius Patriarch the true shepherd who has now begun to reign may be blessed with (—?) times and(—?)years and Divine goodness from his enemies, private and public and the (—?) of the right. Copies of the orders that have come will be sent to all the churches shortly." (*Bk. III.* 111).

180. This communication most emphatically recognises the power of the Patriarch over the Syrian Churches in Malabar. The genuineness of this document

though at first denied, was afterwards allowed by the Appellant's Counsel.

181. The second incident is the arrival of Athanasius Stephanos referred to in Exhibit BBB.

182. On his arrival in this country he intimated the fact to the British Resident who sent him the reply Exhibit XVII which runs as follows :—

"Sir

"I have had an English translation made for me of your Malayalam copy of the letter which you presented to me from the Patriarch of Antioch.

"I have read and if I understand properly the contents of the Patriarch's letter, I should fear that it is not likely to have that conciliatory effect that is likely to heal the disputes that have so long existed in the Syrian Community.

"From the Patriarch's letter I should conceive that very imperfect accounts have been conveyed to him of the real state of the discussions that have taken place. Neither the money intended for the Syrian College at Kottayam nor any funds derived from the Syrian Community are at the disposal of the Patriarch. The College funds are controlled exclusively by the local authorities in Travancore and no foreign Prelate can have anything to say at them.

"All these circumstances would seem to prove that the Patriarch has received most incorrect information and you will observe that the instructions laid down by him would be quite at variance with the orders of the Madras Government copy of which I now beg to send to you and which you will perceive expressly prohibits all interference with the wishes of the Syrian Community themselves or without the usual and necessary permission of the local authorities.

"Under the above circumstances I deem it expedient to communicate with the Madras Government before any further steps are taken in the business, but I shall also in the meantime transmit the Patriarch's letter to the Rajas of Cochin and Tarvancore." (*BK. III.* 246-47)

What the orders of the Madras Government are (referred to here), there is no means of knowing. However, the Resident was perfectly right in saying that Stephanos could not carry away the money belonging to the church.

Upon the receipt of the above letter Stephanos entered the Syrian churches and preached therein. Evidently, a quarrel ensued and the Dewan had to interfere to quiet the disturbance. Thereupon Stephanos wrote to the Resident as follows :—

(Exhibit XIX)

"Sir

"We inform unto your Honorable presence that: When several of our people, the Syrians, requested us to go to, and preach in, their churches, We did not wish to do so without your knowledge. Further, We have become indisposed. Furthermore, there is in the Muttanchery church one who does not belong to our own caste (or community). As he does, beyond daily creating quarrels and mocking us, repair the place, against our wish and without our sanction, for his residence, We pray that you may be kind enough to inform the Honorable the Dewan to have the insult removed from us and the church. May the Grace of God be ever with you. To this effect, written on the 25th March 1850."

183. The following short reply was sent to him by the Resident :—

"Sir,

"In reply to your note of today's date, I have to remark that you have not yourself received authority to attend at, or to preach in, any of the churches under the Travancore or the Cochin Sirkar."

184. Thereupon, Athanasius Stephanos appealed to the Home Government against the decision of the Resident refusing him permission, to preach in the Syrian churches. The Honorable Court of Directors called upon General Cullen, the Resident, for an explanation and on a consideration of the complaint of Stephanos and the explanation of the Resident, sent the following Despatch, (Ext. OO) dated 13th May 1857.

"Lieutenant General Cullen rests his refusal of permission to Mar Athanasius Stephanos, to enter Travancore in 1849, on the practice of former Residents in analogous cases. We regret that our previously expressed desire for the observance of absolute non-interference, was not strictly attended to, and that some ground was thus afforded for the allegations of Mar Athanasius Stephanos. It is stated that there is now a general acquiescence in the rule, as Metropolitan, of Mar Athanasius, the first appointed of the existing claimants to that dignity. This is a matter, the determination of which rests with the members of the Syrian Church alone and it is for them to recognise or not, the pretensions of any Ecclesiastic who may be hereafter sent into the country by the Patriarch of Antioch. We desire that strict attention be paid to our instruction in this respect." Thus ended this Stephanos' episode.

185. Having brought the history down to the rule of the late Mar Athanasius who had succeeded to the Metropolitanship simply and solely on the strength of his ordination and appointment by, and his credentials and Staticon from, his Ecclesiastical Head and Superior, the Patriarch of Antioch, let us see how far the Appellant was altogether ignorant and (so to speak) innocent of all that Mar Athanasius had said and done (as he now pretends to be) in connection with the supremacy of the Patriarch. He professes complete ignorance of all that passed between Mar Athanasius and the authorities about his (Athanasius') appointment to the office of Metropolitan by the Patriarch and even goes so far as to deny the letters addressed by the former to the British Resident.

186. The Appellant in his evidence (at page 40) says "I am his (late Mar Athanasius') direct younger "brother. On this account, I was always with him. "Then his articles, boxes and keys were in my keeping. "I was Mar Athanasius' Secretary. I did get possession "of all the things Mar Athanasius had at the time of his "death" and yet he did not produce Mar Athanasius' Staticon and other papers though repeatedly required to do so. Upon this, could it be believed that the Appellant had no knowledge of the ten years' correspondence and the Quilon Committee proceedings which eventually got

his elder brother, the Dignity of Metropolitan? It is hard to believe that he was. Let us examine his pretended ignorance further:—"The late Mar Athanasius was "consecrated as Metran by a Patriarch of Mesopotamia. "I am not sure whether the Patriarch of Antioch and "the Patriarch of Mesopotamia are one and the same.... "The late Mar Athanasius travelled with a view to see "Jerusalem and other places. On his way he visited "Besanagiri and saw the Patriarch. He was much "pleased and detained him there and asked him to receive "consecration as Metran, and the then Metran of Mala- "yalam, Mar Dionysius Metran, was talked of here as "*having a defect in Kyveppoo* (imposition of hands)." Now the Appellant pretends not to know that the late Mar Athanasius was consecrated by the Patriarch of Antioch; gives an entirely different story from the one given by Athanasius himself as to how he (Athanasius) went to Antioch or Merdeen and got himself consecrated (Vide Exhibit H. Book III. page 17 para 3) and allows that the consecration of Mar Dionysius was believed to be defective. How defective? Of course, the Appellant attempts to give an explanation (page 40), but it is as hollow as the ignorance about Athanasius' consecration. It is needless to multiply instances of the pretended ignorance (his evidence abounds in such) of the Appellant on matters on which his knowledge must be complete.

187. With regard to consecration of the Metropolitan of the Syrian Church in Malankarai, the Appellant says "According to the Canons one Metran can consecrate another" (page 41). Two lines below "A Metran "cannot consecrate another Metran ..... A Metropoli- "tan has the power.....A Metran is subordinate to "the Metropolitan. In point of rank (Sthanom) a Met- "ran and Metropolitan are equal..... A Metran suc- "ceeds as Metropolitan on a Metropolitan's death." If a Metran cannot consecrate a Metran and much less a Metropolitan, where should consecration come from? He is at a loss to answer it. However, when hard pressed, the Appellant swears "Any person ordained as "Metran by the Arch-Bishop of Canterbury or the Patri- "arch of the Greeks, except by the Pope of Rome (why "or wherefore this invidious distinction to the Pope)

" may be accepted by us when necesssary." Now this does not look like the utterance of a devout orthodox Jacobite Syrian Christian; it is not the utterance of one who, as the Ecclesiastical head of a large and increasing class of Jacobite Syrians, feels the gravity and the responsibility of the charge entrusted to him viz., the spiritual well-being and salvation of numerous souls, or of one who claims to be the spiritual head of a class of people who (in the words of Dr. Buchanan) " reckon Apostolic " Ordination in their Church to be higher and more sacred " than the Church of England is entitled to claim " and of whom (the same clergyman says) " that if there was " such a thing in the world as Ordination by the laying " on of hands, in succession from the Apostles, it was probable that they (Syrian Christians of Malabar) pos- " sessed it; *and that there was no record of history or* " *tradition to impeach their claim.*" (*p.* 219). But the utterance seems to us to be that of an irresponsible sceptically inclined layman. The Appellant himself allows that there are differences between the Syrian and English Churches and yet he would have the Syrian Metropolitan consecrated by the Head of the English Church. Speaking of Ordination, the Appellant says (at page 77 of his evidence) " The imposition of hand " needed to make a Metran is that derived from Metrans " who shall have obtained the same, *in unbroken* " *succession, from those that received such Imposition of* " *Hand from the Apostles.*" The Syrian Christians' (especially Jacobites') pride is that they have had the Apostolic succession continued in an unbroken line in their Church and that the Appellant seems to us to think very lightly of this important belief.

188. Again let us pursue the Appellant a little further in his evidence. He says (at page 41) " We are called Jacobite Christians because we observe the Liturgy of Mass as ordained by Jacob." Further on (at p. 89) he swears " The Syrians of Malankarai are called Jacobite Syrians and I have heard that the Syrians subject to the Patriarch of Antioch are also called Jacobite Syrians." Fearing evidently that any inference adverse to him might be drawn from this circumstance, he adds in the same breath " These two are so called on two different grounds. The Syrians of Malankarai are called Jacobite Syrians because they follow the Liturgy of Mass of St. James, the Apostle. The Syrians subject to the Patriarch of Antioch are called Jacobite Syrians because they are the followers of Jacob of Boordhana who opposed the heresy of Nestorius." He was not allowed to rest there but pressed again he said " It is Liturgy of Mass of St. James the Apostle which the Syrians subject to Antioch use.....I do not know whether with respect to the substance, the Liturgy used here and that used by those subject to Antioch are one and the same or different." But Dr. Buchanan who has seen both says they are the same (*page* 214).

189. In the above quotations, firstly the Appellant contradicts himself and secondly, makes a distinction without a difference and thirdly, would not admit a clear well known truth. The extracts speak for themselves.

190. Exhibits F and G which were published under orders respectively of the late Mar Athanasius and the present Appellant and which are both admitted by the Appellant himself as correct, contain prayers for " Aboon Mar Ignatius, Patriarch." These books are not translated and printed with the records but the admission of the Appellant in the evidence nevertheless stands and must be accepted. At pagas 45 and 83 of his evidence he admits " The prayer begins 'Our Bava Mar Ignatius Patriarch' and 'the prayer of Aboon Mar Ignatius Patriarch' and the name was introduced by the late Athanasius as he received his consecration from the Patriarch." Why he retains it is not explained by the Appellant.

191. We may for the present leave the Appellant here and come back to the narrative.

192. The administration of Mar Athanasius continued undisturbedly till 1866. Evidently he was carrying on his duties and performing his episcopal functions under his " Ecclesiastical head and superior " as he had originally said, when entering on his duties.

193. In the meantime the present Respondent, a native of Malabar and connected with the Powlomattom family by relationship, went to Antioch and got himself

consecrated and appointed as Metran of Malabar. The Patriarch appointed him Metropolitan because complaint of heresy and objectionable practices had been received against Mar Athanasius. The Staticon given to the Respondent is Exhibit E. The reason of this fresh appointment appears from the document itself. We need not go into that matter at present.

194. On the 25th June 1866, shortly after his arrival in Malabar, the Respondent addressed the Dewan of Travancore on the subject of his appointment to, and deposition of Mar Athanasius from, the Metropolitanship and asked for Sirkar recognition.

195. The Dewan by his communication (Exhibit XXXIV) dated 4th July following, refused to interfere in the matter. The letter runs thus:—

"Sir,

I have the honor to acknowledge receipt of your address dated the 25th Ultimo and to state in reply that with the most anxious desire to discover the means of allaying the unfortunate dissensions referred to, I confess I do not see what further action the Sirkar can take in the matter beyond what has already been done. Your memorial does not adduce any new fact or argument such as would call for a re-consideration of the settlement arrived at. That settlement rests entirely on principles of perfect neutrality on the part of the Sirkar in religious matters, consistent with the preservation of the peace. And it is my belief that the course pursued by the Sirkar is in perfect conformity with the spirit of religious neutrality on the part of the British Government and in keeping with the liberty of conscience on the part of the people which is permitted in all civilised countries.

"The dissensions and their effects which you advert to in the memorial, are certainly not chargeable to the Sirkar so far from it that the actions of the Sirkar were in consequence of these dissensions.

"It is superfluous for me to repeat the reasons which have influenced the Sirkar in adopting the course it has taken. But if you wish the matter to be discussed afresh, I shall be glad to see you in Trivandrum, so as to

have an opportunity to convince you that I deplore the differences which have arisen as much as any friend of the Syrian community.

"The only satisfactory course, however, for the dissentient parties to pursue would be to effect a compromise and failing that to go to law. If the case of one Church be taken to Court and there decided, the principle involved would be settled, and will apply to all similar cases."

196. This was the result of the advice contained in the Despatch of the Court of Directors (Exhibit OO) already referred.

197. The Respondent then memorialised the Madras Government on the subject setting forth the whole facts of the case. The memorial is well worth perusal in this connection. It is as follows:—

"To

His Excellency the Right Honorable Francis Lord Napier K. G.,

Governor in Council.

"The humble petition of the Right Revd. Mar Dionysius, Bishop and Metropolitan of the Syrian Christians of Travancore, Cochin, Malabar, and all other parts of Southern India.

"Sheweth,

That in 1865, the Patriarch of Antioch appointed and consecrated your Petitioner as Bishop and Metropolitan of the Syrian Christians of Travancore, Cochin, Malabar &c, and on his arrival from Antioch, all the Syrian Christians have acknowledged, and do still acknowledge him as such. But on the 3rd Kumbhom 1038 (1862) the Dewan of Travancore, by a circular No. 2,455 issued by him to all the Tahsildars subject to the Travancore State, has created some difficulties in the way of your Petitioner's exercising his jurisdiction, and of his community, who recognise him as their Metropolitan, openly professing their adherence to him. On the subject, your Petitioner presented two petitions to the Dewan of Travancore, who without affording him any relief, simply made a reference to the Resident to whom, then, your Petitioner presented a Petition. The Resident

also not having made any investigation into the subject matter of your Petitioner's representations or afforded him any relief, he (Petitioner) has been compelled now to come to Madras and submit the whole case to your Lordship in Council.

"(2) That one Mar Athanasius was, it is true, appointed Bishop of the Syrian Christians in Travancore by the Patriarch of Antioch, and he arrived at Malabar in 1843 but in consequence of certain malpractices and doctrinal irregularities of that Bishop, the Syrian Community of Travancore and other parts of Malabar represented the matter to the Patriarch who, after due consideration and upon being satisfied that the charges were not groundless, deposed Mar Athanasius from his Episcopal office, and appointed, consecrated and sent to Malabar, the Right Reverend Mar Kurilos, who arrived at Malabar in 1846. As he was found not quite equal to the responsibilities and difficulties of his new position with reference to the antagonism of the deposed Mar Athanasius, the said Patriarch of Antioch appointed and sent to Travancore one Mar Stephanos in 1849 as the Co-adjutor of Mar Kurilos.

"(3) That, thereupon, either through the undue influence of Mar Athanasius or under cover of the rules of the country or State, the late Resident of Travancore, Lieutenant General Cullen issued an order to the effect that the said Mar Stephanos and Mar Kurilos could not remain in Travancore and Cochin; that they were foreigners, and hence that the said Mar Stephanos and Mar Kurilos could not exercise their jurisdiction in the Syrian Churches in Travancore and Cochin. This having been the state of affairs, the then Maha Rajah of Travancore without either consulting the wishes of the Patriarch of Antioch or those of the Syrian Community, but apparently only attending to the overtures of Mar Athanasius, issued a Proclamation dated 15th Karkadagom 1027 (1851) in which it is stated that the Patriarch of Antioch had appointed the said Mar Athanasius as Metropolitan and that all Syrian Christians should subject themselves to him as such Metropolitan.

"(4.) That at such a Proclamation, which required the Syrian Christians to acknowledge the Metropolitanship of one who was deposed from that office by the Patriarch of Antioch, the Syrian Christians felt naturally aggrieved, and they presented several petitions on the subject. No notice was taken of them nor redress afforded them. On the contrary, those who presented such Petitions were, at that time, imprisoned.

"(5.) That in consequence of the Proclamation above referred to, and his restraint thereby from exercising his jurisdiction in his churches at Travancore and Cochin, Mar Stephanos presented petitions to several authorities and eventually, personally moved the late Honorable Court of Directors at London on the subject, whereupon that Honorable Court passed the order they did under date the 13th May 1857. Since then, the Travancore Government, without at all interfering in opposition to the wishes of the community, have up to the period in question, sanctioned the exercise of the authority and jurisdiction of such Metropolitan as the community had chosen to subject themselves to. The order of the late Court of Directors is herein enclosed.

"(6.) That while matters were in this stage and when there were no particular section of the community adhering to him, the said Mar Athanasius, by a mere stratagem, made some representation or other to the Dewan of Travancore, who, without instituting any enquiry or investigation at once ordered the issue of the Circular Order now complained of. (C. O. enclosed).

"(7.) That in this Circular it is set forth that Mar Kurilos was claiming a rival authority to Mar Athanasius, that the State did not desire to interfere in religious matters, and only wished to prevent the breaches of the peace. The Dewan, therefore, in that Circular, directed that any persons, who were unwilling to follow Mar Athanasius, should build churches of their own, or if they had any lawful claims on the church buildings under the control of Mar Athanasius, should have recourse to civil suits. He concluded by saying 'that if either the 'Metropolitan or any members of the community report 'that, notwithstanding these orders any persons prove 'disobedient, and entering the churches, act in a way

'contrary to previous possession such persons should be 'immediately sent for and tried by the Police Officers 'and duly punished if guilty.'

"(8.) That your Petitioner, who was appointed by the Patriarch of Antioch as Bishop and Metropolitan in supercession of Mar Athanasius, should, as soon as your Petitioner produced his seal of appointment by the Patriarch before the Travancore Government, and as a matter of right, thereunder, have been entitled to all help and protection from that State. But far from the Travancore Government affording such help and protection, Your Petitioner has only found, and finds it impossible to exercise his legitimate spiritual jurisdiction so long as the order above referred to in favour of Mar Athanasius, remain in force, inasmuch as those who would otherwise have openly subjected themselves to him under the authority given by the Patriarch, considered that by so doing, they would be violating the orders of the Travancore Government and exposing themselves to criminal penalties.

"(9.) That in reference to the above hardships and injustice, your Petitioner presented several petitions to the Dewan of Travancore and to the Resident, and have in vain, for the last three years waited for any redress in the matter. Your Petitioner has, therefore, now been compelled to come to Madras and have resort to Your Excellency in Council.

"(10.) That your Memorialist, while appealing against the proceedings of the Dewan and the Resident and praying your Excellency in Council, to use the influence of the British Government in support of your Petitioner, wishes it to be distinctly understood that he does not desire any infringement of religious neutrality in his favour. He merely asks that a strict neutrality may be observed between both parties and that the weight of the Travancore Government, which is now thrown into the scale, in behalf of Mar Athanasius may be withdrawn.

"(11.) That the circular issued by the Dewan in 1038, although no doubt, intended to be impartial, really places your Petitioner in a position of the greatest possible disadvantage, and the Community, who would subject themselves to him, in a still worse position. It assumes throughout that Mar Athanasius is in possession of all the churches. It is evident that a Bishop has no possession of any church. He only acts upon the churches through his authority over clergy who officiate in each. If that authority rested solely upon the voluntary submission of the clergy and congregations, your Petitioner would have nothing to complain of. But under the Proclamation of 1027, all Syrian Christians have been directed to obey Mar Athanasius and by the circuler of 1038 those who act contrary to previous possession, *i. e.*, who disobey him are warned that they will be criminally punishable. *Voluntary submission cannot exist where disobedience is made penal.* It is true the circular offers two alternatives to those who object to Mar Athanasius' rule. They may abandon their churches and build others, or they may bring suits in the Civil Courts. It is submitted that the first alternative ought not, in justice, to be forced upon any one. The churches represent the accumulation of funds subscribed by the present Syrian Christians or their forefathers. To inform them that they may abandon their churches and build others is like informing a man who complains of a trespass on his property that he is welcome to leave it and buy another. His second alternative is equally illusory.

"(12.) That though the circular order may have been issued with the view of preventing any breaches of the peace, it has certainly tended to intimidate a great many people and to coerce them into subjecting themselves to the jurisdiction of a Bishop who has been superseded by your Petitioner under the unchallenged and unchallengable Bull of appointment of the Patriarch of Antioch. This certainly is not only a flagrant infringement of the laws of neutrality in religious matters, but the Travancore Government has gone beyond that, and arrogated to itself, as it were, the paramount right, in ecclesiastical matters, of dictating as to who shall, and who shall not, exercise spiritual jurisdiction in the Travancore State.

"(13.) That with reference to the coercive influence of Mar Athanasius' rule, your Petitioner submits that already several respectable people of the community,

who had attempted openly to profess their conscientious adherence to your Petitioner, have incurred the sentence of the so-called "excommunication" and have already been deprived of the right to participate in the rites and Sacraments of the Church. And, furthermore, upon the report of Mar Athanasius to the Travancore State, several among such people, who were either church wardens or leading members of the community, have also under the letter of the circular order complained of, come under the displeasure of the Travancore State, and are now, as it were, in a state of despair—a result which must follow in the case of all those who attempt to follow their honest convictions.

"(14.) That, further, your petitioner begs to bring to the notice of Your Excellency in Council that he has the solemn consciousness that almost all the Syrian Christians, as a matter of conscience, lean towards him as their present legally constituted superior and Metropolitan, but that they fear, if they were openly to subject themselves to him, that they would be taken up and punished penally by the Travancore Government, with reference to the circular order in question and it is a fact that the wishes in this respect, of the majority of the Syrian Christians are actually ignored by the Travancore Government.

"(15.) That in regard to this matter, your petitioner presented a petition through his Vakil, and in the reply thereto of the Dewan dated September 1866, that officer admitted the reasonableness and justice of his prayer, but observed that it was very difficult to interfere and ascertain the wishes of the community on the point. Your petitioner submits that it is by no means so. Without actual voting, commissioners might be appointed to report in each district whether the whole or the majority of the Syrian Christians were willing to accept your petitioner as their legitimate Bishop and Metropolitan.

"(16.) That in a recent case before the High Court of Madras, well known as the Royapuram Church case, where the congregation were divided some adhering to the Vicar Apostolic and some to the Goanese Jurisdiction, the High Court directed that the wishes of the community should be ascertained by voting; the votes were taken

by Sir Adam Bittleston, and, in conformity with the views of the majority, the funds and the Church were handed over to the Vicar Apostolic party.

"(17.) That in two of the Syrian Churches within the Cochin State where a similar difference of opinion existed in 1860, the then Resident of Travancore, Mr. F. N. Maltby and the Dewan Shungoonny Menon, adopted the same measure as that referred to in the immediately preceding paragraph (16) for an adjustment of such difference, as will be seen from the last communication appended to the enclosure; and be it noted, such a measure met all objects to be desired.

"(18.) That when it be considered that in Native Cochin as well as British Cochin, where there is no circular order in force, the Syrian Christians have hitherto *for years if not centuries past*, openly submitted themselves to the Bishop of their choice and otherwise conducted themselves in spiritual matters in an orderly manner; and when, too, it be considered that for a long period antecedent to the issue of the circular order, the Syrian Christians of Travancore itself have also so conducted themselves in spiritual matters as not to have led to any breach of the peace, coupled with the fact that, in no other country or nation whatsoever, has there ever been heard of such a circular order as that now complained of, in reference to religious matters the order of the Travancore Dewan seems to be a peculiarly extraordinary one, subjecting your Petitioner and the Syrian Christians to great hardships and grievances.

"(19.) Your petitioner therefore prays that the time-honored wisdom and policy of the British Government in preserving the strictest neutrality in religious matters may be caused to be exercised through the British Resident, in the present case, viz., by causing the circular order complained of with its coercive and penal clauses, to be cancelled, and, with reference to the order of the late Honorable Court of Directors, in the Ecclesiastical Department dated 13th May 1857 (communicated to the British Resident of Travancore by Min: Con: No. 282 dated 14th July 1857) having another Proclamation issued in lieu thereof, simply declaring that each and every one of the Syrian Christians are at liberty to openly profess

their adherence to, and subject themselves to the jurisdiction of, the Bishop of their own choice, without any lay restraint upon their moral obligations, and adding that if there be any division of opinion as to such choice, commissioners be appointed to ascertain the wishes of the majority of the Syrian Christians attached to each church, and the Church and funds placed under the control of the Bishop who has such majority on his side—for which your Petitioner shall Ever pray." (*Exhibit UUU Bk. III pp.* 208—211).

198. The reply of the Government of Madras to this Memorial is Exhibit LXII which is this:—

"It is clear from the papers forwarded with the above petition that Mar Athanasius is in possession of the Churches of the Syrian community in Travancore and that the object of the Petitioner, Mar Dionysius, is to dispossess him. His Excellency in Council is therefore of opinion that the advice conveyed to the Petitioner in para * 4 of the Dewan's letter of the 4th July 1866 is quite unimpeachable. The Government decline to interfere in the matter."

* The only satisfactory course, however, for the dissentient parties to pursue would be to effect a compromise and failing that to go to law. If the case of one church be taken to Court and there decided the principle involved would be settled and will apply to all similar cases.

199. After the receipt of this order he wrote three letters to the Resident representing his claims and pointing out the disadvantage that he laboured under by the Sirkar having recognized the late Athanasius by a Proclamation which was then in force. These letters were Exhibits XIV to XVI and were productive of no good to him. In the meantime, the Madras Government on the strength of the Royal Proclamation ordered the payment of the funds that had been lying in the Resident's Treasury to the credit of the Syrian Church to Mar Athanasius (Exhibit XVIII).

200. The position of the Respondent was then rather difficult. There was the Proclamation staring him in the face and the Sirkar would not do any thing to help him out of that difficulty.

201. As a last resort, he appealed to Antioch, as did Mar Athanasius under similar circumstances. Representations by the community were made to the Patriarch of Antioch. Thereupon what the Patriarch did, we may give in his own words which we have no doubt is a true version of his action. He says in his address (contained in Exhibit GG.) "We received a general letter from you and many other letters; and when we having perused them understood the sorrows you and the Churches experienced on account of Beliar (referring evidently to Mar Athanasius, the disobedient pupil), we at once proceeded to Constantinople and thence to London; and in such foreign parts we stayed with grief for seven months: and we represented your grievances to Her Majesty the Queen by Divine Grace exalted and the Honorable officers; and they perused Your memorial as well as those we submitted; and sent all those records to the Madras Government and also gave unto Us letters of introduction to all Government officials in India. We reached India and went to the Honorable the Governor at the Nilghirries. When we spoke to him of the reason of our having come to India in this Our old age, he sufficiently honored Us. He told Us that this Proclamation would be set aside; that he would not interfere in spiritual matters; that We should go to the Maha Rajah of Travancore and that all the records have been forwarded to that Maha Rajah and that he would dispose of the matter consistently with truth. When We reached Trevandrum and represented the grievances to the respected Maha Rajah, His Highness disposed of the matter and sent communication to the Government of Madras. That matter delayed Us from Chingom to Kumbhom. Then final reply came to the Travancore Sirkar from the Madras Government. His Highness has revoked the previous Proclamation and issued another." (Exhibits O and P). In the face of this utterance of the Patriarch and the preamble to the Proclamation P the Appellant says "I can swear that it was not upon the dispute between Plaintiff and late Athanasius that Exhibit P came into existence." What is this swearing worth. It is astounding that one professing to be the Head of an important community should swear like this. The above address of the Patriarch was on the 15th Mithunam $\frac{1876}{1051}$, the Proclamation Exhibit

P having been issued on the 23rd Kumbhom preceding.

202. The Patriarch came to India in 1875 is allowed on all hands though the Appellant admitted it in his evidence (page 87) after a good deal of prevarication. He first doubted whether the person that came to Malabar in 1875 was the Patriarch; secondly whether he was the Patriarch of Antioch; and after all admitted that the Patriarch came to India. It is not to our present purpose to give an account of all that the Patriarch did while in Malabar; that will come under another point.

203. The late Mar Athanasius was alive when the Patriarch came here. Though he had originally claimed his office by virtue of his appointment and Staticon from the Patriarch as his "Ecclesiastical Head and superior and as the Head of all the Syrian churches in Malabar," yet having got into that office and being protected by a Proclamation of Sirkar, he denied his master and spiritual preceptor.

204. Mar Athanasius consecrated his younger brother, the Appellant, as his successor and left a Will in his favour. The Staticon of appointment and the Will are respectively Exhibits B B and I.

205. Mar Athanasius died in Adi 1052 and the dispute that had been going on for some time past ended in the present litigation.

206. This event brings us to the end of the second grand period (1663-1877) of the History of the Syrian Church in Malabar.

207. From the foregoing history of that Church, the conclusion appears to us to be almost irresistible viz., that it was a period of hard struggle on the part of the Syrian community in Travancore and of their several Metropolitans against odds and difficulties—sometimes insurmountable—to keep up the continuance of Apostolic succession unbroken in their Church by having Imposition of hand on the Metropolitan by either the Patriarch of Antioch direct or his Delegates duly authorized in that behalf; and that they more or less succeeded in doing so. The feelings of the people in favour of maintaining the spiritual supremacy of the Patriarch on several occasions

had carried them even so far as to set the Ruling Power and their Metropolitans at naught and to rise in open opposition against them. Doubtless in a few instances the effort of the people to maintain the Apostolic succession, proved fruitless, the difficulties being insurmountable. Such cases could only be treated as exceptions to the rule. A general acknowledgment of the spiritual supremacy of the Patriarch of Antioch over the Syrian Christian Church in Malabar during the whole of this period—two centuries—is manifested by the numerous events narrated above. Consecration of Metropolitans by the Patriarch or his Delegate alone satisfied, and gave peace of mind to the people as well as to the Metropolitans. Where that was wanting we find from history, that the utmost possible endeavours were made to get down Prelates by any means from Antioch to supply that defect. Neither the Metropolitan nor the people rested or enjoyed peace of mind till the defect was cured. Even the payment of an enormous sum of money as passage money to get down Prelates did not make the people give up their connection with the place "where the followers of Christ were first called Christians." The connection was not denied till 1875 when the late Mar Athanasius who had got into the office of Metropolitan solely on the strength of his consecration and *appointment by* the Patriarch had the audacity to deny his spiritual Preceptor and Superior to gain his own purposes.

208. For over two centuries, neither the successive Metropolitans nor the Syrian Community had the courage to deny the authority of the Patriarch over the local Church in matters spiritual. Each and every Metropolitan during that period acknowledged most unequivocally, as has been shown, the supremacy of the Patriarch and submitted to it. In the face of the history above sketched, the answers returned to the questions of the Madras Government under very peculiar circumstances so early as 1813 by a Metropolitan whose interest and even security lay in denying the Patriarch's authority, and the long and persistent correspondence of the late Mar Athanasius above noticed—in the face of these—to say that the supremacy of the Patriarch has not been made out would be to declare the Metropolitans disin-

terested and aimless (for they had nothing to gain but some of them much to lose) dissemblers and the late Mar Athanasius a consummate imposter and hypocrite (this affects the Appellant also as he was indirectly a party to the late Mar Athanasius' correspondence as his Secretary, brother and right-hand man). We are far from being prepared to say so though that is the Appellant's insinuation. To us it appears that it is impossible upon the evidence to come to any other conclusion than that the supremacy of Antioch is established beyond a shadow of doubt. The evidence we have referred to in the brief narrative above written, is strictly legal evidence, mostly unobjected to by the parties and relied upon by both sides. It seems to us extremely unfair to say that the books of reference (Exhibits C, $WW_{1 \text{ to } 3}$ and HHH) reliable as they are, and accepted by the parties as evidence though not wholly, should be rejected as not legal evidence. It is equally unfair to say that the whole correspondence of the late Mar Athanasius is worthless. It has an important bearing upon the case. The supposition or assumption that the object of the correspondence was self-interest and self-gain is altogether groundless; for it was not Athanasius that for the first time asserted the supremacy of the Patriarch of Antioch over the Syrian Church in this country, but it had been for over two centuries consistently and persistently asserted and maintained by the successive Metropolitans before him and by the people. To shut our eyes to this important fact and to reject the whole of the documentary evidence adduced by the parties and relied upon by them, as irrelevent and inadmissible would be to deny justice altogether. To our mind no stronger case of connection between the Antioch and Malabar Churches could, in the peculiar circumstances of the case, be established. The party who has possession of all the materials, documents, and records which should conclusively prove the connection, is interested in withholding them and the other party is, in consequence, at a great disadvantage in adducing evidence to prove his case.

209. We will now see what has been the result of the retrospect into the Syrian Church History.

210. Of the twelve Metropolitans that governed the Syrian Church in Malabar from 1653 to 1877, Mar Athanasius (1852–1877) was consecrated at Antioch direct by the Patriarch himself; Mar Thoma I to IV and VI $\left(\frac{1653}{828} - \frac{1808}{983}\right)$ were consecrated by duly authorised Delegates from Antioch; Mar Thoma V got down Delegates from Antioch and on account of the difficulty of the passage money, could not be reconsecrated but submitted to the Delegates and obtained from them an agreement acknowledging him as Metropolitan and leaving them in charge of the spiritual affairs of the Church, thereby betraying a consciousness that he was incompetent to attend to those affairs on account of his defective consecration; and the other five though not consecrated by the Patriarch or his Delegates, did their utmost to have consecration from that quarter, and failing in their attempts, fully submitted to, and acknowledged, the spiritual supremacy of the Patriarch over the Malankarai Syrian Church. The History of these last five Metropolitans, most strikingly exemplifies the strong hold that the authority of the Patriarch had upon their minds and the minds of the people. Dionysius III (Cheppat) actually gave up his office when a duly consecrated Metropolitan from Antioch arrived and questioned his (Dionysius') competency to be the Ecclesiastical Head of the Church though "his intriguing Kathanars" for some time held out against the new comer.

211. The Courts below have concurrently found upon evidence that the supremacy of the Patriarch has been established satisfactorily. We have not been able to discover sufficient grounds to disturb the finding of those Courts. They have made no distinction, it is true, between Spiritual and Temporal supremacy. This distinction was probably, not so pointedly urged before them as was done before us. In that respect, it appears to us, their Judgment requires modification.

212. So far as the history goes, we think that the exercise of the Patriarch's supremacy over the Church in Malabar has extended only to spiritual matters. The Patriarch or his Delegates when they sojourned in this country, attended only to spiritual affairs of the Church,

leaving the management of the temporal affairs to the local Metropolitan and the trustees. The former never interfered with temporal affairs: and where in two or three instances they (the Delegates) tried to have some control over, or interference with, the temporal affairs the Metropolitan and the community resisted them successfully.

213. On a review of the whole History and evidence, we arrive at the conclusion that the Patriarch of Antioch has been recognized by the Syrian Christian community all through as the Ecclesiastical Head of their Church in Malabar; that consecration by him or by his Delegates duly authorized in that behalf was and has been felt absolutely necessary to entitle a man to become a Metropolitan of the Church in this country in matters spiritual, that the man so consecrated should be a native Syrian Christian of Malabar acceptable to the community; that the Patriarch's power in spiritual affairs of the Church has been supreme; and that the Patriarch or his foreign Delegates have had no interference with the internal administration of the temporalities of the Church in Travancore which, in this respect has been an independent Church.

214. With regard to Morone, Exhibit EEE (*p.* 187 *Book* iii) says that Patriarch alone has the power to consecrate it. In extreme cases the Patriarch can delegate that power to Metropolitans but the oil so consecrated can only be used for some purposes and not all. Exhibit M. (the late Mar Athanasius' Staticon) says that some Morone was sent with him and that more would be sent afterwards. If Metropolitans could make or consecrate Morone (Athanasius was a duly ordained Bishop and Metropolitan nobody disputed) that was unnecessary to be added in the Staticon. Exhibits TT and BBB, both letters from the Patriarch of Antioch, prove that Morone has been customarily sent from Antioch. In the complaint of the community to the Patriarch which brought about the nomination of the late Mar Athanasius (already noticed at length the people say....."The Syrian community have also no Morone (Holy oil); that a priest ordain a priest and priest consecrates a Metran; and that having no holy oil, unsanctified oil is put in vials which before contained holy oil and thus they commit great sin ....." (*Bk. III p.* 15).

215. Let us see what the Appellant himself says on this matter. He swears (*Bk. I. p.* 70) "I have hearsay information that Metrans have made Morone in Malankarai. I have heard that past Metrans of Malankarai made Morone whenever they wanted. Beyond this, I do not recollect by whom, in which year, and at what place, this was done. I have heard this said by several people. The Morone now used in our Church is what was in the possession of the late Mar Athanasius"; at page 41 he states "I do not remember of the late Athanasius having brought Morone oil when coming down after consecration as Metran." He did, as a fact, we see from the Staticon Exhibit M. The Appellant ignores even that fact. The Appellant's knowledge about the consecration of Morone in this country by the Metropolitans is *nil*. With an air of indifference which may characterize the statement of a layman of advanced religious views, he swears "I have heard it said (that Morone was prepared here) by several people." So much for his knowledge. But let us see what he would do, if he had to prepare Morone himself. "Among the Books produced by me, there is not the book relating to consecration of Morone. That was lost along with those which were stolen from the Pallikarai Church." This theft was a convenient plea for the Appellant to shelter under, whenever he was pressed for documents bearing upon the most important and material facts of the case. The history, late Mar Athanasius' Staticon, the book relating to consecration of Morone and a number of other documents have all been lost in this so-called theft, of which, we have already said enough.

216. Thus the Appellant has really no answer to make to the Respondent's case that Morone could be consecrated by the Patriarch alone and that it should be supplied to the Syrian Church in Travancore from time to time by that Dignitary and that this has been one of the modes of exercising his spiritual supremacy over this Church.

217. We, therefore, come to the conclusion that the Patriarch has been exercising Ecclesiastical jurisdiction over the Syrian Church in Travancore, also by sending Morone from time to time in addition to ordaining its Bishop or Metran.

218. With regard to the payment of Rasissa to the Patriarch by the Community here, we are not satisfied with the evidence adduced by the Respondent to prove it. The evidence is very meagre and inconclusive. One great doubt with regard to this Rasissa is whether it is payable to the Metropolitan for the time being in this country or to the Patriarch. This doubt has not been attempted to be cleared. There is no doubt much on the record to shew that a contribution known as Rasissa has been made by the people to maintain the Dignity of the Head of the Church but it is not clear whether it goes to the local Head or to the Supreme Head in a foreign country. We are, therefore, unable to arrive at any decision on this point, nor is it necessary to do so to dispose of this part of the case. As Mr. Gover facilely remarked, it may be, that the Patriarch and his Delegates paid more attention to the collection of Rasissa in recent times and issued strict instructions on the subject, than in former times. Anyhow, we are unable, upon the evidence, to decide this question either one way or the other.

219. The spiritual supremacy of the Patriarch of Antioch has been, to our mind, established beyond a shadow of doubt.

220. It is now undisputed that the Respondent was duly consecrated at Merdeen (Antioch) by the Patriarch (the successor of the Patriarch who had consecrated the late Mar Athanasius, the admitted last Metropolitan of the Syrian Church) on the 8th June 1865. His Staticon of appointment is Exhibit E. Though the Appellant at the earlier stages of the case disputed the fact of the Respondent's consecration, he has afterwards given up this contention altogether. His Counsel Mr. Gover allowed before us that the Respondent has been consecrated as asserted by him, by the Patriarch direct. The genuineness of Exhibit E too, is undisputed. Thus the Respondent's ordination as Bishop or Metran is unquestionable according to our finding on the question of the Patriarch's authority over the Church in this country.

221. The Appellant next contended that the Respondent had been deposed from the position to which he had been raised by the Patriarch. This contention too was not pressed before us, at the argument on the appeal.

There is absolutely no evidence to prove the alleged deposition of the Respondent. On the other hand, the evidence to prove that he has been maintained in that position by the Patriarch is overwhelming. The Courts below have considered carefully the evidence *pro* and *con* and have concurrently found that the deposition was not a fact.

222. On the whole, therefore, the Respondent's competency to be the spiritual Head of the local Church is perfect and is open to no objection whatsoever.

223. But the Appellant's position is altogether different. He neither received Imposition of Hand from the Patriarch direct, or his duly authorized Delegate, nor acknowledged him as the Ecclesiastical Head of the Church in this country. His consecration was performed by the late Mar Athanasius and was, therefore, imperfect according to the received Doctrine of the Church and the opinion of the Community as ascertained from the past History of the Church. The consecration of Mar Dionysius, the immediate predecessor of the late Mar Athanasius, was held imperfect on the same grounds by the Syrian Christians of Malabar who, in addressing their Patriarch to send them a properly consecrated prelate, described the condition of the Church under Dionysius thus :—"They are as sheep having no shepherd; and "that in consequence the Syrian Church in Malabar is "in a state of widowhood; that its spiritual concerns are "in a declining state; and *that being without a duly con-* "*stituted Metropolitan*, they are deprived of the benefit "of Baptism.....; *that the Patriarch should prohibit* "*the priest, Mar Dionysius, who, wears the sacerdotal habit* "*of Metropolitan from wantonly transgressing the Canons of* "*the Church*....." (*Bk. III.* 15). The result of the communication was, as we have already noticed that Dionysius had to give place to the late Mar Athanasius. This event is a recent one viz., in $\frac{1023}{1848}$, and is within living memory. Exactly the same must be the condition of the Syrian Church under the Appellant. All that was said of Mar Dionysius' imperfect Ordination and his incompetency in consequence to be the spiritual Head of the Church, in the extract above given, could be said of the present Appellant with much greater force and pro-

priety; for the former had not perfected his consecration though he had much wished to do so on account of the difficulty in getting down a duly authorized Delegate of the Patriarch or in going himself to Antioch for that purpose; and when such a Delegate arrived he quietly and willingly retired from his Dignity and made him (Delegate) assume that office; while the Appellant in open defiance of the Patriarch's authority and in utter disregard of his presence in the country assumed the Dignities of Metropolitan on the ground of his consecration by the late Mar Athanasius.

224. We, therefore, hold that the Appellant is not a properly ordained Bishop competent, according to the Canons of the Syrian Church, to hold the position and Dignity of the Spiritual Head of that Church.

225. The above findings are not sufficient to entitle the Respondent to become also the Temporal Head of the Church or to become the Trustee of its Temporalities. Both parties agree in saying that acceptance by the Community is necessary to give him this right.

226. The next question, therefore, for consideration is "whether the Respondent has been accepted by the people as their Metropolitan." This is an important matter. Without the acceptance of the people, it is conceded, that no Bishop or Metran, however perfectly ordained either by the Patriarch himself directly or by his authorised Deputy, could lay any claim to the administration of the temporal affairs of the church.

227. The Respondent maintains that he has been accepted by a large majority of the Syrian community in Travancore, while the Appellant denies it. There is a mass of oral as well as documentary evidence on this point. The Courts below have carefully considered that evidence and have arrived at the conclusion that the Respondent had been properly and formally accepted by the community as evidenced by Exhibit GG. The High Court seems to feel no doubt on this point. Its opinion is thus expressed:—"If consecration by the Patriarch *ipso* "*facto* entitles a Metropolitan to rule over the tempora- "lities of the churches, there can be no question that the "Plaintiff's cause of action accrued in 1865 when he was

"consecrated a Metropolitan, but it has been found by "the Zilla Judge and I (*Mr. Justice Narayana Pillai*) "agree with him that acceptance by the community is, "as essential a condition of the right, as the consecration "itself. It may be noted, in passing, that the correctness "of this view has not been questioned by either of the "parties to this appeal. Now, at the time the Plaintiff "was consecrated, the Royal Proclamation Exhibit O "commanding every Syrian subject of the State to "owe his allegiance to the late Mar Athanasius, was in "force, and as long as that Proclamation remained un- "cancelled, no Syrian Christian could have dared to "accept, or at any rate lawfully accepted, the Plaintiff "or any other as his Chief. This Proclamation was set "aside only on the 23rd Kumbhom 1051 by Exhibit P, "issued evidently at the instance of the Patriarch who "represented that Mar Athanasius had been deposed by "him or his predecessor and another appointed in his "place (*Vide P.*). Within 4 months of this, or on the "16th and 17th Mithunam 1051, the Plaintiff was for- "mally recognised by the community at a meeting held "at Mulanthuruthu and presided over by the Patriarch "himself. An association called 'The Jacobite Syrian Asso- "ciation' was then formed and the Plaintiff as Metro- "politan, was appointed its President with power to sue "for common purposes of the community (*Exhibit GG*).

"The Appellant's Vakil takes exception to this "document on various grounds, the chief among them "being (i) that the Patriarch's signature in it differs from "that appearing in the Staticons granted by him to the "Metrans, whom he consecrated while in this country; "(2) that the witnesses who speak to the document are not "credible; (3) that granting that a meeting of the kind "was actually held, only a small number of Churches was "represented thereat and (4) that the Plaintiff has made "fraudulent additions in the original after the same was "filed in Court to make it appear that a larger number "was represented at the meeting.

"With the aid of experts, a careful comparison "of the signatures has been made. The signature in "both GG and the Staticons is 'Ignatius Patriarch of "Antioch.' The Signature in the former is prefixed by

"the words 'Bename Alla' (By Grace of God). But "this is not a necessary part of the signature and may "therefore have been omitted in the Staticons which "were subsequently issued. The other difference notice- "able is that while the signature in GG is in the Arabic "language but in Syriac characters, that in the Staticon "is in the Syriac language and Syriac characters. The "reason of the difference of language employed is explain- "ed by the Lower Court (Judgment p. 76) and the explana- "tion, supported, as it is, by evidence, appears to me "satisfactory.

"Next as to the witnesses. The Appellant's Counsel "has drawn our attention to several discrepancies in the "oral evidence in support of GG but these discrepan- "cies which are mostly on minor points, are by no means "sufficient to shake the veracity of the numerous witnesses "who have sworn to the truth of the document, especially "when it is remembered that the meeting continued to "sit for 3 days, that the gathering was unusually large "and that every individual present at the time, cannot "under the circumstances, be expected to pay attention "to every detail connected with the proceedings.

"The 3rd and 4th objections are equally ground- "less.

"Exhibit GG shows that it is signed by the "representatives of 102 Churches. In the descriptive "list of the documents filed in Court along with GG, and "signed by three Vakils, one of whom is admittedly now "dead, the document is stated to be one signed by the "representatives of 102 Churches. This, in itself, is the "strongest evidence to refute the imputation that GG "was tampered with, after it was filed in Court.

"The Defendant's Vakil urged at the hearing be- "fore us that a copy obtained by his client or his partisans "from the Alleppey Zillah Court at a very early stage "of the case and filed in the Trichoor Zillah Court, con- "tained the names of a smaller number of churches than "that appearing in G G and offered to produce this copy "or an attested copy thereof from the Trichoor Court. "He has failed to do so, though ample time was allowed "for the purpose. An attested copy thereof has, how-

"ever, been produced by the Plaintiff's Vakil from the "Cochin Appeal Court and this copy, Exhibit VVV, "which we have received in evidence, fully agrees with "GG and thereby corroborates the list referred to.

"The defendants have produced here another "copy of GG filed by them in O. S. 219 of 1057 on the "file of the Alleppey Zillah Court. This copy Exhibit "LXI, does not contain the names of 18 churches appear- "ing in the original document. This difference and the "existence of two columns of names and signature at "page 15 of GG, while the other pages (14 and 16 to 26) "contain only one column, are relied on in support of the "insinuation of fraudulent additions * * *

"In these circumstances and having regard to the "strong counter-evidence on the Plaintiff's side, I can "account for the difference between GG and LXI only "on the supposition that the copy Exhibit LXI was not "prepared with sufficient care. That the usual certi- "ficate of comparison by any responsible Gumustah of "the Court is not entered in the copy, tends to strengthen "this view. I have, therefore, no hesitation in deciding "that the insinuation of fraudulent addition of names in "GG is utterly unfounded. * * * * * There is "thus no sufficient ground to doubt either the genuineness "of Exhibit GG or the validity of the formal accept- "ance of the Plaintiff by the community as evidenced by "the document." This decision was concurred in by Mr. Justice Arianayagam Pillai.

228. This concurrent finding of two Courts on a pure question of fact could not be disturbed by us unless we see very substantial grounds for our interference. In *Musadee Mahomed Cazom* v. *Murza Ally Mahomed Khan* (VI. M. I. App. 49–50) and *Goshavi Tota Ram* v. *Rajah Rich Munee Bullubh* (XI. M. I. App. 77), the Privy Coun- cil observed that "the rule of the Judicial Committee is "never to disturb the concurrent decision of the Courts "below upon a mere question of fact, unless it very "clearly appears that there has been some miscarriage "of justice or that the conclusion drawn by the Courts "below is plainly erroneous." In a case of this sort wherein there is a mass of oral evidence, much reliance

could not but be placed upon the appreciation of it by the Court which heard that evidence.

229. With these preliminary observations, we proceed to consider the evidence bearing on this point, with a view to see whether the finding of the Courts below is sound or otherwise; or whether with reference to the rule laid down by the Privy Council, it requires revision in the interests of justice.

230. Neither the pleadings nor the evidence of the parties gives us any definite idea as to the mode in which the consent of the community should be obtained or the procedure followed in this respect by former Metropolitans to obtain that acceptance. In the course of the arguments in this Appeal, we had often asked Mr. Gover (Appellant's Counsel) to point out to us the procedure followed in (to use his words) "electing the former Metropolitans"; but he was not able to enlighten us on the point. It is true, that in the case of Metropolitans from Pulikote Dionysius forwards, there was no necessity to formally obtain the acceptance of the people, because the Sirkar, by its Proclamation, directed all the people to obey them and submit to their authority. This circumstance probably accounts for the want of recent precedents in this matter. But in the case of the Appellant whose succession had been disputed by the Patriarch and a large section of the people, even before the death of the late Mar Athanasius, there was not even a pretence of his having obtained the consent of the people. With regard to the late Mar Athanasius, the Appellant says in his evidence "I have got no document to show that when Mar Athanasius became Metran, there was the consent of the Syrian Sabha. There are several proofs as to the people having consented *since his appointment as Metran.*" But with regard to himself there could have been no consent of the people at all, as there had already been a large portion of the community on the Respondent's side. However he swears (*p.* 54 *Bk. I.*) "It was after having got such consent that the late Mar Athanasius conferred upon me the Dignity of Metran. *That consent must have been oral.* I have *seen nothing in writing.*"

So much for precedents regarding the acceptance of the Metropolitan by the people.

231. Here it becomes necessary to understand clearly and distinctly what the parties meant by "*consent of people*" or "*acknowledgment or acceptance by people*" or "*election by people.*" (This last expression finds no place any where in the record, but is the one used throughout the hearing of the appeal by the Appellant's Counsel). The first three expressions appear to have been used by the parties in their pleadings and evidence as well as by the witnesses on both sides promiscuously—without any distinction—evidently to convey the same sense or to denote one particular act. The plaint states "being the "Metropolitan who was vested with the Stanom by the "Patriarch of Antioch and has been appointed President "of the Syrian Association Committee and who has also "been accepted by the Syrian Community, We, in pur-"suance of the past practice, have thus become fully "entitled to the control and possession of the entire pro-"perties described in the aforesaid Schedules." The Respondent in his evidence throughout speaks of acceptance of the people or consent of the people.

232. The Appellant states in his written statement that he became Metropolitan thus:—"The Stanoms We "hold and which the late Mar Athanasius held until death and which, we having been appointed by him Secretary from 1038, and then Ramban and subsequently from 1043, Metropolitan, with the consent of the Samooham (Community) were caused to exercise &c." Further on, in para 11 of the same document, he says, and even Mar Athanasius did not become vested with the authority and possession of the property, simply by virtue of that consecration, but by the consent of the Metropolitan who was his predecessor and the acknowledgment of the people. It has been customary from the remotest times in this country for a ruling Metropolitan of Malankarai to nominate a successor during his lifetime and to make him perform his functions and to put him in possession of the property and funds. It is following this practice that we are nominated and allowed to exercise our functions. In his evidence, the Appellant speaks of the consent of the people to ordain a Metran (*p.* 54 *Bk. I* already quoted).

233. There is thus nothing in the pleadings or in the evidence, or in the past history of the Church to show

that what the parties meant by the expression used by them or by their contention on this head, was regular election. Mr. Gover has not though repeatedly questioned in the course of his argument on this part of the case, been able to draw our attention to anything on the record or to any precedent in the History of the Church to convince us that the pleadings meant nothing less than a regular and formal election as he assumed it throughout his argument.

234. Then the question for solution arises, by *acceptance*, *acknowledgment*, or *consent* of people, did the parties mean to assert a regular and formal election before entering upon the duties of the office—as the election of the members of the British House of Commons or the Senate of the United States or the Representative assemblies of other countries—or did they only mean passive submission or acquiescence as opposed to open resistence or reluctance or scruples to submit to the individual nominated upon his assumption of the office? These two ideas are distinct and separate must be conceded. They vastly differ from each other. In the present instance it seems to us, much complication has been introduced into the case by confounding these two distinct ideas. The Counsels on both sides have not borne this distinction in mind in arguing on this part of the case. No doubt the learned Counsel for the Appellant proceeded upon the assumption that the pleadings raised the question of election, to which assumption, as we have shown already, there is no foundation.

235. The Appellant himself swears (p. 40 of his evidence) "It was not only by the right of the Metranship conferred by the Patriarch but also with the consent of the Syrian Sabha of Malayalam and of the then Metran and also under the Proclamation of His Highness the Maha Rajah of Travancore that he was ruling here as Metran. I have got no document to show that when Mar Athanasius became Metran there was the consent of the Syrian Sabha. There are several proofs *as to the people having consented since his appointment as Metran.*" As to what he meant by "*appointment as Metran*" he added "To become the Metran of Travancore (in addition to consecration by some Bishop) a Royal Proclamation from His Highness the Maha Rajah is necessary." (*p.* 41).

These statements taken together and considered along with the past history of the Church and its Metropolitans, make us believe that what the Appellant meant by "*acknowledgment* or *acceptance* by people" in the case of his late brother (Mar Athanasius) was nothing more than passive acceptance, submission or acquiescence in his assumption of the functions of Metropolitan.

236. If this is really what the parties meant by acceptance of the community—we certainly think it was so—our task becomes easy. The whole mass of confused oral evidence becomes mostly irrelevant.

237. In this view of the pleadings, the question for consideration and decision is simply this:—"who had the larger following—Appellant or Respondent—on the date of the institution of this suit?" In other words "On whose side was the majority of the people or who was accepted by the majority"?

238. This appears to us to be the real dispute between the parties. We are fully convinced that it could not be formal election as now contended by the Appellant's Counsel. We must also remark that the learned Vakil for the Respondent has not distinctly put this view of the case before us. He evidently had not realized the importance of the distinction between "formal election" and "acceptance by way of submission and acquiescence." To contend that the former was meant by the parties is to misunderstand the pleadings altogether and to introduce into the case a question of no small importance and difficulty—difficulty in the practical working of the system—which the parties did not even think of, and could not even now realize.

239. Where is the precedent in the history of this church for regular election.? Absolutely none. If election is taken to have been meant by the pleadings, the further questions arise. Is it to be conducted on the universal suffrage or limited suffrage system; if the latter, who are, and who are not, competent to vote? Are children and women competent to vote? These questions lead to an immense complication which the parties could never have contemplated. Election, as we understand it now, never entered the heads of the Metropolitans or of the Syrian

community at any time of the past history, is apparent from the Church history and from the evidence of the parties.

240. The Appellant's evidence, the long correspondence of the late Mar Athanasius and the memorials of the present Respondent to the British Resident and the Madras Government (Exhibits UUU, XIV, and XV) put it beyond doubt that nothing but the submission of the people or of the majority thereof was meant by acceptance or acknowledgment.

241. In this view, the whole array of arguments on the objections to the issue, circulation and formality of the notices for the first meeting at Mulanthuruthu; on the sufficiency or insufficiency of the notice both with regard to time and particulars of the subject for discussion; on the formality and regularity of the proceedings held by the meeting and on the validity of the Resolutions passed thereat, becomes useless and altogether misdirected. Further, this view renders Exhibits GG and HH as pieces of evidence to prove the fact of the majority having accepted and recognised the Respondent as their Metropolitan—Trustee of the Church. Those two documents should not, as was contended, be treated as the evidence of the result of an election. They were not, it seems to us, filed with that object. We look upon the Mulanthuruthu and Parumalai meetings not as the gathering of voters at the hustings, but as general meetings of the Syrian Community to arrange the details of their further action to establish on a firm basis, the supremacy of the Patriarch as well as to settle the ways and means to oust the trespasser and wrongful possessor of their Church properties and to secure to their Metropolitan—duly consecrated and appointed—the undisturbed exercise of his Episcopal and temporal functions. These, we consider, to be the sole objects of the proceedings at those meetings and the Resolutions in Exhibits GG and HH amply shew this to be the case.

242. Why then strain and distort the clear and unequivocal contention of the parties to mean what was never—could never have been—in their contemplation. The immense confusion and dissension that such interpretation would introduce among the peaceful and quiet

Syrian Community, should make us seriously think whether such strained and farfetched construction of the words "*acceptance*" and "*consent* of the people" would be justified either by the conduct of the parties or the long history of the past Metropolitans.

243. Election is altogether an inconceivable idea to the Syrian Community at large in Travancore. They could possibly have no notion of the technicalities and formalities of the practical working of the elective system. It is altogether unknown to this country. That the parties meant such a thing is to assume that they said what they could not properly *conceive*.

244. Now as to acceptance, it may, at the outset, be remarked that this contention of the parties (viz. that acceptance by the people even according to the definition above laid down was necessary to entitle a Bishop duly consecrated and appointed by the Patriarch to become Metropolitan of the local Church) seems to us to be a new idea and is due, probably, to a precaution on their part to prevent foreigners sent out by the Patriarch from assuming the management of the temporalities of the Church without the consent and against the wishes of the community. There was no acceptance by the people in the case of Metropolitans from Thoma I down to the late Mar Athanasius (1665 to 1877). History shows no such custom was extant at any time. In the cases of former Metropolitans, we find that consecration and appointment by the Patriarch were alone thought enough to constitute a Metropolitan. With regard to Proclamation-Metropolitans (Thoma VII to the late Mar Athanasius) the consent of the people or their acceptance was wholly unnecessary and, as a matter of fact, was not even thought of; for the Proclamations directed the people to obey the Metropolitan recognized by the Sirkar. It was only after the Proclamation Exhibit P under which the Sirkar disclaimed all connection with the appointment and removal of Syrian Metropolitans and explained the effect of its Proclamation in favour of particular Metropolitans, that acknowledgment by the people was thought of as the best and safest substitute to adopt. This is apparent from the wording of the Proclamation Exhibit P as well as the construction put upon the former Pro-

clamations (especially Exhibit O) by the parties to this litigation, by the Judges of the late Sadr Court and the Public. It is no wonder that when the Highest Court in the Land construed Exhibit O to debar any claimant to the Metropolitanship from asserting his title or the people from recognizing him as such, the public belief was that recognition by the Sirkar, and Sirkar alone, could confer the position of Metropolitan upon any one duly consecrated. Of what avail was then the choice or the acceptance of the people?

245. Hence it is manifest that the idea of acceptance or consent by people could have originated (and did actually originate) with the so-called cancelment of the Proclamation Exhibit O and the issue of the Proclamation Exhibit P—the people's *Magna Charta* as they understood it—that was done only so recently as 1051. The first case under that system happens to be the present one. This accounts for the non-existence of precedents in the matter in the Church History as well as for Mr. Gover's inability to answer our oft-repeated question touching the manner in which the "election," as he called it, should be conducted and concluded.

246. The Respondent's case is, that after his consecration and his arrival in India, he had unsuccessfully petitioned the Resident in Travancore and the Madras Government (Exhibits UUU, XIV and XV) to make the Travancore Government cancel its Proclamation (Exhibit O) recognizing the late Mar Athanasius as Syrian Metropolitan, he having been superseded by his own (Respondent's) appointment to that office and to issue another Proclamation simply declaring that each and "every one of the Syrian Christians was at liberty to openly profess his adherence to, and subject himself *to the jurisdiction of, the Bishop of their own choice*..... and adding, that if there be any division of opinion as to such choice, commissioners should be appointed to ascertain the wishes of the *majority of the Syrian Chirstians attached to each Church;* and the Church and its funds to be placed under the control of the Bishop who had such majority on his side" (*Book III p.* 211); that he then made an appeal to the Patriarch of Antioch who came to Malabar about the beginning of 1876 and called for a meeting of all the leading Syrian Christians at Mulanthuruthu; that at that meeting the people openly declared their acceptance of him (Respondent) as the Metropolitan in the presence of the Patriarch; and that he was then elected President of the Syrian Christian Association Committee. The Travancore Government eventually granted the Respondent's request by modifying Proclamation O and issuing the Proclamation Exhibit P almost to the same effect as the Respondent desired. It is thus apparent that so early as 1869 the Respondent asserted that he had the majority on his side.

247. Exhibit GG containing the Proceedings of the meeting at Mulanthuruthu held under the orders of the Patriarch, his own address to the Syrian Community and the Resolutions recorded at that meeting, clearly prove the Respondent's case as stated in the preceding para. We now proceed to consider that document.

248. The Patriarch's address as given therein, sets forth his endeavours to re-establish on a firmer basis his power over the Syrian Church in Malankarai by moving the Travancore Sirkar to repeal its Proclamation in favour of late Mar Athanasius who had by that time lost sight of the fact that he had owed his position to the Patriarch and by leaving the community free to follow the spiritual Head of their own choice as hithertofore. It is necessary in this connection to repeat what the Patriarch said in that address to judge of the gravity and formality of the Proceedings held at Mulanthuruthu meeting. It is as follows:—"We received a general letter from you and many other letters, and when we, having perused them, understood the sorrows you and the churches experienced on account of Beliar, we at once proceeded to Constantinople and thence to London and in such foreign place we stayed with grief for seven months; and we represented your grievances to Her Majesty the Queen by Divine Grace exalted and the Honorable officers, and they perused your memorial as well as those we submitted, and sent all those records to the Madras Government and also gave unto us letters of introduction to all Government officials in India. We reached India and went to the Honorable the Governor at the Neilgherris. And when we spoke to him of the rea-

son of our having come to India in this our old age, he sufficiently honored us. He told us that this Proclamation should be set aside; that he would not interfere in spiritual matters; that we should go to the Maha Rajah of Travancore; that all the records have been forwarded to that Maha Rajah and that he would dispose of the matter consistently with truth. When we reached Trivandrun and represented the grievances to the Respected Maha Rajah, His Highness disposed of the matter and sent communication to the Madras Government. That matter delayed us from Chingom to Kumbhom. Then final reply came to the Travancore Sirkar from the Madras Government. His Highness the Maha Rajah revoked the previous Proclamation and issued another. What this Proclamation says is that 'owing to the Patriarch's letter we at first proclaimed him; now that the Patriarch has dismissed him, we also dismiss him and revoke the Proclamation accordingly. But by the Patriarch's letter he at first got authority over the churches. The Patriarch having dismissed him the Sirkar has also dismissed him from the Church.' By this, our people have derived consolation to a great extent. Now, we have heard that some officials having illegally passed some decisions, are expelling our people from churches. They have transgressed the decision of the Honorable the Governor and have modified the same. But some of you, our people, are trying to help Beliar, and to seize possession of you and your churches. That is not spiritually or honestly; but just as the Pope's religionists formerly dealt among you. Now you, who are assembled here, take care and hold steadfastly by what you love—should you love the faith of your Churches and of your ancestors, you should, in accordance with the past practice, hear the Patriarch's command and obey same and draw up a document of consent and sign same: if otherwise you should give us a reply. There has already been enough of delay. If not you should make a firm foundation and select persons to be *karyasthens* (agents) of the people in general, persons who have knowledge, ability, and Divine wisdom; and execute and give them a Deed of consent, to be exhibited before the Sirkar authorities in all criminal, civil and religious matters which the people may have and empower them to be the responsible agents of you all in all matters. For when a people have no chieftains or rulers, they would become scattered. Ignorance also will increase and any one coming against them will rob them and persecute them. But you should be beware of these. We have several things to say to your true love. But now let us first establish a foundation, for the redress of the present grievances of the people. Then all the rest can be accomplished. This is enough for your knowledge. But more especially, We pray unto the Lord that there may be among you peace and unanimity that you may be conducted unopposed through the straight path and that you may be saved from all enemies that may battle with you."

249. The address closed the first day's proceedings *i. e.* 15th Mithunum 1051–1876.

250. Before proceeding to consider the business done on the subsequent days of the meeting, it is necessary to see what the nature of the meeting itself was. That it was a representative meeting of the Syrian Community seems to admit of no doubt on the evidence.

251. The Appellant in his evidence (*p* 47) says that there may be about 180 churches in Travancore while the Respondent says (*p* 15) that there are about 175 churches. Both seem to be almost correct, because four or five churches having come into existence since the meeting at Mulanthuruthu, the one evidently includes these new ones in his reckoning, while the other leaves them out. "Of these 180 churches" the Appellant adds, "about 100 churches are under Us (honorific). There are adherents of Plaintiff too in these 100 churches. There may be *ten* to *fifty* Churches in which there are absolutely no partisans of the Plaintiff." (*p*. 47). Inconsistent as the above statements are, it is clear that the Respondent has had adherents in more than three-fourths of the number of churches in the country. At (*p*. 48) of his evidence, the Appellant gives the names of 84 churches, 39 of which have been entirely under the Respondent, 22 in which both parties have adherents and 23 in which the Appellant does not know whether he has any adherents or not—not that he does not know, but will not say. This statement was given on the 5th day of his examination. Neither in his further examination, nor in his cross-

examination, has he afterwards enlightened the Court about his having adherents in the last mentioned 23 churches. So that it may be safely concluded that 62 churches out of these 84, have been entirely under the Respondent's control and the other 22 partially so. The Respondent swears (*p.* 18) that about 150 churches were represented at the meeting at Mulanthuruthu. Of course, the Appellant and his witnesses altogether deny that a meeting was ever held bythe Patriarch at Mulanthuruthu, though the learned Counsel for the Appellant in a manner allowed the fact of the meeting contented himself by saying it was not a representative one and that there was no election of the Respondent at that meeting.

252. Let us examine the several statements of the Appellant given above and see how the result stands. He allows that out of the 180 churches, 80 are not under him which must mean that they are under the Respondent. Of the remaining 100 which he said were under him, he admits that in 10 to 50 churches only the Respondent has not adherents. So that the Appellant has only 10 to 50 churches exclusively under him, while the Respondent has clean 80, following him wholly; and about 50 to 90 churches between them both. What these last churches are, the Appellant does not say; nor has he been questioned about it. This admission appears in his examination of the 5th day (29th Meenum). Though he was after that date many days under examination as a witness, yet this statement has nowhere in his evidence been altered or modified.

253. Thus we start with the admission of the Appellant that very near, if not more than, half the number of the churches in Travancore recognised the Respondent and Respondent alone as their Bishop and Metropolitan. The other half, on a consideration of the evidence (as we shall presently show) dwindles itself into a very small fraction.

254. This evidence is chiefly contained in Exhibits GG and HH. We refer to them, as has been observed, only to show that on and before the date of his suit, the Respondent had been acknowledged and accepted by a considerable majority of the churches in Travancore.

We have already said that we do not look upon them as "election papers."

255. The regularity and formality of the proceedings (Exhibit GG) are gone into somewhat elaborately by us, simply and solely to show that at a properly represented meeting, the Respondent's acceptance was openly exhibited and declared by the people.

256. It is abundantly proved from the evidence on behalf of the Respondent (2nd, 5th, 8th, 12th, 13th, 14th, 15th, 16th, 18th, 19th, 21st, 22nd, 24th, 26th, 27th, 31st, 32nd, 34th, 36th, 38th, 67th & 69th witnesses) that an order or a notice was sent by the Patriarch to all the churches to attend, or to send representatives to the meeting at Mulanthuruthu. Of these witnesses, the 2nd, 5th, 15th, 26th, 27th, 36th & 38th are Clergymen—Kathanars, Deacons &c. and the most competent witnesses to speak to the circulation of the notice. The other witnesses are respectable and disinterested. They have been fully believed by both the Courts below and we do not see any reason to differ from them.

257. Besides, from the mass of oral evidence on both sides, it appears clearly that notices for a meeting were issued to all the churches in the country by the Patriarch or in the Patriarch's name.

258. The notices themselves have not been filed though Mr. Ramanatha Row, the Respondent's Vakil, had offered to produce some of them before the High Court and also before us. He did actually produce some here. But they were not received and filed as the Court did not want them to be put on the record. However, we ordered one of them to be retained in Court, so that if we thought reference to it necessary, we might do so. Various objections were taken to the notice calling for the meeting. The first one pressed upon our attention was the shortness with regard to time of the notice. It does appear that clear 25 days were allowed between the date of the issue of the notice and the date fixed for the meeting at Mulanthuruthu. The Syrian churches in Travancore, it is well known, are situated within a radius of 10 to 70 miles from the place of meeting. Considering the fact that these churches are mostly situated in the Northern Division of Travancore viz., Kottayam Division,

and only a few scattered here and there in Quilon Division—the southernmost being the Kottarakarai Church according to evidence—within short distances of one another—it seems to us not fair to contend that 25 days' time or even 20 days was insufficient notice to the people. This meeting was not the Synod of Nice or Constantinople to which prelates of all parts of Christandom had been summoned. Before the actual issue of the notice itself it is abundantly clear from the records of the case, that the Syrian Christian Community had been fully aware of the arrival of their Patriarch in their midst, his endeavours to remove the late Mar Athanasius and to constitute the Respondent in his stead, Metropolitan and his intention to call for a meeting of the people, the preparation therefor and the object of the meeting. These things were broadly known to all. The Patriarch had before the date of the meeting stayed in the country more than a year with a view to accomplish what the Resolutions of the Mulanthuruthu Meeting eventually settled.

259. Under those circumstances and, as already observed, the majority of the churches being within easy and short distances from the place of meeting, there is no force in the objection that there was an insufficiently short notice for the meeting. Some other minor objections such as the state of the weather at the time, difficulty of locomotion &c. are hardly worth any notice. We have absolutely no evidence on these matters beyond one or two bare statements that it rained on one of the days that the meeting lasted.

260. The next objection was that the service of notice upon the Parishioners had not been legally proved. We are really surprised at the objection in the face of the overwhelming evidence on behalf of the Respondent. The witnesses who saw the notices served and who received the notices swear positively to the fact. A careful perusal of the evidence of the witnesses above mentioned as well as of even other witnesses ought to convince any unbiassed mind of the fact of actual circulation of the notices. To expect, in a matter like this, proof of service of notices as we have in civil suits in Courts, is to expect an impossibility. It could not be expected that

the notices with the acknowledgment of service would be forthcoming. How, then, was the fact to be proved otherwise? It must be only by the evidence of witnesses who had service of notices on them and who saw notices served on others. Again service of notice on each and every individual or on all the Church-men, could hardly be expected.

261. The Defence witnesses speak deliberately false on this point. They one and all swear that they heard that some Bava or some man had come from foreign parts; that they did not know whether he was the Pope of Rome or the Patriarch of Antioch or of any other place; and that they have not heard of any Synod or meeting held by him at Mulanthuruthu. Are these men to be believed in preference to Bishops or Metrans, Kathanars, Deacons and Kystanakars or Trustees who swear on behalf of the Respondent to notices having been issued to the several churches and having been duly served on them? We think not.

262. The third objection to the notices was that they did not specially state the matters to be discussed and settled at the meeting. True, they did not do so, but they generally stated that the affairs of the Church should be discussed and settled with the consent of the people. This informality by itself could not vitiate the whole proceedings held upon such notices. The Patriarch's efforts to bring about a settlement of the dispute between himself and his nominee (Respondent) on the one side and the late Mar Athanasius and the present Appellant on the other, and generally to settle the affairs of the Church, were widely known and required no specific description. In these circumstances, we think the objection has no legal force and is insufficient to render the further proceedings taken upon the notices, invalid.

263. The above observations dispose of all the objections to the issue and service of notices and of their sufficiency to answer the purposes for which they were intended.

264. In obedience to the notices or the commands of their Patriarch, representatives of 102 churches actu-

ally attended the meeting and signed its Resolutions. Exhibit GG proves this fact.

265. Respondent's witnesses 2, 5, 6, 8, 9, 14, 15, 16, 17, 18, 19, 21, 22, 24, 25, 26, 27, 29, 31, 32, 34, 35, 36 38, 39, 40, 41, 63, 67 and 69 swear to having seen deeds of consent given by the people to the representatives that attended the meeting. These deeds of consent contained, it is said, authority to the representatives to agree to the Resolutions of the meeting on behalf of the people. The witnesses also swear to their signatures in GG. Objection was taken on behalf of the Appellant to this evidence on the ground that the deeds of consent themselves had not been filed. The Respondent's explanation for the omission was that they had been taken away by the Patriarch with him when he went to Syria and that his (Respondent's) application to examine the Patriarch on commission and to cause the production of these as well as other documents in his possession had been resisted by the Appellant and refused by the Court of first instance. The records of the case bear out this explanation. It would be, under such circumstances, unreasonable to decline to hear the evidence of the witnesses who were brought to swear to the production of the deeds of consent by the representatives. That is legal evidence of the fact that such deeds were given though not to their contents. All that we want here is that the men that attended the meeting were representatives. Even without the deeds of consent, if the men were competent to represent the community by their position in that community it would quite answer the purpose.

266. These witnesses have all been believed by the Courts below. Thus we find the representatives of 102 churches, duly authorized met at Mulanthuruthu on the 15th Mithunam $\frac{1051}{1876}$. As we have already said, the Patriarch delivered his address to the assembled on that day and the day's proceedings closed with it.

267. The following day *i. e.* the 16th Mithunam, the church-representatives again assembled at the same place and prayed that the Patriarch "the chief authority on the Apostolic throne of Antioch and the Holy Father

of us the Jacobite Syrians of Malankarai" be the President of that Synod. The Holy Father granted the prayer and addressed the congregation as follows (*p.* 83. *para* 7) :—

"Whereas it is expedient that resolutions and assurances should be at once come to, for bringing our church in Malankarai, to be confirmed in and subject to the Faith of the true worship and the call of the Apostolic Throne of Antioch forever; for removing the disputes which have in diverse ways happened among our community, so that union and peace may be insured among us; for promoting education and multiplying its good fruits among us more and more; for checking the progress of the evil endeavours of him, who, though he has been anathematized and excommunicated by three of our successive Holy Fathers, persists firmly in his evil designs, and being self-willed, defies authority and in manifold ways offers opposition to our Church and who has by his transgression of the truth become invested with the title of Beliar and of his associates, it has to be considered what measures should be taken therefor."

268. Upon this speech, the representatives were sent away with directions to consult among themselves and to come the following day with a reply.

269. Accordingly they met again on the 17th Mithunom and read their reply to the Patriarch and then proceeded with the business of the Meeting. The purport of the reply is made clear from the Resolutions passed and affirmed that day.

270. The Resolutions are fully set out in Exhibit GG.

271. Various objections were taken by the Appellant and his Counsel to this document the objections being not the same in all the courts. Those taken in the High Court have been dealt with in the extract quoted above from their Judgment (*Judgment p.* 19). We fully agree with the High Court in thinking that the objections are untenable and are not properly substantiated. Before us, Mr. Gover contended that the papers containing the signatures of the Church-men could have been foisted in afterwards; that those papers had not

been signed or initialled by the Patriarch and that they had been got up afterwards for the purpose of the suit. These objections are unsustainable altogether. The Respt.'s witnesses above noted swear to the truth of Ext. GG as a whole, and the Appellant has no manner of evidence to prove that his objections have any foundation in fact. The probabilities are against his contention.

272. We have therefore no doubt in holding with the Courts below that Exhibit GG is genuine wholly.

273. The learned Counsel for the Appellant contended that all the 102 churches named by the Signatories to that document had not been properly and sufficiently represented at the meeting. He named several such churches and referred at great length to the evidence bearing on the representation of them. The confused mass of oral evidence on the question is not very reliable. The evidence of the Appellant's witnesses summed up comes to this or to the following effect :—viz., "We have "heard that a Bava arrived from foreign parts. We do "not know whether he is the Pope of Rome or the Patri-"arch of Antioch, or of any other place. We have not "seen him. We have not heard that he convened a Synod "at Mulanthuruthu." This statement is followed by "none "from our parish or church attended the Synod. No "notice or order was sent to our parish or church to attend "it." Taking the whole of this evidence together, can we for one single second believe these witnesses ?. How absurd their evidence reads? Each witness swears that none in his parish got notice or attended the Synod. This sort of negative evidence is really worthless. It is, strictly speaking, no legal evidence as affecting others. Nor does it conclusively show that no meeting was held or that none attended it. The barefaced denial by these witnesses of the identity and position of the foreigner that was in their midst for many months and that was so well received all over the country is most startling. They have the courage to deny what is conceded now on all hands and what has been abundantly established by the evidence in the case viz., the Meeting at Mulanthuruthu under the Presidency of the Patriarch. They deny what even the Appellant and his Counsel allow and admit. Really such witnesses could hardly be believed.

274. On the other hand, the oral evidence on behalf of the Respondent is less unsatisfactory and more reliable. The only objection to that evidence is that it comes from interested witnesses or the partisans of the Respondent—an objection which with greater force applies to the Appellant's witnesses also. However, the evidence on behalf of the Respondent receives strong corroboration from the documents filed in the case, whose genuineness admits of little or no doubt and the Judge who had the advantage of watching their demeanour gives full credit to them.

275. With the above general remarks we will proceed to consider the case of some of the churches specially taken up at the argument as having had no representation (out of the churches shown as represented at Mulanthuruthu in Exhibit GG). A list of about 30 such churches was furnished to us by Mr. Gover during the hearing of the Appeal.

276. *Niranam.* With regard to this church, the evidence proves positively that the majority of the congregation is on the Respondent's side and that the Appellant has only a few stray adherents.

Niranam is the capital of a Bishopric—one of the seven Dioceses into which the Patriarch parcelled out the See of Malabar in 1875. The Bishop himself is examined as the Respondent's 63rd witness. He positively swears that this church as well as other churches in his Diocese mostly follow the Respondent. He was present at the meeting at Mulanthuruthu and Parumalai and was a party to the Proceedings of those meetings. He has signed the document Exhibit HH. Next, we have the evidence of Kathanars, Trustees and Parishioners of that church viz., Respondent's 6th, 7th, 8th and 38th witnesses. These are the most competent witnesses to speak to the acceptance of the people and the representation of the congregation at the meetings. They all positively swear to those facts. Further the 2nd Appellant who is the staunchest supporter of the Appellant's cause was obliged to admit in his evidence that the Respondent has followers in Niranam and other adjoining churches (Respondent's 10th witness).

What better and more satisfactory evidence could be adduced to prove representation at the meeting as well as acceptance by the majority at Niranam. Exhibit GG is signed by no less than nine men from this church. We have already found this document genuine.

277. Against this overwhelming evidence what is there on the other side—the negative evidence of three witnesses for the defence viz., 44th, 45th and 101st. Our general observations regarding defence oral evidence apply to these witnesses. The 44th witness is evidently a pyal schoolmaster in Niranam. Accountants and pyal schoolmasters lie to the grove, is the saying and it applies to this witness with much force. He is a man of no position and his evidence could be got for a chuckrum. The next witness (45th) is no better. He is the sexton in the church. A perusal of his evidence shews that he talks of the events of A.D. 52 and 325 in the same strain as events of yesterday—as if he had seen both with his own eyes. His evidence is worthless. The 101st witness is a Kathanar. He swears (*p.* 310) "There is Patriarchal party in our church. There are eight Kathanars of the Patriarchal party and four of ours including myself and my father. The Patriarchal party comprises about 300 families. *I do not remember of those of the Patriarchal party of that church having gone to Mulanthuruthu.*" The last sentence is important and is much relied on to shew non-representation of Niranam at the Mulanthuruthu Meeting. The extract speaks for itself.

278. Thus we have against the evidence of a Bishop two Kathanars, a Trustee and 2 Parishioners on behalf of the Respondent, the evidence of two *nobodies* and a new Kathanar who allows that the Patriarch has 8 Kathanars and 300 families following his nominee. The conclusion indisputably follows. Next we take *Karichal*. The Respondent's 46th, 47th and 50th and also 38th witnesses positively swear that the majority of the congregation attending this church belongs to the Patriarchal party and that the Karichal church was properly represented in the meeting. Against this we have the evidence of the Appellant's 28th witness. Even he swears that out of 60 families, 20 odd families follow the Bava (Patriarch). He says

nothing about the meeting. Is it not futile, upon the evidence above noticed, to say that this is one of the churches that are shewn to have not been properly represented at Mulanthuruthu or that have a larger number of followers of the Appellant?

279. *Cottayam Cheria Palli.* Respondent's 9th, 10th, 12th, 15th and 56th witnesses speak to this church. The 10th witness is no other than the 2nd Appellant. Of course, he does not speak fully in favour of the Respondent. This church was wholly under the control of the Patriarch during his stay in the country. There is no doubt upon the evidence that this church has since been almost wholly under the Respondent's control. Three witnesses for the Appellant we are aware, give evidence for him but their evidence is open to the same objection as the evidence of the witnesses already noticed.

280. *Ayroor Church.* This is one of the churches given in the list at *p.* 48 of the Appellant's evidence as being entirely under the rule of the Respondent. The Appellant's 16th witness who was examined with regard to this church also speaks of the Patriarchal party having a church in Ayroor. There is therefore no knowing whether the Appellant has a separate church apart from the one admitted by the witness to be under the Respondent.

281. The same remarks apply to Kuntarai Church also. Respondent's 37th witness speaks to it. He swears to Mulanthuruthu meeting, the representation of Kuntarai Church therein, and the Respondent being the Metropolitan of that church. Against this, we have the evidence of the Appellant's 55th and 57th witnesses. They speak to their ignorance of the meeting and to the fact of the Appellant's party having a Church at Kuntarai. Whether these two churches are one and the same, we have no means of knowing.

282. *Cheppat* is proved by the Respodent's 46th, 47th and 50th witnesses to have been properly represented at the meeting and to have the largest number of people on his (Respondent's) side. Defence 22nd and 23rd witnesses give the usual negative evidence and

further swear that the Appellant is their Metran. This may be true. They may acknowledge the Appellant as their Metran and that proves nothing. The latter witness says that out of 300 families in the church 200 follow the Appellant and the remaining number the Respondent. Even this, the former witness would not allow. This evidence is hardly credible.

283. In the same way we find the other churches specially mentioned by name and referred to as having had no representation at the Mulanthuruthu Meeting, have two and three witnesses swearing on each side. Upon examination of their evidence rather carefully, there is no doubt left in our mind that all the 102 churches have had proper and sufficient representation.

284. On the whole Exhibit GG appears to us to be open to no objection of any sort.

285. This document shews that resolutions to the following effect, were passed at the meeting.

(1.) That the people of each parish should execute and register deeds of covenant binding themselves to be subject to and never transgress the mandates of the See of Antioch; that they should be guided and controlled in all spiritual matters by the Apostolic See of Antioch; that they should accept and be guided by books of Canons and rules prescribed by the Patriarch.

(2.) That a Fund, out of public subscriptions in their community, should be formed for the purpose of meeting the expenses of litigation &c. to settle the disputes that had arisen between them and the followers of the opposite party as well as for the purpose of augmenting the common funds intended for the improvement of the community; that a committee known as Syrian Christian Association should be established with the Patriarch as Patron and the Metropolitan as President to administer the fund as well as to regulate the affairs of the Church.

(3.) That the Committee had full authority subject to the supervision of the See of Antioch to administer the Fund to regulate the affairs of the Church and to alter the existing rules and frame new rules &c.

(4.) That the Committee should collect and remit Rasissa to the Patriarch.

(5.) That the Metropolitan, Mar Dionysius, as President of the Association should carry on all litigation regarding religious and social matters of the Church.

286. These and other miscellaneous matters formed the subject of the Resolutions. The Resolutions were passed and affirmed by the Patriarch, the Metropolitan, the Representatives of the churches and the people assembled. The members of the commitee were named and appointed. Mar Dionysius, Metropolitan (Respondent) was appointed President of the Association. The record of the whole proceedings was signed by all present including the Patriarch and the Metropolitan.

287. The meeting was concluded evidenty on the 18th Mithunam.

288. The objection that was seriously urged against Exhibit GG, apart from those relating to its genuineness which we have already considered and disposed of, was that it did not show that the Respondent had been proposed as Metropolitan to the people and had been accepted by them as such; and consequently this document did not afford any evidence of his "election" to that office by the community. This objection, it seems to us, is wholly due to a misconception of the case put forward by the parties and especially by the Respondent. No doubt his Vakil too did not make it clear at the argument. It appears to us that the Respondent's case is not that he was, for the first time, proposed as Metropolitan and accepted by the people at that meeting or by the Resolutions passed thereat, but that he had already been accepted (in the sense in which we have said that acceptance should be regarded) by the majority of the people as their Metropolitan (duly consecrated and appointed by the Supreme Head of their Church); and that that acceptance was only emphasized by the several Resolutions recorded at that meeting. If the meeting had been called for the purpose of electing the Respondent for the first time as Metropolitan, no doubt there would have been a proposal to, and acceptance by, the people definitely and clearly; but here the Respondent had been already recognised

by the people and their recognition was signified at the public meeting openly and in the presence of their Patriarch, Metrans, Kathanars, Deacons, Trustees &c. Election is a misnomer for "the acceptance of the community" that the parties speak of in the pleadings, has been at length shown already. That this was the Respondent's case from the commencement of the litigation is abundantly clear from Exhibit UUU, XIV and XV.

289. In the first of these documents, the Respondent in addressing the Madras Government says *(p. 208 Bk. III)* "That in 1865, the Patriarch of Antioch appointed and consecrated your petitioner as Bishop and Metropolitan of the Syrian Christians of Travancore and Cochin, Malabar &c., and on his arrival from Antioch, *all the Syrian Christians have acknowledged, and do still acknowledge, him as such.*" The whole of that document runs almost in the same strain throughout. The second document (Exhibit XV) begins thus "That your memorialist has duly obtained the most Holy Order of Bishop, and is duly consecrated as such over all the Syrian Christians and churches in India by His Grace the Patriarch and in accordance with such an appointment and consecration, *all the Syrian Christians are perfectly willing to acknowledge* your memorialist as such and to submit all the management and affairs connected with the Syrian Seminary established at Cottayam to his control only"

290. These representations were made in 1869 about *six years before the meeting at Mulanthuruthu.* The Appellant himself does not deny that his opponent had a large following before the said meeting.

291. It is clear to our mind, therefore, that the Respondent's case was that he had been accepted by the majority of the people before the Mulanthuruthu meeting, that the several Resolutions recorded at that meeting in the presence of their Supreme Head and the proceedings of the meeting afforded, among other evidence in the case, evidence of such acceptance, and that the principal and the sole object of the meeting was not, as contended by the Appellant, to elect the Respondent for the office of Metropolitan for the first time, but to declare the supreme authority of the Patriarch over the local Church, and regulate the future affairs of the Church. Here it

may be remarked that the acceptance of the Respondent as Metropolitan was quite in keeping with the past practice. History shows, and the Appellant does not even allege the contrary, that no formal meeting of the people or their representatives was ever convened to elect a Metropolitan after he had been consecrated and appointed by the Patriarch. In the present instance, it so happened that the Patriarch himself had come to India on account of the open opposition set up against his authority over the Church in this country by the Metropolitan appointed by his (Patriarch's) predecessor; that he having succeeded in removing an insurmountable difficulty—so it was believed by all concerned—viz., the issue of a Royal Proclamation (Exhibit P) explaining or, according to some, nullifying, the effect of the previous Proclamation (Exhibit O), called for a meeting of the Syrian Community, to re-establish firmly his supreme authority and to defeat thereby the opposition; and that at that meeting, among other things relating to the Church affairs, the appointment of a Syrian Association with the Respondent, the Metropolitan, as President was made. But for the arrival of the Patriarch, this meeting would probably not have been called at all. Nor is a meeting necessary for the purpose of expressing submission to, or acceptance of, a duly ordained Bishop as Metropolitan. It is implied if no opposition is offered by the majority of the Community. Such being our view of the Respondent's case, we think the Appellant's objection is due to a misapprehension of facts.

292. Exhibit GG fully confirms the previous acknowledgment of the Respondent as Metropolitan by the people. Most of the Resolutions treat the Respondent as the local Head of the Church and, above all, declare him President of the Association who, according to another Resolution passed and affirmed at that meeting, should be the Metropolitan of the Syrian Church in Travancore.

293. This meeting was followed by another meeting at Parumalai held on the 6th Kumbhom $\frac{1878}{1053}$. This was after the Patriarch's departure from the country. It was a largely attended meeting. Exhibit HH is the Record of its proceedings. The meeting was presided

over by the Respondent as Metropolitan. Six Metrans or Bishops—in fact all the Metrans in the country—attended and took part in the proceedings of the meeting.

294. The Respondent's witnesses who speak to the meeting at Mulanthuruthu with a few exceptions, speak to this meeting also. The genuineness of Exhibit HH is not attacked by the Appellant. This document approves of all the Proceedings of the past meeting and makes provisions for the present litigation.

295. Exhibit GG shows that 102 churches out of 175 or 180 in the country, were represented in the Mulanthuruthu meeting and took part in the proceedings thereof. Among the signatories to this document as well as Exhibit HH which we also treat as evidence of the Respondent's acknowledgment, we find the names of six Bishops (in fact all the Bishops in the country except one), more than one hundred and fifty Kathanars, a number of Deacons, Trustees and respectable laymen-parishioners. Besides these 102 churches, we have in the Appellant's evidence, the admission that nine other churches are exclusively under the Respondent. At page 48 of his evidence, the Appellant gives a list of churches in which he and the Respondents have both adherents and in which the Respondent alone has adherents. In the second column of that list which contains the names of the churches in which the Respondent alone has adherents, we find the names of these nine churches, viz, Inchakal Church, Vakathanathu Puthenpally, Kolenchery Puthenpally, Pathecherra Church, Kadapra Puthenpally, Muttancherry Church, Vattikal, Kanjiramattom Church, and Vadayaparembu Church. These nine are not included in the list of the churches given in Exhibit GG. So adding these nine to 102 under GG, we have clearly 111 churches wholly recognizing the Respondent as their Metropolitan. Of the remaining 64 or 69 churches, the Respondent has adherents in some, is fully allowed by the Appellant himself. Again, turning to the list at page 48 of his evidence, we have Kullikattukunnel Church and Vadakan Paravur Church in column I and Chelattu Church, Karakunnathu Church, Manakunnom and Manthuruthil Church in column IV mentioned by the Appellant. These are not included

in Exhibit GG. In these the Appellant admits that the Respondent has adherents.

296. Thus taking Exhibit GG and the Appellant's own evidence, we feel no hesitation in holding that the Respondent had a considerable majority on his side, on and before, the date of the suit. This leaves the Appellant only with a small minority.

297. Is the acceptance by the majority of the community sufficient to entitle the Respondent to oust Appellant? The learned Counsel for the Appellant contended that it was not, and that acceptance by the whole community was necessary. This contention, taken along with the contention that there should be a formal election (which we have already disposed of), reduces the Appellant's theory to an absurdity. It comes to this:—that the individual nominated for the office of Metropolitan should be elected by the votes of all the Syrian Christians—men, women, children and even infants after baptism—an ideal republic indeed.

298. In Exhibit PPP, the late Mar Athanasius, who, according to the Appellant, was his predecessor, asserted the validity of acceptance *by a majority*. Except Mr. Gover's bare assertion that the majority cannot bind the minority, we have nothing against the legality of the Respondent's acknowledgment by the people. If this theory is accepted as sound, the result would be *that the minority would bind the majority* !!

299. We therefore find that the Respondent's acceptance by a large majority is valid in law and should bind the small minority.

300. Backed by this majority, the Respondent might very well say of the Appellant with as much propriety and justice as the late Mar Athanasius had said of his predecessor, Mar Dionysius (Cheppat), viz., "Had Mar Dionysius been a duly consecrated Metropolitan (the petition forwarded by him and his adherents against me founded on truth) or *were the majority indeed* on his side, he should have come forward..... instead of contumaciously persisting in his usurped authority as Metropolitan." (*Exhibit PPP. Bk. III.* 202)

301. The two are almost parallel cases. It may be observed that the present one is even much stronger than the other; and yet Mar Athanasius succeeded in making Dionysius abdicate his government of the Church.

302. Before closing our observations on this part of the case, it is necessary to note another objection taken by Mr. Gover to the document Exhibit GG, viz., that it had not been shown that the resolutions recorded therin had been carried out. It is true, that one or two of the resolutions have not been as yet carried out; for instance, the one relating to the execution and registration of documents acknowledging the supremacy of the Patriarch. It is shown that (Mr. Ramanatha Row even offered to show the Registers of Baptism, Marriages &c.) some others have been carried out. The appointment of the Association, raising of funds for the prosecution of the claims of the Respondent, filing of suit to settle disputes &c. have been duly carried out. Thus the resolutions have been partially given effect to. Even if it were otherwise, the fact evidenced by it, viz., that the Respondent had been previously recognized by the majority of the Community as their Metropolitan, would not at all be affected in any way.

303. Having thus found upon evidence that the majority of the people was on the Respondent's side, we deem it necessary to see what the Appellant's own conviction was on this matter. We cannot very well close our observations on this point without clearly pointing out that the Appellant himself was aware that he had only a small minority and that the majority on the side of the Respondent was considerable. This we consider very necessary because we observe that the Appellant's witnesses and the advocates of his cause have gone far beyond the Appellant himself in the warmth and excitement of their advocacy. The Appellant, in his examination, was asked—"You have said that the majority of the people was on your side. Do you consent to a decree being passed in favour of the majority?" (*Bk.* I *p.* 59). Here the Court makes the following note:—"Defendant's Vakil contends that this question could not be asked. The Plaintiff's Vakil has stated that the

Plaintiff has told him that he consented to a decree being passed in favour of the majority." The Appellant's answer to the question:—"Although I consent to a decree accordingly, my desire is that the decision be based upon perusal of the record and after trial of the case."

304. The question and the answer, and above all the Respondent's Vakil's offer on behalf of his client, are very significant and clearly betray the consiousness of the Appellant about the weakness of his case on this point.

305. The matter did not rest here. In his further examination, the Appellant was again challenged in the same way. At page 84 of his evidence he was asked:—"You have stated that you are not willing to pass a writing to the effect that you consent to a decree being entered in favour of that party that has the majority of the people on his side. Why did you say so?"

Appellant's answer:—"I said so, because the Syrian Church is on a par with, and as independent as, the Church of Antioch and was also never subject to a foreign Church; because the site whereon the Seminary stands and the funds and timbr &c. for the building of the same were granted as a gift by the Travancore Government, it would be unfair to take the same out of this Government and place them under a person subject to another Government; because the funds of the Syrians which were in the hands of one Metran to be used for the Syrian Community is now under the control of three persons with the consent of all the Syrians and since even if the majority now consents, the same cannot be given over to one person; and because the rights of this Plaintiff set forth in the plaint have all been previously barred: hence it is that I have said that I am not willing to pass a writing consenting to a decree being given in favour of the party to which the majority of the people belong."

306. Now let us analyse the answer. It consists of four causative clauses. The first one, viz., "because the Syrian Church is on a par with and is independent as, the Church of Antioch and was also never subject to a foreign Church," means that if the Appellant consented to a decree according to the wish of the majority, the

could not at the same time, in considering the title sought to be made out against the possessor of the property, shut our eyes altogether to the nature of that possession and the circumstances under which it was obtained. These latter circumstances are material ones in the consideration of the proof of the title set up against the person holding possession. Hence it is necessary in the present case to see how the Appellant got into possession of the properties of the Church and what the nature of that possession has been, to judge correctly of the importance to be attached to that fact.

315. As has already been said, the Respondent was ordained as Bishop by the Patriarch in 1865. He, on his return to Malabar in 1866, solicited the aid of the State to assume charge of the office to which he had been appointed by the Patriarch. The Dewan referred him to the Civil Courts. But the great stumbling block to follow that course was the Proclamation Exhibit O which required the people to obey the late Mar Athanasius as Metropolitan. The Respondent then took legal advice and moved the Madras and the Travancore Governments through the British Resident to cancel that Proclamation and to issue a fresh Proclamation giving the people liberty to recognize or obey any Metropolitan they chose. (*Vide Exhibits UUU and XV*). Failing in that attempt, he made an appeal to the Patriarch of Antioch as a last resort and the appeal brought down the Patriarch to this country with very influential introductions from England and India. The Patriarch had interviews with the Sovereign of this State, the Governor of Madras and the British Resident and made representations to them of the grievance of his flock in Travancore. The result was that a fresh Proclamation Exhibit P was issued on the 23rd Kumbhom 1051 which declared that Exhibit O did not debar any person having a claim to the Metropolitanship of Malankarai from establishing that claim in a Court of Justice. The interpretation of the Proclamation O had been till then otherwise in the opinion of all, is abundantly clear from the records. It was construed to be a bar to Respondent's action in a Court of Law by the Highest Judicial Tribunal in the land (*Vide Exhibits ZZ and TTT*); by a subordinate

Civil Court (*Exhibit LX*); and it was so in the opinion of the parties (*Exts. UUU & XV, Appellant's evidence Bk. I. page 41 first two lines*). Exhibit P too in a manner supports that view.

316. Thus Exhibit O the great support and mainstay of Mar Athanasius having been thus interpreted by the Proclamation P by the Sirkar, he must have felt his position very insecure, especially with the case between himself and the late Mar Dionysius before him. His position after the Sirkar protection had been withdrawn, was no better than that of Mar Dionysius who had been obliged to abdicate the government of the Church in his (Athanasius') favor, when the Patriarch supported him (Athanasius).

317. This action of the Sirkar was followed by a largely attended meeting of the Syrian Christians at the call of the Patriarch wherein Mar Athanasius was denounced by the Holy Father as Beliar and the enemy of the Syrian Church. At this meeting the majority of the Syrian Community bound themselves to maintain undisturbedly the continuance of the Patriarch's supremacy over the Syrian Church in this country and to recognize and obey the Respondent, the Patriarch's nominee, as Metropolitan. This decisive action which further weakened Mar Athanasius' position was taken in Mithunom 1051.

318. After these proceedings Mar Athanasius could have had very little hope of holding out long against the Respondent and probably seeing his end approaching, he appointed his brother, the present Appellant, his successor in the office and bequeathed to him all his estate. In fact, he really made him his successor in an impending litigation. The deed of appointment was on the seventh Edavom 1052—evidently shortly after the Patriarch's departure. Mar Athanasius died soon after this appointment, viz., on the 3rd Karkadagom 1052, leaving the Appellant heir to an expensive litigation. It must be observed here that the Respondent and a large majority of the Syrian Christians had already resolved upon instituting legal Proceedings to assert a claim to the Church

and its properties even before the death of Athanasius. The suit itself was filed on the $\frac{\text{22nd Kumbhom 1054}}{\text{4th March 1879}}$, only a year and a half after the Appellant had come into possession which, though not literally *pendent lite*, was in reality so. It is clear, therefore, that the argument founded upon this possession got under such peculiar circumstances as shown above, could carry little or no weight in a case of disputed succession where the party in possession had been unduly favoured by the last owner and possessor.

319. One other argument by way of objection to the Respondent's appointment remains to be noticed and this will close our Judgment on the merits of the case between the Respondent and this Appellant. Mr. Gover argued that the appointment of Respondent was *ab initio* void because there was no vacancy at the time, there being two Metropolitans in India then, viz., Mar Kurilos and Mar Athanasius. This objection is easily answered. Mar Kurilos was never according to the Quilon Panchayet Decision (Ext. H) appointed Metropolitan by the Patriarch but he had pretended to have been so appointed on the strength of some false credentials forged by himself on blank papers signed by the Patriarch entrusted to him. Mar Athanasius had been deposed or superseded by the Patriarch on account of complaints of heresy against him as the Patriarch himself says in his address (Ext. GG). So that the appointment of the Respondent—by the appointment here is meant not the appointment as Metropolitan and Trustee of the Syrian Church but ordination as Bishop—could in no way be invalid or void. We may also add that it was not uncommon that two or three Bishops should have been sent out by the Patriarch to Malabar at one and the same time, the choice of the community determining which of them should be Metropolitan for the time being.

320. Now we come to the question of Limitation.

321. The learned Counsel for Appellant contends that his client's possession of the plaint properties became wrongful, not on the death of Mar Athanasius, which

event occurred in Adi 1052, but as soon as the alleged deposition or dismissal of that individual had taken place. This latter event is said to have occurred in $\frac{1023}{1848}$ or thereabouts (*Plff.'s 30th witness p. 276*) or at any rate before 1865 *Exts. UUU and XXXIV*). The *deposition* spoken of by the 30th witness was that which formed the subject of enquiry before the Quilon Committee and was found by that committee to be not a fact (Ext. H). It was after the decision of that Committee in Mithunom 1023 that Mar Athanasius became Metropolitan and was recognized as such by the Sirkar by the Proclamation (Exhibit O) dated 15th Karkadagom 1027. Thus the evidence of that witness comes to an absurdity, viz., that there had been a dismissal before the actual assumption of the office by Mar Athanasius. With regard to the Respondent's own assertion in Exhibits XXXIV & UUU it amounts to this—viz., that Mar Athanasius had been declared a heretic by the Patriarch and, as such, had been incompetent to hold the Dignity of the Spiritual Head of the Church. He had, nevertheless, continued to be a Trustee and had never been ousted from possession of the properties till his death. The Patriarch's declaration had not changed the nature of his possession.

Taking the Appellant's own version of the case, his contention is untenable. The late Mar Athanasius, as a duly consecrated and accepted Metropolitan, got possession of the properties in suit legally and rightfully. His position was that of a Trustee from the beginning. He continued in that possession in the capacity of a Trustee to the date of his death, notwithstanding any intermediate action of the Patriarch which had not affected his possession. Against him the cause of action for a claim to dispossess him of the Trust properties would have been *heresy* and *not wrongful possession*, he having rightfully come into possession as Trustee and having held possession of the properties in that capacity. A claim against the late Mar Athanasius if brought on the ground of heresy, would have been saved from the operation of the Limitation Regulation under the provisions of Section III of that Regulation which runs thus:— "No suit brought against a Trustee *in his*

life time and no suit against his representatives for the purpose of following in their hands the specific property which is the subject of the trust shall be barred by any length of time." Clearly, therefore, an action against the late Mar Athanasius for the recovery of the Trust property, would not have been affected by the provisions of the Limitation Regulation. And if, as the Appellant contends, he came into possession of that Trust property, through the late Mar Athanasius as his properly constituted successor, he would be in no better position than his predecessor so far as the operation of the bar by limitation was concerned: for "No suit against the representatives of a Trustee.....shall be barred by any length of time" (Section III).

322. But the present case is not one of that description. The Appellant was not a properly ordained and appointed Metropolitan. Nor was he a duly constituted Trustee. His possession from its very inception was wrongful. He could not claim to be in possession of the Trust property through Mar Athanasius. The nature of Athanasius' possession was altogether different from that of the Appellant's. The cause of action against the former would also have been entirely different from the one urged against the present Appellant. Hence the possession of the late Mar Athanasius after his alleged dismissal or the appointment of the Respondent would, in no way, help the Appellant in the present action which, according to the frame of the plaint, was one to recover property unlawfully taken or detained. The wrongful possession of the Appellant commenced on the death of Athanasius, the last admitted Metrolpitan and Trustee *i. e.* on the 3rd Karkadagom 1052; the present action was instituted on the 22nd Kumbhum 1054. The claim was, therefore, clearly not barred. The plaint correctly states that the cause of action against the Appellant to be his wrongful possession, that wrongful possession to have commenced from the date of the death of Mar Athanasius.

323. Thus, taking any view of the Appellant's position, the claim was within time. Treating him as a properly constituted Trustee and successor of the late Mar Athanasius (which in our opinion he could not claim

to be), the claim against him as a Trustee, or the representative of a Trustee, would be saved from the bar under the provisions of Section III and treating him as holding possession of the property not through, but independent of, Mar Athanasius, the claim was still not barred, that possession having commenced only two years before the date of the suit.

324. We, therefore, hold the plea of Limitation unsustainable.

325. In this view it is unnecessary to consider the two other aspects of the case put forward before us by Mr. Gover and tried to be met by Mr. Ramanatha Row. Those two aspects of the case, it seems to us, are founded upon a clear misunderstanding of the circumstances that constitute the cause of action against the Appellant and of the accrual of the Respondent's right to sue. The cause of action against the Appellant was not the supposed dismissal of the late Mar Athanasius or his heresy but the Appellant's own wrongful possession of the Trust property when he was not a properly ordained and accepted Metropolitan; and that cause of action arose in Adi 1052 as we have already observed. The accrual of the Respondent's right to sue was not consequent on his consecration alone as Bishop, but the consecration by the Patriarch as Bishop as well as the acceptance of the people, or of the majority thereof, as Metropolitan or as Trustee: the two facts together gave the Respondent the right to institute this suit. The former event occurred in 1865 and the latter about 1869 or thereafter and publicly declared only in 1876. Hence the Respondent's right to sue was perfect only after 1869.

326. We have thus briefly noticed the other two views advanced by the Counsel for the Appellant. No lengthy discussion or consideration of these views is necessary as we have already held the claim not barred, on other grounds.

327. This brings us to the end of the case between the Appellant, Athanasius, and the Respondent. We have next to deal wlth the case of the Respondent against the 2nd and 3rd Appellants.

328. Against the 2nd Appellant, the co-trustee, the plaint did not allege any cause of action. He had been a duly elected Trustee of the Church Funds and properties under the Endowment Deed (Exhibit III). He could not be removed from office without sufficient cause. The plaint simply stated "The 2nd & 3rd Defts. (the latter being since dead) who have joined him (1st Defendant, 1st Appellant) as persons favouring him, are unlawfully retaining possession of the properties." This is very vague. It was clearly his duty as co-trustee to join the 1st Appellant in keeping possession of the properties till the latter was ousted from that possession. No misfeasance, malfeasance, "or neglect of duty" was charged against this Trustee. To be brief, the plaint stated no cause of action against him.

329. The learned Vakil for the Respondent urged that the Trustees should be, according to the express terms of the decision Exhibit III, people of the "Syrian sect and persuasion" and that the 2nd Appellant was not so; and that consequently, he had rendered himself incompetent to hold the office.

330. In the first place this case was not stated in the plaint; in the second place no sufficient particulars of his departure from the Syrian faith and doctrines were ever given and thirdly and lastly the points of heresy alleged during the progress of the suit and sought to be proved by the evidence against him have not been shown to be such as to put him beyond the pale of the "Syrian sect and persuasion" and thus to disqualify him to be a Trustee. Not even an attempt has been made in that direction.

331. There was thus no case alleged against the 2nd Appellant and none proved to remove him from his office.

332. The decrees of the Courts below directing his removal from Trusteeship should be reversed and the suit against him should be dismissed.

333. Now with regard to the 3rd Appellant—7th Defendant—the Respondent has made out a clear case for relief against him.

334. This Appellant holds a mortgage for 6,860 Rs from the late Mar Athanasius for certain lands known as Nenthraveli Punja lands. Exhibit II is his document, dated 2nd Edavom 1052, executed after the present dispute had commenced.

335. The 3rd Appellant's contention was that the Nenthraveli lands were Mar Athanasius' own and that he had mortgaged them to him for full consideration.

336. The Courts below hold that these lands belong to the Seminary and form part of the Trust property. This finding has not been seriously questioned by the Appellant's Counsel at the hearing, but he has contended that the mortgage was for consideration.

337. We see no reason to differ from the concurrent findings of the Courts below that the mortgage had no consideration. The close relationship between the mortgagor and mortgagee; the peculiar circumstances under which the mortgagor was at the time of this transaction; the very flimsy nature of the evidence adduced (Defendant's 25th, 91st and 98th witnesses) to prove consideration; the suppression of truth in the document, viz., that the property was Church property; and the non-joinder of the other Trustees in the execution of the document, all go to show that it was not a real transaction. At any rate it could not bind the trust, the amount not being brought to trust accounts.

338. We, therefore, hold this 3rd Appellant's mortgage invalid and as such it should be cancelled.

339. With regard to what forms the Trust Estate, there does not appear to be much dispute, though at the arguments, the Counsel on both sides made a point of it. The Respondent's Vakil expressed his client's willingness to accept the properties specified in Exhibit III with all their increments, as the Trust Estate and the Appellant's Counsel had no objection to that course being adopted.

340. An error in the Decrees of the Courts below was pointed out by the Appellant's Counsel which the Respondent's Vakil admitted, viz. the mortgage of Rs 2450 being treated as unredeemed; this mortgage was as a

fact given up and the money brought to the Trust accounts (*Vide Exhibit V pp. 41 and 49. Bk. III*).

341. The Respondent's Vakil also pointed out certain errors in drawing up the Decrees in the Courts below and prayed that they might be corrected. The errors consisted of the omission of portions of items 7 to 9, 34, 35, 44, 45, 47, 49, 50, 51 and 55 of Schedule B as well as of items 1, 4, 5, 6, 7, and 11 of Schedule C in their description in the Decrees. These should also be rectified.

342. There remains now only the question of costs.

343. The Court of first instance made each party bear his or their own costs, and the High Court made the Appellants—all the three—pay the Respondent's costs in both those Courts and bear their own.

344. The Appellant's Counsel here contends that this being a suit on behalf of a Trust the costs should come from the Trust Funds inasmuch as his clients, *bona-fide*, in the interests of the Trust, defended the suit.

345. Both parties carried on this litigation no doubt as representatives of a portion—large or small—of a community and not in their own interest. The Appellant was as much bound to defend this suit on behalf of the portion of the Syrian Community that supported him, as the Respondent was in prosecuting the suit on behalf of the rest of that Community.

346. On a consideration of the whole circumstances of the case, we think it but fair to make each party bear his own costs. The 2nd Appellant is not altogether free from blame in espousing and supporting the cause of the 1st Appellant. Hence his costs are also disallowed throughout.

347. The conclusions we have arrived at on the whole, are that the Respondent's claim is not barred by limitation; that the Ecclesiastical supremacy of the See of Antioch over the Syrian Church in Travancore has been all along, recognized and acknowledged by the Jacobite Syrian Community and their Metropolitans; that the exercise of that supreme power consisted in ordaining, either directly or by duly authorized Delegates, Metropolitans from time to time to manage the spiritual matters of the local Church, in sending Morone (Holy Oil) to be used in the churches in this country for Baptismal and other purposes and, in general supervision over the *spiritual* government of the Church; that the authority of the Patriarch has never extended to the government of the temporalities of the Church which, in this respect, has been an independent Church; that the Metropolitan of the Syrian Jacobite Church in Travancore should be a native of Malabar consecrated by the Patriarch of Antioch, or by his duly authorized Delegates and accepted by the people as their Metropolitan to entitle him to the spiritual and temporal government of the local Church; that the Respondent had been so consecrated and accepted by the majority of the people and consequently had a perfect right to succeed to the Metropolitanship on the death of Mar Athanasius; that the Appellant had neither been properly consecrated nor accepted by the majority thereof and therefore had no title to the Dignity and Office of Metropolitan; that the Appellant's possession of the properties of the Church and its appurtenances and the assumption of the office of Metropolitan have been wrongful since the death of Mar Athanasius, the admitted last Metropolitan and Trustee; that the Appellant should, therefore, surrender the insignia and office of Metropolitan of the Malankarai Syrian Jacobite Church and give up possession of all the properties and moneys appertaining thereto which he now holds, to the Respondent who would assume and take possession of the properties &c. to be administered with two other Trustees as required by the Endowment Deed (Exhibit III); that the Respondent's suit against the 2nd Defendant, 2nd Appellant, having no cause of action, should be dismissed; that the mortgage in favor of 3rd Appellant (7th Defendant) is null and void and should be cancelled; that the clerical errors in the Decrees of the Lower Courts above noted should be rectified.

348. In the result, we humbly advise His Highness the Maha Rajah to confirm the Decrees of the Courts below as against the 1st and 3rd Appellants and dismiss

their Appeal; to set aside the Decrees of those Courts against the 2nd Appellant and to dismiss the claim against him; to rectify the clerical errors above pointed out in those Decrees; and to make each party bear his own costs throughout.

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PRIESTHOOD.

THE so-called periods of geology are, when viewed in isolation, at once terrible and inexplicable. All is struggle and confusion in which neither plan nor purpose can be discerned. It is the same with history. If we take a period by itself and study its customs, institutions, and laws, we are filled with a strange doubt and perplexity. Injustice and oppression triumph, kings and priests and nobles work their will, the poor suffer and die, for the most part in silence: society appears a mere chaos of cunning and cruelty. It is not really so. A wider range of vision and a glance that penetrates beneath the surface of things, reveal in the midst of all that seems inexplicable, a divine idea slowly but surely realizing itself, and that not in spite of, but by means of the confusion and strife, the wrong and injustice, which perplex us so sadly. In history as in geology to isolate a phenomenon is to put an end to all possibility of recognizing its significance. If we wish to understand the origin of any custom or institution, or the reason of its existence, we must study it in relation to its environment, and not only in relation to its immediate environment, but with reference also to the general development of the society in which it has occurred. We shall thus escape from many of the difficulties, which are so apt to perplex those who seek to find a meaning in the history of the past, and although much may still remain inexplicable, most of what seemed at first sight, purely reactionary and utterly unreasonable, will be found to have had a reason for its existence and to have been a necessary element in the development of a higher social life.

like nature, lies in the hand of God to be shaped and

will; and could

re never yet has

existed an institution altogether meaningless, or one which has not, by its success or by its failure, contributed at least to some extent to the progress of the human race.

The priest holds a commanding position in the world's history. The past contains no more terrible, no more impressive figure. He stands, a man above men, claiming to mediate between man and God—to be the one way of approach to God, the one channel through which the Divine grace comes to men. In his presence, kings and chiefs sink into comparative insignificance; their sway is partial, it does not reach beyond the limits of the outward circumstances of life; his is complete, he binds men soul and body, claiming to hold within his hand their destinies, not for time only, but for eternity. His is an absolute authority, for against his decision there is no appeal: mind, heart, and conscience, crouch like whipped hounds at his feet. It is hard to see a reason for the existence of such an institution, still harder to see how it could have in any way contributed to the progress of humanity. The priest seems, like those terrible monsters which geology reveals to us, a being purely negative in his functions, a mere shadow cast upon human life. If the history of religion were nothing more than a history of the priest, there would be some justification for the opinion that religion is but the feverish dream of men crazed by the misery of their lot, for the history of the priest reveals little else than pride, arrogance, and unrestrained ambition on the one side, ignorance, superstition and voluntary self-abasement on the other. Progress has always been in spite of the priest, and where social and religious life have reached a high state of development, this is as a rule the result of a struggle in which the power and pretensions of the priesthood have been repressed, and the priest compelled to give place to the man.

But this is not the whole truth. If the sacerdotal idea were due to no other cause than the pride and presumption of a certain class of men, it would be impossible to account for its almost universal prevalence and its persistence through almost every stage of social development. No wholly irrational idea has ever had a widespread and well-nigh permanent influence over the minds of men. Priesthood has prevailed in almost every age, and persisted through almost every stage of culture, because it is founded not on unconscious delusion, still less on conscious deceit, but on one of the great basal facts of human experience. Like sacrifice it has its origin in man's sen[illegible]
Man feels his nee[illegible]

sees, though it may be but dimly, that only by the divine favour can it be well with him, but he cannot escape the conviction, that by his sin he has brought upon himself the righteous anger of God and become unworthy to receive any blessing at His hand. He seeks by prayers, by offerings, by self inflicted pains to appease offended Deity, and regain the position he has lost, but in spite of all his efforts, he becomes, as experience matures, more and more crushed with a sense of his own worthlessness, and inability to bridge over the great gulf that lies between himself, the finite and sinful, and the infinite God. His prayers, his offerings, his austerities, all these have in them an element of defect, which destroys their efficacy, for all are the acts of one, who however much in earnest, is a sinner, guilty in the sight of God. It is this conviction of his own inherent worthlessness, that leads man to feel his need of a mediator. Conscious of the fruitlessness of his own individual efforts, he seeks to find some one fit to act as his representative, and perform in a worthy manner those acts which he considers likely to win the Divine favour.

In the earlier stages of religious development priestly functions were associated not with a distinct priestly class, but with those who might be regarded as naturally representative of the various sections into which society is divided—the father, the chief, and the king. This arrangement has in most cases been comparatively short-lived, for even in the ruder forms of society, we find a tendency towards the separation of secular and religious functions, and the creation of a priestly class. This is what might be expected. Once assume—a most amazing assumption—that a man can acquire an official standing which, apart from any personal merit, qualifies him for the fit performance of religious duties, and the inevitable result is the institution of a class or caste, the members of which are supposed to possess absolute authority in religious matters, and to stand as mediators between man and God. The history of India shows, better probably than the history of any other country, the natural results of the institution of such a class. Priestcraft never devised a system better fit to minister to the pride and insolence of the priest, and encourage him in making the most absurdly extravagant claims, than that which, after passing through various phases, became finally and firmly established in India some centuries before the commencement of the Christian era. We have but to look into Manu's Dharmasastra to see how sacerdotalism, when allowed a full and natural development, condemns a

people to a degrading spiritual bondage and places the priest in a position in which he can gratify his worst passions, and ignore even the most ordinary requirements of morality. He who at first held a delegated authority and performed delegated duties, forgets and in time denies, his relationship to other men, and finally forms such an exaggerated conception of his own powers, that he does not shrink from blasphemously asserting his lordship over gods as well as men. Humanity revolts against such claims, and strives, through too often feebly and spasmodically, to free itself from a thraldom so degrading.

Even in India priestly assumption was not left unchallenged. In the 5th, or 6th, century before Christ, there arose a great and widespread revolutionary movement, which aimed at an overthrow of the supremacy of the priests, and the destruction of the caste system, which was their chief bulwark against popular discontent. Buddha gave voice to the sentiments of thousands, when he declared war against the priests and proclaimed, in opposition to their teaching, that all men are brothers. His teaching appealed so forcibly to men groaning under the intolerable yoke of the Brahmans, that, in spite of its many and serious defects, it spread with amazing rapidity, and gained such a hold upon the masses of the people, that within a century and a half, it became the acknowledged creed of at least half of the population of India. Success so brilliant would seem to augur swift and certain victory, but, strange to say, it proved the percursor of disastrous defeat. Men cannot be satisfied by negations, and Buddhism, like most revolutionary movements, was much stronger on the negative than on the positive side. As a protest against the pride and oppression of the priests, it found an echo in the hearts of the people and rapidly won their adhesion: as a theory of existence, a religion to strengthen men in the struggle of life and prepare them for the approach of death, it proved a dismal failure. In these days when an emasculated Buddhism, as pretentious as it is hollow, is being put forth as a final solution of the problem of existence, it is well to recall for a moment the history of Buddhism in India. We need no other proof of the inadequacy of a system which fails to take account of man's sense of alienation from God and his desire for a mediator. The priest may be proud, insolent and rapacious, a tyrant rather than a teacher, but he knows human nature, and can laugh at all such attempts to overthrow his authority. He can only be set aside by being superseded. Men may protest until their lips are weary, but their protests are useless

unless they can devise some method by which a guilty conscience can be set at rest by assurance of the divine forgiveness.

When we turn from Hinduism to Judaism we find fresh proof of the truth of this statement. Judea like India was overshadowed by the priest. The priesthood was born simultaneously with the nation. It had its origin in those wonderful forty years of wilderness wanderings, during which a number of servile tribes became welded into a great nation. One tribe was set apart for the performance of priestly functions. Its members, thus separated from their fellows, were considered representatives of the nation as a whole, and were authorized to offer sacrifices for their brethren and assure those who were penitent of the divine forgiveness. The duties and privileges of this priestly class were carefully defined, and every precaution was taken to prevent its members, from abusing their power, but in spite of this sacerdotalism took much the same course in Judea as in other lands, and the priest became at length a hindrance rather than a help to the religious life of the nation. The prophets, who appeared as the exponents of the spiritual as opposed to the ceremonial, while admitting the necessity of the sacerdotal system, denounced in the strongest language the assumption of the priests, and protested against the notion that official sanctity could take the place of personal holiness. They saw clearly that the sacerdotal and sacrificial system, however valuable as an aid to devotion, was not, and could not be, an ultimate solution of the problem of human guilt, but they were unable to find anything to take its place and were obliged to content themselves with a protest against the tyranny of outward form, and an assertion of the absolute necessity of a pure and righteous life. Their teaching, though it created and fostered the idea of purely spiritual religion, was by no means subversive of sacerdotalism, and did not in any way diminish the authority of the priests, who were never more powerful than in the period following the last great outburst of prophecy, three hundred years before the birth of Christ.

When Christ came, he adopted a position which called forth the most determined opposition of the Jewish priesthood. He did not directly assail the priests, except when he condemned their misuse of power, he simply ignored them, and setting aside the forms and ceremonies to which they attached so much importance, urged upon men the supreme importance of repentance and faith. Jesus did not overlook the fact of man's guilt, or treat his sense of alienation from God as a mere delusion to be dispelled by the light of a higher

knowledge; he felt the intense reality of that longing for mediation, which found expression in the well-nigh despairing cry of many a righteous man of old—"He is not man as I am, that I should answer him, that we should come together in judgment. There is no daysman between us who might lay his hand upon us both;" he knew the futility of all the means by which men have sought to enter into union with God; and he offered Himself as the solution of the problem, the divine answer to man's cry for help. "I," he says, "am the way and the truth and the life; no man cometh unto the Father, but by me. He that hath seen me, hath seen the Father." The priests saw from the first that teaching such as this could not but be subversive of their authority, and, inspired by fear or envy, they strove to destroy His influence and cover His cause with contempt. When this proved a failure they changed their plans, and sought, as priests have so often done, when unable to refute their opponents' arguments, to seize Him and put Him to death. For a time it seemed as if the cunning cruelty of an unscrupulous priesthood was to be baffled by the simple majesty of the Galilean teacher, whose popularity was so great that none dare to lay violent hands on Him. But the time came when the great move of enthusiasm which had greeted His first public appearence began to recede, and the multitudes who had been attracted by His teaching and miracles, recognised to their bitter disappointment the spirituality of His teaching, and turned from Him with half contemptuous indifference. Then, when the opportunity was come, the priests struck the blow they had long premeditated. Jesus was seized, put upon His trial before the Roman Procurator, found innocent of what was laid to His charge, and yet, by a strange mockery of justice, condemned to death. He was crucified, His little band of disciples was dispersed, the movement which He had inaugurated was, to all appearance, overwhelmed with disgrace and the priests were triumphant.

Had Jesus been other than He professed to be, the cross would have proved the grave of all His hopes and efforts. Being what He was, it proved the culmination of His life-work, the beginning of a career of conquest, which can only end in complete and final victory. "I, if I be lifted up, will draw all men unto me", He said, in anticipation of his death, and His saying has been verified by the experience of nineteen centuries. It is the sublime self-sacrifice revealed in the death of Christ which brings the world to His feet, and inspires His followers, with a faith and love which enable them to rise above all thought of self, and do, and dare all things for His sake.

Never did men make a greater mistake than those priests and rulers, when they thought that by killing, they could conquer the Christ. Fools! By their condemnation of Him, they sealed their own doom, for by His death the last barrier between God and man was swept away, and humanity rose out of the old bondage of forms and ceremonies and institutions into a divine liberty. Men had renounced their liberty and grovelled at the feet of their fellowmen, hoping that by their mediation they might obtain the divine favour of which they feared they were unworthy, but all their efforts had ended in utter failure. It was when all these efforts had come to nought, and men were conscious of their failure, that, as Paul tells us, "in the fulness of time God sent forth His son, made of a woman, made under the law, to redeem them that were under the law, that we might receive the adoption of sons."

All the hopes and aspirations of men found their fulfilment in Christ. By the union of the human and divine in His person, men are lifted above the difficulties which they had sought to solve by means of their various sacrificial and sacerdotal systems. In Him, the ideal of priesthood is realized. We can go to Him with fearless confidence for He is a man in all points like unto us His brethren, and His intense humanity enables Him, to make all our doubts and sins His own; and yet He is the very God, and can offer pardon, and peace to all who are truly penitent. Viewed in relation to Christ the old forms and institutions, which, when considered in themselves, appear hindrances to human progress, are seen to be full of a deep and wondrous significance. "The law" says Paul, speaking of the Jewish sacrificial and sacerdotal systems, "was our schoolmaster to bring us to Christ." All the old sacerdotal systems, however grotesque and repulsive they may appear, had a place in the development of the religious life of the race. They helped, by their failure as well as by their success, to create in men a sense of their own unworthiness and a longing for a higher and nobler life. And their function was not purely negative. As the morning clouds all tinged with gold lighten up the hill tops with a soft radiance and herald the approach of the yet unrisen sun, the old law, catching some gleams of light divine, shone with a borrowed radiance that prepared the way for the coming Christ. But in fulfilling, Christ abolished all the old methods by which man sought to win God's favour, and threw upon human life such a flood of divine light that what once seemed, and really was light giving, became a mere cloud, or haze, that dims the radiance and obstructs the light of the divine presence.

By Christ's perfect realization of the priestly ideal, and final satisfaction of all man's needs, He has made human mediation, not only unnecessary but unreasonable, for He has broken down the barrier between man and God, and in Him we stand free and erect, face to face with our Heavenly Father.

Sacerdotalism is entirely opposed to the spirit of Christianity. Its existence in the Christian church involves not only a surrender of the privileges won by the death of our Lord, but a direct usurpation of His authority and an insult to His person. If it were not that history shows how very slow men are to realize the significance of a new truth, and bring their thoughts into harmony with it, we should be at a loss to understand, how the idea of an official priestly class could possibly have survived among professed Christians. The New Testament does not contain a single passage which might even be supposed to warrant so flagrant a departure from the teaching of Christ. The apostles, to whom was entrusted the task of moulding the infant life of the church in accordance with the ideas of their divine master, have in their published letters, dealt very fully with the nature of the church and the duties of her members, but not one of them, even by a word, so much as suggests the notion that any particular class of persons in the church, had an exclusive right to be called priests. Although they give somewhat minute directions for the guidance of the various office-bearers in the church, they never speak of such office-bearers as priests, or attribute to them a single priestly function. This refusal to give the slightest countenance to sacerdotalism is the more remarkable, when we remember that the apostles, like all other Jews, must have been accustomed to consider priestly mediation absolutely essential to the service of God, and yet it is only what was to be expected from men who had grasped the meaning of the life of Jesus and were inspired by His spirit. Jesus absolutely ignored social distinctions, even those which seem to many essential to the existence of society, and taught very clearly and emphatically that all men, however much their outward circumstances may differ, are brothers, equal in the sight of God. He made no provision for a recognition of ranks and degrees in the society which he founded, but offered to all His followers equal rights and equal privileges : nay more, knowing that even His disciples would not be wholly free from the influence of pride and envy, He expressly forbids them to acknowledge such distinctions, and warns them, against surrendering their rights, by recognizing

any man or class of men as their spiritual superiors. "Be ye not called Rabbi," He says, "for one is your master, even Christ, and all ye are brethren." No section of the Christian church can lay claim to privileges denied to their brethren for all true believers, all, that is to say, who by faith are united to Christ, are by virtue of their union with Him, sharers in the privileges which he enjoys. Because they share in the divine life of their Lord and Master, a name, never applied to a particular class in the church, is applied to the whole body of believers. They are called "kings and priests", "a holy priesthood," and "a royal priesthood", and this not in a vague indefinite manner, but so as to make it clear that all true followers of Christ are in the same sense, sharers in the priestly dignity of their master. There are few doctrines which need to be more strongly emphasised than this of the priesthood of believers. We are all too much inclined to perform our religious duties by deputy. We take it for granted that there are two ideals, one for the secular many, the other for the religious few, and persuade ourselves that by securing the vicarious services of those who are officially religious, we can discharge our duty to God, even though our whole life be spent in consistent self-seeking. There could be no greater error than this. It is a shirking of responsibility, a base surrender of privileges. All Christians are God-appointed priests, and as such are called to enjoy the privileges and perform the duties once associated with the members of a priestly class.

To speak first of the privileges enjoyed by believers as priests—all believers have, we are taught, the right of direct communication with God their Heavenly Father, not only at stated times and in connection with certain established institutions, but at all times and in all circumstances. We need no official to carry our petitions to our Father or to introduce us to His presence, for "in Him we have boldness and access with confidence through faith in Him." Because we have the right of access to God, we are free from all authority in spiritual things. Christ did not commit His truth into the hands of an official class, to be granted or withheld at pleasure, but placed it within the reach of the humblest of His followers. All believers have the right of private judgment and can, though in themselves ignorant of much, attain to spiritual truth by the help of the Divine spirit which is freely given to all who sincerely desire it. The followers of Christ can truly say "We are in bondage to no man," for they are free in thought as in action, and have to give answer to their master alone. None can deprive

us of this glorious heritage, it cannot possibly be lost except by our own voluntary act of surrender. One thing however must be noted. This freedom, with the peace and joy with flow from it, can only be enjoyed by those who accept the responsibility which accompanies it. If we wish to enjoy the privileges, we must perform the duties of the Christian priesthood. Priesthood implies consecration. The priest is emphatically a man set apart to the service of God. Under the old systems, this fact was expressed by a multitude of initiatory rites. These have lost their significance, and in many cases ceased to exist, but the truth they embodied is unchangeable. We must break the bonds of custom and convention, we must reject the authority of the world and renounce its pleasures, if we wish to enjoy the life of freedom to which Christ has called us. And this is not all: we must surrender what is dearer to us than all else, our self-will, and become in all things subject to the will of God. "Whosoever he be of you" Jesus says, "that forsaketh not all that that he hath cannot be my disciple," and "whosoever will save his life, shall lose it: but whosoever shall lose his life for my sake, the same shall save it." "I beseech you, therefore, brethren, by the mercies of God," said Paul, "that ye present your bodies a living sacrifice, holy and acceptable unto God, which is your reasonable service." This is the one and only sacrifice which we can offer to God. Since Jesus gave Himself for men, all other sacrifices have lost their value. Those who seek to revive them, mock instead of honouring God. Consecration has its natural outcome in a life of self-sacrifice. If we are true followers of Christ suffering will come to us independently of our own will, as the direct and necessary consequence of our union with Him. He was a man of sorrows and bore upon His heart the burden of a whole world's sin and woe and if we love Him, we cannot but drink of the cup of which He drank, and be baptised with the baptism with which He was baptised. In proportion as we understand His teaching, and sympathise with His aims, we experience the "fellowship of His sufferings," and bear as He did a burden of sorrow and sin.

But this passive endurance is not all that is required of the Christian priest. Self-sacrifice must find expression in active effort for the good of our fellowmen. The fact that we are required to sacrifice ourselves *for our fellowmen* distinguishes Christian self-sacrifice from asceticism and ceremonialism, the two methods by which sacerdotalism usually seeks to give expression to its piety. Unfortunately many people are still unable to recognize this distinction. They think that prayers, and fasts, and what are called religious observances are the grand essentials of the Christian life, the surest means of winning the divine approbation. This idea has done more to debase the moral and spiritual life of Christendom than any or all of the doctrinal errors which have agitated the church. It is diametrically opposed to the teaching and practice of our Lord. He was neither an ascetic nor a ceremonialist but lived a simple, natural life, making Himself the servant of all, and shrinking from no exertion however arduous by which he might help or heal, even the lowliest of the men and women among whom He lived "He left us an example that we might follow in His steps," and if we wish to love and serve Him, we must live as He lived. The day of fasts and ceremonies and all their profitless accompaniments, is gone by, and with the life of our Lord before our eyes, and His "Bear ye one another's burdens," ringing in our ears, we can no longer deceive ourselves into supposing that God will accept such pitiful pretexts in place of the service to which He has called us. We are meant to carry on the work which our Master commenced, or perhaps we should rather say, to be co-workers with our Master in the work in which He is engaged. He means us to be helpers and saviours of men, to feed the hungry, to clothe the naked, to teach the ignorant, to uplift the fallen, to seek and to save those who are lost. The Christian priest must be patient and humble, he must think much of others and little of himself, he must be ready to sacrifice himself for others in the little as well as in the great things of life. As one who was a true philosopher and good Christian says "whatsoever unpleasant, hard and vile work is anywhere, from the which labour, loathsomeness and desperation doth fray others, all that he takes upon himself willing and gladly."

Why is this ideal so seldom realized? How is that the world is still in bondage to the old forms and false, fruitless, conventional ideas of life? The chief cause is the sloth, indolence and selfishness of those who profess to be followers of Christ. Christians have forgotten the teaching of their Master, and have not only condoned the injustice and inequality which prevail in society, but have, in opposition to His plainest commands, renounced their liberty and given themselves up to the bondage of ceremonies and institutions. We are still far, very far from the ideal of Christ, but, in spite of all obstacles, we are moving towards it. It could not be expected that an ideal society should spring forth, in the twinkling of an eye, as Athene sprang full-armed from the head of Zeus. God

works by no hasty methods, but rather like some wise sculptor, who, stroke by stroke, hews the rough block of stone into some form divine. He works slowly, but very surely, accomplishing His plans even by means of the very circumstances which seem most opposed to their fulfilment. To those who can grasp the meaning of this age, it is plain that many of the old false notions which have so long been a burden upon the soul, the ideas born of social and religious inequality, are fast disappearing, and that men are beginning to rise to a realization of the privileges won for them by their brother Christ. Times of reaction may come, but if we believe in a living present Christ, we cannot doubt, that His grand ideal brotherhood will one day be realized on earth, when all men freed from their self imposed bondage shall enter by His grace into the glorious liberty of the children of God.

W. Howard Campbell.

TEN YEARS OF LITIGATION.

A case of disputed succession in the bishopric of a Christian church running the gauntlet of a series of law-courts* in which most of the judges were non-Christian, is a phenomenon of considerable historical, as well as legal, interest. The leading parties in the case were Mar Dionysius Joseph, plaintiff or plaintiff-respondent, and Mar Athanasius Thomas, defendant or defendant-appellant. On the death of Mar Athanasius Matthew, the latter had quietly entered on the office of metran, discharging all the duties thereof and managing, along with two others, the trust-property for the benefit of the Syrian community. To oust Mar Athanasius Thomas from the position which he had thus acquired, and to secure the recognition of his own episcopal dignity and the management of the trust-property were the objects Mar Dionysius Joseph had in view. His plea was that he had been duly consecrated metran of

* The Courts, the periods during which this case was on their respective files, and the names of the judges are here mentioned:—1. The Zilla Court of Alleppy, or Court of First Instance, 1879-84: *Mr. Justice Lafrenais*, and Mr. Justice Krishna Menon. 2. The High Court of Travancore, or Court of First Appeal, 1884-86: Mr. Justice Narayana Pillay, and *Mr. Justice Arianayagom Pillay*. 3. The Royal Court of Travancore, or Court of Final Appeal, 1886-89: The Chief Justice, *Mr. Justice Ormsby*, and Mr. Justice Sitarama Iyer. The names of the Christian judges are printed in italics. The second of these three was a Roman Catholic.

Malankarai by the Jacobite Patriarch of Antioch in 1865; that he had been appointed president of the Syrian Association Committee; that he had been accepted by the Syrian community; and that, although during the life-time of Mar Athanasius Matthew he had been unable, owing to circumstances over which he had no control, to assert his rights and enter on his office, he was entitled at least on the death of that prelate to have his position recognised and to receive facilities for accession to office. The contention on behalf of Mar Athanasius Thomas was that he had been, in accordance with use and wont, consecrated by his brother in 1868 with the approbation of the Syrian community; that, when his brother died in 1877, he had, in accordance with the terms of his will, entered on the management of the trust-property; and that he had discharged the duties of the office of metran for nearly two years before the institution of this suit. Judgment in each court was given in favour of the plaintiff, with this modification however that, in the Court of Final Appeal, the English judge dissented from the finding of the two Hindu judges, and decided in favour of the defendant.*

In the course of these ten anxious years, many strange things came about. One of the most interesting, though most irrelevant items in the proceedings was a series of issues involving questions of heresy. Though there was no reference to heresy in the plaint, though no supplementary plaint was put in, and though no motion was made to amend the plaint, still some crude issues on the subject were irregularly imported into the record. The only judge that thought them worthy of discussion on the merits was Mr. Justice Arianayagom Pillay. He discussed them with that amount of learning which Pope dubbed a dangerous thing, and with that sort of zeal which St. Paul attributed to many of his kindred. He found it proved that invocation of saints, adoration of the Virgin, and prayers for the dead, had been deliberately omitted by the late Mar Athanasius Matthew from certain service-books of the Syrian Church, and that those omissions were approved of by the defendant. But he did not enquire how the said doctrines had got into the Syrian service-books, or whether there existed any standard of Syrian doctrine similar to the Thirty-nine Articles, or the Westminster Con-

* This article is mainly a review of the judgments of (1) Mr. Justice Ormsby, and (2) The Chief Justice and Mr. Justice Sitarama Iyer—printed at the Keraladayom Press, Trivandrum, 1890.

fession of Faith, by which to test whether the said omissions were or were not a return to ancient Syrian orthodoxy. He was probably not aware that the doctrines in question were all foisted on the Syrians by their Roman Catholic oppressors at the Synod of Diamper in 1599; he would probably have refused to admit that the Syrians acquired the right to eliminate all Roman elements from their creed when they threw off the Roman yoke at the Coonen Cross in 1653; and he would probably have denied that the Syrian Church, which was no more beholden to the Patriarch of Antioch for a system of doctrine than to the Archbishop of Canterbury, had the right to make from time to time in a regular manner such changes in its creed as its own wisdom might dictate, irrespective of foreign intervention. He therefore concluded that a person with the defendant's views could not only not be a bishop, but he could not even be a member of the Syrian Church. It followed of course that the defendant and his adherents were not Syrians at all, and so were disqualified for making any claim to the plaint property. This decision, or rather fragment of a decision, was, however, unanimously set at nought by the Royal Court, and the issues on Articles of Faith rejected as irrelevant. But Mr. Justice Arianayagom Pillay's eloquence probably prejudiced the defendant in the same way as a dog's interests are damaged when one gives him a bad name.

But the great issue in the case was whether the plaintiff was the lawfully appointed metropolitan of Malankarai and whether he was as such entitled to recover possession of the properties specified in the plaint.* Both parties agreed in their respective pleadings that to constitute a duly appointed metropolitan of the Syrian church two conditions must be fulfilled, *viz.*, (1) proper consecration, and (2) acceptance or acknowledgment by the people.

I.

With reference to the requisite consecration, both parties agreed that it must be performed by a bishop belonging to a church holding the apostolic succession by imposition of hands. But plaintiff-respondent affirmed and defendant-appellant denied that such consecration must be either by the Jacobite Patriarch of Antioch or by some bishop duly authorised by that Patriarch to make the consecration. No issue could be more distinct, but the disposal of it involves a somewhat elaborate investigation; for no authoritative canons of the church or books of procedure were produced by either side to show what was the state of the law within the Syrian Church, the fact being that the Syrians of Malankarai never possessed any code of laws, or, if they did, the code must have been lost.* The only course remaining therefore was to find out the Syrian 'use and wont' in affairs ecclesiastical by referring to such works on the history of the Syrian Church as were available, and by calling such witnesses as could speak to the past practice of the church. In both these lines of research the courts were particularly unfortunate. The quasi-historical works that were filed are most unsatisfactory productions, three-fourths of them moreover having been written after the controversy that led to this litigation was begun†; and most of the witnesses‡ were

* The properties consisted of (*a*) certain lands, the seminary, the church, and other buildings, valued at 72,700 fanams. (*b*) Funded moneys, articles of furniture, and other moveable property, valued at 343,432¼ fanams. (*c*) Mitres, crosses, staves, jewels, with vestments and other paraphernalia belonging to the Syrian metran as such, the whole valued at 9,300 fanams. The total value of the contested property was therefore 425,432¼ fanams, or about Rs. 59,710.

* It was maintained in evidence by the defendant-appellant that a Syriac manuscript existed in the time of Mar Athanasius Matthew, which had unfortunately been stolen. It was said to contain "the history of the meeting of the Fathers of Malankarai to draw up canons." It was also described as having been "written and left behind by the primitive metrans of Malankarai," the writing having been "kept up by metrans after metrans from time to time." From what metran's time it began, or at what metran's time it ended, witness could not affirm. But "looking at those papers, they appeared to be 1,500 or 1,400 years old. Those of the least age would be between 40 and 50 years old." Well may we ask incredulously, Is the defendant-appellant also among the experts? Nevertheless the Chief Justice and Mr. Justice Sitarama Iyer, who disbelieved the story of the theft, believed the assertion that some of the papers (?) were 1,500 years old. They were willing even to add to their great age; for they obligingly inform us that "the existence of a manuscript history of the Malankarai Syrian Church almost from the second or third century in the seminary in the possession of the appellant, and its antiquity, and authenticity admit of no doubt. That such a record will satisfactorily and conclusively solve the question now under consideration equally admits of no doubt.'!! *Credat Judæus.*

† The work on which the plaintiff most relied and which seems to have been mainly followed by the two learned Hindu judges in the Royal Court, though considered inadmissible by Dr. Ormsby, was a *History of the Syrian Christians*, published in 1869 by Ittoop. It is written in Malayalam and has never been translated. It follows the lines of all the local traditions.

‡ "It may be objected that all this evidence is open to suspicion as the testimony of partisans. The objection is not without foundation. It may be said that all, or almost all, the evidence in this case is open to like objection. Indeed, having critically examined it, I entertain no doubt that a very great part of the oral evidence adduced on both sides is altogether worthless."—*Ormsby*, pp. 95,96.

either so ignorant or so prejudiced that their testimony was worthless.

Both parties strongly, though of course erroneously (and, be it added, quite harmlessly, so far as the interests of this particular case are concerned) maintained that the church of Malabar was founded by St. Thomas, the Apostle, in the first Christian century, so that it was at the first an independent local church. But how long it remained independent of foreign control, neither party could make out exactly to its own satisfaction, though both agreed that it did in course of time become dependent on a foreign church. The Chief Justice and Mr. Justice Sitarama Iyer, the two Hindu judges in the Royal Court, seem to think there is reason to believe that from a very early date indeed the Indian Syrian Church became subject to the Church of Antioch, and that this relation to Antioch was quite firmly established by the date of the first General Council at Nicæa (325). These two judges describe the Council in a manner which must be pronounced at least uncommon. With the help of Ittoop, they find that "the Council of Nice among other matters relating to the revival and establishment of Christianity, *revision of the Scriptures* (!), and framing a code of faith and rituals, &c., settled the jurisdiction of the several ecclesiastical heads who were charged with the due carrying out of the acts of the Council." In other words, the Patriarchs of Rome, Constantinople, Alexandria, Antioch, and Jerusalem (such is the order in the text of the judgment) were appointed, the fifth or last of these being subordinate to Antioch. After this, one would be prepared for a good deal. But it is really too much to be asked to believe that the following is one of the decrees or acts of the Council. "*It was also laid down, that the Catholica appointed at Tigris (Baghdad) to manage the affairs of the Eastern churches subject to Antioch was common* (sic) *and could exercise all the functions of Patriarchs.*" Whether this is a correct quotation from *any* collection of the acts of the fathers of Nicæa, is to my mind extremely doubtful*; but, waiving that point and assuming the substantial correctness of the alleged quotation, two or three remarks are demanded. In the first place, the two Hindu judges, who accept this fragment from Ittoop, do not seem to be aware, that the sentence, which after their example I have printed in italics, belongs to a set of forged decrees of Nicæa. In collections containing both the genuine and the

* Cf. NEALE'S *Patriarchate of Antioch*, p. 119.

spurious decrees of Nicæa, this particular decree appears sometimes as thirty-third and sometimes as thirty-eighth; but it is well known that there were only twenty genuine decrees*, and that the remainder, seventy or eighty in number, were collected from the Synods of the Greek Church; though, judging from the equal reverence with which the whole code is received by all the eastern communions, it was probably finished before the schism of the Nestorians and Monophysites. Further, the title of Patriarch was not admitted into regular ecclesiastical usage at the date of the Council of Nicæa, or for more than a hundred years afterwards; and, as for the insertion of Baghdad, which we probably owe to the ingenuity of Ittoop, the city did not exist till about four centuries after the Council. In the second place, though it is true that John, who appended his signature to the acts of the Council of Nicæa, and described himself as bishop (or metropolitan) of Persia and Great India, was at that time subject to the Archbishop or Catholicos of Seleucia (*not* Baghdad), the latter being himself subject to the Patriarch of Antioch; and, though it is clear that the Indian Christians under John were *à fortiori* under the Patriarch of Antioch, yet it is not perceived by the two learned Hindu judges that the Indian Christians subject to the jurisdiction of Antioch in 325 A.D., were living under Sassanian government, and that their India was, not Malabar, but India, west of the Indus. The Church of Malabar did not then exist. In the third place, although the Catholicos of Seleucia was, at the date of the spurious Nicene decrees, subject to the Patriarch of Antioch, he did not always remain so. Before the end of the fifth century, that is in the year 498, the churches under the Catholicos, having by that time become Nestorian, met in Synod at Seleucia, and proclaimed themselves independent of Antioch, and gave to their chief the splendid title of the Patriarch of Babylon. This happened before the Church of Malabar came into existence; and the Church of Malabar was founded by the Patriarch of Babylon, who was Nestorian in doctrine and independent of the see of Antioch. It has pleased the two Hindu judges in the Royal Court of Travancore to ignore altogether the relations subsisting between the patriarchate of Antioch and that of Babylon; and they never realised that the latter is, or rather was, the true mother church of Malankarai. It is almost needless, therefore, to

* See Hefele, who gives the complete text of the twenty; and see Gibbon's note, chapter xlvii.

follow the reasonings of these two judicial authorities any further about the external or foreign relations of the see of Malankarai during the middle ages. Yet one or two remarks may not be altogether superfluous. In the first place, they represent that Thomas of Cana "made the power of the Patriarch of Antioch supreme in Malankarai about twenty years after the Council of Nicæa", although as matter of fact there was at the date in question no church in Malabar at all. Thomas of Cana came at a much later date and was probably a Nestorian and had nothing whatever to do with the Patriarch of Antioch. But however this may be, the whole story of Thomas of Cana "is far too shadowy and unsubstantial to be made the foundation of a legal judgment." Nor do we get from these judges any satisfactory appraisement of the invaluable evidence of Cosmas, whose testimony is the first piece of historical illumination that helps to break up the darkness in which the origin of the Syrian Church of Malabar is otherwise involved; and who, himself a Nestorian, was on friendly terms with the metropolitan of Persia, and was able to define to the world the exact relationship of the see of Malankarai to the patriarchate of Babylon. Nothing can be more unsatisfactory than the flagrant misreading of the history by these Hindu judges, who refuse to see the historical bond that connected the Church of Malankarai with the Babylonian patriarchate, and who grasp at little straws thrown about first by Dr. Day and afterwards by Mr. Howard, neither of whom condescends to inform the public where these worthless straws were picked up. The fact is that, though we have not much reference to the Syrian Church of Malabar in the literature or among the monuments of the middle ages, yet every authentic reference goes to connect it with the Church of Persia, which was Nestorian and subject to the Patriarch of Babylon—every authentic reference from Cosmas of the sixth century to Vasco da Gama, the Indicopleustes of the sixteenth century.

Mr. Justice Ormsby by consulting, in accordance with the Evidence Act, works of general interest on the subject, not produced in the atmosphere that begat the particular controversy on which he was called to adjudicate, protected himself from the delusions which obfuscated the minds of his two Hindu colleagues. He declined to have his hands tied by the cords woven by Ittoop and his congeners; and so with a free hand he cut his way clean through the meshes in which the facts had been entangled. He saw, what every one who keeps his eyes open to all the facts of the case

must see, that there have been three distinct periods in the history of the Syrian church, *viz.*, the Nestorian period, from c. 500 to 1599; the Roman period, from 1599 to 1653; and, after twelve years' interregnum of complete exemption from foreign interference, the Jacobite period, from 1665 to the present day.

Now, we have already seen that it was only from the second half of the seventeenth century that the Church of Malankarai began to have any, even a nominal, connection with the Jacobites. We have seen moreover that, during the first two hundred years of this connection, only one metran was consecrated by the Patriarch's own hands and that this did not take place until the last decade of the said period of two centuries; while, in the course of the other nineteen decades only one metran, who had first been consecrated by his predecessor, received re-consecration at the hands of a foreign bishop believed, on documentary evidence, to have been delegated by the Jacobite Patriarch of Antioch. It cannot be maintained surely in the face of these facts that anything more than the barest and most nominal connection had been established between Malankarai and Mardin until the present generation. During those two hundred years the bishops of Malabar were as a rule consecrated each by his predecessor, those consecrated by foreign bishops, professing to be delegates from the Patriarch, being few in number and entirely exceptional. It seems clear therefore that precedents of two centuries of bishop-making should be sufficient to attest the use and wont of the diocese and therefore to show that Mar Athanasius Thomas was consecrated in an orderly and valid manner;* and it is not for an interloper, like the Patriarch of Antioch, to come in at the request of a few Adullamites and by a combination of high-handedness, worldly wisdom, and bigotry to upset the precedents of two centuries and to subject the people to a foreign yoke that is fitted to repress all spiritual progress in Malankarai.

II.

The second condition to be fulfilled by a metran of Malankarai was his acceptance by the people. This was admitted by both

* The 15th issue in the Court of First Instance runs:—"Is the first defendant a duly consecrated bishop or not?" Mr. Justice Krishna Menon replies:—"The first defendant was undoubtedly consecrated by the late Athanasius and Kurilos of Anjoor, and his consecration may be held to be valid to a certain extent"; and, after defining this *extent*, the learned judge concluded, "but the validity of the first defendant's consecration need not be decided in this case." Why?

parties at the bar and adopted as a test by the bench in trying the case. But it is not pretended by any one that this is a law of the church, and it is absolutely destitute of precedent in the church's history. From time immemorial down to an early date in the present century, the office of metran of Malankarai was hereditary in the Pakalowmattam family; so that, while this particular family furnished metrans for the see, there was no occasion for the people to express their acceptance; and as a matter of fact such acceptance was never asked or given. On the other hand, when the Pakalowmattam family became extinct and the office of metran ceased to be hereditary, a new device was introduced by the Resident. He arranged that the person nominated and consecrated by the preceding bishop should be proclaimed by a royal proclamation, which enjoined on all the people the duty of obedience to the new metran according to the custom of the see. This practice continued down to Mar Athanasius Matthew, who was the last of the royally proclaimed metrans. So long as the practice of issuing royal proclamations lasted, the idea of a formal expression of acceptance by the people is nothing short of ludicrous. In fact it was the abolition (1876) of the practice of making proclamations in favour of particular bishops that seems to have suggested the application of this idea of popular acceptance. The Chief Justice and Mr. Justice Sitarama Iyer say that "this contention of the parties (*i.e.*, about acceptance) seems to us to be a new idea and is due, probably, to a precaution on their part to prevent foreigners sent by the Patriarch from assuming the management of the temporalities of the church, without the consent and against the wishes of the community. . . . . It was only after the proclamation, under which the Sirkar disclaimed all connection with the appointment and removal of Syrian metropolitans and explained the effect of its proclamation in favour of any particular metropolitan (was issued in 1876), that acknowledgment by the people was thought of as the best and safest substitute to adopt. . . . . The first case under that system", they add, "happens to be the present." What could more clearly prove that, for this condition of acceptance by the people, there is absolutely no precedent? It forms no part of the law or the past practice of the church. Whether it was invented by "the parties" or not, it is a mere phrase and does not amount to a formulated proposition; and, when it came to be expanded and applied to details, neither the judges on the one hand were agreed among themselves, nor the parties on the other hand. In fact the two Hindu judges, who

formed the majority in the Royal Court, so expanded the phrase and so defined acceptance, as to its nature and effects, that their ruling will probably be quoted hereafter as a precedent and will acquire all the force of law. Several points, as will appear in further discussion, were practically enacted, but the main point is that it is acceptance by the people that admits a duly consecrated metran to the enjoyment or control of the temporalities of the see. Due consecration qualifies for the exercise of spiritual functions, popular acceptance admits to the management of church-property: that is the present ruling.

It does seem strange that the courts should have adopted, as an essential condition of the validity of an appointment to the bishopric of Malankarai, what had never, until the institution of this particular suit, been heard of as a condition for such appointment. The function of courts of law is to interpret and apply the law to particular cases, not to make it. The courts of Travancore are not, however, the only law-courts in the world which have, especially in ecclesiastical cases, framed decisions on the basis of judge-made law.

But we have next to consider the use made of this piece of judge-made law in its application to the circumstances of the present case. It appears that the courts below regarded the question of acceptance by the people as having been settled at the meeting at Mulanthuruthu (June 1876). This announcement, it must be admitted, is surprising; for, in the record of the proceedings of that assembly, there is not a syllable from beginning to end about the acceptance of Mar Dionysius Joseph as metropolitan; and, as a matter of fact, the name of that person occurs only once in the record, and that in an altogether different connection. It appears, however, that the mere fact of his having been *called* metropolitan in the record is what is relied on as binding the individuals that signed it. And that might pass. But before this could be held to bind the whole church or community to such acceptance, it would be necessary to prove that the meeting was *bonâ fide* a representative meeting, that the persons who signed did so not as individuals but as duly accredited representatives of churches. In this lies the *crux* of the whole of this section of the discussion. On the proof or disproof of this point depends the decision that must be given on the particular form of question now in hand. Fortunately it is a question which admits of fairly direct treatment.

"The meeting was convoked," says Mr. Justice Ormsby, "in part at least by printed summonses, addressed, it would appear, to

various churches . . . . . Now it is a general rule applicable alike to public companies, associations, clubs—and surely no less to religious bodies—that, when the shareholders in such company or the members of such association or body are to be summoned to transact important business, it should be previously and clearly notified to them what that business is. If the object of the meeting at Mulanthuruthu was to elect a metran, or to confirm the appointment of a metran already consecrated by the Patriarch, we might reasonably expect that such matter would be explicitly stated. But not a reference is made to the subject. The parishioners are exhorted to choose certain persons to speak before the synod putting them in possession of their views 'so that the matters that may be resolved upon may be accepted by you.' No hint is given as to what these matters are, except that they are 'the spiritual affairs of our church in general.' There is indeed a reference to 'disputes and schisms,' but as to what disputes or what schisms, no indication is vouchsafed us."

Of the issue and service of the notice of meeting on all the churches, there was no formal evidence whatever. "All that the evidence on record proves, supposing for a moment that it is beyond suspicion, is that some sort of order, or command, or message was sent down to some of the churches. But even in the case of these churches, there is absolutely no evidence or next to none, that these 'notices' were duly promulgated in the various parishes, or that one parishioner in fifty knew anything about them." The record of the proceedings of the synod at Mulanthuruthu, professes to be signed by the representatives of 102 churches, but there were at least 175 in the diocese, so that some seventy three churches were not even professedly represented, and there is no proof on record that notice of the meeting was served on the parishioners of these seventy-three churches.

On the other side it is said that "to expect, in a matter like this, proof of service of notices as we have in civil suits in courts, is to expect an impossibility. It could not be expected that the notices with the acknowledgment of service would be forthcoming. How, then, was the fact to be proved otherwise? It must be only by the evidence of witnesses who had service of notices on them, and who saw notices served on others." Perhaps, but it must be remembered that we are here dealing with what professes to be a regular synod, summoned under the direct authority of the Patriarch. Are we to suppose that, whatever may be said about the inexperience or incapacity of the Syrians in the use of methods of precision, both the Patriarch and his numerous understrappers were incompetent to convene a synod and to conduct its business in such a manner that every item of the proceedings from beginning to end should be capable of verification? Why were printed notices used at all if not for evidential purposes? The meeting might have been summoned by tuck of drum.

Again 'deeds of consent' are mentioned; that is, commissions which should give express authority to those who held them to act within specified limits on behalf of those who granted them. They were avowedly documents granted by congregations to delegates who should have authority to attend the synod of Mulanthuruthu to deliberate and vote at its sittings on behalf of the said congregations. We may pass by the preliminary difficulty of framing 'deeds of consent' on 'notices' so vague. But whether they were properly framed or not, no copy was produced in court; and no verification of their contents was possible. They are said to have been collected and put into a box, and carried off to Mardin by the Patriarch; and, wherever the fault may lie, nothing effectual was done during the long years of the trial to fetch them back from Mardin and subject them to the scrutiny of the courts. If they could have helped the plaintiff's case, ways and means of fetching them back would have been found; for the plaintiff's case was the Patriarch's. But not a single copy ever fell under the eye of the judges. In these circumstances how can it be maintained that the meeting at Mulanthuruthu was a representative meeting?

But we shall be told that some thirty witnesses "swear to having seen deeds of consent given by the people to the representatives that attended the meeting. These deeds of consent contained, *it is said*,* authority to the representatives to agree to the resolutions of the meeting on behalf of the people. The witnesses also swear to their signatures in the record. * * * * * It would be, under the circumstances, unreasonable to decline to hear the evidence of the witnesses who were brought to swear to the production of deeds of consent by the representatives. That is legal evidence of the fact that such deeds were given *though not to their contents*.* All that we want here is that the men that attended the meeting were representatives. Even without the deeds of consent, if the men were competent to represent the community by their position in

* The italics are mine.

that community it would quite answer the purpose." Does not this last sentence mark an extreme position; does it not betray a conciousness of the weakness of the reasoning that immediately precedes it?

At all events, all that has been said seems to me to leave untouched the conclusion arrived at by Mr. Justice Ormsby, *viz.*, that "without proof that (1) the persons whose names are appended to the record of the proceedings of the meeting at Mulanthuruthu did really sign, *and* (2) that they were duly authorised to sign, that record becomes absolutely worthless; and without the record of that meeting's proceedings, there is no sufficient evidence to prove plaintiff's acceptance by the community" in the sense in which the lower courts held it proved or in any other sense.

Mark, nevertheless, how this doubtful document is further pressed into the service of the plaintiff's cause, to prove affirmatively his acceptance by the people. The Chief Justice and Mr. Justice Sitarama Iyer contend that the question to be answered is, On which side are the majority of the Syrians to be ranked? They find that in addition to the 102 churches represented at the so-called Synod of Mulanthuruthu, there are nine more churches admitted by the appellant to contain only adherents of the respondent. "So, adding these nine to 102, we have clearly 111 churches wholly recognizing the respondent as their metropolitian." But this reasoning is vitiated by the fallacious assumption, that the men who signed for the churches at Mulanthuruthu were *bonâ fide* representatives of those churches, duly authorised by the churches which they professed to represent. Of this there has been no sufficient proof. In the High Court the same vitiating element appears in the same connection. Mr. Justice Narayana Pillay says of twenty-seven churches each represented by a single individual, that such representation "would be absolutely worthless, if the individual who has signed did so for him alone. But the plantiff's case is that these individuals as also the others who signed for the different churches had written authority from the parishioners of their respective churches to represent them at the meeting." No doubt this is the plaintiff's case, but has he legally *proved* his case? The fact is that the meeting at Mulanthuruthu was a mere caucus and not a proper synod at all; and the record of its proceedings, even supposing it to be genuine, cannot prove a majority on the side of the plantiff at that date. It is tolerably certain that *now* Mar Dionysius Joseph has a majority on his side. It would be strange

if the repeated decisions in his favour over such a long period of years did not tend to annex to the successful metran a larger following. But whether he had at the institution of the suit in 1879 a majority on his side is improbable in the extreme.

The two Hindu judges of the Royal Court, however, possess marvellous resource. They maintain that the plantiff had a majority in his favour ten years before the date of the institution of the suit. They seem to have had some misgivings after all about the validity of the proof of plaintiff's acceptance derived from the record of the Mulanthuruthu meeting, and therefore they change their ground. They explain that it is a mistake to supppose that Mar Dionysius Joseph was accepted for the first time as metropolitan at Mulanthuruthu. This, they would have us believe, was not the case at all. He was so recognized long before this meeting, and what this meeting did was to ratify the acceptance made long previously. This is a complete change of front. But let that pass. When did the community first acknowledge Mar Dionysius Joseph as metropolitan? The answer is that it was done as early as 1869; and the sole proof of this surprising discovery is to be found in the veracious utterances of Dionysius himself when he addressed his memorial to the government of Madras. He then informed His Excellency in Council that "all the Syrian Christians have acknowledged, and do acknowledge him" as metropolitan and, again in the same document, that "he has the solemn consciousness that almost all the Syrian Christians, as a matter of conscience, lean towards him as their present legally constituted superior and metropolitan." Special pleading of this kind made by a man in his own interest is actually treated as proof of the alleged fact, however inconsistently put even in the document itself.

But the statements made by the plaintiff under this head were not and could not be true. However discontented the Syrian Christians might have been with Mar Athanasius Matthew in 1869, (and there is no evidence that they were discontented), they would not have dared to express it in any tangible form. They were by the royal proclamation liable to the pains and penalties by which the Sirkar enforces its orders. They were required to obey Mar Athanasius according to the custom of the see; and there is every reason to believe that they were at the date in question perfectly loyal to their metran. At all events, the self-interested pleadings of an ecclesiastic in his own suit can hardly be seriously treated as proof of disputed facts.

It humbly appears to me, therefore, with all deference to the distinguished and learned persons who have adjudicated otherwise, that the plaintiff failed in both divisions of the great issue to prove his case. Nevertheless Mar Dionysius Joseph sits to-day on the episcopal throne of Malankarai. *Regat in pace.* But one cannot help wondering what the future of the ancient church is to be. Will her divisions multiply, or will she attain unity and strength and independence? Oh that the people would take the matter into their own hands, as they have an undoubted right to do, and manage their own church affairs without foreign intervention. Did they not throw off the authority of His Holiness of Rome at the Coonen Cross in 1653? and why should they tolerate the usurped authority of a remote Patriarch who has no intelligent sympathy with them and little or no interest in the country beyond draining off money annually in the form of Rasisa, for which he gives nothing in return?

> Hereditary bondsmen! know ye not,
> Who would be free, themselves must strike the blow?

Humanly speaking, the hope of the church is in her young men. Many of them, having been stimulated to take advantage of the higher education and the more intelligent worship of the Protestant churches in their neighbourhood, have found their way to Madras to study in the Christian College, the Medical College, and the College of Engineering for the higher degrees of the University. Let the minds of these young men be saturated with biblical truth and spiritual ideas, let their hearts be possessed with intelligent faith, and it will soon be found that the old Syrian bottles will not hold the new wine. Their new spiritual life will demand a higher nourishment than the earthen vessels of the Jacobites can supply. Their character as seen and felt in their daily work, their family life, and their personal intercourse with their people will gradually tell on the community and effect more rapidly, it may be, than we think, a reformation in Malankarai.

But there is one grand danger to which the Syrian Church and her friends must not shut their eyes. The predicted danger may or may not be the best thing that could happen, but at all events it should be clearly perceived and definitely reckoned with. There is no reason to fear that this church will relapse into heathenism, or otherwise vanish from history as the sister church on the Coromandel Coast did; but, with a strong Protestant mission on the one side and a strong Roman Catholic mission on the other, it must be difficult for the Syrian Christians to hold their ground apart. These strong churches will doubtless receive from time to time into their respective communions individual members from the Syrian Church; and if so, if the weaker thus give way to the stronger, if the Syrian Church be absorbed by the more vigorous organizations around her, history will interpret her fate as the penalty of intellectual stagnation and lack of faith, and posterity will probably recognize in her doom the voice which said to another church: "therefore your house is left unto you desolate." Still the eye of hope would fain penetrate further into the vista of the future, and discern the time when the deplorable sectarian differences which characterise our western Christianity, and which have got a foothold to no small extent in India, shall be superseded by a finer and fuller growth of Christian doctrine and spiritual life, and when the Indian church, reconciling all her sects in a common faith and a common purity, shall hold the unity of the spirit in the bond of peace, and shall in the most comprehensive sense be *one*. When such a time comes, when there shall be one strong Indian church, the absorption of any particular sect, however venerable, will be abundantly compensated by the ampler life and the larger hope of success in winning the whole of India to Christ, and in contributing the most effective share to the complete spiritual conquest of Asia.

GEORGE MILNE RAE.

THE YUGAS:

A QUESTION OF HINDU CHRONOLOGY AND HISTORY.

BUT is there any historical significance about the four Indian *Yugas?* The word *Yuga* is nearly as old as the Sanskrit language itself, and the proper names of the four *Yugas* are at least as old as the Vedic literature in which they are found. The Vedic calendar, as given in the *Védánga Jyótisha,* makes no reference to the now current long *Yugas, Manwantaras,* and *Kalpas.* Certain periods of time marked by certain special national, social, and religious characteristics of the Hindu people seem to have been for long believed in in India; and these having been taken up by later Indian astronomy and adopted by the *Puráṇas,* acquired a definiteness and popularity which they do not appear to have originally possessed. In the *Aitaréya Bráhmaṇa* we meet with the well known story of Hariśchandra and Śunaśśépha. Hariśchandra, though he had a hundred wives, had no son; and on the advice of Nárada

this king prayed to Varuṇa to bless him with a son, and vowed that he would sacrifice the son to Varuṇa himself in case he should get one. Róhita was then born to Hariśchandra. But Hariśchandra on various pretexts indefinitely postponed the fulfilment of his vow. Róhita came to the age of discretion, and understanding the perilous nature of his situation, ran away to the forest. Varuṇa naturally got angry, and Hariśchandra was made to suffer from some abdominal disease. The son Róhita, hearing of this, wanted to go back to the father, but was prevented from doing so by Indra, who appeared to him in the form of a man and dissuaded him from giving up his wandering life. Six times the son tried to go back, and on all six occasions Indra prevented him. When, after wandering for more than four years, Róhita, for the *fifth* time, attempted to go back, Indra is said to have addressed him thus (*Aitaréya Bráhmaṇa*, VII.-15) :—" A Brahman told me : *Kali* is lying, *Dwápara* is slowly shaking up, *Trétá* is standing, and *Krita* is in full motion—wander on, wander on." (कलिश्शयानो भवति संजिहानस्तु द्वापरः । उत्तिष्ठन् त्रेता भवति कृतं संपद्यतेचरन्.)



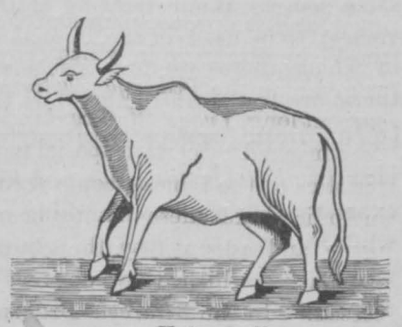
कलिवृषः *Kali-bull*, or *Kali-virtue*



द्वापरवृषः *Dwápara-bull*, or *Dwápara-virtue*



त्रेतावृषः *Trétá-bull*, or *Trétá-virtue*



कृतवृषः *Krita-bull*, or *Krita-virtue*

He then wanders on for the fifth and the sixth years, and at last succeeds in buying Śunaśśépha as a substitute for himself in his father's forthcoming sacrifice to Varuṇa. Here, in this context, we have "the earliest known" mention of the current names of the four *Yugas*. This passage has been variously interpreted, and it appears to me that we have here the myth concerning the Bull of Dharma so frequently related in the *Puráṇas* and the *Mahábhárata* (*M. Bh.*, III.-190-9). According to the *Amarakóśa*, it can be shown that the Sanskrit word *Vṛisha* (वृष) means both *bull* and *virtue* (*Dharma.*) It is a fact well known to all students of mythology, that words which have more than one meaning, have very often given rise to many myths in the history of nations. A bull, when lying down, appears to be using one of its feet so as to press against the earth ; when it tries to get up, two of its feet are seen to be applied to the earth ; sometimes, when standing without motion, the animal may be seen to rest on only three of its feet ; and, when walking and moving from place to place, it of course uses all four feet. When it is roaming about, it is decidedly in a more vigorous attitude than when it is merely standing ; when it is standing, it is in a more vigorous attitude than when it is just trying to get up ; and when trying to get up, it is certainly in a more active posture than when lying down. The passage from the *Aitaréya Bráhmaṇa* quoted above clearly takes it for granted that there has been a gradual decay and deterioration of national virtue from the *Krita* to the *Kali* age ; and it seems to me that Róhita was made to understand that, as *Krita* is in full motion and is the best *Yuga*, he too must wander on. In the *Taittiríya Bráhmaṇa* (I.-5-11) also we find *Krita* and *Kali* used in almost exactly the same sense. While treating of the number of *Stómas* (eulogistic verses) to be used in the *Jyótishtóma* sacrifices, it is said : "That in which there are four *Stómas* is *Krita*, then that in which there are five is *Kali* ; therefore there must be only four *Stómas*." (येवैचत्वारस्तोमाः कृतंतत् अथयेपञ्चकलिस्सः तस्माच्चतुष्टोमः) Here also the idea that *Krita* is desirable, and *Kali* undesirable, is quite explicitly expressed. To compare anything to *Kali* is obviously to condemn it, while to compare it to *Krita* is to praise it. In the *Taittiríya Bráhmaṇa* (III.-4-16) the names of all the four *Yugas* also occur. In a long passage detailing the various kinds of human victims to be sacrificed to various gods and deities, we find the following :—" (Sacrifice) the gambler to the King of the Dice ; the keeper of the

gambling house, to the *Krita*; the judge who is to make out the flaws and decide the quarrels in connection with the game, to the *Trétá*; the person who, sitting outside the circle of gamblers, looks on with interest and is attentive to the game, to *Dwápara*; and the man who, even when there is no gambling going on, stays on like a pillar in the gambling house, to the *Kali*; and the *Charaká-chárya*, to Sin." (अक्षराजाय कितवम् कृताय सभाविनम् त्रेताया आदिनव-दर्शम् द्वापराय बहिस्सदम् कल्येसभास्थाणुम् दुष्कृताय चरकाचार्यम्.) In an exactly similar connection, with a few slight alterations, the names of the *Yugas* occur in both the *Mádhyandina* (XXX.-18) and the *Káṇva* (XXXIV.-18) recensions of the *Vájasanéya-Samhitá*. It has been suggested, and there is a great deal of probability in the view, that, in these last passages, the current names of the four *Yugas* are intended to denote dice, *Krita* indicating the one with four marks, *Trétá* the one with three, *Dwápara* the one with two, and *Kali*, the one with only a single mark.

The original derivative meaning of these words does not seem to have any connection with gambling and dice. There is a whole hymn in the *Rigvéda* (X.-34) by Kavasha Ailúsha, in which the allurements and evils of gambling are exceedingly well depicted; but these words do not occur therein. The ruinous and demoralising nature of this pastime, which appears to have been rather common in ancient India, must have been well understood at the time: and perhaps with the intention of taking vengeance on the priests, elders, and other pious wellwishers of society, who, like the *Rishi* Kavasha very properly tried to check the growing prevalence of this mischievous trade of gambling, the gambler might have, naturally enough in his own turn, declared the dots on the dice to be nothing other than the footprints of *Dharma* (virtue). Thus perhaps the names of the *Yugas* also became the names of dice; but nobody can be dogmatic about it. My present object is simply to point out that these words could not have, at first, belonged, by right, to the gamblers' vocabulary. Dr. Martin Haug thus explains the passage quoted above from the *Aitaréya Bráhmaṇa*:—"Sáyana does not give any explanation of this important passage where the names of the *Yugas* are mentioned for the first time. These four names are, as is well known from other sources, names of dice used at gambling. The meaning of this *gátha* is: There is every success to be hoped; for the unluckiest die, the *Kali*, is lying, two others are slowly moving and half fallen, but the luckiest, the *Krita*, is in full motion. The position of dice here given is indicatory of a fair chance of winning the game." Professor Weber is said to have criticised this interpretation. That it is far fetched and unsuited to the context is enough to show its faulty nature; and I have no doubt that in the *Aitaréya-Bráhmaṇa* the words in question are not used in what is decidedly their secondary significance.

Fortunately, it seems to be possible to a certain extent to make out the probable early period when the idea and the names of the *Yugas* became current among the Hindu people. The earliest mention of the names of the four *Yugas* is, as pointed out already, in the *Aitaréya Bráhmaṇa* (VII.-15). Here these names certainly do not refer to dice, and are most probably used in their original significance. In the *Purusha-médha* (human sacrifice) hymn, as given in the two current recensions of the *Samhitá* of the *White Yajurvéda*, and in the *Bráhmaṇa* of the *Black Yajurvéda*, they almost certainly refer to dice. Elsewhere in this *Bráhmaṇa* (I.-5-11), *Krita* and *Kali* have been shown to be used in a different significance. In the two recensions of the *White Yajurvéda*, the word *áskanda* (आस्कन्द) is used in place of *Kali*; and both *áskanda* and *Kali* mean, according to the *Amarakósa*, battle or fight. Taking all things into consideration, we may fairly come to the conclusion that the secondary significance of the names *Krita*, *Trétá*, *Dwápara*, and *Kali* became popularly current most probably in the interval between the periods of composition of the *Aitaréya Bráhmaṇa* and the *Vájasanéya Samhitá*. There is in both these works fairly satisfactory internal evidence to enable us to ascertain when they were composed. The author of the *Aitaréya Bráhmaṇa*, while illustrating the efficacy of the *Mahábhishéka* (महाभिषेक) ceremony in making kings glorious and powerful, mentions (VIII.-2-1) that Tura, the grandson of Kavasha, performed it for Janaméjaya the son of Paríkshit, in consequence of which Janaméjaya conquered the earth all round and performed the holy horse sacrifice. In the passages which follow, a number of other personages, some of whom appear to be mythical while others are obviously historical, are also said to have undergone the same ceremony with the help of their respective priests. Among the historical personages mentioned in this connection, Janaméjaya appears to be about the latest according to all probability. Though Dr. Haug is of opinion that, on the whole, the *Aitaréya Bráhmaṇa* may well be the work of a single author, there are, I believe, some critics who suppose some of the

last books of the *Bráhmaṇa* to be a later addition. Whichever of these views we adopt, it follows, as a matter of course, that the portion of the *Bráhmaṇa* wherein the now familiar names of the four *Yugas* occur, cannot be earlier than the time of Janaméjaya nor, perhaps, very much later.

In seeking to determine the age of the *Vájasanéya Samhitá* and the *Taittiríya Bráhmaṇa*, it is necessary to consider the nature of these works. *The Taittiríya Samhitá* and the *Vájasanéya Samhitá* are two different recensions of the *Yajurvéda*; and it is well known that the *Rigvéda*, the *Yajurvéda*, and the *Sámavéda* were all separately collected and arranged chiefly with reference to the performance of sacrifices, the *Rigvéda* belonging to the *Hótṛi* (होतृ) priests, the *Sámavéda* to the *Udgátṛi* (उद्गातृ) priests, and the *Yajurvéda* to the *Adhvaryu* (अध्वर्यु) priests. The *Atharvavéda* claims to be the *Véda* of the *Brahma* priests, although it is not known to have ever been used in the performance of Vedic sacrifices, and appears not to have been recognised for a long time as one of the sacred *Védas*. Each of these four sets of priests have definite functions to perform in the sacrifices in which they officiate. "The chief part, or, as the *Bráhmaṇas* say, the body of the sacrifice, had to be performed by the *Adhvaryu* priests. The preparing of the sacrificial ground, the adjustment of the vessels, the procuring of the animals and other sacrificial oblations, the lighting of the fire, the killing of the animal, in short, all that requires manual labour was (and is even now) the province of the *Adhvaryu* priests." Therefore the oldest *Samhitá* of the *Adhvaryu* priests is not, like the *Samhitás* of the *Rigvéda* and the *Sámavéda*, "a collection of hymns, but rather a complete description of the sacrifice as performed by the *Adhvaryus*, interspersed with such verses and formulas as had to be muttered by the officiating priests." A Vedic commentator, Dwivéda-ganga, by name, says that the *Vájasanéya Samhitá* is known as the *White Yajurvéda* because of its being pure and made up of *Mantras* (hymns) unmixed with *Bráhmaṇa*; and according to him the *Taittiríya Samhitá* is known as the *Black Yajurvéda*, because it treats of the functions of the *Hótṛi* priests in one place and of the *Adhvaryu* priests in another, and being thus unmethodical confuses the mind and makes it muddy. "The *Black Yajus* is, in fact, a motley undigested jumble of different pieces." But the *Vájasanéya Samhitá* is a pure and separate collection of the "verses and formulas" to be used by the *Adhvaryu* priests; and the *Vájasanéya-Adhvaryu* priests have the rules, the directions, and the detailed description of the sacrifices embodied in a distinct sacred work of theirs, known as the *Śatapatha Bráhmaṇa*. Between the *Taittiríya Samhitá* and the *Taittiríya Bráhmaṇa* there is only a nominal distinction —a distinction without a difference, for the *Bráhmaṇa* is, "in reality, a mere supplement and continuation" of the *Samhitá*. The methodised *Vájasanéya Samhitá* and *Śatapatha Bráhmaṇa* are naturally later than the unmethodical *Taittiríya Samhitá*. Tradition also points in the same way, for the arrangement of the *Vájasanéya Samhitá* and some portions, at least of the *Śatapatha Bráhmaṇa* is attributed to Yájnavalkya, one of the pupils of Vaiśampáyana, who was himself a disciple of Vyása Párášarya, the original methodiser and arranger of the *Samhitás* of the *Védas*, the *Taittiríya Samhitá* being one of them. It is in the *Purusha-médha* hymn of the *Vájasanéya Samhitá* that we find the names of the four *Yugas*; and in the same passage we have it stated that *Charakáchárya* (चरकाचार्य) is to be offered as a victim in sacrifice to Sin. The words *Dushkṛitayá Charakáchárya* (दुष्कृतया चरकाचार्यम्) also occur in the *Purusha-médha* hymn as given in the *Taittiríya Bráhmaṇa*. Sáyana explains *Charakáchárya* as the teacher of the art of dancing on the tip of a bamboo, although the bamboo-dancer is elsewhere in the same hymn referred to as *Vaṁśa-nartin* (वंशनर्तिन्). However, Mahídhara (महीधर) in his commentary on the *Vájasanéya Samhitá*, interprets *Charakáchárya* as the teacher of the *Charakas*. Who then are the *Charakas?* Professor Weber thinks that the word generally denotes a travelling scholar. The *Charaṇavyúha* (चरणव्यूह) says that among the *Charaṇas* or recensions of the *Yajurvéda* there are twelve varieties that go by the name of *Charakas* (तत्चरकानाम द्वादश भेदा भवंति). Professor Max Müller has pointed out that the name "*Charaka* is used in one of the *Khilas* of the *Vájasanéya Samhitá* as a term of reproach." It is also said that hostile expressions as against the *Charaka-Adhvaryus*, are to be met with here and there in the *Satapatha Bráhmaṇa*. Such expressions must have been "evidently dictated by a feeling of animosity against the ancient schools of the *Adhvaryus*, whose sacred texts we possess in the *Tittiríya Véda*, and from whom Yájnavalkya seceded in order to become the founder of the new *Charaṇa* of the *Vájasanéyins*." The account relating to this subject in the *Vishṇu Puráṇa* (III.-5) leads also pretty nearly

to the same conclusion. Curiously enough, prejudice is so tenacious in India that, notwithstanding the deservedly high honour which every learned Brahman is led perforce to pay to the name and memory of the great Yájnavalkya, even now among the Brahmans, the followers of the *Taittiríya-śákha* and those of the *Vájasanéya-śákha* hate each other with an intolerable hatred, regard each other as impure, and absolutely refuse to associate with each other. *Charaka-Charakáchárya* must therefore mean the teacher of the *Charaka-Adhvaryus*. The *Purusha-médha* hymn adopted by the *Taittiríyas* who are one of the twelve varieties of the *Charakas*, and embodied in the *Taittiríya Bráhmaṇa*, also says that *Charakáchárya* is to be offered as a victim to Sin,—and I have therefore no doubt that the *Taittiríya Bráhmaṇa* is considerably later than the *Vájasanéya Samhitá*.

Professor Weber thinks that both the Black and the White *Yajurvédas* may be shown from internal evidence to have assumed their present shape about the time of the war of the *Mahábhárata*. Tradition and history, as recorded in the *Puráṇas*, also give similar indications; for, Vyása Párásarya, the arranger of the *Védas*, is known to have been a contemporary of that great Indian war, and both Vaiśampáyana and Yájnavalkya must have lived immediately after it, as they were contemporaries of Janaméjaya Párikshita. It has unfortunately become too much the fashion among certain oriental scholars to discard the dates and events traditionally handed down in our *Puráṇas*, as being altogether unfounded and imaginary. In this they are far from displaying that impartial and scientific spirit in which all true enquiry should be conducted. It has been already mentioned that genealogies of kings form an essential part of the *Puráṇas*, and Wilson was quoted to show that these genealogies were "probably preserved with some care," and that the *Sútas* must have been at once "the eulogists and chroniclers" of ancient Indian royal courts. These genealogies of the various dynasties of kings given in the *Puráṇas* afford data enough to enable us to determine the probable time when the war of the *Mahábhárata* took place. It is stated in the *Vishṇu Puráṇa* (IV.-24-104) that the time which elapsed from the birth of Paríkshit to the coronation of Nanda was 1,015 years. The *Matsya Puráṇa* gives 1,050 years as the interval of time between these two events; and the *Bhágavata* (XII.-2-26) makes it 1,115 years. Mahápadma and his sons, the well known nine Nandas, are said (*Vishṇu Puráṇa* IV.-24) to have reigned for one hundred

years; and the famous Maurya Chandragupta is recognised on all hands to have been their successor. Professor Max Müller in his *Ancient Sanskrit Literature* fixes the date of Chandragupta at about 315 B.C., and very appropriately calls it the sheet-anchor of Indian chronology. Thus it appears that the birth of Paríkshit must have taken place at about the middle of the 15th century before the Christian era; and Paríkshit was born very soon after the *Mahábhárata* war. A list of the dynasties and kings that ruled in Magadha, the kingdom wherein Chandragupta reigned, is given also in the *Vishṇu Puráṇa* (IV.-23 and 24), and a close study of it also points to about the middle part of the 15th century before the Christian era as the probable time of the occurrence of this greatest of our ancient Indian wars. In the *Vishṇu Puráṇa* (IV.-19) it is stated that one of the earliest of the famous Magadha kings was a Brihadratha, the son of Uparichara, also known as Vasu; and also that a line of thirty kings made up of Brihadratha and his descendants reigned in Magadha for one thousand years. However, the *Váyu Puráṇa* and the *Matsya Puráṇa* state that thirty-two Bárhadratha kings ruled in Magadha for a thousand years. Of these Jarásandha may easily be recognised as having been a contemporary of the *Pándavas*, and his son Sahadéva as a contemporary of Paríkshit. The *Vishṇu Puráṇa* makes Jarásandha an extra son of Brihadratha, and the *Bhágavata* makes him Brihadratha's son by another wife. There is clearly some mistake here, and Jarásandha should, in all probability, appear in the *Vishṇu Puráṇa* as the seventh in descent from Brihadratha. As a matter of fact in the *Agni Puráṇa* and the *Váyu Puráṇa* he is actually said to have been so, and the *Matsya Puráṇa* makes him even the eighth in descent. The last of the Bárhadrathas was succeeded by another dynasty of five Pradyóta kings who are said to have reigned in all (according to Professor Wilson's translation of the *Vishṇu Puráṇa*) for 138 years. These Pradyóta kings were succeeded by a dynasty of ten Śaiśunága kings who, in their turn reigned for a period of 362 years. Then came the Mahápadma Nanda, who is said to have begun to reign in Magadha 1,015 years, or according to the *Bhágavata* 1,115 years, after the birth of Paríkshit. Thus forty-seven kings, from Brihadratha onwards, are stated to have ruled over Magadha for a period of 1,500 years, which gives to each an average reign of about 32 years. Judging from this period of rule, these kings would appear to have been generally longlived; and, under the circumstances, it is not im-

possible, it is even probable, that the first nine or ten of the Bárhadratha kings ruled over Magadha for about 450 years, or according to the *Bhágavata* for a little over 350 years. If we allow 100 years for the reign of the Nandas, and take Chandragupta's date as 315 B.C., we again arrive at the middle of the 15th century before Christ as the probable time when the war of the *Mahábhárata* was fought.

The *Vishṇu Puráṇa* (IV.-24) and the *Bhágavata* (I.-15-36 and I.-18-6) mention that the *Kaliyuga* commenced immediately after the death of Krishṇa. The *Mahábhárata* gives us to understand that the *Kaliyuga* commenced about the time of the great war described in that epic. So early an astronomer as Garga is said to have stated that the commencement of the *Kaliyuga* was coincident with the *Mahábhárata* war. Krishṇa died, as may be made out from the *Mahábhárata* and the *Puráṇas*, some thirty years after the close of this great Kuru-Panchála war. Vyása is said to have arranged the *Védas* in the *Dwápara* age (*V.P.*-III.-3 and 4), and he was alive during this war; and his father Paráśara was the earliest astronomer of any reputation in India. In the list of the *Nakshatras* given in the *Taittiríya Samhitá* (IV.-4-10-1), we find that the constellation of the *Krittikás* stands first; and "the *Krittikás* occupy the first place in all the ancient lists of the *Nakshatras*." Even now for sacrificial purposes, the *Krittikás*, presided over by Agni, are considered to be the first of the twenty-seven *Nakshatras*. The mythical story of the birth of Kumára, the War-God, evidently refers to the vernal equinox occurring when the sun enters the *Krittiká* constellation. It is impossible to say how old this story is, though there are reasons for believing that it must be a very old one. I have heard it said that there are mythical stories current in Sanskrit literature, which refer to a time when the vernal equinox took place with the sun in the *Mṛigaśirsha* (मृगशीर्ष =Orion) constellation. May not the name of *Mṛigaśirsha* as *Ágraháyaṇí*, that is, perhaps, the beginner of the year, become apt and intelligible in this way? Our ancients were very early familiar with the then position of the equinoctial colures, for the *Sattras* which, as pointed out by Dr. Haug, presuppose a knowledge of it "were already at the time of the *Bráhmaṇas* an old institution." The word *Krittiká* itself is derived from a root *krit*, which means to cut; and the constellation has most probably been so named because of its then situation at one of the two points where the equator and the ecliptic cut each other. Bentley's interpretation of the *Viśákhá*

Nakshatra as the 'bisected constellation', because of the other equinoctial colure coinciding with its middle point, must not be lightly passed over. The importance of the etymological significance of names belonging to an age of myths and allegories cannot be over-estimated. According to Bentley's calculation, as given by Professor Max Müller, (Preface, *Rigvéda*, Vol. V.—xxx.) the above position of the equinoctial colures must have occurred at the time corresponding to B. C. 1426, and, if we use Archdeacon Pratt's value for the mean annual precession, we arrive at B. C. 1428. The *Nakshatras* are mythically supposed to be the daughters of Daksha, and they are said to have been given in marriage to the moon. The planets Mercury, Venus, Mars, and Jupiter are called Róhiṇéya (रोहिणेय), Mághabhú (माघभू), Áshádhábhava (आषाढाभव), and Púrvaphalguníbhava (पूर्वफल्गुनीभव); and hence it is naturally supposed that the moon and these planets must have been at one time in conjunction in the respective constellations referred to above. These four planets are thus taken to be the sons of the specified daughters of Daksha through the moon as their husband. Bentley has calculated and ascertained the time when these conjuctions must have taken place, and Mr. Hind has verified the calculation for Professor Max Müller. Both have arrived at B. C. 1424. These conjunctions must certainly have been striking celestial phenomena when they actually did occur; and not even the most indifferent observer of the heavens could have missed noticing them. Hence it is difficult to understand why there should be any doubt as to the genuinely ancient nature of Indian astronomical myths, notwithstanding the readily verifiable astronomical data contained in them. Considering the peculiar nature of the ancient method of transmission in India, from generation to generation, of historical traditions, mythical stories, and old religious and national literature, surely there is nothing strange in the fact that certain very old myths have been found for the first time embodied in some decidedly modern works. In the *Vishṇu Puráṇa* (IV.-24) the constellation of the *Saptarshis* (Great Bear) is said to move from one *Nakshatra* to another in the course of 100 years. "At the birth of Paríkshit it was in *Maghá*, and the *Kaliyuga*, consisting of 1,200 divine years, then commenced." "When the *seven Rishis* are in *Púrváshaḍhá*, then Nanda will begin to reign; and thenceforward the influence of the *Kali* will augment." This statement is also to be found in the *Bhágavata*. According to

Colebrooke, *Lalla*, and the *Brahma-Siddhánta* of Sákalya refer to the motion of the *Saptarshis*. This imaginary motion is thus explained:—"The two stars (Pulaha and Kratu) must rise or be visible before the rest; and whichever asterism is in a line south from the middle of those stars is that with which the seven stars are united; and so they continue for 100 years." It is said to have been the opinion of Bentley that "the notion originated in a contrivance of the astronomers to shew the quantity of the precession of the equinoxes." "This was," according to him, "by assuming an imaginary line, or great circle, passing through the poles of the ecliptic, and the beginning of the fixed *Maghá*, which circle was supposed to cut some of the stars in the Great Bear. . . . . The seven stars in the Great Bear being called the *Rishis*, the circle so assumed was called the line of the *Rishis*; and, being invariably fixed to the beginning of the lunar asterism *Maghá*, the precession, would be noted by stating the degree, &c. of any movable lunar mansion cut by that fixed line or circle, as an index." It makes up ten asterisms from *Maghá* to *Púrvásháḍhá*; and we have thus a thousand years from Parikshit to Nanda Mahápadma. Allowing 100 years for the period of rule of the Nandas, and taking B. C. 315 as Chandragupta's date, we arrive at the latter part of the 15th century before Christ, as the time when the great *Mahábhárata* war took place.

Thus the results of a close examination of the various sources of evidence at our disposal all lead to the conclusion that the war of the *Mahábhárata* must have been fought about the middle of the 15th century before Christ; and for reasons already specified the idea of the four *Yugas* must have come into existence about that time. Let us try to make out what their names mean. *Krita* means 'deed'; *Trétá*, a 'collection of threes'; *Dwápara*, 'doubt'; and *Kali*, 'strife'. In Puránic and other allied works we find an explanation offered of the names of the first two of these *Yugas*. In fact, with the exception of the name *Trétá*, these names are easily intelligible; and almost everybody can, in some way or other, understand what is meant by the age of deeds, the age of doubt, and the age of strife. The *Mahábhárata* (III.-5) has it that in the *Krita* age everything that had to be done was done as a matter of course, and nothing that had to be done ever remained undone in that best of ages. It is clearly presumed here that the *Krita* age was one of the very highest moral excellence, the age, in fact, in which virtue freely walked on all fours. The *Mahábhárata* also says (III.-5): "Then in the *Trétá* age sacrifices commence, and virtue

and duties become varied." The *Muṇḍakópanishad* says: "This is indeed true—the (sacrificial and other) duties, which the wise (poets) saw in the *Mantras* (Hymns), have been variously developed and spread in the *Trétá*." The *Matsya Puráṇa* says: "The commencement of the sacrifice took place in the beginning of the *Trétá Yuga*." From the *Bhágavata* also we may learn (IX.-14-48) that, before the *Trétá* age, the sacrificial fire was one, the *Védas* were one, the castes were one, and the Deity was also the only one *Náráyaṇa*. However much we may disagree with the last part of this statement, it is clear that the *Trétáyuga* appears to have been all along understood as the age in which sacrifices flourished and the power of the priests predominated. The one sacrificial fire of the *Krita* age became the three fires of the *Trétá* age—the *Dákshiṇágni* (दाक्षिणाग्नि), the *Gárhapatyágni* (गार्हपत्याग्नि), and the *Áhavaníyágni* (आहवनीयाग्नि), the three together being even now known as *Trétágni*; the one *Véda* of the *Krita* age became the three *Védas* of the *Trétá* age—the *Rigvéda* belonging to the *Hótṛi* priests, the *Yajurvéda* to the *Adhvaryu* priests, and the *Sámavéda* to the *Udgátṛi* priests; the only one caste of the invading and conquering Aryans of the *Krita* age became split up into the three castes of the *Trétá* age—the priestly *Bráhman*, the ruling military *Kshatriya*, the common plebeian *Vaiśya*. The name *Viśas* or *Vaiśyas* which originally indicated the mass of the Aryan people, now became the name of a single caste. Lastly in this *Trétá* age, even the gods worshipped in earlier days seem to have undergone a threefold classification, as the gods of the earth, the gods of the air, and the gods of the sky, the earth, the air, and the sky being the *three* formal divisions of the visible world (भूर्भुवस्सुवः). Hence there can no longer be any doubt as to the appropriateness of the name *Trétá* being applied to such an age. It was in the *Dwápara* age that *Vyása* arranged the *Védas*; and truly enough Professor Max Müller has said, "Nations like individuals become conservative when they cease to trust implicitly in themselves, and have learnt from experience that they are not better than their fathers." Moreover, during certain stages of the development of doubt, dissent, and nonconformity in the history of any nation, we usually observe an exalted state of conservatism in some quarters of society; and it is to this exalted state of conservatism that we owe the collection and arrangement of the *Védas*. That the great *Mahábhárata* war completely disorganised the political and social condition of India is a fact which even he

who runs may read. That war gave a severe blow to the even progress of national development in India; and for more than three thousand years now, poor India has been the unhappy scene of many selfish and sinful strifes. The period of the early Aryan invasion and conquest of India was the *Kritayuga*, the heroic age of deeds. When the Aryan people had fairly settled in India, this heroic age was followed by the age of priestcraft, in which religion, society, and politics were all built upon slender and strikingly artificial foundations. This was the *Trétáyuga*. Then came naturally the age in which men began to question the justice and soundness of the old order of things in their religion and society; and they must then have been sorely perplexed by doubts and difficulties of all sorts. We have actual proofs that they *were* so perplexed. This was then the *Dwáparayuga*. Lastly came the age of rebellion and strife for personal liberty and social and religious emancipation, the age in which it is intended that men and women ought not to recognise any authority except that of truth and justice, based, as far as is possible and natural, on knowledge and the principle of equality. Nevertheless, might is even now right with many; but it must be said to the credit and glory of human nature that, in many parts of the world, India not excepted, true and good men have laboured, and are still labouring, hard to bring about the realisation of the grand and noble ideal of this last age of free unhampered competition, the *Kaliyuga*.

M. RANGACHARIYAR.

MALABAR.

MUCH learning and ingenuity have been spent in the search for a proper derivation of the word Malabar. Cosmas Indicopleustes (A.D. 522-547), an Egyptian merchant, who in the course of traffic made some voyages to India, mentions the name of *Male* a port on the western coast, which he says was most frequented on account of its extensive trade in pepper; and Dr. Robertson in his *Historical Disquisition Concerning Ancient India* considers that the coast derived its name from this town; while Fra Paolino da san Bartolomeo says* that the country was known by the name of *Malavadu* and *Malangara*, and from the latter has been formed by various

* Voyages to the East Indies.

contortions the word Malabar. He further assures us that the opinion of Father Raulin, who contends that Malabar is of Arabic extraction, being compounded of *Male* and *Barr*, has no foundation. Both Ibn Batuta and Kazwini write it *al-Malibar*, while Edrisi and Abulfueda have *al-Manibar**; and like variations occur among the old European travellers also. The country so called corresponds to the Kerala of the Brahmans, which in its widest sense extended from Lat. 15° to Cape Comorin. This too seems to be the extension which Abulfueda gives to Malabar, namely from *Hunávar* to *Kumhari*. Rashiddin includes *Sindábúr, i.e.*, Goa, while Ibn Batuta says that its length is a journey of two months along the shore from *Sindábúr* to *Kawlam*.† But at a later date a point between *Mt. d'Ely* and Mangalore on the north and *Kaulam* (Quilon) on the south, were the usual limits assigned to Malabar. General Cunningham‡ identifies Malabar with the *Mo-lo-kin-cha* (*Malakuta* or *Malayakutá*) of the Chinese traveller Hwen Thsang (A.D. 629-645).§ At present the term is limited to signify that part of the country which is under the Malabar Collector's charge. The Arab navigators as well as the early travellers of other nationalities, who frequented the coast, called it *Malíbár*,‖ (Al Biruni) *Manibár, Mulíbár, Múnibár, Málíbar*. The early European travellers were also not slow to adopt their own way of writing the word, and we have from them the following curious forms *Melibbar*, (Marco Polo A.D. 1293), *Minibar, Milibar, Minubar, Melibaria, Malabria*.

Mr. C. P. Brown, in the Journal of the Royal Asiatic Society of Great Britain and Ireland, vol. 3, says, that the Arabs and Africans, who first visited the west coast of India, came *Mu-abbar* "from beyond" the sea. He conjectures that the name Malabar might be the product of a slight change or variation, perhaps unconsciously made, in transcribing the original name in the Syrian character. He then goes on to say that the eastern shore of India also was visited by men "from over the sea" and the name Malabar has also been wrongly applied to the eastern coast.

* Yule's 'Marco Polo', vol. 2, page 326.

† Logan's Manual of the Malabar District, vol. 1, page 288.

‡ Ancient Geography of India, vol. 1, page 550.

§ Julien's Translation III., 121.

‖ This form of the name has to be distinguished from *Ma'abar*, which name Al Biruni assigns to the country extending from Kawlam (evidently south Quilon or Kollam) to the country of Silawar 300 parasangs along the shore. Logan, vol. 1, page 280, footnote.

It may here be remarked that this mistake has led some to believe that Malabar fell a prey to the Mahomedan irruption from the north under Malik Kafur (A. D. 1310). The name applied at this time by Marco Polo (A. D. 1293) and Ibn Batuta (A. D. 1342-1347) to the eastern portion of the peninsula—namely Ma'abar—probably gave rise to this idea.*

"The name underwent a further change" continues Mr. Brown. The Tamils in those lands could not pronounce the *ain* or the letter *b*, and *Muabar* was softened into *Mapilla*, the name borne by the descendants of Africans, who are now called *Mapillas*. This derivation is, to say the least, curious. How the word underwent the last transformation is not evident. No slight change either by way of verbal transformation or mispronunciation can possibly distort *Muabar* into *Mapilla*. The term *Mapilla* is indifferently used to denote both Christians and Mahomedans, though its signification is more strictly limited to Mahomedans in the northern parts. According to Mr. Logan the word *Mapilla* is a contraction of *Mahā* (great) and *pilla* (child), honorary title, as among Nairs† in Travancore. He adds that it was probably a title of honor conferred on the early Mahomedan immigrants, or possibly on the still earlier Christian immigrants, who are also down to the present day called *Mapillas*. The Mahomedans are usually called *Jonaka* or *Chonaka Mapillas* to distinguish them from the Christian *Mapillas*, who are called *Nassrani Mapilla*. *Jonaka* or *Chonaka* is believed to stand for *Yavanaka*=Ionian-Greek. We may remember that the early Greeks had carried on commerce with Malabar through Egypt. In the *Payyannoorpat*, or earliest *Malayali* poem, some of the sailors are called *Chonavar*.‡ The *Mapillas* are the descendants of the early Arab traders who formed fugitive alliances with *Tier* or *Chogan* women; and, according to Dr. Day, the children never appear to have been claimed by the fathers. He further adds that "in fact the very word *Moplah* is said to have been derived from mother, *Ma*, and child, *pilla*, showing to whose care the offspring fell."§

* Logan, page 288.

† That the term *pillay* was used as an honorary title not only by Nairs but even by Brahmans appears from an old copper-plate document referred to by Shungoony Menon in his History of Travancore, page 36, wherein occurs the following passage. "Narayana Pillay son of Gopala Pillay, Brahman of Sreevatsa Gotham (line) professing the Yajur Veda and residing in the old village or Brahman hamlet built by Cheran Perumal Rajah was entrusted with the management of the Sathram."

‡ Logan, page 191.

§ Day's Land of the Perumals, page 366.

The term seems to have carried with it a sense of degradation; for Dr. Day says in a footnote that "it is not used by those of that sect, who call themselves Mussalmen or Mahomedans." This is in a way supported by Duncan who says that a *Kazi* derived the name from *Ma*=mother and *pilla*=a puppy, as a term of reproach. A more reasonable derivation of the terms is given by Maclean in the Asiatic Researches, vol. 3, page 38. He says that the word came from *Maha*, or *Mahai*, *Mocha*, and *pilla* a child. He therefore translates it into "children or natives of *Mohai* or *Mocha*."

However that may be, the word Malabar has no connexion whatever with the term *Mapilla*, or with the Arabs and Africans who are said to have first visited the coast. The indigenous word used to denote the country is *Malayalam*, which some divide into *Mala*=hills, *ala*=waves, meaning perhaps the country of the hills and waves; while others derive the word from *Marai*=rain.* Mr. Logan thinks that the word Malabar is probably, in part at least, of foreign origin; the first two syllables are almost certainly the ordinary Dravidian word *Mala* (=hill, mountain), and *bar* is probably the Arabic *barr* (=continent), or the Persian *bār* (=country)† The native name for the country is suggestive enough. It is *Mala*+*alam*=*Malayalam*. *Mala* means mountain and *alam* means depth, land at the foot, declivity or valley, Malabar being precisely the Piedmont of the Italians. *Malavaram* is another term signifying the same thing, and the transition from *Malavar* (*am* being but the terminal half letter) to *Malabar* is less open to objection than the transition from *Muabar* or *Monembar* or *Malangara* to *Malabar*. Under the rule of grammar *Bavayorabhéda* the letters *ba* and *va* are interchangeable, and the Natives themselves might have used the words *Malabar* and *Malavar* indifferently. Hence foreigners in coming to the country may reasonably be expected to call it by the name by which the natives themselves called it, if not exactly in its original form, still with some modification or verbal variation.

K. P. Padmanabha Menon.

* Sewell's South Indian Antiquities, vol. 2, page 110.

† Logan, vol. 1, page 1.

LITERARY NOTICES.

The Marquess of Dalhousie. By Sir William Wilson Hunter, K.C.S.I. Rulers of India. Clarendon Press, Oxford, 1890.

THIS was the first volume of the 'Rulers of India' series to appear, and deserved earlier notice in these pages than we have been able to give it. The book has been well received both here and in England, and we think that it well merits the reception it has met with. The author is no novice in literature, and his wide knowledge of Indian affairs, quickened as it is by the enthusiasm of a deeply sympathetic temperament, qualifies him in the highest degree not only to deal with such a subject as the one he here takes in hand, but to be the general editor of the whole series. "The leading idea in these volumes is to present a series of historical retrospects rather than of personal biographies. Each little book takes some conspicuous epoch in the making of India, and, under the name of its principal personage, sets forth the problems which he had to encounter, the work which he achieved, and the influences which he left behind." These words indicate with sufficient clearness the purpose and the scope of the series, while the sub-title of this volume, 'The Final Development of the Company's Rule', shows the plan on which epochs have been defined.

Sir William Hunter is to be specially congratulated on the skill with which he has laid out his subject. He first in a brief chapter states his 'argument', then sketches the life of Lord Dalhousie; and in the remaining ten chapters presents an account of the various achievements of his administration,—his annexations, the opening up of the country by means of railways and telegraphs, his establishing of the half anna post, and his system of education. Two chapters are devoted to the conquest and consolidation of the Punjab, which are balanced by two of nearly the same length on the annexation of Hindu States, while to the conquest of Lower Burma and the annexation of Oudh two more are assigned. It will be seen from this that the principle of historical proportion has been strictly observed throughout.

Disputes of old standing are here revived, but indeed the work could not have been written without some reference to them:—for example, the relations between John and Henry Lawrence and their relations to the Governor-General, the treatment of Sir Charles Napier when he came out to supersede Lord Gough as Commander-in-Chief, and the extent to which Dalhousie's policy is to be blamed for the outbreak of the Mutiny.

Sir William Hunter does not escape the temptation to which all sanguine, enthusiastic writers are exposed. He uses expressions which will mislead no one in India, but which are bound to be misunderstood by the British public. We find these sentences in his first chapter. "He inaugurated the great revolution which has converted the agricultural India of antiquity into the manufacturing and mercantile India of our day." And—"His policy of internal consolidation seems destined to produce even more important consequences. That consolidation appeared at the time to be a unification of the Indian territories; it is slowly disclosing itself also as a unification of the Indian races." With reference to the first quotation, we think the author is far from being justified in speaking of the 'revolution' as if it were a *fait accompli*, and as for 'the unification of the Indian races', we admit that certain necessary preliminaries have been made, but is the work itself so much as begun?

A Student's History of England from the Earliest Times to 1885. By Samuel Rawson Gardiner, Fellow of All Souls' College, Oxford, &c. Vol. II., 1509-1689. London: Longmans, Green, and Co.: 1891.

IT is only a few months since the first volume of Professor Gardiner's Student's History of England was published and already the second volume has made its appearance. Those who are interested in the teaching of history must be grateful for the fact that there has been no undue delay in the publication of this most useful work, for any one who has tested practically the value of the first volume must confess that it is thoroughly deserving of the high praise with which its appearance was universally greeted.

To this new volume higher praise can indeed hardly be given than to say that it is quite worthy of its predecessor. It is perhaps even more valuable as at least half of its space is devoted to that period which Professor Gardiner has made specially his own. A specialist need not of course necessarily be the best fitted for a work of this kind. There is always a danger when a specialist is dealing with a subject of a general nature, of which his own department forms only a division, that he may give undue prominence to the part which specially interests him and so spoil the proportions of the book. In history for example he may be so impressed with the value of his researches that he cannot refrain from loading that part of the history which deals with his special period with a multitude of details, which, though valuable in their own way, are quite out of place in a history intended for general use. Professor Gardiner has resisted this temptation in his treatment of the history of the 17th century, while his special knowledge has enabled him to present in a vivid manner its salient features, and to explain the real import and the underlying causes of the events of that critical time.

In our review of the first volume we indicated sufficiently what the plan of this student's history is. The present volume, which opens with the accession of Henry VIII., and carries the history on to the year 1689,

is divided into three parts—The Renascence and the Reformation 1509-1603; The Puritan Revolution 1603-1660; The Political Revolution 1660—1689. It thus deals with some of the most important periods and several of the most difficult or at all events most hotly debated questions in English history. Mary Queen of Scots and Elizabeth, Charles I. and Cromwell, Pym and Strafford, are names that even yet arouse all the animosity of partisanship, and it is still possible to find persons who, though sane and fair enough when dealing with present day matters do not even wish to be impartial when they get among the ghosts of the controversies of the 16th and 17th centuries. If there is one quality, however, for which Professor Gardiner is specially noted it is his fairness. Under his treatment historical characters become men and women who were influenced by motives similar to those which influence men and women still, and are not mere incarnations of the cardinal virtues and of the seven deadly sins. Cromwell of course has justice done to him, and he stands out a very different figure from the coarse canting hypocritical brewer of the caricatures of his opponents. He has, however, of late years been treated with fairness, and, since the time of Macaulay, the difficulty has rather been to get people to see any good in the supporters of Charles. Professor Gardiner however is quite ready to point out the good qualities of Strafford and the unconstitutional and ill advised actions of Parliament. He has even a good word for Laud, who was really a conscientious and able if unsympathetic and narrow man, and who would have made a very good head of an Oxford College, though quite unfit to control the policy of a nation.

Professor Gardiner's impartiality and judicial fairness make of special value the short paragraphs in which he occasionally points out the real meaning of historical events, or shows what the question at issue in some great controversy actually was, or sums up the constitutional progress of some important period. In illustration of this we may quote the paragraph in which he deals with the great constitutional dispute of 1629, when Charles I. resolved to govern without a parliament, and personal government seemed to have gained the victory.

"The constitutional system of the Tudor monarchy had practically broken down. The nation had, in the sixteenth century, entered upon a struggle for national independence. Henry VIII. and Elizabeth had headed it in that struggle, and the House of Commons had but represented the nation in accepting Henry VIII. and Elizabeth as supreme rulers. The House of Commons now refused to admit that Charles was its supreme ruler, because he could neither head the nation, nor understand either its wants or its true needs. Yet the House had not as yet shown its capacity for taking his place. It had criticised his methods of Government effectively, but had displayed its own intolerance and disregard for individual liberty. Yet, till it could learn to respect individual liberty, it would not be likely to gain the sovereignty at which it aimed. A king becomes powerful when men want a strong government to put down enemies abroad or petty tyrants at home. A Parliament becomes powerful when men want to discuss political questions, and political discussion cannot thrive when voices disagreeable to the majority are silenced. The House of Commons had thought more of opposing the king than of laying a wide basis for its own power, and now it was, for a time at least silenced."

It is unnecessary to point out how different this kind of writing is from that of the ordinary histories provided for the use of students.

This volume also is well supplied with illustrations, though not in such profusion as the first volume. From the latter a knowledge of the development of architecture in England might be gained from the study of the illustrations. In this volume pictures of buildings are much less common, but there are many engravings of authentic portraits of prominent historical characters which are no less interesting though perhaps not so attractive. Professor Gardiner has been fortunate enough to get access to many private picture galleries—in two cases the originals are at Windsor Castle—and thus we have here many portraits that are not generally known.

The third and concluding volume is to bring the History of England down to 1885. The period with which it will deal is in some ways the most difficult to treat satisfactorily and its publication will be awaited with interest by all who are acquainted with the volumes that have already appeared.

Some recent Telugu Books.

I. *Commentary on the New Testament*, Vol. IV. The thanks of the Telugu Christian public are due to Mr. Padfield and his coadjutors for the speed with which this last volume of the *Telugu Commentary* has been produced.

The work is on the whole excellently done. A few matters, however, still require careful attention. These may be grouped as follows. *Grammar and Construction*:—అవతారుఁడైన శిరస్సు, p. 7-1, a transferred idiom; వారి, తమ, used as co-ordinates, 4-1; ప్రత్యములో మంచిదేవుడు, 6-2; తెలిసెను, తెలియును, as co-ordinates, 122-2; సంఘము తనవంతు, 9-2; ఈ సమాధానము విడిచిపెట్టుట a wrong use in spite of the sanction of the Telugu Bible; and many such passages. *Mistakes*:—సత్యమందు, 3-2; వ omitted, 115-1; యే for నై, 121-2; స్వతహాగా certainly wrong in form: should be స్వతహాలో if used at all; క్రీస్తుపున్నది, 122-17, &c. *Questionable Sanskrit phrases*, as ఇతరత్రా; పదే పదే; సమతుల్యుడు. *Misuse of words*, as ప్రాత in ప్రాణప్రతిష్ఠ, 7-1; అంశము for సంగతి; యూదా (a word manufactured) for యూదులు; తెది for కాలము; మూర్తి 1-2; దీర్ఘదర్శులు for prophet, now that we have a fuller idea of the prophetic office; and especially వివేకము, 5-2. వివేకము here is

the rendering of ἡ διάνοια which is, in this passage, the discursive reason. ἐσκοτισμένοι τῇ διανοίᾳ is intelligible but వివేకముంచు అంధులై is a contradiction for the reason that వివేకము answers to a meaning of διάνοια not required here. Our Telugu Bible is to blame for this, not Mr. Padfield.

It is a pity that the translator did not depart from his text in the introduction to Hebrews. The Pauline authorship of this book, the one contended for, has but little authority. There is a mistake also in the introduction to James. He is said to have died in 62. This is certainly too early.

II. *History of the Church to the Nicene Council.*—This is a most useful contribution to Telugu literature. It is to be regretted that the book was put through the press so hastily. The slips are many and the want of attention to details evident. As an instance the transliteration of Greek and Latin names may be adduced. Hardly a name of a person or place is spelt twice the same way. Rome is spelt in two ways; Romans in two; Constans in three; Constantine in four; Eusebius in five. This careless spelling extends to even common Telugu words. We have శలువ and సీలువ on the same page. The book teems with examples of this want of care. A few important mistakes occur in the matter also. Plato is said to have died about the year of his birth (426). The schools of Greek Philosophy are put, Epicurus first, Plato last, Zeno in the middle, the Eclectics at the end; and they are called తెరలు. The sketch of these schools is so meagre as to be of almost no value. The origin of the Septuagint is accounted for in two ways in different parts of the book; one being the discredited old story of Ptolemy and the Seventy. We also read of "the date when the Apocrypha was written" as if it had been all written at one time; and are told that "it is clear that the Apocrypha was not written in Hebrew," which is contrary to the facts of the case in regard to parts of the collection. The translations of the valuable passages from Tacitus and Pliny are a great acquisition to our stock of apologetic material. It is a pity that their value is somewhat reduced by want of care in rendering. In the passage from Tacitus two of the translations at least have no foundation in the text of the *Annals*, and at the end the omission of *non* and *sed in* *saevitiam unius* destroys the meaning. In the passage from Pliny *quia cives Romani* is explained which is ridiculous in a letter to Trajan; *et imagini tuæ; quam, propter hoc, jusseram cum*, etc, are omitted; *quidem* and *nonnemo* are both rendered by కొందరు which misleads; several other such slips occur, but worst of all is the rendering of "*ex duabus ancillis, quæ ministræ dicebantur*" by ఇద్దరు అడవాండ్రని. The school at Alexandria is spoken of as వేదపాఠశాల which it was not. Perhaps వేదాంత is meant. కపటు as a generic term for all heretics might be omitted. At page 128 ద్వైతము is used as the equivalent of the dualism of the Manicheans and

Gnostics. As a Sanskrit philosophical term it is not so used, it always corresponds to the dualism of spirit and matter as eternal substances. At the end of the book the *Filioque* controversy is touched upon and the expression is transliterated, but no hint of the meaning of the expression is given. Mistakes in spelling are numerous, and the work of the press is badly done. It is to be hoped that a future edition may be issued with corrections at an early date. The type, printing, and paper are all defective. It is much to be regretted that books so valuable and so much needed should not be produced at a good press.

III. *Exposition of the Thirty-nine Articles.*—In this book the area of the discussion is confined largely to the first six centuries. The ground taken up also is so extensive that only the most meagre information can be given. The general usefulness of the book is thereby much curtailed. Much want of care is observable in the preparation of the matter. There are several doubtful expressions and constructions and some impossible Sanskrit combinations, as కింబద్ధలు. The terminology adopted needs revision, *e.g.*, అద్వైతులు for Pantheists and Armenian for Arminian. Plato is introduced twice and each time in an utterly wrong connection. Some of the statements are open to question, as that on Hades, for instance, or Purgatory. The exposition of Calvinism is hardly correct. A careful revision will make the book useful for the purpose for which it was written.

IV. *The Book of Common Prayer: Its History and Contents.*—This book is more carefully got up than the preceding and is free from all glaring faults. On some points fuller information is desirable, *e.g.*, as to the origin of the Litany, and the difference between the Psalms in the Bible and in the English Prayer Book. In a future edition it would be well if the names of men like Parker and Laud were not qualified by దొరగారు. We do not speak of the Archbishop of Canterbury as Mr. Benson.

Scott's Lay of the Last Minstrel, Cantos IV.-VI.; with Introduction and Notes. By G. H. Stuart, M.A., and E. H. Elliot, B.A., Professors of English, Presidency College, Madras. London: Macmillan & Co.

In March of last year we noticed the publication of Mr. Stuart's edition of the first three cantos of the *Lay*, and strongly recommended it. We very much regret that we are unable to extend to this volume a similarly cordial welcome. The reason will become immediately apparent when we state that while to forty-four pages of text in the first volume there were but forty-six pages of notes, here we have eighty-six pages of notes to fifty-five of text. The increased proportion of notes to text is due mainly to the fact that the principle laid down by

Mr. Stuart, when he began the work, has been departed from. In a prefatory note he said:—"I have as a rule not given the meanings of ordinary words, unless I had something else to say about them." The prefatory note is ominously absent from this volume. We give a specimen of the annotations to be found here within the compass of a single page.

Gorget. *Armour for the throat.* Bootless. *Useless, of no avail.* Shriven. *Absolved.* Smooth his path. *Make smooth his way, that is, prepare him to pass from this world to heaven.* Dyed with red. *Stained or reddened with the blood of the combatants.* The shouts on high. *Loud shouts, shouts that rose into the air, that reached the sky.* The crucifix. *A cross with the figure of Christ nailed to it.* His faltering penitence. *His confession spoken faintly or inarticulately.* Props him. *Supports his head.* Ghostly comfort. *Spiritual consolation.*

It does not make this sort of thing any the less objectionable, that occasionally etymological notes and parallel passages are added, nor is it any excuse that such notes as those we have quoted are well done. Indeed the better such notes are done the worse they are for all the purposes of education. With this book in his hand the young student will never require to think what the text may mean, nor ever need to consult a dictionary, and such a result is assuredly not one that can be regarded as desirable.

The error which appeared in the notes on the earlier cantos as to who was Regent of Scotland, at the time when the incidents dealt with in the *Lay* are supposed to have occurred, is here put right without any acknowledgment of inconsistency.

The Expansion of England. Two Courses of Lectures, by J. R. Seeley M.A. Regius Professor of Modern History in the University of Cambridge, &c., &c. London: Macmillan and Co.: 1890.

We are glad to see that Messrs. Macmillan and Co. have added Professor Seeley's valuable lectures on *The Expansion of England* to their Colonial Library. It is an able and most suggestive book and should be of special interest to those for whose benefit the Colonial Library has been established. It is unnecessary to say much about a work so well known, but it may be well to mention that it is an attempt to inquire into the causes, to trace the process, and to consider some of the results of the expansion of Britain into a great world-state during the eighteenth and nineteenth centuries. Of late years Greater Britain has attracted much more attention than it formerly did, and much nonsense has been written and spoken about it. Professor Seeley belongs neither to the bombastic nor to the pessimistic school. He objects to the exaggerated language sometimes employed about our colonial empire, but, on the other hand, he is strongly opposed to the idea that the colonies should separate

themselves from the mother country as soon as they are strong enough to stand by themselves.

The first of the two courses of lectures of which the book consists deals with the colonial empire; the second course is devoted to India, and is eminently fitted to give to English readers a more correct idea of the nature of "Our Indian Empire" than they commonly possess. Professor Seeley sees nothing miraculous or unaccountable in the so-called conquest of India by England. He shows that what really took place was that a body of foreign merchants placed themselves at the head of troops raised in India, and by this means gradually brought the whole of the peninsula under their dominion, and he points out that the true nature of this "conquest" would have been seen if the foreign merchants had been Parsees and not British. In dealing with the question as to the benefits mutually conferred by India and Great Britain on one another he is by no means optimistic, but he rightly considers that no greater experiment has ever been tried on the globe, and holds strongly that the experiment must go forward, and that we could not leave it unfinished if we would.

The Indian Letter Writer, by H. H. Anderson, B.A, late Rector, St. James's School. Calcutta: Thacker, Spink, and Co.: 1891. (Thacker's School Series.)

There is perhaps no better test of a man's thorough knowledge of a language than his power to write a letter which is at once idiomatic and correct in form. Nowhere more than in a letter can one see whether delicate shades of meaning are perceived, and whether the writer really feels the true meaning of the expressions he is using. It is not uncommon to find students who break down when they come to write a letter, though they could produce an essay written in very good English. The cause of this is no doubt partly carelessness, but partly it is want of practice and ignorance of the correct forms, and this useful little book has as its aim to give some general hints about letter writing and to supply students with models for their imitation.

The introductory remarks are exceedingly good and the mistakes pointed out are blunders very frequently perpetrated in this Presidency also. How many people, for example, write "you will be good enough to", or "I will thank you to", in happy ignorance of the fact that they are not asking a favour from, but are issuing an order to the person to whom they are writing, and are perhaps ensuring the refusal of their request. We are glad to see that Mr. Anderson remarks with emphasis that "you must never write (or say) *The Rev. Smith*", and that he discourages the use of *Honoured Sir.* It would be well if Europeans as well as natives of India were to lay this to heart. Though the book does not, of course, profess to teach English composition the following advice

might be remembered with advantage by students when they are writing other things besides letters.

"The student should remember that there is nothing more difficult than to use the idioms of a foreign language properly, and it is far better to employ ordinary and simple phrases than to introduce idioms or proverbial expressions. The author's experience is that in nine cases out of ten, the idiom so introduced has a shade of meaning which renders its use, in the context of the letter, incorrect or absurd. It should be remembered, too, that a florid style ought to be avoided, and that sentences should be kept short, concise, and clear."

The model letters of a formal nature will no doubt be found useful, and even the miscellaneous letters, which are of a more natural and less stilted nature than such specimen letters usually are, will be of use to those who do not attempt to copy them slavishly, but simply regard them as indicating the kind of thing they ought to produce.

NOTES AND EXTRACTS.

The Report on Public Instruction in the Madras Presidency for 1889-90 is on the whole a very interesting document. With the exception of a few paragraphs the Report was written by Dr. Duncan, who acted as Director of Public Instruction during the absence of Mr. Grigg in Travancore.

The advance of education which was so noticeable in 1888-89 continued during the year under review. It is pointed out that this advance is probably largely due to the fact of the Department having received returns from a larger number of indigenous schools, but even when allowance is made for this fact statistics indicate the great spread of education in recent years. They also show that the quality of instruction has even more than kept pace with the increase of pupils. Several causes are mentioned as having co-operated to bring about these results. There is first the continued prosperity of the Presidency, and there is a growing desire for western knowledge and culture. And as a consequence there has been a growing interest evinced by local boards, municipal councils, and private associations in the spread of elementary instruction, and a larger amount of sustained and intelligent effort put forth by them and by individual members of the community. The Missionary societies, too, have shown no sign of relaxation in their educational efforts and every branch of education has been taken up by them with zeal and success. The increase in the number and the improvement in the organisation of inspecting officers have doubtless contributed

much, as the Report suggests, to the steady and rapid advance of the past ten years.

The educational results of the year as tested by the University and other public examinations were by no means satisfactory. There was a slight decrease in the number of candidates who presented themselves for the various examinations of the University, while the percentage of passes showed a very considerable decrease. The most disastrous results were those of the First Examination in Arts, in which the percentage of passes was only 17·8. As most of our readers are aware the fatal subject was mathematics. In this connection Mr. Grigg takes occasion to refer to a growing opinion that of late there has been considerable deterioration in the teaching of mathematics. He himself is inclined to attribute the deterioration, at least in the F. A. classes, to the largeness of the classes in some of the colleges and to the absence of good mathematical teachers in the smaller colleges. We are not prepared to say that the deterioration is not to some extent due to the causes here indicated, but we know that they will not explain the results of the examination to which we are now referring. Mr. Grigg also states that several managers of colleges protested against one of the mathematical papers. We do not think the nature of the papers can be assigned as the cause of the disastrous results of the examination. We know one principal of a college who having in mind the difficulty of one of the mathematical papers in the previous examination, remarked that "if the candidates fail this time they will have themselves to blame." The papers may still be seen in the University Calendar, and we believe that an impartial examination of them by a competent judge will not disclose the cause of the unusually bad results which attended the examination. Wherever the cause is to be sought for there is one thing that cannot be gainsaid, and that is that the work done in the examination by the majority of the candidates was deplorably bad. We are therefore of opinion that the failure of such a large number was thoroughly deserved, and we have some ground for thinking that the result on the whole has done good.

There was another feature of the F. A. Examination of 1889 to which the Report rightly calls attention. As compared with the previous year there was a large increase in the number of private students that appeared for the examination. We are ready to believe that this increase was to some extent *bonâ fide*, but it is no doubt true, as Mr. Grigg seems to fear, that there is a growing tendency among heads of colleges to compel those pupils who they think are not likely to pass the examination to enter their names as private students, as well as to prevent students not on the rolls of the college when applying from entering their names as students of such colleges.

In noticing the last Report we called attention to the fact that the

Director went somewhat out of his way in condemning the Matriculation Examination of the University and in holding up the newly instituted Upper Secondary Examination as a panacea for all the evils from which high school education had hitherto suffered. The remarks on the Matriculation Examination contained in the Report before us are interesting as showing that the Report has been written by two men who hold somewhat different opinions on this subject. In one place it is said that the recent deterioration of secondary education has by some been attributed to the working of the Middle School Examination. This is not the opinion of the writer, for he continues:—

"I have already given a decided opinion that the chief cause of the deterioration has been the Matriculation Examination. The evil of poor tests may be minimised if the actual mode of examining is good, but as regards this examination I cannot but think that the methods of testing knowledge did nothing to remedy the defect of the scheme. This certainly has not been the case with the Middle School Examination. The presentation of boys at an early age, for a great public written test, success or failure in which is of great and material moment to a lad, may affect injuriously the soundness of training, but I believe that the tests of that examination, especially in language, are sound in principle, and that, speaking generally, the methods of applying those tests have been good likewise. I have tested classes in schools in which the pupils preparing for this examination and those that had recently passed it were manifestly superior as regards their knowledge of English idioms and construction to lads in the Matriculation class. Here no doubt the character of the Matriculation Examination had had its baneful influence."

With regard to these remarks we would express the opinion that they partake too much of the nature of mere assertion; and if the statement contained in the concluding sentences is meant to be anything more than an assertion that some pupils who are preparing for or who have passed the Middle School Examination have a better knowledge of English idioms and construction than some pupils in Matriculation classes it deserves to be more severely characterised. We should mention that the statement contained in the first sentence of the above quotation has to be taken subject to the following qualification:—"After all, examinations, however bad, are of less moment than bad teaching, bad organisation, excessive classes, and poor methods. These evils are . . . . . the chief causes." Probably, but then what of the chief cause already indicated?

We now quote a few sentences concerning the Matriculation Examination from another part of the Report.

"The imperfections of the Matriculation Examination have been much dwelt upon of late and have been animadverted on by Government. In my opinion these imperfections are not the result of any inherent defect in the examination itself, or in the scheme of studies which leads up to it; but they are the consequences of the withdrawal of Government or Departmental control from high schools, while its place has not been taken by any authoritative body. If the University determine, as I hope it will, to co-operate with the Department by adopting the same rules of recognition, and by admitting to the Matriculation Examination only those candidates who have been educated at recognised high schools, an improvement in the standard and *morale* of upper secondary education will, I venture to think, soon become apparent."

We ask our readers to place these remarks beside those which we have previously quoted. We think it worth while considering whether the deterioration to which reference is made is not largely due to the rapid expansion of high schoool education in the circumstances prevailing in this country, and an indication that methods and means which were sufficient in the infancy of education are no longer so.

In connection with the subject of zenana education the Report has some very timely remarks. In the present circumstances of India, it is admitted, a means of carrying on the work of the school after a girl has retired into the comparative seclusion of domestic life is needed as much for conserving what has been learned as for the sake of adding to it. The best way of securing both these ends would of course be such a change in the social customs of the people as would allow of girls remaining at school several years longer. And, the Report goes on to say, not only would this be the best means, but native society is sure to discover sooner or later that it is the only way in which education can ever make an impression on the female portion of the community at all proportionate to that which it has already made on the other sex. Further,

"the sooner this discovery is made and acted on the better. For no one, however sanguine he may be, can maintain that zenana or home education classes, or any practicable extension of this agency, can effectually cope with the widespread ignorance and lack of culture that prevail. At the best these home education classes are temporary makeshifts, not permanent parts of the educational machinery which is transforming Hindu and Muhammadan society. I should like to see this aspect of the matter brought constantly and prominently forward on every occasion on which the general interests of female education are being discussed in public. Hindu and Muhammadan parents must be brought to face the vital issues that are bound up with this question. If native society, in full view of all the circumstances, deliberately resolves to allow itself to fall behind in the march of progress, there is not another word to be said. But if it desires to take its place among the foremost peoples of the earth—to be a progressive instead of a stagnating or decaying society—it must gird up its loins and resolve at whatever cost to emancipate its women from the thraldom of ignorance. A society composed of educated men and uneducated women can never be a progressive society. Home education classes are good as far as they go, and if parents can afford and are willing to pay for the luxury of educating their girls at home, it is right that they should have an opportunity of doing so. But it is merely to play with a momentous question for the leaders of native society to assume

that, in patronising these classes, they are doing a great deal to remove one of the greatest blots on their social system. It must be apparent to all of them that no practicable extension of the home education system can have more than an infinitesimal effect in removing the mass of illiteracy and ignorance which is stifling the very life of society."

Dr. Duncan thus indicates what in his opinion should be the relation of the state towards zenana education:—

"I am far from thinking that it would be expedient entirely to withdraw departmental aid from this educational agency. But the conviction has for some time been growing in my mind that, unless the utmost caution is taken, increased facilities for opening these classes and liberal grants in aid of them may have an effect the very opposite of that intended,—may retard the general spread of female education while advancing it slightly within a very limited sphere. Only those girls who have reached the age when rigid custom ordains that they shall not any longer attend school should be admitted to the home classes. A little judicious pressure brought to bear on parents who are at all desirous to see their daughters educated would here and there have the effect of inducing them to break through the barriers of custom and keep their girls at school some years longer. If parents find that the educational authorities are just as ready to arrange for their girls being educated at home by a semi-private governess as they are to provide for having them taught in school, they will doubtless choose the former. It is expedient and right that this Department, in administering the expenditure of public funds, should make concessions to the customs of the people; but it is to be expected that the more enlightened members of the community will set the example of a readiness to meet the Department half-way, and to remove little by little the barriers which custom has set up in the path of female education. The education of one's children involves a sacrifice—a sacrifice of money, it may be of customary opinions, of cherished prejudices, of time-honoured sentiments. If parents are really desirous to educate their daughters, they will be prepared to make the necessary sacrifices. If they are indifferent in the matter I am not very sanguine as to the amount of good that will be done by home education classes."

In these quotations we have presented one side of a very important question—an aspect of the question which deserves the earnest consideration of all concerned.

There are many other things in the Report to which, had space permitted, we should have liked to refer. We must content ourselves, however, with noting, in conclusion, our approval of the remarks on the evils caused by the system of free scholarships in vogue.

THE Report of the Madras Mission of the Free Church of Scotland contains a good deal that is of more than ordinary interest. It is now fifty years since the education of caste girls was first begun by the Scottish Mission in Madras, and it is therefore fitting that the Report should give a brief account of the history of the various girls' schools

under the management of the Mission. It is well, when some people begin to have misgivings concerning the ultimate effects of some of the efforts that are being made for the amelioration of the women of India, that we should look back and take note of the difficulties which beset the paths of the pioneers of education among caste girls. The retrospect will on the whole be reassuring. The actual advance made is perhaps small when compared with what has yet to be accomplished, but we doubt not that those who saw the day of small things, could they but see what is to-day, would be astonished at the progress that has been made. The difficulties which have to be overcome in connection with female education at the present time are many and serious, but they are not chiefly the difficulties which had to be overcome fifty years ago. The amount of fees collected in most girls' schools for instance, is not even yet very large, but it is steadily increasing, and the very fact that girls pay fees at all is a proof that substantial progress has been made.

The following words, which occur in the Report in connection with the means adopted by the pioneers of female education for the purpose of gaining a footing in the community, are deserving of consideration:—

"The education of the young men, which first in the hands of the missionaries had really attained a high standard and effected a perceptible influence on character, had been making its way with wonderful rapidity and thoroughness for some years. The young men who had themselves been in daily contact with the missionaries through all the stages of their own course, knew exactly their aims and plans and capabilities, and they were, as a rule, favourably disposed to the extension of similar privileges to their sisters. At all events, it was the educated young men, the men educated by the missionaries themselves, who in this novel but all-important enterprise, proved to be their right-hand and overcame difficulties which could be overcome only from within. This fact shows not only how the different parts of our work hang together and form a unity, but how all parts of it are mutually helpful."

The young men of to-day have as much power to advance the cause of female education as the young men of these days had, and it is to be hoped that they will not forget their great responsibility in the matter.

It is worthy of note that the year 1890, besides being the jubilee of the education of caste girls, was also the jubilee of two of the high schools managed by the Mission.

There is one other point in the Report to which we will refer. In connection with the work carried on in and around Chingleput it is said:—

"There are many lines in which our agency needs improving, but no want is more keenly felt than that of a properly equipped school for the training of Christian teachers and preachers. At present the Bible-teaching in the Chingleput group of schools is almost wholly in the hands of the catechists. These men are of course thoroughly competent to give Scripture instruction, but as they are so much away from their stations each month there are gaps

in the Scripture lesson which it is very undesirable to have. With the exception of the two poor schools there is only one other school in which there is a Christian Bible teacher on the staff. This year the Bible programme in use in the Walajabad group of schools has been introduced and one at least of the catechists has complained that it is impossible for him to work the boys up to its very moderate standard. Further, the burden of training catechists and preachers has hitherto been laid on the shoulders of the missionary, but, after all has been admitted as to the advantage of the arrangement, it must be condemned as being far from satisfactory, except for students in the last year or so of their course when some insight into practical mission work is highly advantageous. We seem to have reached that stage in our history where we cannot depend on the chance supply which other missions furnish in the way of agents and where a well equipped school is essential to our meeting the growing demands of every new year."

We thoroughly agree with the writer of these remarks, and we hope they will lead to something practical. The proper training of teachers and preachers is one of the most important departments of the work of every Mission, and we fear that in most Missions in India it has not hitherto received the amount of attention which it deserves and needs.

We should have been glad if it had been possible to pass over the death of Madame Blavatsky with a bare mention of the fact, but the action taken by her friends renders this impossible, for they have taken advantage of the occasion to make it appear that theosophy is still flourishing, and that they have forgotten the complete exposure of the methods by which Madame Blavatsky performed the "phenomena" which were the real basis of the Society. Of course we shall be told again, as we have been told before, that theosophy is entirely independent of such phenomena, but everybody knows that without them the Society would never have gained the position that it did, and that the palmy days of the new cult ended with the exposure made in this magazine in September 1884. It does not really make any difference whether theosophy is or is not dependent on occult phenomena; what does matter is that the foundress and leader of the society was conclusively proved, not only to have deceived her admirers by a long continued series of tricks and frauds, but also to have privately held up these dupes to the scorn which they richly deserved, and which a clever woman like Madame Blavatsky could not but feel for them. It is not in the least necessary to enter again into the details of the exposure, for any one can read them in our pages, or in the still fuller account given by Mr. Hodgson in the *Proceedings of the Society for Psychical Research, Part IX.* If the Theosophical Society is wise it will forget as quickly as possible its early connection with Koot Hoomi and the Mahatmas, and try to carry out those parts of its programme which aim at the true good of India.

The Census Commissioner for Travancore, Mr. V. Nagam Aiya, has communicated the general results of the census, with commendable promptitude, in a letter, dated 23rd April, and published as a *Travancore Government Gazette Supplement* on May 2nd. There were some special difficulties in connection with the census of Travancore which called for special arrangements. For one thing nearly 80 per cent. of the houses are situated within enclosures bounded by strong mud or masonry walls. In the case of the well-to-do classes the enclosures may cover 4 or 5 acres of ground, and the outer door being shut after nightfall it would have been impossible for the enumerators to make a satisfactory night census. It was accordingly agreed, on the suggestion of the Commissioner, that the census should be taken at daylight on February 27th, except in the case of "chattrams, ambalams, ootupurahs, inns, matams, dâk bungalows, hotels, shops, cutcherries, encampments, pagodas, churches, schoolhouses, cart-stands, backwater stations, &c.", in which it was taken on the night of the 26th. With this exception the method of procedure was similar to that adopted for the rest of India and the schedules used were also the same. The State was divided into 12,668 blocks each having its own enumerator for the final census. The census of the British cantonment at Quilon was taken by the officer commanding, and the chief engineer at the Periyar works took the census of the camps at Periyar and Thekadi. The following are the chief results of the present as compared with the last census.

Year.	Houses.	Males.	Females.	Total.
1891	545,213	1,289,012	1,266,062	2,555,074
1881	524,950	1,197,134	1,204,024	2,401,158
Increase.	20,263	91,878	62,038	153,916
Percentage increase.	3·85	7·67	5·15	6·41

Thus, in every 1,000 of the population there are 504 males to 496 females. The most curious feature about these returns is that while the population is nearly equally divided between the two sexes the increase in the number of males is 7·67 per cent. while the increase in the number of females is only 5·15 per cent. We do not venture to assert that this indicates errors in either the present, or the previous census, but if it does not it opens a very interesting question as to the possible influence of the peculiar marriage customs prevalent in parts of the country on the proportions of the sexes. This is the first census in which any attempt has been made to distinguish between town and country, for the town boundaries have only recently been laid down. Trevandrum has a population of 27,661, Alleppey, 22,768, Quilon, 12,836, and Nagercoil, 11,187. The other towns are all under 10,000. The areality of Travan-

core is 379 per square mile against 248 for the whole of the Madras Presidency.

Mr. Goschen's Budget speech is this year of interest to others besides the British tax payer, for in it has been announced the intention of the Government to introduce free elementary education into England. A few months ago in noticing an article by Mr. J. T. Macnamara in *Macmillan's Magazine* we pointed out that this important educational question would soon come up for discussion, and that the opinion was steadily growing that as elementary education is compulsory it ought also to be gratuitous. Nothing can show more clearly the growth of what is called state socialism than the fact that a policy which a few years ago was vigorously opposed by a radical like the late Mr. Fawcett has been adopted by a Conservative Government.

The principle was conceded two years ago in connection with Scotland, and it was practically only a question of time when free education would be introduced into England, if the experiment made in Scotland proved successful. It may be assumed that Government has found that the new system works in a satisfactory manner, seeing that it now proposes to extend it to England. That the measure will be popular there can be little doubt, for the proposal to use the endowments of the church for providing free elementary education was considered in many parts of the country as a most attractive element in the disestablishment programme. Whether it will be altogether beneficial is quite a different matter. People generally value a thing more when they have to pay something for it, and it is quite possible that attendance may be less regular and lessons less carefully prepared because the parents will not now feel that their money is being wasted by irregularity and carelessness. The great argument in favour of free education appears to be that those classes for whose benefit the compulsory clause exists, and who would not of their own accord send their children to school, are the very classes on which the fees press most heavily, and it is hoped that by removing every obstacle in the way of the attendance of their children greater regularity may be secured.

Some of the effects of the introduction of free education into Scotland were perhaps not quite expected by the Education Department. The infant department of the public schools became crowded while the highest classes grew smaller. The explanation of these two facts is obvious. Now that all fees were abolished in the junior classes parents found that they were able to have their smaller children effectively looked after, at no expense to themselves, while they occupied themselves with their daily duties. On the other hand fees were retained in the non-compulsory standards with a most instructive result. It might have been expected that parents would be willing to spend some of the money

saved by the abolition of fees in the junior classes upon the education of their elder children, and that the numbers in the higher non-compulsory classes would be increased. So far was this from being the case, however, that these classes actually became smaller than formerly. It was evidently felt to be harder to pay anything when less had to be paid. Unless the present system is altered there can be little doubt that as time goes on these classes will become still smaller, for once people are accustomed to free education it will be considered a hardship to have to begin to pay fees at all, and specially so for children who have reached an age at which they might be earning wages.

Unless special provision is made the introduction of free education necessarily proves very disastrous to schools which are carried on by private individuals, or in which higher fees are charged than are levied in the public schools. In Scotland this was not a very great difficulty, as in that country almost all the schools in which elementary education is given are under the direct management of the school boards. In England however where so much of the elementary education is given in denominational schools the difficulty is a very real one, and the Bill in which the Government proposals are to be embodied will be awaited with much interest.

In the interesting Rectorial address recently delivered to the students of St. Andrews University, Lord Dufferin took occasion to discuss the present methods of teaching Latin and Greek. He asked why it is that a slip of a girl, of ten or twelve, can be taught to read a French or German book without difficulty, while boys go on from eight to twenty-two, pounding away at Latin and Greek without being able in nine cases out of ten to do more than blunder through a passage of some author they had previously got up.

"My belief is," he continued, "that our whole method of teaching the dead languages should be changed, that we begin altogether at the wrong end, and that this initial mistake is never retrieved. I myself was introduced to the Latin grammar when I was six years old, and to the Greek grammar a couple of years later; and when I left Oxford, after fourteen years of uninterrupted application at these two tongues, the most that I could do was to translate with some sort of decency a few Greek plays, some books of Herodotus, a little of Cicero, and some Virgil and Horace, that had already been carefully conned. Later in life, I reflected with shame on the paucity of my classical acquirements, and I set myself down to learn Greek in the same way as I would set about learning a modern language. The result was that, although I had only spare moments of time to give to the business, I soon found myself able to take up any ordinary Greek poet or prose-writer, and read what was written as easily as I could French, always, of course, excepting a corrupt Chorus or some of the more difficult authors. Well, I believe boys ought to be taught in the same way—that is to say, they

should begin with the vocabulary long before they are bothered with the grammar, that the acquisition of whatever tongue they take up should be rendered interesting, and that the names of Virgil, Homer, Horace, Cicero, and Herodotus should not be allowed to stink in their nostrils for the rest of their lives by being made the vehicles through which the grammar is drummed into them.

THE same subject is dealt with in an article in *Macmillan's Magazine* by Mr. P. A. Wright-Henderson, who maintains that the average school-boy is worse educated than his sister, and that the fault of this lies not in the master, nor in the pupil, nor in the subject but in the method. "I am aware," he says, "that there are considerable differences in the method of teaching languages in different schools; but I believe that it is essentially the same in all or in most—the method from the abstract to the concrete, which begins, if not exclusively, at least mainly, with grammar, and postpones any reasonably extensive reading of Greek or Latin, French or German authors, till the pupil has learnt not merely the necessary elements of grammar, the common forms in accidence, and the simple rules in syntax, but exceptions, anomalies, monstrosities of accidence, subtleties of syntax, without end, useless and unintelligible except to an advanced scholar. This excessive grammatical drill is said to give the pupil that "sound grounding" in languages without which his knowledge would be "slovenly." Alas! it is a grounding on which a superstructure is seldom raised."

While Lord Dufferin and Mr. Wright-Henderson are thus at one in the opinion that the method of teaching languages, and especially Latin and Greek, is very faulty, curiously enough the conclusions which they draw as to the bearing of this fact upon an important question in which they are both much interested are very different. Perhaps the most burning question in the English educational world at the present day is whether Greek shall be allowed to continue to occupy its position as a subject which must necessarily be studied by all who wish to take a university degree in Arts. Lord Dufferin holds very strongly that Greek ought to be a compulsory subject, and believes that if the method of teaching it which he recommends were adopted the enmity of those who would exclude it from the university curriculum would be disarmed. Mr. Wright-Henderson on the other hand thinks that the opponents of "pass Greek" are the best friends of classical education, and would make Greek compulsory neither for university students nor for school-boys who intend to go on to the universities. In Scotland the matter will soon come up for settlement practically, as one of the duties of the Universities' Commission which is now sitting is to decide what changes are to be made in the present Arts curriculum.

THE German Missionary societies appear to be alive to the responsibilities laid upon them through the recent acquisition by Germany of large territories in East Africa. The Moravian Mission Board is sending out five and the Berlin Evangelical Society four missionaries to work in the neighbourhood of Lake Nyasa. These missionaries will thus be brought into comparatively close connexion with those of the Livingstonia Mission who have so long been doing good work in what is now British Central Africa, and it is satisfactory to learn from the *Free Church Monthly* that arrangements have been made with the German societies as to the territories which are to form the sphere of their work. This was specially necessary as one of the stations of the Livingstonia Mission has been by recent treaties included in German territory, in spite of the representations of the Free Church of Scotland.

AN instructive little paper upon *Educational Progress among Native Christians* has been issued by the Madras Native Christian Association containing a summary of the Report on Public Instruction for the Madras Presidency for 1889-90 so far as it deals with the Native Christian Community. The facts stated in it are very encouraging in the main. During the year under review the number of Native Christian pupils increased from 40,235 to 44,225. Taking the Presidency as a whole we find that 23 per cent. of boys and 3 per cent. of girls of school-going age are attending school while in the case of Native Christians the percentages are 61 and 28 respectively. As might be expected the Native Christian community continues, as Government says, "to set an example to the other native communities in regard to the education of women." The percentage of Native Christian girls attending school is, as has already been seen, higher than the percentage of non-Christian boys. Of 178 pupils in the High School departments of schools 47 were Native Christians, the others with five exceptions being Europeans or Eurasians. In the Middle School departments the Native Christians outnumber all the other classes put together. It would indeed be a good thing for India if other classes were stirred up to emulate their Christian fellow countrymen in this matter.

While the Native Christians form only one fortieth of the total population more than 8 per cent. of the students attending college and of the graduates of the University are Native Christians. Referring to the results of the University examinations the Director of Public Instruction says:—"I have frequently drawn attention to the educational progress of the Native Christian community. There can be no question if this community pursues, with steadiness, the present policy of its teachers that with the immense advantages it possesses in the way of educational institutions, in the course of a generation, it will have secured a pre-

ponderating position in all the great professions and possibly, too, in the industrial enterprize of the country—in the latter because no section of the community has entered on the new departure in education with greater earnestness than the Native Christians."

Others besides those immediately connected with educational work are beginning to realise the position which the attention paid to education is likely to give the Native Christian community. This paper ends with an extract from the *Hindu* in which the advance being made by the Native Christian community owing to the absence of caste restrictions and the progress of education is pointed out, and more recently, since the publication of this paper, the *Madras Mail* has had an article on the same subject. The information conveyed in this paper and these articles should help to clear away much of the ignorance and prejudice which exists in the minds of both Hindus and Europeans with reference to the position of the Native Christian community.

People are now accustomed to expect to hear something striking when the Emperor of Germany speaks, for he has more than once startled Europe by his utterances. His most recent speech cannot be said to have any international importance, except in so far as it shows the character of the speaker, but it is a somewhat strange one to come from the lips of the chief representative of law and order in Germany. It was delivered recently in Bonn, at a gathering of Corps students, and consisted of a panegyric of the duelling system which still prevails at German Universities, and which has been kept alive mainly through the instrumentality of the Corps and similar societies. The duels generally are no doubt not of a very serious nature, though they imply a considerable amount of endurance of pain and sometimes end fatally, but to most people who are not Germans they appear to be a somewhat absurd and rather disgusting relic of mediævalism. They are regarded in this light by some of the Professors, and they are discountenanced officially by the University authorities. Consequently when they are held the time and place are kept secret, though in some Universities the secret is a very open one, and a watch is set to give notice of the approach of the guardians of the peace, for students who are caught while taking part in a duel are liable to certain pains and penalties. It is certainly a curious phenomenon to find the Emperor thus encouraging the students to continue a custom which the University authorities are endeavouring to put down, and it is to be feared that his ill-advised remarks to the enthusiastic Corps students of Bonn may have the effect of making the Professors connive, even more than they do at present, at this breach of the University statutes, and will thus assist in perpetuating a pseudo-chivalrous custom which has already lived too long.

COLLEGE NOTES.

Immediately before the vacation, Mr. Morren and Dr. Henderson, left Madras, for their native land. They have both taken furlough for the first time,—the former after six-and-a-half, the latter after five-and-a-half, years of service. Dr. and Mrs. Henderson sailed by the *Clan Macpherson* on the 10th, and Mr. and Mrs. Morren by the *Manora* on the 13th, of May. Both professors are expected to return and resume their ordinary work at the commencement of the second term of 1892.

On a former occasion, in these notes, I spoke of how this constant going on furlough is an unavoidable, though inconvenient, element in the conditions under which the work of European professors is carried on; and of how, on that account, little notice ought to be taken of it when it occurs in the regular course of things. I must not contravene my own principles by enlarging on the matter here. It is enough to say that all who are at present connected with the college, whether as teachers or as students, and I may safely add all former students who maintain their interest in the doings of their Alma Mater, sincerely hope that our friends may enjoy their well earned change and rest, and may return at the expiration of their leave with a renewed stock of health and vigour.

Mr. Reynolds, a graduate of Cambridge, will supply Dr. Henderson's place during the coming year and is expected to reach Madras about the beginning of next month. It is hoped that Dr. Henderson and Mr. Reynolds may be able to meet and to consult in London before the latter starts for India. For the carrying on of Mr. Morren's work suitable provision has been made; though, in this case, it has not been considered necessary to bring an acting professor from beyond the seas. Mathematics, in spite of the common and perhaps too well grounded complaint of its decadence among us, is a study more firmly rooted among our own graduates than Biology can be held to be as yet.

I am glad that, to some extent, the students of the college have acted on the views I have expressed as to the propriety of letting professors go away quietly when they go merely for a short breathing-space, and of reserving anything in the nature of a public demonstration for occasions when a departure is likely to be a final one. Addresses were indeed given and handsome presents made both to Mr. Morren and to Dr. Henderson; but this was done by their own classes separately and without any attempt to assemble the professors and students in a body or to invite the attendance of representatives of the general public. It is certainly a step in the right direction. But I think it would be still better if, on such occasions, there were nothing beyond a hearty good-bye and the expression of a hope for the safe and speedy return of the departing friend.

Most assuredly, this is not because I think little of those feelings of affection which prompt the gifts and addresses which have been so habitually made to our professors when they go on furlough. Nor is it that I underestimate the good that may be done by letting such feelings find their legitimate and full expression on suitable occasions. Everything that helps to make the relation between student and professor personal rather than official, is, in my opinion, a thing of real and great value. But in this, as in all things, there is danger

"lest one good custom should corrupt the world."

When the European professorial staff is so large that one or more go on furlough every year and that, as is the case at present, there may be three at home at the same time, there is danger lest this custom of demonstrative leave-taking lose its rightful significance and sink into a lifeless thing of course. There is danger also lest, by too frequent repetition, it lose the emphasis which it ought to have when one who is felt to have exerted a powerful and a good influence is about to cease from his service without the prospect of resuming it.

At the same time, this is a matter with regard to which I have no wish to force my own ideas upon students. It is one of the comparatively few points in which I recognize that they and not their instructors ought to be the final judges of what they are to do. I am heartily glad that the feelings exist which result in more or less demonstrative leave-taking, even while I hold that the arguments against are stronger than the arguments in favour of the particular form in which these feelings have been accustomed to find expression.

WILLIAM MILLER.

SHEVAROY HILLS, 1*st June* 1891.

SCIENTIFIC AND LITERARY JOTTINGS.

THE transit of Mercury referred to in our last number was observed in Madras under tolerably favourable conditions. The early morning was somewhat cloudy, but later on it became clear, and during the last hour the clouds did little harm. The air, however, was far from steady as was shown by vigorous "boiling" of the sun's limb. When the sun rose Mercury was already on its disc, and showed as a round black spot much darker than the sunspots which were visible at the same time. Through the kindness of Mr. Pogson, I was enabled to watch the progress of the transit through the Lerebours and Secretan equatorial of the Madras Observatory, and the following notes refer chiefly to what I was able to see with that instrument which has an aperture of $6\frac{1}{4}$ inches.

The first points to which attention was directed were the central white spot and the halo which have been recorded on previous occasions. The white spot was distinctly seen by both Mr. Pogson and myself, and to both of us it appeared to be absolutely central. The appearance was exactly such as one can produce by placing a small opaque disc in a beam of diverging rays, and it is hard to believe that the cause is not the same—that is that the white spot is due to diffraction of rays round the edge of the planet. No trace of a halo could be observed at any time during the transit. The observations of the times of contact at egress were made with difficulty, on account of the unsteadiness of the air which caused vigorous undulation of the limbs of both the sun and Mercury. The last internal contact was probably determined much more accurately than the last external contact. Both contacts were recorded considerably before the times calculated from the general reduction formulæ given in the *Nautical Almanac*. The difference in the case of the last internal contact was $1^m\ 51^s$ and in the case of the last external contact $2^m\ 20^s$. The Calcutta observations also gave a difference in the same direction of about $1\frac{1}{4}$ minutes. There was no sign of any ligament or "black-drop", but just before the last internal contact the part of the planet still on the sun's disc appeared like a black triangular notch which seemed to disappear and reappear repeatedly before Mercury was clear of the sun.

THE International Congress of Astronomers which has just concluded its meeting in Paris has cleared the way for the actual commencement of the photographic chart of the heavens. We have already referred to the great divergence of opinion that existed regarding the formation of an actual catalogue of stars from the photographic plates, and this gave rise to some very warm discussions, but the final resolutions were adopted unanimously. The intention is to obtain two sets of plates of the whole heavens, the one containing all stars down to the eleventh magnitude, from which a catalogue shall be prepared giving the stellar co-ordinates, the other to contain all stars down to the fourteenth magnitude to form the chart. The former series will require a much shorter exposure than the latter, and some of the members of the Congress were strongly of opinion that the catalogue plates should first be obtained, leaving the chart plates for future work when it might be hoped that improved photographic methods would render it possible to do the work in shorter time. Another party held equally strongly that both the series should be gone on with at the same time so as to save loss of time in the adjustment of the telescopes. Finally the following resolution was carried:—

"The work undertaken by the Congress of 1887, comprises two series of negatives made with different exposures: the permanent committee, whilst

recommending to observers to urge forward, with the greatest possible diligence, the execution of the negatives of the second category (negatives destined for the construction of a catalogue) is of opinion that they ought also to profit by the greatest possible number of fine nights to take negatives of long exposure for the first series (those of the chart)."

Another very important question decided by the Congress was the method of determining what stars were to be included up to the "fourteenth magnitude". The plan adopted seems to promise uniformity in this respect amongst different observers.

The results of Dr. Meldrum's work from 1848 to 1885, on the cyclones of the South Indian Ocean has just been published by the Meteorological Council in the form of an atlas of cyclone tracks. No cyclones are recorded for the months of August and September, and the frequency for the other months varies from 1 in 18 years for July, to 5 in 3 years for February, and March. Dr. Meldrum's work will be of the greatest value to all meteorologists interested in the behaviour of cyclones.

The total eclipse of the moon on May 23-24, did not exhibit any very remarkable features. After totality began the western part of the disc was very much brighter than the rest, but the whole disc was visible and showed the usual coppery colour. About midnight the brightest part was a narrow strip on the N edge of the disc and the rest of the moon was only faintly visible to the naked eye. On the whole the eclipse may be said to have been of the normal type.

Mr. Wimshurst, whose influence electrical machine is so favourably known, has recently brought out a new form which he calls an alternating current influence machine. It is thus described in *Nature*:—

"This machine consists of a varnished glass disc, with or without metallic sectors, mounted on an axis and rotating within a square wooden frame fixed in the plane of the disc. The frame carries four square glass plates, each of which has one corner cut away so as to clear the boss of the disc. These plates are placed one at each corner of the frame, alternately on the two sides, and the disc revolves between them. There are thus two plates one on one side of the disc situated at opposite ends of a diagonal of the frame, and two on the other side of the disc, at opposite ends of the other diagonal. Tin-foil sectors fixed on the outer sides of the plates act as inductors, and wire brushes connected with them touch the disc about 90° behind the centre of the inductors."

From this machine sparks are easily obtained, but it is impossible to charge a Leyden jar. Upon testing it with an electroscope it was found that the electricity produced was alternately positive and negative—the alternations taking place about every three-quarters of a revolution.

In an article in *Nature* on "The Paradox of the Sun-spot Cycle in Meteorology," Mr. H. F. Blanford, returns to the question of the connection between weather cycles and sun-spot cycles. As regards temperature variations, he shows that in India, except in the two anomalous years 1879 and 1887, the mean air temperature has followed with remarkable regularity the course of the sun-spot variation; the maximum temperature occurring in 1878, the year of sun-spot minimum, and the minimum temperature occurring in 1884, in which spots were almost as numerous as in 1883, the year of the sun-spot maximum. The amount of variation for the cycle is only about 1°F, but since the average is deduced from observations at a large number of stations there seems to be no good reason for refusing to accept it. When the rainfall statistics for India as a whole are examined, no sign of a distinct cyclical variation is to be found, but, as is well known, Mr. Pogson long ago pointed out that the rainfall of Madras exhibited a most striking 11-years cycle. Mr. Blanford now admits that the statistics for the Carnatic for the last 22 years show a most marked cyclical variation, but he does not seem to be quite happy over it since he holds that it is quite disproportionate to the temperature oscillation. This objection does not seem to be a valid one, since a time of maximum sun-spots is a time of maximum rainfall but of minimum temperature, and the temperature on the earth's surface will be affected by the amount of rainfall. In what direction the effect will be felt is not quite clear, but it is at least possible that it may tend to decrease the temperature variation.

The number of hours of bright sunshine in Madras during May, was 255 out of the 393 hours during which the sun was above the horizon, or only 65½ per cent. of the possible amount. This is the smallest percentage since November. The corresponding average percentages for the other recording stations are, Lahore 69, Dehra 51, Allahabad 73, Calcutta 66, and Jeypore 70. There were two days—the 22nd and 23rd—on which there was no sunshine, and three other days on which there was less than 4 hours of sunshine. The rainfall for the month amounted to 0·49 inches, which was due to a slight cyclonic disturbance which moved up the Bay nearly parallel to the coast. Fairly heavy rain fell in most of the southern districts. In Madura the rainfall from March 1st to May 28th was 4 inches above the average, and in Negapatam, for the same period, it was three-quarters of an inch above the average, but in Salem it was 4·86 inches and in Trichinopoly 3·37 inches below the average. On the West Coast, for the same period, we find Mangalore 5·39 and Calicut 3·08 inches below the average, while Cochin was 2 inches above the average. As regards the S. W. monsoon the reports are, as usual, somewhat contradictory. Ceylon has had very heavy rain with a S. W. wind (rainfall since March 1st 31·6 inches) and the storm to which we have already

referred was looked upon in the south as the "bursting of the monsoon." By the end of the month, however, the monsoon winds, which form the monsoon proper, were felt only in the Bay of Bengal and not on the West Coast or in the Indian Ocean. The weather over most of India is in a state of disturbance and there is evidence that in all probability the monsoon will not be so long delayed as was at one time feared.

THE Royal Society Soirée, on May 6th, seems to have been of considerable interest though none of the exhibits were altogether new. Amongst the most novel were Lippmanns colour photographs of the spectrum, in which the colours are produced by direct photographic action and are perfectly permanent, and Mr. Shelford Bidwell's selenium lamplighters, which we described in a previous number. He showed also an adaptation of the same principle in a selenium alarm for calling attention to the accidental extinction of a ship's light or railway signal lamp. In this case, however, we fancy the desired result could be obtained with much less delicate apparatus by making use of the *heat*, instead of the *light*, of the lamp.

The following abstract of a table prepared by Mr. E. G. Ravenstein for the *Statesman's Year Book* may prove of interest.

—	Area.	Population.	Inhab. to a Square Mile.
British Guinea ...	375,370	22,632,600	60
British South Africa ...	988,520	3,794,000	4
British East Africa ...	1,097,367	13,015,000	12
Mauritius, &c. ...	1,179	395,000	335
British Africa (total) ...	2,462,436	39,836,600	16
French Africa ...	2,783,950	22,013,000	8
Portugese Africa ...	909,824	5,518,000	6
Spanish Africa ...	246,757	444,000	2
German Africa ...	831,000	5,110,000	6
Italian Africa ...	315,100	5,370,000	17
Congo State ...	827,000	15,000,000	18
Boer Republics ...	163,400	810,000	5
Liberia ...	37,000	1,050,000	29
Egypt and Tripoli ...	836,000	7,980,000	10
Unappropriated ...	2,021,583	23,868,400	12
Great Lakes ...	80,350	...	...
Total Africa ...	11,514,400	127,000,000	11

DR. Buchan, has recently communicated to the Royal Society of Edinburgh a very important paper on the relation of high winds to barometric pressure. The data were obtained from the simultaneous observations made at the top of Ben Nevis, which is fully exposed to the wind, and at the Fort William observatory, which is well sheltered. The observations on the Ben are made according to Beaufort's scale where 0 is a calm and 12 the greatest hurricane likely to occur. The values of the various numbers in miles per hour have been determined by Mr. Omond, by comparison with a modified Robinson's anemometer. The general result of Mr. Buchan's investigation is, that after reducing both barometer readings to the same standard, in calm weather, the Ben Nevis barometer is only one-thousandth of an inch below the Fort William barometer The difference increases as the wind rises, so that for force 4 the difference is 14-thousandths, for force 7 it is 50-thousandths, for force 9 fully one tenth of an inch, and for force 11 it is $1\frac{1}{2}$ tenths. This lowering of the barometer with high winds, though suspected before, is proved now for the first time.

C. M. S.

A NEW Weekly has been started in Scotland entitled, *The Modern Church*: A Journal of Scottish Religious Life. Its aim is "to be a medium for the expression of the common inter-denominational religious life of Scotland." Its spirit may be gathered from the following significant words:—"To get the good of the past we must not be slaves of the past. We must renounce belief in finality in thought and conduct. We must seek from the fathers and theological doctors inspiration, not law." We heartily welcome this new journal, and sincerely hope that it may live to become a power for genuine good. If it lacks somewhat the sparkle that seems an essential of modern journalism, it contains excellent writing, and shows no trace of padding. A striking feature that deserves special mention is that even the small spaces at the foot of the columns, which are in most journals filled up with anything that is suitable in point of quantity, are in the present case devoted to gems taken from the finest of our writers—George Eliot, Emerson, Landor, and Victor Hugo. Amongst other things *The Modern Church* wishes to be a means whereby missionaries and the Church at home may be kept in touch with one another, and the managers promise to place at their disposal space for the "free discussion of all the vital interests of their work."

SIR EDWIN ARNOLD does not seem to have increased or even maintained his reputation by his recently published work—*The Light of the World*. *The Athenæum* critic, if severe, seems just, if we judge by the quotations from the poem. In this poem Sir Edwin is dealing with a subject,

every line of which is familiar to thousands of readers, and flashing Oriental imagery will not here prove a substitute for genuine thought and feeling. He is frequently infelicitous, but it will be difficult to surpass the following, which is a paraphrastic line to describe a purple robe:—

"A paludamentum-laticlave."

THE popularity of Mr. Hall Caine's recent novel, *The Bondman*, is evidenced by a sale of 15,000 copies in less than a year, three of the editions being in the expensive library form.

THE next volume of the Rulers of India series is *Lord Hardinge*, written by his son, the present Viscount. This is the first Life of Lord Hardinge that has been written.

MESSRS. HUTCHINSON AND CO. have published the first instalment of a large work, *The Poets and Poetry of the Nineteenth Century*. Vols. I. and VI. are now published. The critical articles in Vol. I. devoted chiefly to the Georgian poets, are written mainly by the editor, Mr. Alfred Miles. Vols. II., III., IV., and V. are not yet ready, but will deal with the later Georgian poets, and with Tennyson, Browning, Rossetti, Dr. Hake, W. Bell Scott, and others. Vol. VI. treats of Mr. William Morris, Mr. Swinburne, Mr. Robert Buchanan, Mr. Austin Dobson, Mr. Alfred Austin, &c.; and critical articles on these are written by a number of the leading literary critics of the day. The aim of the work is to be an anthology of unusual magnitude and of perfect accuracy, so that literary men may refer to it as fearlessly as though they were referring to original texts. Later volumes will deal with the later Victorian poets.

DR. EDWIN A. ABBOT has just published a new book dealing with Cardinal Newman's Essay on Ecclesiastical Miracles. Its title is *Philomythus:* An Antidote against Credulity.

A BOOK which is expected to be of considerable interest is about to be published entitled, *Forty Years in a Moorland Parish*. It is from the pen of the Rev. Dr. Atkinson, and will deal with the archæology, the folklore, and the anecdotes current among the people of his parish.

MR. CHAS. P. JOHNSON publishes in the *Athenæum* 'Reading a poem,'—a lost tale by W. M. Thackeray. It appeared originally in 1841 in the pages of the *Britannia*, a weekly paper long since dead. The sketch is thoroughly characteristic of the author and though not of any remarkable value, certainly deserves resuscitation more than most of the fragments and letters recently published as memorials of the great novelist.

THE craze for hunting out unpublished scraps from the writings of the literary celebrities of the recent past has of late become acute, and may well fill the celebrities of to-day with fear and dismay. Nothing, however trivial and insignificant, however hurriedly or thoughtlessly written, seems too unimportant to give to the world, provided only it has under it the name of William Makepeace Thackeray or Thomas de Quincey. It may be presumed that even these distinguished authors had their moments of relaxation when they wrote without fear of the public and without revision for the press, and did not anticipate that scribblers of a future generation would seek a reflected glory by dragging from obscurity into the light hurried notes written in the ordinary course of daily correspondence. The tale referred to above happily does not come under this category. It was published by Thackeray himself, and though it will not add anything to his fame, it will be of interest to lovers of his writings.

EVEN the *Athenæum* thinks the fact of sufficient importance to be noted in a paragraph, that in a book about to be published by a 'Retired Publisher's Assistant' we are promised some account of De Quincey's 'modes of forwarding copy to *Tait*.'

LORD RANDOLPH CHURCHHILL'S letters from South Africa, which will appear first in the Daily Graphic, are to be published afterwards in book form by Messrs. Sampson, Low and Co.

RECENT PERIODICAL LITERATURE.

THE *Contemporary Review* devotes its opening pages to an interesting article by Sir James Kitson, Bart., President of the British Iron and Steel Institute. It consists of notes on the visit of the British Iron and Steel Institute to the United States in 1890,—the first visit paid by the Institute to America. Last Autumn a large number interested in manufactures crossed the Atlantic to receive the hospitality of the New World. The deputation consisted of the President, the council and 295 members of the Institute, together with several members of the Institute of Civil Engineers, and 142 members of the Verein Deutscher Eisenhüttenleute. Sir James can hardly find words to express his sense of the splendid hospitality of their hosts, and in truth every possible kindness seems to have been shown to the party.

At New York Eddison's laboratories and workshops attracted most attention. Eddison was then engaged in extensive experiments for the selection of magnetic ores of iron. He hoped to make commercially valuable ores containing in the bulk as little as ten per cent. of iron.

A feature that struck the visitors first at the Baldwin Locomotive works of Jones Parry and Co. in Philadelphia, the biggest locomotive works in the world, was that the American skilled artisan puts forth more physical effort and produces more work in a given time than the English workman. This was confirmed as they went on. Their productive power is greater, their working hours are longer, and their remuneration is greater.

"I met one of my old workmen at Mr. Carnegie's works in Pittsburg,

and he endorsed my opinion. Speaking from his own practical experience 'I am quite a different man here' he said, 'from what I was in the old country; I dont know why it is so; whether it is that I live in a stimulating atmosphere, or whether it is the example set me; but I know that I have got the go in me here. I can do more work; I feel that I have it in me; but I also feel and know that it wont last. I shall be done in ten years."

Sir James Kitson found that in the South there is a strong feeling in favour of free trade. "They are confident that, with their abundant resources and the cheapness of production, they can hold their own with all competitors without the aid of protective duties."

Summing up, he concludes that the leading characteristic of the Americans is their readiness to adopt improvements and scientific methods in the processes of manufacture. The inventions that have brought the manufacture of iron and steel to its present state are mainly of English origin. But with their surprising gift of receptivity and peculiar faculty for adaptation they have taken a leading place. They have, too, an advantage in the high standard of education and particularly of technical education. But he concludes, there is no fear but that, on equal terms, the English iron and steel makers will continue to hold their position with the keenest competitors.

Mrs. Bishop (Miss Isabella Bird) in an article entitled 'The Shadow of the Kurd' makes out a strong case for the Christians in Asiatic Turkey. She gives a large number of instances, gathered from personal knowledge gained in a visit, of the lawless oppressions of the Kurds.

The Irish question, which we are never long allowed to forget, is the subject of an article by Sir C. Gavan Duffy, in which he appeals to Mr. Gladstone for a more explicit declaration on the Irish question. He accuses Mr. Parnell of a successful career of misstatement till at length a feeling is spread abroad in Ireland that Mr. Gladstone's scheme is a mere mockery. The chief points on which Sir Gavan demands definite information are these:—Are there to be two houses of Legislature in the Irish Parliament, or only one? How are adequate securities to be given for the Protestant minority, if there is only one chamber? What is to be the number of members in the Irish Parliament? What is to be the fiscal relation of Ireland to the rest of the empire?

Mr. Grant Allen in 'Democracy and Diamonds' gives utterance to one or two paradoxes, which may afford food for thought. 'America will be the last country on earth to accept democracy.' 'No true liberal would even own a diamond.' 'I think a really moral man would always for such purposes (tea pots, sugar bowls) prefer electro-plate (to silver).' There is a good deal of truth in Mr. Grant Allen's contentions, but it would have been much nearer the truth had he headed his article 'Socialism and Diamonds.'

Dr. Sanday writes a laudatory review of Dr. Hatch's recent lectures on 'Greek Influence on Christianity.' He regards it as probably the greatest contribution yet made to a true understanding of the first three centuries.

Mr. L. Wolffsohn gives a short, interesting account of 'Italian Secret Societies,' showing to what extent they still exist. 'Wit in the Pulpit' is mainly a dishing up of old pulpit stories by the Rev. H. R. Haweis, and is an appeal for pulpit freedom. Mr. Taylor Innes contributes an article on 'A World-wide Democratic Church,' and points out that the growing unity among Presbyterians proves two things:—"(1) that a union of the free churches throughout the world is practicable at some early date, and (2) that such a union, instead of impairing their freedom, may be made a means rather of advancing or establishing it."

In the *Nineteenth Century* one naturally turns first to the two articles that promise to tell us something about the East, 'Kaiser-i-Hind and Hindoostani' by Rafiüddin Ahmad, and 'The Enormous Antiquity of the East' by Professor Max Müller. The first is written in a quiet style and contains many sensible remarks. The writer insists upon the necessity of Anglo-Indians acquainting themselves with 'the language and the literature of a country, they are called upon by Providence to govern,' 'if England desires to have a permanent interest in India.' He points to the example of the Queen-Empress, who has attained considerable proficiency in Hindoostani. This article is, however, mainly a sequel to that written by Lady Dufferin, a month or two ago, and seeks to present a fair picture of the condition of the Muhammadan Zenana women. The writer welcomes the attempts that are being made to diffuse Western culture among Purdah ladies, but hopes that their European sisters may also take advantage of their opportunities and learn something of oriental literature, and 'seek the precious gems that lie hidden behind the Purdah.' He does not deny that "since the downfall of the Moghul Empire thick clouds of ignorance have gathered round the Zenana," and that the talents, capacity and energy of the Muhammadan women now for the most part lie dormant. Max Müller's article is popular, yet learned and philosophical. We have often thought that the rhetorical reference to India as 'this ancient and historic land' was a phrase that demanded analysis, not because the expression is untrue but because it may be misunderstood. The authentic materials of early Indian history are meagre in the extreme, and the great orientalist says so here in so many words:—

"I should say that the authentic history of India does not begin before the third century B. C. We have at that time the inscriptions of the famous King Asoka, the grandson of Chandragupta, the Sandrokyptos of Greek historians."

This it will be admitted is modern compared with what Assyria and Egypt, or even Greece has preserved for us. The historic remains of China have not yet been sufficiently investigated to permit us to make a safe general assertion regarding them. What makes India an ancient land is not authentic history, but construc-

tive. When it is remembered that the religion of Asoka was Buddhism and that Buddhism, was a revolt against Brahminism, it is at once clear that such changes require centuries. Similarly with reference to the language of the earliest Vedic hymns. It exhibits features so old that the philologist comes into collision with the geologist and demands that the limits of man's presence on the earth be extended beyond the end of the glacial period. It is, however, not in mere antiquity that Professor Max Müller finds the attraction of oriental studies.

"Oriental scholarship must no longer rely on the old saying that distance lends enchantment to the scene. Mere distance, mere antiquity, mere strangeness, will not secure to it a lasting hold on our affections.

"Unless the scholar has a heart, and unless he can discover something in the ancient world that appeals to our hearts, his labour will be in vain. The world will pass by, after a cursory glance at our mummies, and will take its lantern, if possibly it may find a *man* somewhere else." . . . . . .

"Discover what is truly human, not only what is old, in India, Persia, Arabia, in Babylon and Nineveh, in Egypt—aye, and in China also—and oriental studies will not only become popular—that may be worth very little—but they will become helpful to the attainment of man's highest aim on earth, which is to study man, to know man, and, with all his weaknesses and follies, to learn to love man."

À propos of antiquity, Dr. Charles Waldstein discusses the question, 'Is it Aristotle's Tomb?" Dr. Waldstein himself, in the course of his excavations at Eretria, discovered the tomb, which it is believed may prove to be actually that of the great Stagyrite. If the identification be established beyond question, this discovery coming so close upon the finding of the 'Constitutions' will be one of the most extraordinary coincidences in the history of archæology. The circumstantial evidence is undoubtedly very strong; but Dr. Waldstein is cautious and his article, like his letter in the *Academy*, is intended to keep the question open and to warn against a hasty decision.

Two articles more or less medical are 'Resuscitation by Oxygen' by Lieut.-Col. Henry Elsdale, and 'The Realm of the Microbe' by Mrs. Priestley. Colonel Elsdale speaks from experience He saved the life of a man who had been poisoned by coal-gas by administering to him a dose of oxygen. The remedy, Colonel Elsdale believes, might be employed with good effect in cases of drowning, or of suffocation by choke-damp, or in hospitals when respiration has ceased through the influence of anæsthetics. He is fully alive to the danger of explosion attendant upon compressed oxygen, but believes the danger may by due care be reduced to an inappreciable minimum.

Mrs. Priestley, tells the story of Pasteur's discoveries, and of those that have since been made in the same direction, in a way so graphic that her article reads like a romance. Certainly here truth is stranger than fiction. The article enters a plea for the establishing of an Institute of Preventive Medicine in Britain.

'The Warfare of the Future' is an article written by Mr. Archibald Forbes, the well-known war-correspondent, in a dashing-hussar style; but it is full of interesting matter. He compares present or contemporary warfare with that of the time before the introduction of rifled firearms. "Roughly speaking, the first five-and-a-half decades of the century were smooth-bore decades; the three-and-a-half later decades have been rifled decades, of which about two-and-a-half decades constitute the breech-loading period." He adds:—"It is a strange and bewildering fact that the wars of the smooth-bore era were, for the most part, shorter, sharper and more decisive." Mr. Forbes is not content merely to make this assertion; he proceeds to prove it by reference to the Peninsular War, Napoleon's campaigns, the Austro-Prussian, Franco-German, and Russo-Turkish wars. One specimen of his proof we may give:—

> It took the Germans in 1870 a month and-a-half to get from the frontier to *outside* Paris; just in the same time, although certainly not with so severe fighting by the way, but nearly twice as long a march, Napoleon moved from the Rhine to *inside* Vienna. From the active commencement to the cessation of hostilities the Franco-German War, lasted six-and-a-half months; reckoning from the crossing of the Rhine to the evening of Austerlitz, Napoleon subjugated Austria in two and a quarter months."

Even the 'Seven Weeks War,' a feat of which the Prussians are so proud, he shows was surpassed by Napoleon in 1806 in the campaign which gave him the victory of Jena and possession of Berlin.

As to the future, it is thought by many "that a great revolution will be made in warfare by the magazine rifle with its increased range, the machine-gun, and the quick-firing field artillery, which will speedily be introduced into every service." In Mr. Forbes' opinion the change will practically amount to this, that the army that acts on the defensive is bound always to have the best of it, and that anything of the nature of invasion must be futile. Meanwhile, Europe is an armed camp; and it is a problem "whether the final outcome will be universal, national bankruptcy or the millenium" What a spectacle for angels, to watch the human race seeking out many inventions, with marvellous skill and ingenuity, whereby it may destroy itself! And this is the end of the development,—'universal national bankruptcy',—which in other words is just the destruction of our boasted material civilisation,—or a forced millenium with 'the nations snarling at each other's heels', yet afraid to break the leash!

Mrs. E. Lynn Linton deals with the Clitheroe case in her article on 'The Judicial shock to Marriage.' The English marriage law stands in need of amendment, and the improvement must come in the form of a closer approximation to the Scots law. The 'Noticeable Books' that are commended this month are, '*Esther Pentreath*, a Cornish tale by J. H. Pearce; volumes seven and eight of Lecky's *History of England in the Eighteenth Century*; *Untrodden Ground in Astronomy and Geology* by Major-General Drayson; Gebhart's *History of the Renaissance in Italy*; *Animal Life and Intelligence* by Prof. C. Lloyd Morgan; and *Philomythus* by Dr. Abbot.

THERE is considerable variety in the contents of the *Fortnightly*, which is apparently anxious to attain distinction in that way, if not by means of any contribution of first-rate interest and importance. The editor shows a readiness to mitigate dulness by printing short stories or sketches of psychological interest by masters of the craft. The well-known novelist Mr. Thomas Hardy re-appears in this number with one of his pictures of peasant life. It is very good, being freer than usual, indeed quite free, from a certain unsympathetic harshness or cynicism which disfigures much of his work. Mr. Frederick Wedmore conjures up a romance round the person of "A Chemist in the Suburbs."

The number opens with a review by Mr. Swinburne of the recently published journal of Sir Walter Scott, which for the first time has enabled the world to know all about that great genius and great man. "As a final illustration and attestation of a character almost incomparably loveable, admirable and noble, it is a gift altogether beyond price." The journal covers Scott's last sorrowful years, and serves greatly to modify Lockhart's sombre account. "Nothing is here for tears." Scott appears in his journal "if not a greater or a better, an even stronger and happier man than we knew."

Mr. T. J. S. Keltie contributes an article on South African problems, which cannot be said to be informing while it is meant to be reassuring. The gist of it is that with such a loyal Imperialist as Mr. Cecil Rhodes, strong in the confidence alike of English and Dutch, at the head of affairs in South Africa, British interests are safe in his and in Lord Salisbury's hands. Miss Mathilde Blind furnishes "Personal Recollections of Mazzini," in the spirit of hero-worship. "E. B. Lanin" is once more to the front with an account of the working of the censure of the press in Russia.

The most interesting literary contribution is a strongly depreciatory critique on Ibsen's dramatic works by Mr. Oswald Crawford.

"*Hedda Gabler* is undoubtedly the strongest piece of dramatic work that Ibsen has yet done; but, as usual, the plot, the motives, the characters, and situations are taken not from life, but from the author's dreams of what life might be if all his presumed theories of it were sound. If, indeed, the majority of the actors in a human comedy were diseased in body or in mind, the few virtuous men and women weak and tiresome fools, and all the energetic people full of purposeless duplicity and meanness or cruelty, then *Hedda Gabler* would be a representative drama of human life."

Mr. Meredith's novel is concluded.

THE *New Review* this month contains several interesting articles, but perhaps the most valuable is one Mr. James Bryce the well-known M.P. for Aberdeen, upon 'The Legal and Constitutional Aspects of the Lynching at New Orleans.' A somewhat strange state of matters was revealed in New Orleans a few months ago. A prominent official who had been energetic in attempting to suppress the secret societies which are the bane of Italy and have been brought over to America by Italian immigrants was murdered. About a dozen Italians were suspected of the crime and were tried for it. An acquittal was however procured, through the influence, it was said, of the pernicious secret societies. The citizens of New Orleans, however, were determined that the crime should not go unpunished, seized the suspected persons and executed them. Those who took part in the lynching were the most prominent people in the city of New Orleans and the sympathies of their fellow citizens were entirely with them, so much so indeed that it has been found impossible to punish them for their illegal proceedings. Most of those who were lynched were citizens of the United States, but some of them had not yet become so, and consequently were still Italian subjects, and it is in connexion with them that the international negotiations which have been going on for sometime have taken place. Mr. Bryce

does not deal with the history of the case but with the interesting legal and constitutional questions that have emerged or are likely to emerge in connexion with it, and he is specially fitted to deal with these, not only from his great historical and legal knowledge, but also from his special acquaintance with the constitution and the condition of the United States.

The first question discussed is what is the liability of one state to another in respect of injuries inflicted in its territory upon the subjects of that other? The admitted principle is "that every civilised State is bound to secure to the subjects or citizens of another friendly State the same measure of personal liberty, personal security, and protection to property as it affords to its own subjects." Special disabilities may be imposed upon aliens, but as regards protection for person and property, the foreigner is bound to receive the same treatment as the native. Sometimes these rights are secured by special treaties, and this is so in the case of Italy and the United States. The question is complicated, however, by the fact that "the Constitution of the United States leaves with the states of the Union the right to make, and the right to administer the ordinary civil and criminal laws" and that "preservation of order, the trial and punishment of crime belong to each State within its territorial limits." If therefore the state of Louisana refuses to take any action in the way of offering redress for the injury done to Italian subjects the Federal Government can do nothing, just as it could do nothing if the injured parties had been members of the State of Pennsylvania. Italy naturally says to the Federal Government, we have nothing to do with your internal arrangements, we wish redress for the wrong done to our subjects; while the Federal Government replies—Owing to our constitution we can do nothing for you. If the Federal Government were willing to try to exercise its authority over the state of Louisana, we should soon see a serious constitutional conflict, but there is little probability of this taking place, for the Democratic party, which has all along been the champion of State rights, has a large majority in the House of Representatives.

CORRESPONDENCE.

REV. MESSRS. COBBAN AND PAINTER.

SIR,

WITH reference to the controversy between Mr. Cobban and Mr. Painter, I beg to be permitted to make a few remarks. I should, in the first place, be thankful to Mr. Cobban for his noble earnestness to exhibit the Christian faith in all its grandeur and symmetry. At the same time, I regret to say that it seems to me that he is either wanting in clearness or is minimising the truth of the Christian Revelation.

It is true that Mr. Painter and many others are of opinion that the relation between Christianity and all other systems of religion is one of direct hostility and that all faiths but Christianity are the delusions of the Evil One and have nothing to do with God. It is certainly absurd to suppose that all non-Christians are doomed to hell, however virtuous they may be, yet there are even Christians who fancy that non-Christians could not possibly be virtuous and that they are incapable of lofty moral aspirations.

What then, it may be asked, is the distinctive function of Christianity? It begins where other systems have left off. Judaism, Brahmoism, Hinduism, at their best, could go only up to a certain point and no farther, and at this point Christ begins. Christ distinguishes between the moral and the spiritual side of religion. All religions from the beginning up to the Advent of Christ have taught only *moral excellence* with belief in God. It was reserved for Christ to raise men to spiritual excellence which is possible only to a believer who holds communion with Christ; for Christ is the only medium through which God gives His Spirit to man. This is no arbitrary arrangement; for, the Spirit of God being of a substance different from that of man, must necessarily pass through a medium which is at once Divine and Human.

St John the Baptist was greater than any other prophet, and still the humblest Christian in virtue of his spiritual experience is greater than he. Cornelius was a model of moral excellence. Prayer and almsgiving marked his character, and yet he had to rise to a still higher life and higher experience, possible *only* through Christ, and it is this higher life, and higher experience that constitute heaven or the kingdom of God or salvation in the Christian sense of the words; and those that are below that standard are said to be *near* the kingdom of God whether they be Moses, David, and Elijah, or Socrates, Plato, and Aristotle, or Buddha, Pattanathu Pillai and Thayumanavar.

The most virtuous of non-Christians whether they be Jews or Gentiles, before or after the time of Christ, are but *near* the kingdom of God but not *in* the kingdom of God. They are *qualified* to receive the Divine Life, which alone constitutes salvation, and which is possible only by faith in Christ, *i.e.*, oneness with Christ, the only medium of Divine Life to men. Hence Christian Missionaries are bound to say uncompromisingly "That there is none other name under heaven given among men whereby we must be saved." So that, if a Hindoo or a Jew or any other man be virtuous but be no believer in Christ he is *not saved* yet. This fundamental doctrine of Christianity that faith in Christ alone saves men, Mr. Cobban shrinks from boldly and clearly affirming.

There is another error that he falls into. He commits himself to the following strange statement—"Excepting the jailor, the New Testament does not show that Gentiles who embraced Christianity were generally baptized."

If the Jews, the Samaritans, and the first Gentile convert believed and were baptized, and if the command of the Lord be that His Apostles and Disciples should baptize *all* nations, is it not reasonable to infer that the Gentiles who believed in Christ were also *baptized* as a matter of course? If there were any doubt it is for Mr. Cobban not to show that there is no *mention* of baptism in certain cases but to *prove* (if proof be possible) that in many cases baptism did *not* actually follow belief at all.

The third error of Mr. Cobban is his bold criticism of Sir Monier Williams, a renowned scholar and an eminent saint. Mr. Cobban thinks that the following statement of Sir Monier Williams is wrong—"non-Christian Bibles are all developments in the wrong direction. They all begin with a few flashes of light and end in utter darkness."

I regret to say that in condemning this well balanced judgment of the great scholar and saint, Mr. Cobban falls into many and serious errors. He sweepingly pronounces it to be wrong. What are the Scriptures of the Hindoos? What are the sacred writings which *all* or at least the *majority* of the Hindoos consider sacred? Is it not the Vedas, the Upanishads, the Puranas, the Law of Manu, and the systems of philosophy? Now the saintly scholar does not deny any truth to the Hindu sacred writings. I suppose Mr. Cobban has read Monier Williams' work called 'Indian Wisdom.' The important truth which he enunciates is that the Hindoo systems of faith "end in utter darkness." Now does Mr. Cobban venture to contradict this well-known characteristic feature of all Hinduism? What is the ultimate goal of all systems of Hindoo faith? Is it not absorption in an impersonal force? Is not the loss of all conscious individuality, the end and aim of the religion and philosophy of this country? Even the Vishnuvite philosophy, although it speaks of the Universal soul as distinct from the

Individual soul, does not teach *conscious* personal union with God.

Even the Siva Sitandhies whose works Mr. Cobban speaks so highly of, have as their ultimate goal, loss of conscious individuality. If this is not 'ending in utter darkness' what is? Besides, the words of Sir Monier Williams that "non-Christian Bibles are all developments in the wrong direction," are literally true. For what is the very basis of all forms of Hinduism? It is the law of Karma and the theory of Re-births. What is it that permeates the whole system? it is the doctrine of births. And what is the consequence? It is the destruction of the distinction between right and wrong. Christianity says, 'avoid wrong and do right.' But every system of Hinduism says 'avoid *both* good and evil deeds; and then alone you will escape birth,' and what is the final end? it is the destruction of individuality; so that the system is rotten from beginning to end. The truth which God gave to the Hindus has been corrupted by their vain philosophy and by their morbid love of speculation. And yet Mr. Cobban chooses to call the true verdict of the great Monier Williams 'an error'!

Further Mr. Cobban is carried away by the high moral aspirations and sentiments which fill the works of such men as Thayumanavar, Pattanathu Pillai, Appar, Suntharar, and Manikavasagar. No Christian of any intelligence would speak a word in disparagement of these great men. But yet should not Mr. Cobban say to every one of them 'and yet thou lackest one thing.' Is not the experience of a Christian saint, the experience also of such Sitandhies *plus* something more. And it is this something more which Indian Missionaries should preach to men like such Sitandhies, and without which no one could be said to be *saved*. And yet Mr. Cobban seems to think that the works of Sitandhies contain *saving* truths.

In fact Mr Painter and Mr. Cobban strike off to opposite extremes. Mr. Painter seems to think, that non-Christians, however virtuous, could not be saved, but are doomed to hell, and Mr. Cobban fancies that every religion contains '*saving truths*' and that it is possible for non-Christian sages to have a degree of piety equal to that of Christian saints.

It is a plain fact that Christ is the Saviour of all men, that He is the light that enlighteneth *every man* that cometh into the world, that it is unreasonable and unscriptural to doom to hell all non-Christians. At the same time it is equally true that there is no salvation except by faith in Christ; that Divine Life, which alone constitutes salvation can not be communicated to any individual soul without faith in Christ; that the experience of the greatest gentile sage or the greatest Jewish prophet is inferior to the highest spiritual and supernatural experience of the Christian saint. The experience of simple virtue is great, the experience of virtue plus devotion to God is greater, the experience of virtue, plus devotion to God, plus devotion to *God in Christ* is greatest and highest.

The life and experience of the greatest sage or prophet falls far short of the life of the Christian saint in all its comprehensiveness and completeness and of the experience of the same in *all* moments of life and in *all* states of mind.

It is quite possible that some Christians should have attained only to the state of such sages and prophets and not have risen yet to the life and experience of the Christian saint.

"He that hath the Son hath life."

Let me conclude the letter with two remarks.

(1) *Saving* faith in Christ is possible only *after* the Incarnation, the passion, and the Glorification of our Blessed Lord.

(2) We are not in a position even to speculate on the method which the Saviour of the World may or may not have employed in admitting to the knowledge of, and faith in, Himself, great and virtuous men that have lived in different parts of the world prior to His Holy Incarnation.

ISAAC DANIEL.

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PART II.

EXHIBITS, PETITIONS AND OTHER MISCELLANEOUS RECORDS.

EXHIBITS.

No. 191.

EXTRACTS FROM EXHIBIT A.

[Exhibit A is a Malayalam book of Canons, produced by 1st Deft. on the 1st Kumbhom 1056, and the Extracts translated are those required under the list submitted by Vakil for Appellants in the Royal Court of Final Appeal.]

[*Title-page.*]

Initialled—T. C. K. M.

CANON OF THE SYRIAN CHURCH IN MALANKARAI, THE EDAVAGAY OF APOSTLE MAR THOMA.

Translated by Mar Athanasius, Metropolitan of the Edavagay of Malankarai, and got printed at the Press of the said Metropolitan in the Syrian Seminary at Cottayom.

1857.

[*Preface.*]

The Syrian Church in Malankarai was adorned by the Canon, *Pallikramoms*, forms of creed &c. laid down and caused to be followed, by Mar Thomas Apostle, its Founder, and the Fathers who succeeded.

And it is also well-known that the Portuguese, people following another creed, burnt the aforesaid canons and *Pallikramoms* along with numerous ancient writings relating to this Church and threw it into a state of confusion.

After this damage, the Church remained in a confused state having had only such procedure and imperfect tracts as were based upon the customs drawn from the memory of the Fathers of the Church and of Laymen who were believers, who by learning had acquired them, and as no writing could be obtained tallying with the original state.

We were distressed to observe that when the Church became inured to such confusion, certain people adopted, and have followed up to this day, certain *Pallikramoms* &c. obtained from other persuasions, without modification, and others having knowledge and learning in religion, with more or less of modifications.

And We rejoice over the fact that while the Church is in such a confused state, We have not discarded the call of the Almighty God to govern this, His Church, but have, in searching for original writings, discovered here and there certain tracts(?) of very ancient writings and jottings, and have after examining them compiled an abstract tallying with the ancient canons which were followed by this community.

We believe that, as these jottings discovered in our researches were found very much to agree with the ancient procedure of this community and to greatly correspond with the commands of the Gospel, in laying down a law based on these,

all observances and differences of religion opposed to the prior observances of this community will disappear and everything be set in proper and right order.

As it was found, that since, in the face of the greatly prevailing ignorance of the original tongue and of the ancient canons, it would not be useful for the whole of this community to preserve the canons in Syriac, the original language, they have been translated into the native language and got printed.

This translation is a correct translation of the ancient writings we got and no views of our own have been intruded thereinto.

[(*KEPALAON*) *Chapter* I—*in Part* II, *paras* 1 *and* 2 (*pp.* 2 *and* 3.)]

1. *Reesisa*—is a due paid annually into Church by the people, for the *Melpattakkaren*.

2. *Kymuthu*—is a due paid into Church at the time of marriage by the bridegroom and bride for the *Melpattakkaren*.

[*Chapter* II, *para* 1 (*pp.* 9 *and* 10)]

Of the Orders of the Holy Church.

There is the Holy Word that Heaven is His Throne and the Earth, His foot-stool. Just as there are separate names for the nine orders of angels in Heaven, the dignitaries of His Holy Church on Earth are divided into nine orders with separate names.

The orders of Angels in Heaven are (1) *Malakay*, (2) *Resa-Malakay*, (3) *Resenvasa*, (4) *Sulthanay*, (5) *Mowthabay*, (6) *Maravasa*, (7) *Hylay*, (8) *Krobay* and (9) *Srappay*. The orders of the servants of the Church on Earth are (1) *Karoyans*, (2) Ehup-deacons, (3) *Masamasans*, (4) Arch-deacons, (5) *Kassisas*, (6) Kori-Episcopas, (7) Rambans, (8) Episcopas and (9) Metropolitans or Res-Episcopas. Though there are these orders with the above names, the Church has regulated these nine orders with differences, more or less, into the orders of deacon, Pattakkar and Melpattakkar as prescribed by the ordinances of religion.

[*Chapter* II, *paras* 4, 5, 6, (*pp.* 11, 12, 13)]

Episcopa.

Para 4. As the person called to this dignity is by the ordinances of religion, the messenger of the Church, and the steward of the Divine Mysteries, and God's servant and the spiritual physician of the Church, and the Representative of God, he should be one deeply learned in religious teachings, over 30 years of age, recognized by the Church and borne testimony to in writing by 12 proper *Kassisas*. These witnesses must specially attend and must declare before the Church upon oath that their testimony was not given on account of flattery or with a view to gain or on any other disgraceful grounds. After this, the Melpattakkaren shall present a paper to the person chosen and cause him to write thereon the creed of the Church he belongs to and to add his signature thereto; after this, the person chosen shall say, "I declare loud upon oath before God and His messengers and before this *Sabhayogam* (Assemblage of the members of the Church) that I shall, as long my life lasts, act without going against the commands of the Holy Gospel and perform good acts as far as my powers may permit" and shall write down this declaration on oath, in his own hand-writing, and deliver over the same. This consecration shall also be made perfect, as prescribed in the Texa, in the same manner as in the ordination of the other ecclesiastical dignitaries.

Para 5. On the day of the consecration of a *Melpattakkaren* (Prelate), there shall also be a gathering of Rambans, Kori-Episcopas, *Kassisas*, Deacons, &c.

Para 6. The person called to the office of *Melpattakkaren* (Prelate) shall be chosen from the respectable families specially set apart for the purpose,

A person from another family can be chosen to occupy this high office only on failure of members in the aforesaid families.

[*Chapter* II, *paras* 9 *and* 10, (*page* 14)]

Para 9. It is the duty of a Metropolitan or Res-Episcopa to ordain Episcopas and other dignitaries in his See and to exercise authority over the Church and all dignitaries of the Church and all properties appertaining to the Church, and always to endeavour to promote the spiritual and temporal interests of his Diocese.

Para 10. Though Episcopas are successors of a Res-Episcopa and, in point of consecration, equal to the latter, yet it is their duty to rule over the Dioceses as heads thereof and to conduct all affairs in consultation with the Res-Episcopa.

[*Chapter* II, *para* 16, (*page* 16)]

Para 16. The heads that govern the flock of Messiah shall be such as have been ordained by those who have His Imposition of hands and Ordination. If a Re-Episcopa or Episcopa so consecrated dies suddenly, the *Sthanom* may be asked for, and recovered, from a *Melpattakkaren* of another Church which retains the original imposition of hands and which has not diverged from the essence of faith, so as to save the Church from becoming widowed. If even this is impossible, a Synod may be convoked and assembled of 12 Rambans, Kori-Episcopas and *Kassisas*, and even though the person chosen may be a *Kassisa*, the orders above that may be made perfect in accordance with the Texa.

[*Chapter* IV, *para* 1, *beginning with Morone* "മൂറോൻ എന്ന" &c. (*page* 21)]

Morone, the oil of anointment shall be consecrated by the *Melpattakkaren*, and all his subordinate dignitaries and all *Yogasammathar* (members acknowledged by the congregation) shall be present at the time. Sythe may be purified by the *Melpattakkaren* at his convenience and pleasure.

[*Chapter* V, *paras* 8, 9 *and* 10, (*pages* 24 *and* 25.)]

Para 8. All *Namaskaroms* (Services) shall contain prayers and thanksgiving and there shall also be *Masumora* (Psalms) and Scriptural readings.

Para 9. As all departed Saints who followed the Holy God in their conduct and rightly interpreted and taught, to the Church, the Words of Truth are good examples, their names should be remembered in prayers and the Grace of God prayed for to enable us to follow their footsteps.

Para 10. As Worship of Angels and Holy men and prayers to departed Saints are against the ordinances of religion, the Holy Church shall divest itself of all such worship and prayers.

[*Chapter* VI, *Part* III, *para* 6, *clauses* 3, 4 *&* 7, (*page* 29.)]

Clause 3.—If deacons have to be communicated, they shall be made to kneel near the *Deraga* (steps) and the priest shall take and administer. After this, the———(?) laymen shall be made to kneel facing to the *Mathuba*.

Clause 4.—Afterwards, (the priest) shall move westwards from the steps, bearing the Holy Mysteries and, after repeating the prayer prescribed in the Texa, shall administer the Sacrament to the laymen from the Cup and the Paten.

Clause 7.—If the number of communicants be too large, the supply of Bread shall be doubled, and if the Wine in the cup be insufficient, it shall be replenished and sanctified by prayers and then administered.

[*Chapter* VII, *para* 3, (*page* 31.)]

The right to baptize is vested in *Kassisas* and higher dignitaries. If children of believing (Christian) parents are found suddenly to be on the point of death, the *Kassisa* shall at the request of the owners (relatives) proceed to the house and baptize the child. In the absence of the *Kassisa*, a deacon is competent to baptize

the child in the house. If the children recover, they shall be brought to the church and the *Kassisa* shall anoint them and make the baptismal rite complete. To make known that the children baptized by a *Kassisa* at home have become members of the Church, their anointment shall be conducted in the church.

[*Chapter* VIII, *para* 6 (*pages* 38 *and* 39.)]

On Wednesday, the third day of Lent, the congregation shall assemble in the church and the *Kassisa* shall after Scriptural readings, sermons, prayers &c. mark on all the sign of the cross, with Sythe, indicative of the fast and disperse the people.

[*Chapter* XI, *para* 1 (*page* 45.)]

Of Confirmation.

Para 1. As baptism is conducted in infancy and is performed on the pledge of a third party, and as each one should, on attaining maturity, publicly and expressly acknowledge before the Church his liability and shift the responsibility to himself, (all) shall, on attaining the age to distinguish right and wrong and to understand the articles of faith, attend when the *Melpattakkaren* visits the church and have this first Uppersima (Confirmation) performed.

No. 192.

EXTRACTS FROM EXHIBIT B.

[Ext. B, Syriac Kurbana Texa in Manuscript was produced by 1st Deft: on the 1st Kumbom 1056. The Plff. put in Malayalam translation of Extracts from this book on the 12th Vrischigom 1059, and the Defts. have put in a separate paper of Extracts translated.]

Extracts For Plff.

SOME EXTRACTS TRANSLATED FROM EXT. B.

[*Line* 14, *page* 2, *leaf* 7]:—

Oh ye just! Praise the Lord with the fragrant incense.

[*From the last line*, 1*st page*, 13*th leaf*]:—

But when he that was sinless prepared himself to suffer the death that was pleasing to him, for us, sinners, He took bread into His holy hands and, having pronounced '*Barekh-u-Kadesh*,' broke and gave it to the holy Apostles, saying—'take and eat ye of this: this is my body which is cut up and given, for the remission of sins and everlasting life, for your sake and that of many. Amen. And in like manner, taking also the chalice, he pronounced '*Barekh-u-Kadesh*,' and gave it to His holy Apostles, saying—'take and drink ye all of this: this is my blood which is shed, for the remission of sins and everlasting life, for your sake and for that of many.'—*People*—'Amen.'

Priest. Do ye this in Remembrance of me. As often as ye shall be communicated in these mysteries, remember ye my death and my resurrection, till I come.

[*From the* 2*nd line*, 1*st page*, 15*th leaf*]:—

Priest. May He abide herein, unto the remission of sins and everlasting life of those that receive, and convert this bread into the Body of Jesus the Messiah.

Amen.—May the mixture in this chalice be converted into the blood of Jesus the Messiah, for the remission of the sins and everlasting life of those that receive. Amen.

[*From the* 9*th line*, 2*nd page*, 17*th leaf*]:—

This Body is of this Blood, and this Blood is of this Body.

[*From the last line*, 2*nd page* 19*th leaf*]:—

Bowing before the table of life, this prayer is recited:—O Lord God! May our bodies be purified by Thy Holy Body and may our souls be whitened by Thy healing Blood! Our Lord and our God! May it for ever avail unto the cancelment of our debts and the remission of our sins.

To be recited when, having gone up to the altar, the coal of fire is taken in the spoon, from the chalice:—Thou in whom the bounds are vested, I am holding Thee: I hold Thee, Thou that ruleth the depths; O God! I am committing Thee to my mouth: may I by Thee be redeemed from the inextinguishable fire. Our Lord and our God! Render Thou me ever deserving of the remission of sins, in the same manner as the sinful woman and the thief.

When he communicates himself:—The sanctifying coal of fire, which is the Body and Blood of the Messiah our God, is given unto me a sinful servant, for the eternal cancelment of debts and remission of sins in both worlds.

When he drinks of the chalice, says:—

Jesus, our Lord the Word who comest down for our redemption! May my debts be eternally cancelled and my sins forgiven, by thy living and life-giving Blood shed upon the *Skeeppa* (cross)!

When he communicates a priest with the spoon, he says:—

The sanctifying coal of fire, which is the Body and Blood of the Messiah our God, is given to the clean priest, a steward of the house of God; or to the modest deacon; or to the Antonius-like *Dayarakaren*; for the extinguishing of his debts and remission of his sins. (May) his prayers (be) with us for ever.

[*From the* 14*th line*, 1*st page*, 21*st leaf*]:—

Praise to Thee, praise to Thee, praise to Thee for ever, O our Lord our God! Jesus Christ our Lord, may not Thy Holy Body which we have eaten and Thy healing Blood we have drunk, turn to our judgment and retribution; but may they avail unto the life and salvation of all of us. Mayest Thou be merciful unto us.

[*From the* 5*th line*, 1*st page*, 22*nd leaf*]:—

Out of all our mouths we will send up praises to Thee, and we will sing praises to Thy hidden Father and Thy Holy Ghost O our Lord. Since we sinners have communicated with this Thy Body, may the injustices and wickedness committed by us be justified by it.

(True Translation.)

Translated by Joseph Geverghese Kathanar of Pat[illegible]eri. (Signed.)

EXTRACTS FROM EXT. B TRANSLATED, PUT IN ON BEHALF OF DEFENCE.

From the word 'Msamisana' at line 4, *p.* 1, *leaf* 19, *Book Ext.* B *to line* 4, *p.* 2, *leaf* 22.

Servitor. We ought to take heed with fear and trembling.

Priest. Vouchsafe O Lord to have mercy upon us. The Sa[illegible]ents are gven unto the holy and the pure.

People. The one Father is holy. The one Son is holy. The one Spirit and Life is holy. Praise to the Father, the Son and to the Holy Ghost: From the beginning and unto everlasting. Amen. Lord, have mercy.

Priest. (May) the one holy Father, who in His mercy, moulded and formed the world, (be) with us. (May) the one holy Son who, by the sufferings of His precious body, has redeemed us, (be) with us. May the living and one holy Spirit who perfects and completes every thing created and to be created, (be) with us. (May) the holy name of the Lord (be)exalted from the begining and unto everlasting. Amen.

Be merciful unto us, O our Lord. Vouchsafing an answer unto us, have mercy upon us, O our Lord. Vouchsafe, O our Lord, to have mercy upon us. Lord of mercy, Vouchsafe to respond to us. Lord full of mercies, vouchsafe to respond to us. Hear our prayers, O our Lord. Hearken unto our supplication, O our Lord. Vouchsafe to accept our prayers, O our Lord. Be pleased, O our Lord, with our repentance. Give unto us, O our Lord, our necessaries. Be moved, O our Lord, by our tears. Heal our sicknesses, O our Lord. Remit, O our Lord, our sins. Strengthen Thou our weakness, O our Lord. Suture up our wounds, O our Lord. Remove Thou, O our Lord, famine and pestilence from us. Put away from us Thy rod of anger and hard chastisements, O our Lord. Remove O our Lord, far away from us, envy and hatred. Pride and presumption, expel Thou out of us, O our Lord. Praise to Thee, O our Lord! Praise to thee, O our Lord. Our refuge for ever; praise to Thee! Lord, have mercy. Our Father who art in heaven &c.

Kukrione.—Like unto a father pitying his children: Halleluiah! The Lord pitieth those that fear him. The days of man are as grass: Halleluiah! Even as the sprouts in the garden, so doth he spring up. Lord, have mercy.

Glory be to the Father, the Son and the Holy Ghost: from the beginning unto everlasting.

Bowing before the table of life, he recites this prayer. Render us worthy, O Lord God, that our bodies may be purified by Thy holy Body, and that our souls may be illuminated by Thy sanctifying Blood. May they eternally avail unto the cancelment of our debts and remission of our sins, O our Lord and our God.

To be recited when he, having gone up the steps, takes the coal of fire with the spoon.—Thou who who holdest the utmost limits, I hold Thee. I am holding Thee, Thou that rulest the depths: O God! I am committing Thee to my mouth. May I, by Thee, be redeemed from the inextinguishable fire. Our Lord and Our God! Render Thou me ever deserving of remission of sins, even as the sinful woman and the thief.

What is said when he communicates himself.—The sanctifying coal of fire, which is the Body and and Blood of the Messiah our God, is given unto me a sinful servant, for the eternal cancelment of debts and remission of sins in both words. Amen.

When he drinks of the chalice, he repeats.—Jesus, God the Word, who came for our redemption! May my debts be cancelled and my sins forgiven eternally, by Thy living and life-giving Blood which was shed upon the Cross.

When he communicates a priest with the spoon, he says.—The coal of fire, the Body and Blood of the Messiah our God, is given to the cleanly Priest, or to the deacon, or to the Ramban like unto to Antonius; after that, to the steward of the House of God, for the forgiveness of his debts and remission of his sins. His prayers be with us. Amen.

The Priest bearing the Paten in his right hand and the chalice in his left, goes to the left, by the north side; but when he returns, he goes by the right. When the mysteries issue forth, he says:—Thou Son of God, who came down for our salvation and who is to come for our resurrection and the eternal renovation of

our race; may remissson of the sins of Thy servants descend from Thy altar of propitiation.

Makep (Continues.) O Lord God, stretch forth Thou Thy invisible right hand, and bless the assembly of Thy worshippers who receive Thy Body and Thy precious Blood for eternal grace before Thy countenance, Our Lord and our God, and for the forgiveness of debts and remission of sins.

When he descends from the steps, he says:—The mercies of the great God, Jesus the Messiah, our Redeemer would abide upon all those in whom these holinesses are vested, those who give them, those who receive them, and those who labouring thereunto have communicated, and are being communicated with, them. The mercies of God would rest upon us and them in both worlds for ever. Amen.

People. Amen.

Servitor. Have mercy on us, O our Lord. In pity, have mercy upon us, O our Lord! Vouchsafe an answer to us and have mercy on us, O our Lord. Praise to Thee, O our Lord. Praise to Thee O our God. Our refuge for ever, praise to Thee. Lord have mercy. Praise to God.

Here the Priest communicates all who are worthy to receive.

The holy Body of Jesus the Messiah is given, for the health of both body and soul.

The holy Blood of Jesus the Messiah is given, for the health of both body and soul.

When the Priest turns round, imparting the blessing, says:—O our Lord and our God, praise to Thee for ever. Praise to Thee. Praise to Thee. Our Lord Jesus the Messiah! May not Thy holy Body which we have eaten and Thy sanctifying Blood which we have drunk, be unto our judgment and retribution; but, render them available unto the life and salvation of all of us and do Thou bless us.

Servitor. We will adore Thee on bended knees.

People. We give Thee thanks, O Lord.

Priest—Thanks-giving.—Through the multitude of Thy mercies, O Lord, by which we have been made worthy to partake of Thy Heavenly table, we give thanks to Thee. By the participation in Thy holy mysteries, let us not be judged unto punishment, O Lord. But let us be made worthy and be communicated with Thy Holy Ghost, and let us find share and inheritance with all Thy Saints who exist from the beginning. We will now send up praises and thanks-giving unto Thee, Thy only Son and Thy Holy Ghost, the best of all, the adorable, the giver of life and Thy consubstantial in essence.

People. Amen.

Priest. Peace.

People. With the Spirit.

Servitor. After.

People. Before Thee.

Priest. O God, the great and the wonderful, who bent down the skies and descended to save the human race, pity us and bless us. Let us praise Thee, God, the Father Who begot Thee, and Thy Spirit who is the holiest, the good, the adorable, the life-giver and in essence Thy equal, now, always and unto everlasting.

People. Amen.

Servitor. Lord, have mercy.

Priest. Huthama. According to St. James:

Bless Thou all of us, O God. Guard us all O our Creator. The Helper and Lord of all of us, show unto us the path of life.

Another. We will send up to Thee all praises from the mouths of all of us. And we will sing praises to Thy hidden Father and Holy Ghost. We, sinners, having communicated with this Thy Body, may the injustices and wickednesses committed by us, be thereby expiated.

Priest. Drawing three Crosses over the people, this Address is repeated:—Ye, Our brethren and those dear to us—; Go ye in peace, as we commend you with the mercies and graces of the Holy and Glorious Trinity, together with the viaticum and blessings you have received at the propitiatory altar of the Lord. And ye, who are from near and those from far off, who have been redeemed by the victory-giving cross of the Lord, and who have been impressed with the seal of holy baptism—; this will expiate your offences: forgive your evil deeds: prove propitious to your souls. May, feeble and sinner I, a servant, obtain mercy and help, by your prayers. Go ye in yeace, rejoicing and exulting, and pray ye for me.

(True Translation)

Translated by Ulasseri Joseph Kathanar Joseph Kathanar (Signed.)

No. 193.

EXTRACTS FROM EXHIBIT. D.

[Ext. D is a Book for Ordination produced by 1st Deft. on the 1st Kumbhom 1056. Malayalam Translation of extracts from the book was produced on behalf of Plff., on the 12th Vrischigom 1059.]

SOME PARTS OF EXT. D TRANSLATED.

[*From the 3rd line at the foot in page 2, leaf 10*].

At the imposition of hands of a Ehup-deacon, the person laying hands, causing the person ordained to hold the Book of Epistles of the Apostles in his hands, says—Receive the book of Epistles and accept the power to read them before the Holy Church of God, on behalf of the living and the dead, in the name of the Father, Son and Holy Ghost.

[*From the 8th line in page 1, leaf 12.*]

By the prayers of Thy mother and Thy Saints, Thy Cross and all Thy Passions, guard Thou Thy preceptors and *Kassisas* and thy *Koroyans* and deacons.

[*From the 8th line in page 1, leaf 87.*]

O Virgin, the Mother of God, may your remembrance avail for blessing. To the distant and the near, grant Thou what they beseech. To the sick, grant Thou health. On behalf of the sorrowing, pray Thou for fortitude. From him whom the evil one troubleth, cast Thou off him (the evil one.) May blessings descend unto us from Thy prayers and supplications. Halleluiah! May thy prayers help us.

[*From the 14th line in page 2, leaf 87.*]

Moses, in whom continued the prohetic spirit (ע) and Simon, the chief of the Apostles, and Paul, the Sculptor, are remembered.

He, Paul, has addressed us in his Epistle to the Romans that we should be bound unto the remembrance of the righteous who did love God with their entire heart. May blessings descend unto us by their prayers and supplications. Halleluiah! May their prayers help us. O Lord! Remember Thou our dead who knew Thee by baptism and received Thee from the Altar and grant them favour. May those who partake of thy Holy Body and drink of thy Blood from Thy Cup of Grace repose with Abraham in Heaven; and O Lord, May they shout praise unto Thee at Thy right hand. Halleluiah. My Lord! May thy Servants be favoured.

[*From line 12 in page 2, leaf 101.*]

The Metropolitan sits in his state, and then the Episcopas take the person to be ordained close to him. When the Metropolitan addresses him, he reads the version of Amalogia which he has previously copied in his own hand-writing. He states what the limits of the true Faith are. He says, 'I acknowledge before God and this assembly that I shall as it becometh follow, teach, and cause to be taught, the commands of the Gospel and shall as long as I live and to the best of my powers devote myself to good purposes.' After this, he hands the roll written by him to the Metropolitan, for custody. But they take (keep off) the *Masanaphsa* from him until the time therefor.

[*From line 2 in page 1 of leaf 107.*]

(We) call and consecrate *such a person* who loves God, to be the Metropolitan or Episcopa of *such a town* being an Edavagay where the Grace of God which maketh the weak, healthy and incomplete, complete, and which hath deep concern for the welfare of churches, is glorified. Therefore, we should all of us pray that the Spirit of the Holy Ghost may pass into him and shout, *Kyrie Eleison*, three times.

[*From line 2 in page 1 of leaf 108.*]

The *Maruvahasas* fly (*lit:*) above the Gospels.

[*From line 5 in page 1 of leaf 109.*]

O God who knoweth all hearts! In thy Holy Name, grant Thou unto him, this thy servant, whom Thou hast chosen to be Metropolitan or Episcopa that he may govern Thy holy Edavagay and serve Thee without fault, as Prelate.

Translated by Pattasseri Joseph Geverghese Kathanar.

(True translation.)

(Signed) Varugese.

No. 194.

EXHIBIT. E.

PLAINTIFF'S STATICON.

[Malayalam Translation of this Ext. was filed on behalf of Plaintiff on the 28th Kunni 1058.]

In the Holy Name of that Trinity in Unity who is the Author of the Universe and the Giver of all gifts:

Jacob II, Ignatius Patriarch of the Apostolic See of Antioch, by the Grace of God, Keeper of the Keys of the Kingdom of Heaven and High Priest of Priests.

I hereby attest to the fact of these seals being those of the Jacobite Patriarch Mar Jacob. Seal Seal Seal Seal

8th June 1865 C. A. Ropam
Her Majesty's Vice-Consul at Mossul.

All good and perfect gifts descend from the presence of the Father of the Lights above.

Seal Seal Seal

They are not in the hands of him that desireth: Nor are they in the hands of him who runneth: But they are in the Holy hands of the Loving God.

Seal. Seal. Seal.

He is the True God and the Bestower of Divinity who is the God of the Gods, sprung from that Holy essence which draweth every thing to that Divinity.

In the name of the Living God, Praise be unto Him from all, Glorified be He by all: He who is the creator of the Universe and who by His Hands governeth the Universe: The Begining and the End of all and the only One. May He be praised: now & ever and unto everlasting: Amen.

Soostaticon-(The Good Staticon)

In the Holy name of the self-existent Being who hath neither begining nor end, the Ruler of the Universe and embodiment of essence.

Seal Seal Seal

Ignatius Patriarch, the head who reigneth on the important throne of Antioch: the servant of servants of our protector, Jesus Messiah, the Holy word of God, the Creator, whose mercy abundantly pervadeth every thing and whose graciousness is indescribable, and whose Holy word dwelleth unrivalled in mankind: With our unremitted prayers as laid down in the ordinances of the Church and the gospel, and divine and holy peace unto the Pattakkar, holy deacons like unto Stephanos, Epithropas weilding authority, vicars, heads, chiefs, learned preceptors, noble merchants, trustworthy nobles, labouring employees, honorable men, humble youths, boys, infants, women, daughters, virgins, the great and the humble; unto all, of all the churches of Arthattu, Kunnenculom, Cheralayom, Palanji, Chalasseri, Srayi, Nadamel, Karingasra, Mulanthuruthu, Ramangalom, Cochin, Cottayom Valiapalli, Do: Cheriapalli, Puthuppalli, Neelamperur, Kolancheri, Kurichi, Vakathanom, Kallumkathari, Kothamangalom, Kuruppompadi, Kadamattom, Kunnakkurudi, Rakkattu, Mamalasseri, Kantanad, Ankamali, Pallikkara, Pampakkuda, Cottayom Seminary &c.; being the Edavagay, in India, of the Holy Apostle Mar Thoma: comprising our beloved children and heirs to Heaven, who know the Divine mysteries, and who are the purified people, the blessed community and the chosen race: Informeth:— May the Power of God and his powerful armies ever guard you. Amen.

After the Holy Peace we have granted and special supplication and unremitted prayer, we further make known unto your true love; May God never cause to happen unto you anything dangerous. But we should not be puzzled even as some are puzzled without cause, as Apostle Paul, the teacher of the Divine mysteries has described unto us. Furthermore: It is not in the hands of him who desireth nor in the hands of him who runneth: But verily as said by the aforesaid Holy Apostle, the good, and in whom dwelt the Holy Spirit, 'In the Hands of the Living God'; all good gifts and all perfect authority come from the Power of the Holy Spirit. But, when with much grief (lit: complaint) and sorrow in the understanding of Our weak self, We contemplated as to how We may chose and send a shepherd to India which is the See of the Holy Apostle Mar Thomas, to govern them, with regard to their true creed and the ordinances of the canons and the gospels, and with regard to their observances and their steady adherence to truth, We took much interest and worked hard in this matter, as We thought it not proper for Us to act in this sacred (lit: secret) matter hastily and without enquiry and examination, lest, as We have seen with Our eyes and heard with Our ears of several having become opposed (in past days) on account of such act, and lest this matter also should turn out unjust &

thus give room for the ridicule & slight of ignorant people & fools & for opposition from the rock of enemity. Nevertheless, after this hard labour, (We), by Our understanding, watched and carefully examined our dear son Joseph Kassisa's status and position. And the anointment of consecration welled forth on him and was granted unto him, even as the vessel of anointing which was in the hands of the Prophet Samuel welled forth over the head of King David. It was with these that this rite was completed. Therefore, this rite is from Providence and not from any enemity or pressure. For, as it is said, that every thing should be in its proper season and that there is time for all acts and work and that, likewise, time is required for all perfection: in this matter, God was pleased and set him apart, and until We and the members of the committee and Metrans met in Synod and consulted and came to a determination, (he) had to wait. But at that time, the Divine Will (Secret) was revealed unto Our weak self and the Synod. All were struck with wonder then:—And all mouths and tongues, far and near, responded that the rite was of God and that the call was of the Holy Ghost who dwelleth where the choice falleth, and choseth from the just, and whose rise illumineth the understanding with the light of the knowledge of God: And furthermore, they admitted and proclaimed that this Joseph Kassisa is a good man, and one in whom dwelt the Holy Ghost, and one called to this Divine Service, having been chosen from his mother's womb, even as the Prophet Jeremiah, and one truly fit and proper to hold the prelatial dignity on account of his perfection, and his great interest in all good, and his maturity, humility, fasts unremitted prayers, love of the poor, spiritual learning and his understanding (lit: exposition) of religious books. When We watched him with Our corporeal eyes and examined him with spiritual eyes, all mouths and tongues shouted (with us), "This is not of man; and not on account of man; but verily of the living God." Thus there rose (a) loud voice, "He is fit to bear the name of Mar Dionysius, called by the Holy Ghost." And at that time, to the effect that he was fitted for the call, all holy Episcopas, Kassisas, *Samsanas* and all others of the Holy Orders: All shouted with us, in one voice, "Axios! Axios! Axios! Mar Dionysius Joseph Metropolitan, the Shepherd and Chief Priest is a fit & proper person." Moreover: all the armies of the angels also shouted with us, on account of their great joy, at the Imposition of Hands of the good person chosen to be the abode of God. Henceforth, he hath obtained complete authority, through the mediation of Our weakness, from the Holy Ghost, as was conferred upon the holy Apostles by our Lord Jesus Messiah. That is, to bind, to loose, to dispense justice (lit: to decree laws,) to lay down Canons and laws, to consecrate churches and sanctuaries, to ordain *Kori-Episcopas*, *Kassisas*, Deacons, *Ehup*-deacons, *Koroyans* and *Msamaranens* and to do every thing proper with respect to *sthanoms* (orders) and privileges, and to retain under his authority the funds of churches and everything therein contained. Henceforth, whomsoever this Aboon Mar Dionysius Joseph Metropolitan may bind, that person will be subject to his command, and cursed and separated from God and from Our weak Self, and shall not be loosed or emancipated by any except this your Father who hath bound him. And be he Kori-Episcopa or Kassisa or Deacon or layman, great or low, old, adult, or young, man or woman, be it any person, there shall be no emancipation. And likewise, whomsoever this your Father blesseth, he shall have the blessings of God and prayers from Our weak self. Further: We make known unto your true love: you should with spiritual joy prepare, and with voice and praise uttered from your mouths and holding in your hands the sacred (lit: exalted) tender palm-leaves filled with spiritual praise and joy, set forth for the reception of this true shepherd, Your Father, and in one voice shout out in his presence without any break, "Axios! Axios! Axios! Our Holy Father, the Venerable Mar Dionysius Joseph is worthy and good," just as We and the Episcopas assembled shouted at the consecration of this true shepherd. And this, do ye happy in mind and body, shouting in this great voice of the Holy

Ghost, as We did at that time, when We executed the Holy will of God. And moreover; O our dear sons! be it specially known unto you that We have placed our word in his mouth as our Lord Jesus Messiah did with His Apostles, and given him full authority to do everything proper, in conformity with the canons, as he is your Father, shepherd and ruler. Therefore, it becometh you to obey his words and commands and to love and honor him, as was commanded unto Simon Peter. Whosoever doth acknowledge him will be blessed by God and by Our weakness. Whosoever doth not obey or accept him will be separated from God and from Our weakness. Our weak selves pray unto God that his coming unto you may be blessed and that ye may have pleasure in his advent.

Furthermore, O Our dear sons, We make known unto your true love that We have appointed this your Father over churches and *Dayaras* and have warned him that he should conduct himself without swerving from the path of righteousness, that he should keep aloof from injustice, avarice and partiality, that he should follow the track of the ancient Fathers and not introduce any new laws contrary to the canons of the holy Church, that he should not beg of any body for anything beyond his means and that he should not make the Orders of the clergy detestable by any forbidden act of bribe-taking.

Furthermore, O our dear sons, We command unto you that you should manifest your special love towards this spiritual Father of yours and not be related to any person who standeth opposed to him or listeneth not to his words. But you should show your adherence to truth in the case of this Father and be helpers unto him at all times. Be it before men in power, or before judges, or before chiefs, in all matters that he may require, you should stand with him, and assist him in building churches, *Dayaras* and places for his residence. And he is bound always to pray and intercede in your behalf. And when We hear of these, We will multiply our blessings upon you. Moreover, We pray unto God that, as our Lord Jesus Messiah, extending his hands, blessed His holy Apostles at moment Olive and promised to send unto them His Holy Spirit, He may extend His Holy hands and bless you and your houses and your children and your harvests. May the Lord God open the door of His Mercy unto you and may He multiply His blessings and goodness upon you all and may He grant unto you, during your whole life-time, days of happiness and peace. May God support your old, and protect your youths, and bring up your children and accept your fasts and prayers and presents and offerings and charities and tithes. May the Lord forgive your sins and your evil deeds and offer you the refuge of His true promise and grant unto you the felicities of both worlds; and, in this world, cause to dwell upon you and your houses and your acquisitions, His goodnesses and blessings; and, in that world, make you heirs to the kingdom of heaven with the Just and the Saints: And may you and your dead be allowed to hear that august voice which proclaimeth unto those of the right, "Blessed of my Father! come ye and as of right enjoy the salvation prepared for you from the beginning of the world:" And that, by the prayer of Mary, the mother of God, and of all Saints. May the love of God, the Father, and the mercy of the only Son, and the communion of the Holy Ghost be with ye at all times.

Seal Unto this effect: 1865. Seal

I, the powerless Athanasius Stephanos Episcopa saw the *Sustaticon* granted to Aboon Mar Dionysius Joseph Metropolitan of Malayalam, by the Holy Father, Maran Mar Ignatius Patriarch. As commanded therein, We, with the holy Fathers of this place, shouted out thrice and proclaimed. "Axios! Axios! Axios!

Our Father Mar Dionysius is worthy and proper." This, in the year 1856 of the Messiah's Era. Written at the *Gosaratha* of the exalted.

Seal Seal

1865, Messiah's Era. I, Gregorius Geverghese Episcopa of the town of Ahmed attested firmly the *Sustaïcon* which is in the hand of our brother, Mar Dionysius, Metropolitan of the country of India and, with the Fathers assembled, we shouted out thrice, "Axios! Axios! Axios!" May the Lord bless him.

Seal

1865, Messiah's Era. I, the powerless Kurilos Geverghese, Metropolitan of Mossul saw the *Sustaticon* which is in the hand of Aboon Mar Dionysius, Metropolitan of India: And, with the Fathers assembled, we shouted out thrice "Axios! Axios! Axios!" May the Lord bless him.

Seal

A Syriac Signature.

Compared by Pattasseri Geverghese Kathanar (Signed).

Nos: 195 and 196.

EXTRACTS FROM EXTS. F and G.

These have not been translated and printed as no list or copy of Extracts have been put in for the Respondent, the party that moved the translation and printing of Extracts from these Exhibits. *

No. 197.

EXHIBIT H.

[Copy of the Panchayeth Decision passed at Quilon, dated 9th Mithunom 1023.]

Evidences obtained in the course of the investigation held by the committee assembled to enquire unto the case of the Syrian Metrans, and the points determined upon from those evidences.

A Proclamation having been issued by the Acting Dewan of Travancore under date the 29th $\frac{\text{Margaly } 1023}{\text{Jany. } 1848}$ to the effect that whereas both Mar Athanasius and Mar Coorilos who arrived in this country in the year 1843 and 1846 respectively have produced to the British Resident, credentials from the Patriarch of Antioch, appointing them severally Metropolitan of the Syrian Church in Ma.. bar, and that whereas one party of the Syrian Community desire to receive Mar Coorilos as their Metropolitan, alleging that the documents produced by Mar Athanasius are not genuine; and the other party desire to receive Mar Athanasius as their Metropolitan, aleging that the documents produced by Mar Coorilos are not genuine; the Sircar before recognizing either of the two persons above mentioned, as the Syrian Metropolitan deem it necessary that enquiry should be made into the dispute between the two

* Vide order dated 30th Thulam 1063.

parties; and with that view have appointed, with the concurrence of the British Resident, 4 Sircar Officers to form a Committee for the purpose of instituting such enquiry; and that Mar Athanasius and Mar Coorilos together with 2 Catanars and 4 principal Parishioners of each of the Syrian Churches are required to attend at Quilon on the 4th Meenom 1023 to answer such questions as may be put to them by the said Committee:—and subsequently to the said Proclamation, a letter under date the 16th February last having been addressed by the Acting Dewan to Mr. Kohlhoff the 2nd Judge of the Appeal Court, Mr. White Secretary to the Dewan, Ananthoo Pillay the Melaloothoo Pillay, and Vencataramana Iyen the Police Sheristadar, intimating that the Circar had appointed them Members of the said Committee; the Committee accordingly assembled at Quilon, and received from Mar Athanasius the following documents in the Syrian language, viz: the Staticon (Commission) of his appointment; a letter sent to the Patriarch by the Syrian Community by the hands of one Marogee a native of Bagdad; letters said to have been addressed by Mar Coorilos from Misraim (Egypt) to Mar Athanasius and to the Syrian churches; and a letter said to have been addressed by Mar Coorilos from Cochin to Eddoovallical Philipos Catenar. The Committee also received from Mar Coorilos the follwing documents (in Syriac) viz: the Staticon of his appointment; a letter said to be from the late Patriarch Elias placing Mar Athanasius under interdict; letters said to have been addressed by the Patriarch to the Syrian Churches under dates corresponding with the 13th Carcadagom 1845, and 3rd Meenom and 29th Edavom 1847; and letters under dates corresponding with the 15th Edavom 1845 and 29th Edavom 1847, stated to be from the Patriarch to His Highness the Rajah. The above papers were translated by the two parties respectively into Malayalam and the translation (authenticated) were also handed by them to the Committee. Mar Coorilos also produced certain Notes (?) as addressed by Mar Athanasius to Poonakal Eapen Swaminadapillay & Cullomparambil Mamen. A letter from the *Elliah Mora* Metran Mar Coorilos of the Church at Tholioor, to the address of the Committee and a letter from Poovathoor Isac Malpan of Chenganoor also to the address of the Committee together with two Sadanoms addressed on the 21st Meenom and 10th Coombom 1023 by Mar Dionysius to the Church at Chenganoor, were likewise handed to the Committee by the first mentioned two Individuals respectively. These as also the declarations given by Mar Coorilos (the foreigner) and Thoomman Kochummoomen of Mopolay-vedoo and others, and the declarations of Mar Athanasius and Korathoo Catanar of Chodracoonnil the Vicar of the Syro-Roman Church at Thotacaut, together with a letter addressed by Mar Athanisius and an Arzee presented by the Clergy and Parishioners of the Church at Quilon, and 25 other Churches to the Committee, expressing their desire to have Mar Athanasius as their Metropolitan; also an Arzee addressed by the clergy and Parishioners of the Vallya pally church at Cottayom, and 39 other Churches to the Committee expressing their desire to have Mar Coorilos as their Metropolitan, and the declarations given by the clergy and Parishioners of all the said churches; also the Diary kept by the Committee of their proceedings, and certain Exhibits produced in Court by Mar Dionysius, Philipos Catanar and Abram Malpan in a civil suit filed against them by the said Marogee, for the recovery of a sum of money due to him on his return from Antioch for taking a letter to the Patriarch and bringing his reply, (which Exhibits were sent for by the Commiteee from the Appeal Court) all the above-mentioned documents and also the address submitted by Mar Dionysius and others to His Highness the Rajah, which were obtained through the Dewan, the Committee having examined, find as follows:—

In the original letter addressed by the Syrian Community to the Patriarch and which Mar Athanasius produced before the Committee as having been delivered to him by the Patriarch himself it is stated that "Since the former Metran * Mar Athanasius had left Travancore in 1825, they, the Syrian Community, addressed

* Note.—The foreigner who was ordered out of the Travancore for undue interference.

the Patriarch eleven times, soliciting that a Metropolitan may be sent, but that none had come:—that they are as sheep having no shepherd; and that in consequence, the Syrian Church in Malabar is in a state of widow-hood:—that its spiritual concerns are in a declining state; and that being without a duly constituted Metropolitan and Priests, they, the Syrian community, are deprived of the benefit of Baptism, Absolution, Mass and other sacred rites, and have also no Moran (Holy oil):—that a Priest ordains a priest, and priest consecrates a Metran; and that having no holy oil, unsanctified oil is put into Vials which before contained holy oil:—that thus they commit great sin, which without shame they confess:—that the Patriarch should prohibit the Priest (Mar Dionysius) who wears the sacerdotal habit of Metropolitan, from wantonly transgressing the canons of the church; and that a Metropolitan should be sent reputed for piety wisdom and discretion provided with the necessary holy Oil and religious Books, &c.; and further, that the Patriarch should either send the former Metran Mar Athanasius, or Joseph Metran who is at Nineveh." It appears from the same letter, that the letter sent by the Patriarch to the Church was concealed from the knowledge of the Syrian Community by Mar Dionysius who prepared a reply to the same also unknown to them; and gave it to the aforesaid Marogee and companion Trancis at Kaleguilon, to be delivered to the Patriarch:—that when these two persons had proceeded as far as Cochin, the Syrian Community having come to the knowledge of the circumstances, recalled them to Cundenaut and gave into their hands their, the Community's own letter to the Patriarch, with one hundred Rupees for their travelling expenses. It is further stated in the said letter, that "if the Patriarch should still fail to send a Metropolitan, he will have to account in the Day of Judgment for all the transgressions which the Syrian people of Malabar now commit." The Committee find that both this letter and the one surreptitiously addressed by Mar Dionysius to the Patriarch in the name of the Syrian Community, were taken by Morogee and Trancis to Antioch, and that Morogee returned with a general reply from the Patriarch:—that afterwards, in consequence of a balance being due to him on account of the expenses of his journey, he filed a suit against Mar Dionysius, Philipos Kathanar and Abram Malpan for the recovery of that balance, on which occasion, the Individuals last mentioned produced before the Court, the Exhibits referred to. The Committee found that one of these documents which purported to be a translation of the letter addressed to the Patriarch by the Syrian Community, fully corresponded with the original letter produced by Mar Athanasius; and that another of those Exhibits being a translation of the reply from the Patriarch to that letter, contained the purport of the latter, thus proving at once the genuineness of the originals. The Patriarch in his reply states, that "he will consecrate Metrans and establish rules for their guidance:—that if possible, he the Patriarch himself, would come along with the Metrans, bringing with him the requisite Holy Oil and religious Books:—and that Mar Dionysius has been prohibited thenceforth from constituting either Deacons, or Priests, or Metrans. It is evident from the Patriarch's reply to the churches, that till that reply was written, no person had been selected for the Office of Metropolitan to the See of Malabar.

The Committee further find that the purport of the abovementioned letter from the Syrian Community to the Patriarch is quoted at the every (*Sic*) commencement of the Staticon granted to Mar Athanasius. It is likewise stated in Mar Athanasius's Staticon that "while the Patriarch was meditating as to the person he should send to Malabar conformably to the above letter, Mar Athanasius arrived at Antioch; and that the Patriarch having seen and approved of him, and satisfied himself of his fitness, consecrated and appointed him Metropolitan of the Syrian Church in Malabar."

The Committee observe that the Staticon produced by Mar Kurilos simply states, that "he is appointed Metropolitan of the See of St. Thomas in Malabar"

without any reference whatever to the circumstances which led to his appointment.

On examining the letter (*Sic*) said to be, addressed by the Patriarch to His Highness the Rajah, which bear dates corresponding with the 5th Edavom 1845 and 29th Edavom 1847; also the three letters said to have been written by the Patriarch to the Syrian churches, under dates corresponding with the 13th Karcadagom 1845 and 3rd Meenom and 29th Edavom 1847,—the Committee find it stated in the letter said to be addressed by the late Patriarch Elias to His Highness the Rajah, and which bears date corresponding with the 15th Edavom 1845; that "Mar Athanasius had been the bearer of a letter purporting to be from the Syrian Community to the Patriarch, in which they requested that he, Mar Athanasius, may be appointed Metropolitan: that Mar Athanasius told him the Patriarch that he was a Priest that Mar Dionysius and others had since the arrival of Mar Athanasius in Malabar, represented to him the Patriarch, that the Syrian Community had not addressed such a letter to him; and that while he was but a Caroya * Mar Athanasius gave out that he was a Kasisa (priest): that the Syrian Community solicited that another Metropolitan may be sent out to Malabar:—that consequently he, the Patriarch, had removed Mar Athanasius, and appointed Mar Kurilos and sent him to Malabar."

* Note. Student for Holy orders.

In a letter purporting to be addressed to His Highness the Rajah by the present Patriarch Jacob and which bears date corresponding with the 29th Edavom 1847,—it is set forth, that "Mar Athanasius had brought a letter as addressed by the Syrian Community to his Predecessor the Patriarch Elias:—that there was neither the signatures of the writers to that letter nor seal affixed to it; and that on Mar Athanasius being questioned respecting this circumstance by the Patriarch Elias, he replied that it is not usual out of honor and respect, to seal and sign letters addressed by inferiors to superiors:—that by such assertion Mar Athanasius deceived the Patriarch:—that further, he the Patriarch Jacob, was informed that Mar Athanasius was received by the Syrian Community only in consideration of the letters of his Predecessor the Patriarch Elias:—that after some time, Mar Athanasius forsook the Syrian faith and joined the Heretics, rejected the Canons of the Syrian Church and introduced new rules in their stead; and that agreeably to the request of the Syrian Community, his the Patriarch Jacob's, Predecessor had annulled the appointment of Mar Athanasius and consecrated and sent Mar Kurilos."

In the letter said to be from the Patriarch Elias to the Syrian churches and which bears date corresponding with the 13th Karcadagom 1845,—it is stated that "Mar Kurilos is sent as Metropolitan:—that Mar Athanasius be (*Sic*) obtained his appointment by deceit; and that as he, the Patriarch, was informed by the Syrian Community of Malabar, that after Mar Athanasius' arrival amongst them, he forsook the Syrian faith and joined the Heretics,—he has removed him from his office."

In the letter under date corresponding with the 3rd Meenom 1847, said to be from the Patriarch Elias to the Syrian churches, it is stated that "Mar Athanasius had brought a letter purporting to be from the Syrian Community, in which they earnestly solicited that he may be consecrated Metropolitan:—that as there was neither seal nor signature affixed to that letter, he Mar Athanasius, was questioned respecting it, when he replied that it was not usual to affix either seal or signature to letters addressed to superiors." The above-mentioned letter from the Patriarch purports also that he Mar Athanasius, obtained the Patriarch's Blessing by fraudulent means, and stated that he was a priest: that letter further states, that Mar Athanasius had performed Mass at Moossul, and other sacred offices at the Patriarchal Convent:—that the Patriarch learned moreover, that after his return to Malabar, Mar Athanasius sought to root out the Syrian Sect., &c. and that therefore he has been placed (*Sic*) interdict."

The Committee find it stated in the letter said to be addressed by the Patriarch Jacob to the Syrian Churches, under date corresponding with the 29th

Edavom 1847, that Mar Athanasius had brought a letter from the Syrian Community to that Patriarch's predecessor Elias, soliciting that he, Mar Athanasius, may be consecrated Metropolitan: that there was neither seal nor signature to that letter; and that on being questioned on the subject, Mar Athanasius replied, that it was not usual, from honor and respect, to seal and sign letters addressed to superiors: that Mar Athanasius had thus deceived the Patriarch and obtained his appointment as Metropolitan:—that his the Patriarch Jacob's Predecessor learned that Mar Athanasius, after his arrival in Malabar, had become a heretic and an Apostate from the Syrian faith, and a deceiver of many persons, and that therefore, he should return to Antioch:—that Mar Kurilos has been sent as Metropolitan:—that Mar Athanasius had not returned to Antioch as he was desired to do, and that the Syrian Community should not associate with him in consequence."

The letter of Interdict said to be addressed to Mar Athanasius by the Patriarch goes to assert that Mar Athanasius had brought a letter from the Syrian Community, soliciting that he may be consecrated Metropolitan: that he gave himself out as a Causesa as a Priest, performed Mass at Mossal and other sacred functions in the Patriarchal Convent: that on his way to Malabar, he created disturbances at Mossul; and that he, the Patriarch, learned that on his arrival in Malabar, Mar Athanasius repaired to the Church at Cundanaud for the purpose of having his Staticon publicly read; but that conscious that there were some expressions in it of a nature that would tend to expose him, he declined to show that Staticon, and that while he was only a Coroya he gave himself out as a Casseesa (Priest); that even then he began to alter the Canons of the Church, and that in consequence, the Syrian Community having requested for another Metropolitan, he the Patriarch, had appointed Mar Kurilos:—that on the latter's arrival in Malabar, Mar Athanasius should proceed to Antioch that moreover he, the Patriarch, learned that Mar Athanasius had written to an individual named Naom-Azar stating that Christ had appeared to him in a dream and commanded him to proceed to Jerusalem and be blessed, and that he, Mar Athanasius would consequently proceed thither:—that Mar Athanasius had also written to Behanam Metran requesting that he would either come himself to Malabar, or that any other good man may be sent; and the Patriarch's letter further enjoins that Mar Athanasius should proceed to Jerusalem accordingly.

With regard to the alleged conduct of Mar Athanasius both abroad and in Malabar, and for which he is stated to have been superseded, Mar Athanasius represented to the Committee, that "when he was a Caroya the Church at Maramanu, he was desirous to improve in his theological studies, and with that view proceeded to Madras, and after he had been some time under instruction there, he felt a desire to visit the Patriarch (the Head of the Syrian Church) as well as the Churches and Convents in and about Antioch; and accordingly he proceeded thither and waited on the Patriarch, who expressed great joy at his having, of his own free will gone there, and entertained him under his own roof for a period of 7 months:—that the Patriarch told him, Mar Athanasius, that previous to his arrival at Antioch, Marogee had brought him, the Patriarch, a letter from the Syrian Community in Malabar, and that he had sent a reply to it; that the Patriarch having been quite satisfied with his, Mar Athanasius' character and qualifications, convoked an assembly of the Metropolitans &c. in those parts, and after deliberate consultation with them constituted and appointed him, Mar Athanasius 1stly Deacon 2ndly Priest, 3rdly Ramban and 4thly Metropolitan, and after granting him the Staticon of his appointment, and providing him with Holy Oil &c. according to the request of the Syrian Community, sent him to Malabar."

The Committee find that the letter addressed by the Syrian Community to the Patriarch and conveyed by Marogee is fully quoted in the Staticon granted to Mar Athanasius. It is also stated in the Staticon, that "while the Patriarch

was contemplating whom to send as requested in that letter to govern the Syrian Church in Malabar, his, the Patriarch's beloved son Caseesa Mothoyee arrived there of his own accord:—that he, the Patriarch felt great joy at seeing him and said, that having come from among the Syrian Community in Malabar, he was the most eligible person to be their Spiritual Father and Ruler:—that this seems to have come from God, and that it is wonderful in their eyes:—that having been Spiritually enlightened, he, the Most Revd. Metropolitan Mathoyee appears to have been chosen from the Sacred Ministery:—that on account of his many good qualities, his meekness incessant prayer and fasting, his charity and compassion to the poor, his perfect knowledge of theology and ethics, he, Mar Athanasius, is justly worthy of the high Office of Metropolitan:—that the eyes of the mind being enlightened every mouth and tongue unanimously exclaimed that this not from man or by him but from the Lord Most High:—that he, Mar Athanasius, was appointed and ordained 1stly Deacon 2ndly Priest, 3rdly Ramban and 4thly Metropolitan:—that he has been called Mar Athanasius; and that the Patriarch, the Episcopor and other Fathers that were then present, exclaimed with one voice that he Mar Athanasius, is worthy of that name and his election to the Sacred Office of Metropolitan; and that he was accordingly called by them, the Metropolitan of Malabar; that the authority and duties &c. appertaining to the Office of Metropolitan are particularized in the Staticon and that Holy Oil is sent by him, Mar Athanasius, for the use of the Syrian Churches." The Committee observe that two Metropolitans have attested the Staticon as witnesses, and have also, with the Patriarch, affixed their respective seals to it.

The Clergy and Parishioners of the Valliapally Church at Cottayom and 9 other churches, who side with Mar Coorilos declared before the Committee after a perusal of Mar Athanasius's Staticon, that "it is stated therein that Mar Athanasius had proceeded to Antioch of his own accord, but that no mention is made in it that he was the bearer of any letter from the Syrian Community to the Patriarch."

The Committee find from the letter forwarded by the Syrian Community to the Patriarch by the hands of Marogee, that they simply requested that a Metropolitan may be sent, but no mention is made in it regarding Mar Athanasius. They do not also find either in the first letter from the Patriarch Elias to the Syrian Churches, or in the Staticon of Mar Athanasius, any mention made as to his Mar Athanasius, having been the bearer of any letter from the Syrian Community to the Patriarch or that upon such an application, he was consecrated Metropolitan.

When the Patriarch could have known whether seals or signatures were attached to letters previously received by him from Malabar, it is not at all likely that he would have listened to, or much less admitted, any excuse for no seal or signature being affixed to the letter said to have been presented to him by Mar Athanasius; and therefore it is not worthy of credence that Mar Athanasius had taken any letter from the Syrian Community to the Patriarch, soliciting his appointment as Metropolitan, or that Mar Athanasius had been questioned on the subject of the seal and signature, or that he had replied that it was not usual to seal or sign letters addressed to superiors, or that he was elected Metropolitan in consequence of such application as is represented.

In the letters produced by Mar Coorilos, as addressed by the Patriarch, Mar Athanasius is accused of having assumed the title of Causeesa (Priest) while he was only a Caroya. It is true that he is called by the same title in his Staticon, thus "Caseesa (Priest) Mathoyee came to Antioch." But it is a fact also that in the same Staticon before the passages referring to Mar Athanasius' Consecration as Metropolitan, he is styled as such; and before the parts which refer to his ordination as Chemaush (Deacon) not only is he called Causeesa but even Metropolitan, thus "Caseesa Mathoyee came of his own accord" and also "the Most Revd. Metropolitan Mathoyee is worthy &c." The above names and titles as given in the first part of

the Staticon, are only intended apparently as marks of honor and esteem; but thereby it cannot be inferred, that he was called Causeesa or priest before he became such, for reason that he had assumed that title already, or was supposed to be a Priest. If the Patriarch, considered him a Causeesa (Priest) and allowed him to exercise the functions of that Office in his own Convent, he would obviously not have gone back to a lower order by ordaining him a Chemaush (Deacon) in the first place as his Staticon proves. Hence it is evident, that Mar Athanasuis could not have assumed the title or performed the functions of a Caseesa before he become such.

With reference to the statement contained in the letter of interdict produced by Mar Coorilos i.e. that Mar Athanasuis declined to show his Staticon to the Syrian Clergy and laity assembled in the Cundanaud Church to hear it read, because he knew that there were some expressions in it, that would tend to expose him, Mar Athanasius declared before the Committee that "after Mar Dionysius as well as the Elliah Mora Metran Mar Coorilos and others of the Syrian Clergy and laity together with Philipos Catenar and Honaut Malpaun had assembled in the Cundanaud Church for the above purpose, the latter mentioned two individuals, the disturbers of the peace of the Syrian Community, concerted with Mar Dionysius and instead of waiting to hear the Staticon publicly read as customary, sent to request Mar Athanasius for his Staticon to have a private perusal of it; but that he, Mar Athanasius, declined to give it into their hands, because he was aware that the said Honaut Malpaun, Philipos Catenar and others were endeavouring to obtain possession of his Staticon with a view of destroying it: and that therefore he, Mar Athanasius replied that he himself would bring it to be publicly inspected and read." The above declaration of Mar Athanasius is confirmed by the following evidence.

The Clergy and Parishioners of the Omaloor and two other churches declared that "they with others of the Syrian Clergy and laity assembled in the Candanaud Church for the purpose of hearing Mar Athanasius' Staticon read; when Mar Dionysius Honaut Malpaun and others, with a view of obtaining possession of it, concerted together and requested Mar Athanasius to send his Staticon to them that they may have a sight of it privately:—that Mar Athanasius replied that he would not deliver it into their hands but would produce it himself to be publicly inspected and read."

The Clergy and Parishioners of the Thavalacurray and four other churches declared, that, "the Staticon was not given up by Mar Athanasius, because it had been requested for to be read privately."

The Clergy and Parishioners of the Caringalcherrah church, who belong to the party on the side of Mar Coorilos, declared that "Mar Athanasius occupied the gallery, and Mar Dionysius the southern upper cloister of the Cundanud Church:—that they heard Honaut Malpaun tell Mar Dionysius after having waited upon Mar Athanasius, that the latter would not deliver up his Staticon."

The Clergy and Parishioners of the Meddacaulla Church declared, that "while Mar Athanasius and Mar Dionysius were occupying two different parts of the church as above, the latter sent a person to ask for Mar Athanasius's Staticon to read it privately; and that Mar Athanasius sent word in reply, that he would only have it read publicly, but not deliver it into the hands of any person." The Elliah Mora Metran Mar Kurilos stated before the Committee that "after Mar Dionysius had called two Kathanars and held a conference with them in the Candanaud Church, he sent one of them to request Mar Athanasius to send his Staticon by him for their private perusal, with a view of getting, possession of it; to which Mar Athanasius sent reply, saying that he would not deliver it into their hands but would produce it himself before the Community then assembled in the Church.

It being evident from circumstances already noticed that Mar Dionysius and his accomplices, Philipos Catenar and Konaut Malpaun, &c. are the persons who have been striving from the commencement to injure Mar Athanasius, the

Committee think, he very properly refused to deliver his Staticon into their hands. The Committee find no expression in Mar Athanasius's Staticon which are in any way prejudicial to him. On the contrary the whole tenor of it is highly favourable to him as already shown.

Adverting to the accusation in the letter of interdict, namely, that "while Mar Athanasius was a Caroya he had made certain alterations in the Canons of the Syrian Church," Mar Athanasius repelled this accusation and stated that it is not in the power of a Caroya to make such alterations."

The Clergy and Parishioners of the Callooparah and some other churches confirmed Mar Athanasius's statement and added that "even a Chemaush which is a higher order than Cauroya, is not competent to make any alterations in the Canons:—and that at the period referred to Mar Athanasius was only a Caroya and a youth under his late uncle who was a Kathanar."

No person has deposed before the Committee that Mar Athanasius had made any alterations in the Church Canons: and it appears that even a Chemaush who is higher in order than a Caroya, which Mar Athanasius then was, is not authorized to make any charges (*Sic*) in the Canons; and therefore Mar Athanasius could not have altered the Canons of the Syrian Church as he is represented in the letter above referred to, to have done.

As regards the circumstance also alleged in the several letters said to be from the Patriarch and before mentioned, namely, that "after the arrival of Mar Athanasius in Malabar as Metran and his recognition as such by the Syrian Community he became a schismatic and endeavoured to mislead the Syrian people by inducing them to embrace his doctrines, and that with that view, he framed out new rules,"—the Committee have to observe, that none of the Clergy or Parishioners of the several churches deposed before them that Mar Athanasius had done so; and it is a well-known fact that since the arrival of Mar Athanasius, he has not as yet entered upon the functions of his Office, nor has he hitherto been inducted as Metropolitan and hence the charge is false and malicious.

From the evidence against the circumstances which are set forth in the letters said to be from the Patriarch, and comparing the tenor of those letters with that of the Staticon granted to Mar Athanasius by the same Prelate with the concurrence of the other church dignitaries at Antioch, it cannot but be concluded that those letters could not have emanated from that authority.

The Clergy and Parishioners of the Candanaud and Thiruvellah Churches stated, that "after the arrival of Mar Athanasius as Metran, when he visited the Candanuad Church for the purpose of having his Staticon publicly read, he recited another prayer instead of that addressed to the Virgin Mary, which is usually repeated by the Metrans when they visit any of the churches." The same Clergy and Parishioners when questioned what other prayer was repeated by Mar Athanasius stated that "they did not know what it was."

The Clergy and Parishioners of the Chembil Church vaguely stated that, "they were told that the Metran Mar Athanasius had mentioned in the Church at Niranom, that the recital of the prayer addressed to the Virgin Mary was not necessary."

The Parishioners* of the Mallapally Church who objected to sign their declarations before the Committee stated that "they were told that the Metran Mar Athanasius had proposed the adoption of some alterations in the Church Canons."

* Note. The Clergy of this Church were not in attendance.

It will be seen that the statements of the Clergy and Parishioners of the Chembil and Mallapally Churches disagree with each other, and with the statements of the Clergy and Parishioners of the Candanaud and Thiruvellah Churches. None of the Clergy and Parishioners of the rest of the Churches,—who had resorted to the Candanaud Church on the occasion referred to,—made any such accusation

against Mar Athanasius and hence that accusation against Mar Athanasius falls to the ground.

Mar Coorilos addressed a letter to the Committee forwarding a paper containing twenty questions to be put to Mar Athanasius and three notes from the letter to Kallenparambil Maumen Swamynatha Pillay and Punnakel Eapen Mar Athanasius in his statements, refuted all the points in the 1st, 2nd, 4th, 6th, 7th, 10th, 12th, 13th, and 14th questions. Of the three notes above-mentioned and to which the 20th question refers, in the one addressed to Swamynatha Pillay Mar Athanasius says that "if another Metran should come, it would relieve him, Mar Athanasius, of responsibility, and he would attend to his own spiritual concerns" in the note to Kallenparambil Maumen, Mar Athanasius says that "if an interdict should come from the Patriarch he, Mar Athanasius would submit to it" and in the note to Punnakel Eapen Mar Athanasius says that "he is not disposed to go to extremities, lest the result might prove injurious to the Syrian people but that if they wish it he would not hesitate to do so."

With regard to the above said three Notes and to the circumstance set forth in the letter of Interdict namely that "Mar Athanasius had written a letter to Behanam Metran, the Nephew of the Patriarch requesting that he, Behanam Metran would come out to Malabar himself or that another good person may be sent as Metran—"Mar Athanasius owned that he had written those three Notes to Swamynatha Pillay &c and also the letter to Behanam Metran but stated that "having learned that in consequence of certain misrepresentations made to the Patriarch by a portion of the Syrian Community who are ill-disposed towards him—a person was about to he deputed from Antioch to institute enquiry into the matters represented by them, he (Mar Athanasius) wrote to the Patriarch's Nephew Behanam Metran, mentioning that if such be the fact, he would be glad if he, Behanam Metran or any other good man would be deputed for that purpose; that it was in reference to that report that he had also written to Punnakel Eapen intimating that his accusers would be subjected to inconvenience and disgrace in the event of such an enquiry being set on foot into the matters falsely represented by them against him;—that after his (Mar Athanasius') arrival in Malabar as Metropolitan, Philipos Catenar fabricated a report which Kullenparambil Maumen and others spread, to the effect that a letter of interdict had arrived against him (Mar Athanasius): that it was because he, Mar Athanasius was convinced that the Patriarch who conferred upon him the dignity of Metropolitan, would not issue a letter of interdict against him or send out another person in his stead before causing investigation into the charges brought against him, and also because he believed that no such letter of interdict had been sent out, that he had written the other two Notes to Kullenparambil Maumen and Swamynatha Pillay expressing ironically that he would act in obedience to the letter of interdict said to have been issued by the Patriarch against him, and so forth."

On examining those Notes it is clear that they are written in the spirit explained by Mar Athanasius. Those Notes however prove nothing against Mar Athanasius or in favour of Mar Coorilos. If there were any legitimate grounds for Mar Coorilos's coming out to Malabar he would not have produced the above-mentioned Notes as calculated by a liberal interpretation of their contents to favour his own views. It is absurd to suppose that because those notes mention what Mar Athanasius had heard as a report spread by some persons and express ironically that Mar Athanasius would submit to the reported measures against him, such expression could be binding on him and that he should submit to measures so opposed to all consistency, reason and justice. As the other questions submitted by Mar Kurilos were irrelevant to the matter at issue they were thrown out by the Committee.

With regard to the circumstance mentioned in the letter of interdict, i. e. that "Mar Athanasius had written to Naom Azar saying that Christ had appeared to him in a dream and commanded him to proceed to Jerusalem and be blessed and that he would accordingly repair thither in the following year," and in reference to which it is enjoyed in the letter of interdict that he, "Mar Athanasius, should therefore visit Jerusalem for that purpose;"—Mar Athanasius declared that "he never wrote to any person that he had seen such a vision, an occurrence now unknown." Mar Athanasius produced before the Committee as already noticed three letters said to have been written by Mar Kurilos. In one of these which is addressed from Egypt under date corresponding with the 19th Vrischigom 1845 to the Syrian Churches, it is stated that "shortly after Mar Athanasius's arrival in Malabar with the Staticon of his appointment as Metropolitan of the Syrian Church, Mar Dionysius and the Clergy and Parishioners of a number of the Syrian churches addressed applications to the Patriarch of Antioch soliciting him to send out another Metropolitan (in lieu of Mar Athanasius); but that as the Patriarch was then engaged in various duties and the Church at Antioch had not the means of defraying the expenses of sending out a Metropolitan, he the Patriarch was precluded from complying with the request of the applicants: that as the Patriarch was unable from old age to come himself to Malabar he desired him, Mar Coorilos, the Patriarch's Secretary to proceed thither as his Proxy and delivered to him at the same time the letters received from Mar Dionysius and others and that both he and Naom Azar waited upon the British Consul (at Alleppo) and produced before that authority, the applications made by Mar Dionysius and others for a new Metran." In another of those letters which is addressed by Mar Kurilos from Egypt, and under the same date, to Mar Athanasius, it is stated that he "Mar Coorilos is the bearer of a letter of blessing peace and concord from the Patriarch to Mar Athanasius and to the Syrian Churches:—that Mar Dionysius and Mar Athanasius should live in harmony with each other and with all the Syrian people"—Mar Coorilos requests in the same letter for a remittance of money through Captain Jamieson (at Bombay) to pay for his Mar Coorilos's passage by steamer to India. Mar Coorilos in that letter salutes Mar Athanasius with the expression that "he kisses the hands and feet of the Metran Mar Athanasius." The Committee have to remark here that such a salutation would not have been addressed by Mar Coorilos to Mar Athanasius if the former were the bearer of a letter of interdict or excommunication against the latter. In the third letter which is from Mar Coorilos to Eddavalecal Philipos Kathanar and is written from Cochin under date corresponding with the 11th Carcadagom 1047 it is stated that "the letters despatched by him Mar Coorilos from Egypt to Mar Dionysius, Philipos Kathanar and others should be returned to him, as he wished to know what was written in them:—that the matters therein referred to might perhaps from (*Sic*) the subject of enquiry:—and that therefore those letters must be substituted by others:—that there were certain errors in the Patriarch's letters; but that by Divine Grace he Mar Kurilos has been enabled with much labor to rectify them." Mar Coorilos acknowledged that he had written the above said two letters, one to the Syrian Churches and the other to Mar Athanasius; but referred to the letter of interdict and malediction &c. from the Patriarch, which were produced by him, Mar Coorilos, before the Committee—as being the letters of Blessing Peace &c. alluded to by him in his letter to Mar Athanasius:—He denied before the Committee that the applications made by Mar Dionysius and others to the Patriarch for a new Metropolitan, were delivered to him by the Patriarch; while he states the very reverse in his letter written from Egypt to the Churches, and owned by him—when he was called upon by the Committee to explain for what purpose he was desired by the Patriarch to proceed to Malabar, as his Proxy, he stated that he would give an answer on the following day. On the letter to the address of Philipos Catenar being shown to him Mar Coorilos and

his being asked to state whether he was the writer of it, he replied that it was written by some person in the Syriac language and in his, Mar Coorilos's name; and that the superscription was in the Arabic language, but in Syriac characters. He however denied that he was the author of the letter. This declaration he declined to sign, and when he was asked the reason he stated that he had a book in which all the letters addressed by him, were entered; and that he would refer to it and inform the Committee at their next sitting whether or not he had written the letter in question. But he never did so, nor attended before the Committee since. Mar Coorilos calling the letters of interdict and malediction &c. produced by him before the Committee, letters of Blessing, peace &c. and also his having denied before the Committee that the letters addressed by Mar Dionysius and others to the Patriarch had been made over to him, while he clearly declares that fact in his letters to the Churches from Egypt acknowledged by him, at once prove him guilty of a gross attempt at imposition and of deliberate falsehood. Mar Coorilos declining to affix his signature to his own denial of his having addressed the letter to Philipos Catenar and his telling the Committee that he would give a positive reply on this point after referring to his book of correspondence; but which he never did, are sufficient proofs the Committee think of his being the author of that letter and the design which it conveys of substituting letters once written by him, by others calculated to favour his interested views and the acknowledgment in it that he had made certain alterations in the Patriarch's letters are too manifest to require comment.

Mr. Wilkins the master attendant at Quilon produced before the Committee three notes said to have been addressed, one by Mar Athanasius and the other two by Isac Malpan to Mar Coorilos and to have been delivered to him, Mr. Wilkins by Mar Coorilos to be shown to the Committee, but since those papers were unaccompanied by a letter from Mar Coorilos authorizing the production of them before the Committee they were returned to Mr. Wilkins with an intimation that they should be forwarded by Mar Coorilos to the Committee with a letter from him if he could not produce them in person before the Committee and to this effect the Committee subsequently addressed him an Official letter, but he failed to comply with the requisition. The Committee having observed at the conclusion of one of these notes, which was stated to have been addressed by Mar Athanasius—an addition written in a different hand and with a different kind of ink from the rest of the note pointed out the same to Mr. Wilkins and his son who accompanied him; both of whom after inspecting it agreed with the Committee in their observation and when that note was shown to a person who could read the Syriac language, he stated that the adddition in question imported that the dignity of Metropolitan was obtained by the writer of that note (Mar Athanasius) from the Patriarch by fraudulent means and that the circumstance should not be made known to any person, but the interpreter added that the tenor of that addition did not correspond with the general subject of the communication and that the note itself seemed to be written to a person with whom the writer was not in terms. In this note a forging seems evidently to have been committed with a view of criminating Mar Athanasius by the addition of expression at the conclusion of it tending to make it appear that Mar Athanasius the writer of that note obtained his appointment as Metropolitan of the Syrian Church in Malabar by deception. And the fact of Mar Coorilos having failed to produce that note, which he considered an evidence so essential to his cause, at once confirms the Committee in their belief that the addition in question is a forgery. In the letters produced by Mar Coorilos as addressed by the Patriarch to His Highness the Rajah and the Syrian Churches the Committee perceived an erasure in each of these letters and the ink in which the first two lines are written to be different from that in which the other parts of the same letters are inscribed and on these papers being shown to

Coorathoo Kathanar a Syrian Roman Catholic who understands and reads the Syriac language, and who is unconnected with either of the two contending parties—he after examining them carefully, passed a written declaration that "in the letter said to be addressed by the Patriarch Elias to the Syrian Churches, the word Inglisay (the English) written originally in the 47th line under the seal which is affiixed at the commencement of the Epistle stands visibly erased and the word 'Heretik' (Heretics) written over the erasure :—that in the other two letters where the same passage occurs a word apparently the same word 'Inglisaye' though no trace of the original is visible has likewise been erased and the word 'Heretik' substituted for it : that besides the ink with which the two lines which form the heading of the said three letters are written appears to be quite different from that with which the other parts of those letters are written and also that the hand-writing of the word substituted for the one that had been erased, does not correspond with the handwriting of the other parts of the same letters." The Committee have to observe that the letters said to be from the Patriarch to the address of His Highness the Rajah were produced before them open and without envelopes or superscriptions. Neither in these letters nor in those said to be addressed by the Patriarch to the Syrian Churches was the Patriarch's signature affixed, or the Patriarchal seal stamped at the conclusion (like at the commencement) of the letters, as is usual, the Committee learn with respect to communications addressed by that Prelate :—there was also a large blank space at the close of those letters, apparently left for the purpose of being filled up according to circumstances.

The Ellia Moora Metran Mar Coorilos has recorded before the Committee a statement setting forth as follows that "the tenors of the letters produced by Mar Coorilos (the foreigner) as addressed by the Patriarch are not only at variance with each other, but those letters contain erasures and corrections, and that neither the seal nor signature of the Patriarch is affixed at the end of those communications as is usual that those letters appear to be in the hand-writing of Mar Coorilos and his brother who accompanied him to Malabar :—that they are written on Europe Paper and with ink prepared in this country ; that the idiom of certain expressions in those letters, is not Syriac but Malayalam ; that as Mar Coorilos was the Patriarch's Secretary before he came out to this Country he had facilities for committing such malversations ; that all along natives of Malabar who were duly consecrated Metrans governed the Syrian Church in this Country and that no foreigner ever held that Office : that Mar Coorilos after his arrival in Malabar aided by Mar Dionysius appropriated to his own use, property belonging to several of the churches." The concluding part of the above statement of the Ellia Moora Metran is corroborated by the declarations of the Clergy and Parishioners of the Mavellicaray, Coonoomcolangaray and some other churches to the effect that "Mar Coorilos who came as Metran from a foreign country had entered their churches and appropriated to himself the the funds in the Church coffers and that he had also collected and appropriated to his own use the revenues of those churches."

The Committee find that the Metropolitan of the Syrian Church in Malabar has always been a native of this country, and it is difficult to say what other views a foreigner such as Mar Coorilos is may have in coming to these parts. They doubt also whether it would be the policy of the Sircar to permit foreigners to exercise so great an influence as the Metropolitans possess over so large a body of its subjects as the Syrian Community. Besides the appropriation of the Church funds by these foreigners to make person (*Sic*) fortunes as already shown in the instance of Mar Coorilos cannot but defeat the laudable purposes for which such funds are designed. The Committee perceive that Mar Coorilos arrived when Mar Athanasius was just about to be proclaimed Metropolitan ; and without the permission of the Sircar as required by existing rule and custom. Mar Dionysius and Mar Coorilos arrogated to themselves the right, the former of making over and the

latter of receiving charge of the Syrian churches ; and this they appear to have done solely with the view of preventing Mar Athanasius being recognized as Metropolitan.

In the Staticon produced by Mar Coorilos, the circumstances which according to the letters stated to have been addressed by the Patriarch, are said to have led to his appointment as Metropolitan in the room of Mar Athanasius, are not even as much as alluded to. It simply mentions that Mar Coorilos is appointed Metropolitan and that when the Patriarch learns that he has been acknowledged as such by the Syrian Churches in Malabar the Patriarch will pray for them, but the tenor of the Staticon granted to Mar Athanasius and the genuineness of which is admitted by Mar Coorilos and his party, indicates that it is usual to explain in the Staticon appointing a new Metran, the occasion of such appointment. The absence of all mention as to such case in the Staticon of Mar Coorilos itself the Commitee think a further proof of the unfoundedness of the circumstances which are alleged to have been the sole grounds for the supersession of Mar Athanasias. It must also be observed here that while the Staticon of Mar Athanasius is attested by two witnesses viz : two Metropolitans, that of Mar Coorilos bears the attestation of a single witness only a Metropolitan.

With respect to the statement contained in the letter addressed by Mar Coorilos from Egypt to the Syrian churches viz : that "Mar Athanasius had written to Naom Azar to say that he Mar Athanasius was commanded by Christ in a dream to go to Jerusalem and that he would do so accordingly," and which circumstance is referred to in the letter of Interdict addressed to Mar Athanasius, he Mar Athanasius positively asserted that he had never written anything of the kind, and that he had no acquaintance with the said Naom Azar and that it will be seen from Mar Coorilos's above said letter itself that this person is a friend of his Mar Coorilos's :—The Committee find it stated in Mar Coorilos's letter referred to that "he called at the said Naom Azar's house and afterwards both of them waited upon the British Cousul at Alleppo to request for the loan of money to defray the expenses of his Mar Coorilos's journey." Hence it is to be concluded that those two persons were on terms of friendship with each other-and hence that the story of the dream was concocted between them, made a pretext for calling away Mar Athanasius from Malabar.

The Committee would further observe that once duly consecrated a Metran or Bishop not only can never, they believe, according to ecclesiastical law be deprived of the virtue of such consecration and always remains a Metran or Bishop but is moreover authorized by virtue of such consecration, to constitute other Metrans or Bishops and therefore the Committee cannot suppose that the Patriarch would in the face of such a law have attempted to divest Mar Athanasius of every semblance of such authority and priveleges as the letters produced by Mar Coorilos would make it appear.

From what has been noticed and from a careful inspection of the documents themselves, the Committee are of opinion that the letters produced by Mar Coorilos as addressed by the Patriarch are papers which were brought out by him Mar Coorilos with only the first two lines which from the headings of them inscribed therein and the Patriarchal seal stamped immediately under the headings and were afterwards filled up with the matters forming their subjects.

Upon a review and deliberate consideration of the whole of the foregoing circumstances and evidences, it is the conviction of the Committee that Mar Coorilos has lent himself to acts which no man of principles would be guilty of : thereby compromising his character and the dignity assumed by him—that the charges which are made the grounds for the alleged supersession of Mar Athanasius are utterly unfounded :—that independently of his Mar Athanasius' Staticon being unquestionable ; his selection as a native of this country being in strict accordance with former

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precedents—it is but just and reasonable that Mar Athanasius should be recognized and proclaimed by the Sircar as Metropolitan of the Syrian Church in Malabar.

The Committee resolve in conclusion that the several documents produced by both parties be appended to the Proceedings of the Committee.

Trevandrum,
9th Methoonom 1023.

(Signed.) T. Kohlhoff.
(„) T. White.
(„) P. Anandoo Pillay.
(„) Vencata Ramaniah.
Members of the Committee.

Compd.
T. S.

(True copy)
(Signed.) Bonham Faunce, Major
Acting Assistant Resident.

[Note. The errors in punctuation &c. found in the above Exhibit are what exist in the copy on record.]

No. 198.

No. 198.
Exhibit I.
Notice of the Reformation Society, dated 28th Medom 1053.

EXHIBIT I.

[A printed Notice in Malayalam issued by Philipose Malpan and others, inviting the priests &c. of Malankarai Edavagay to join the Reformation Society, dated 28th Madom 1053.]

From the Malankarai Christian Community of the Holy Apostle Mar Thoma.

To

All Brethren of the Malankarai Edavagay.

Beloved people,

The secular and religious evils which have affected our Community which dates its origin with the commencement of Christianity, and which, in respect of antiquity, is not inferior to any of the ancient foreign Churches, are known and easily understandable to all intelligent people and all such as possess a knowledge of our religion.

Though, in these days, the propagation of the Gospel is disseminating a wider knowledge of religion and the fear of God, among the people of all our Edavagays, the heretical teachings and ignorant practices which crept in with the Nestoreans, Portuguese, Merdeenians and Antiochians are still prevalent and have not been totally removed. It is therefore the duty of the servants of the Church to endeavour most vigorously to remove these evils and to base the Church on truth.

As a field when lying waste is left undisturbed for want of the materials to prey on, but when improved, tilled and sown, destructive worms and locusts which eat away the growing seedlings make depradations unawares; even so, though our Church, during its lethargic times, like unto a field lying waste, have been left undisturbed by Satan and his minions, enemies appear to be coming in from all sides to work it evil, seeing that it is reforming in these days. We learn that from one side, one party, with ignorance, hypocrisy and ancient traditions not founded upon religion; from the other, another party with unsealed *Niboosa* and *Sleehoosa* and with commentaries which are contrary to, and pervert, the truth of religion, and who though in the garb of piety are yet against real piety; are bent on the destruction of the Church.

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—*Continued.*

Further, in these days, some of the branches of the Church appear to have been won over to be under subjection, as they were in former times under the Nestoreans and Portuguese, and the Merdeen-Antiochians are endeavouring to destroy the ancient independence of this Church and its Prelacy (മലങ്കരമേല്പട്ടം). On this account, the late Most Reverend Mar Athanasius, Metropolitan, who was also President of the Sabha had, and now the present President, the Most Reverend Mar Thomas Athanasius has, prompted the members of the Church to form a religious consultative association for the purpose of basing on firm grounds the true faith and the independence of the Church and its Government.

It being necessary and the special duty of the servants of the Church to renovate it by grounding the true faith on a stronger basis and to bind the Church with cords of love to grow in their adherence to Messiah, the Head, this Community, constituted as it is of your servants who desire to grow, and to bring you up, in the fear of the Lord resolved to form a religious consultative association; and meetings and consultations adapted to the purpose of renovation were held, at the Thiruvella, Maramannu, Chenganoor, Kolancheri and Pooyappalli churches on the 26th Vrischigom $\frac{1052}{1876}$, 6th Kumbhom $\frac{1052}{1877}$, 29th Mithunom 1052 and 27th Thulam 1053, respectively.

As resolution has been passed at a meeting held this day at the Anjoor Church requiring this letter to be addressed to you, your servants, the *Samoohakkar*, humbly and with their best wishes for your well-being, accordingly address this paper to you. We learn that there are several priests and laymen who earnestly and with tears pray for the well-being of the Community and who desire to become members of this *Samooham* (association) and to form branches thereof.

It is therefore required that all priests and laymen who are heartily willing to join the movement, and favour it with their good views, and to concur with and accept all rules that may be established as adapted for the renovation and elevation of the Church, may communicate their names to this association through letters.

Within six months after receipt of this notice and after receipt of the letters, another notice will be issued inviting people for the formation of a chief consultative association. The letters sent should specify the Edavagay, residence and full name of the addressor and should be directed to Rev. Joseph of Kottooreth, priest of the Chengannoor Church and a minister of the *Samoohum*, on behalf of the *Samooham*.

The Right Reverend Mar Thomas Athanasius Metropolitan, President of the Sabha will be the chairman of the consultative meeting to be held for confirmation of the rules framed for the purpose.

The subjects for consideration in connection with the renovation of this Community, briefly, are:—The removal of ignorant practices bordering on hypocrisy, prayers to the Saints, prayers on behalf of the dead and heretical festivities; and the establishment of rules conformable to the Holy religion and to the ancient practices of our Community and which will contribute to rendering the basis of the true Faith firmer: and these are published for the information of all.

May all Benedictions and Blessings of God be with this consultative Association of His vassals.

Signed by the under-mentioned ministers, of the *Samoodayom* on Thursday the 28th Madom $\frac{1053 \text{ M. E.}}{1878 \text{ A. D.}}$ at the Aryroor church.

Rev. G. Philipose Malpan Priest of the Kolancheri and Aryoor Edavgays and Malpan of the Seminary. (Signature.)
Titus Kathanar of Maramannu Church. („)
Jacob Kathanar of Niranom Church. („)
Jacob Kathanar of Kallurparai Church. („)

Matthen Kathanar of Anapprampal Church	(Signature.)
Matthai Kathanar of Kolanchari Church.	(„)
Thoma Kathanar of Do. Do.	(„)
Iscariot Kathanar of Elanthur Do.	(„)
Vydian Kathanar, Vicar of Chenganunr Church.	(„)
Joseph Kathanar of Do. Do.	(„)
Thoma Kathanar Do. Do.	(„)
Jacob Kathanar of Pooyappalli Do.	(„)
Joseph Kathanar of Vennikolum and Cherucole Churches.	„)
Abraham Kathanar of Kumpanat Church.	(„)
Geverghese Kathanar of Kaviyur Do.	(„)
Alxandrius Kathanar of Poonthala Do.	(„)
Thoma Kathanar, Vicar of Thiruvella Church	(„)
Abraham Kathanar of Venmani Church.	(„)

Kottureth Rev. Joseph Kathanar of Chengannur Church.
(Sd.) M. Joseph.

Cottayom—Printed at the Syrian College Press—1878.

No. 199.

EXHIBIT. J.

[A Malayalam letter from the late Mar Athanasius to Iscariot Kassisa, dated 25th Idavom 1043, and produced by Plff.'s 2nd Witness on the 28th Magarom 1056. The letter is destroyed in several places.]

In the name of that unbeginning and endless Essence, the Lord of every thing, and embodiment of essence: Athanasius, the weak, Metropolitan of the *Symhasanom* (See—lit.—Throne) of Malayalam.

Seal.

May grace and peace and blessings be unto Iscariot Kassisa of our Puthuppalli church, from God, our Father and Christ, our Lord.

We leaving this ..... (destroyed) Venerable Ignatius Patriarch Bava of Antioch that we have (destroyed) our Sabha (Church) (destroyed) ..... &c. being given and sent, reached Cochin on the 3rd Instant. Leaving that place, we reached Maramannu on the 13th; and we, being desirous to see (you), opportunity for that must be afforded without any further delay.

25th Idavom 1843.

Letter from Maramannu Church.

(Address.)

To

Thalatthu Iscariot Kassisa of Puthuppalli.

No. 200.

EXHIBIT K.

[Exhibit K, fragments of a Malayalam letter from the late Mar Athanasius to the priests and laymen of Malankarai subject to the Patriarch of Antioch, was produced by Plff.'s 4th Witness on the 28th Magarom 1056.]

(Two Syriac lines.)

Written by Athana(sius M)etropolitan who is sent to the Edavagay of Malankarai with this (Sta)ticon of Maran Mar Patriarch Bava: To the Christians and Kassisas who form the Syrians of the Edavagay of Malankarai, (who) conduct themselves in obedience to the commands of, and who are subject to, the Holy Maran Mar Ignatius Patriarch Bava who, with eminence, occupies the great and exalted throne of Antioch, in succession to Peter.—

..... reading this affidavit ..... from ..... *Thampuran* and Our Lord Jesus M.....may there be peace and blessings. Amen.

As all of us who ought to strive to convert people from other religions to our orthodox creed, (instead of) exerting ourselves for the same, only... destroy..., even should, by chance, one willing comes over, by showing no interest in, or kindness towards, them, it has become a matter of grief to the (people) that have joined, and discouragement to others in future..... What ought to be given to these people who stand in need is spent for the sake of useless men and (matters...) fatal to the soul. Though such is the state of affairs, we ought, as far as possible, as the (Apostle) has said "that the strong shall support the burdens of the weak," to lend a helping hand to (such) .....who guard.....protect the sick and the needy. ..... is fortunate.....the Lord (will) save him in the time of distress: so (it is said) in the *Masumora* and.....to the Lord.....mercy.....for the acts, adequate...come and.....recompense: so (it is said) in *Masila Slemone*..... great kindness.....in the poor.....with being turned, in your riches..... if alms are given, the Lord ..... His Holy face in *Tubid* .....in *Barsira's* book, that, in that case, there will be good wages in the day of distress; (if) one of these small people is made to drink of the cool cup ..... his recompense .....

.....

(True copy) A Syriac Signature.

In the original of this, the parts written in Syriac above the seal are mostly destroyed and have crumbled away; and in the portion written in Malayalam, several parts have become damaged and the paper worne out. Besides these, a part of the paper, 3 fingers' breadth long and broad, has become totally destroyed.

A Signature in Syriac.

[*Note.*—The bracketed parts in this document are translations of words destroyed in the original, but which can more or less be made out from the content. The Ellipses represent words destroyed.

On the 3rd page of the Malayalam copy on record, at the top, there is a passage written apart from the body. Translated, it means, "And that he who has a little must give from that little."]

RECORD.

PART II.

Exhibits &c.

No. 201.
Ext. L.
Produced by the Plff.'s 5th witness on the 28th Magarom 1056.

No. 201.

EXHIBIT L.

[Exhibit L, a Malayalam letter purporting to be addressed by the late Mar Athanasius to Panikker Kathanar was produced by Plff's 5th witness on the 28th Magarom 1056]

Seal

Benediction to our own Panikker Kathanar. Yours of Friday the 6th, sent by Unjel reached me on Monday the 9th. Understood the contents.

I knew about Cherian *Moopil's* and Kottarathil *Karanathi's* illness from the letter received by George. As both of them are advanced in age, their case is doubtful. At any rate, do announce our Lord Messiah and His blessings unto them. May Our Saviour tell the soul of each of them, " I am the God of Your Salvation" and may they receive His consolation and His support and die in Him and in His refuge.

Heard the particulars about Pulikote Achen's coming there one year at the close of Lent, of his performing ceremonies, his seeing and conversing with you all, of his visit to the Sahib and of Kunju Werkey Kathanar's coming and joining you there. As Absalom stole the hearts of the children of Israel, so doth Pulikote Achen gain over the hearts of our men. It appears, most have been gained over. In this old age, human wisdom has failed in its attempt to devise the means for making a stand. As usual, May our God himself be our strength, wisdom and attitude. Let us rest content and happy with whatever proceeds from Him. Our Lord has said of 'one's rooting out all plants because his father had not planted.' Falsehood, truthlessness, flattery, speaking so as to suit times and persons: these never thrive nor succeed. Though these things may, with some show and foolery, delude people for the time, they produce no enduring success. The Bava's case is an instance to all of us. He exhibited much: built churches: got built at Arthat a building called Sion, like unto Babel, at a cost of between Rs. 3000 and 4000: and this is even now left exposed to rain. I do not mean that this person's deeds will end like that, but only that nothing planted except by God will flourish. May all and all places flourish. May knowledge, learning, piety, brotherlylove, humility, meekness and all other fruits of the Holy Spirit be borne, and ripened and enjoyed among and by all of us, Syrians. May Pulikote Achen be filled with the Holy Ghost and be blessed by God and may he become unto himself and unto all of us, a blessing. By no means are we to be fluttered or to grumble or to grieve. The Lord is my shepherd. He will not withold anything of mine. I have not to fear even should I have to pass through the deep waters of the shadows of death. His staff and prop will lead me on. Like the pious David who may be called the heart of God, I too may, though a great sinner, owing to my Saviour's kindness, mercy, and goodness, say, 'You have filled my Cup to the fill and to overflowing." Praise be to His holy name for ever and for ever, for the blessings and the purity of heart.

I do not think that the publication in the paper called *Kerala Pathaka* as to the consecration of the Patriarch and so forth is true. The part narrating that lectures (or—Sermons) were delivered &c. is quite false and untrue. If however one as described by them has been consecrated as Patriarch, we know him. Thirty years before, (when) I went there, he was a deacon. He was not even a Rambandeacon. It is said in the Newspaper that he (was) the chief Prelate of *Ponika* in Syria. It is like calling us the Syrian Metropolitan of Ceylon. At any rate, let us

RECORD.

PART II.

Exhibits &c.

No. 201.
Ext. L.
Produced by the Plff.'s 5th witness on the 28th Magarom 1056.
—*Concluded.*

believe all that these honest and good people say. We could have believed if it was of such a matter as that of which the Messiah has said, " Fortunate is he who believeth without seeing." But believing in the lies of these people will be of no avail here or in the world to come. The Bava was slightly ill some time ago. Mortification had set in in the ulcers. But now, having taken some medcine, he has improved. We sent person and ascertained. By Pulikote Achen's saying Mass at the close of the fast one year, the old creed has been discovered and the Vicar has been clearly transferred from the purgatory to the Pardise ! But I heard from none of Kochu Kathanar of Theruvileveedu having said Mass at least one day on that account. Therefore, it may be that he, like ourselves, believes that it is all trick and not the way to salvation. His belief in some respects is like ours. Polachirakkel Umman was one year sent to us to at the close of the fast, to invite us. Do we not deserve praise for having brought about an occasion for both parties taking meals in the same line? (We) have lost even what (we) had. There has been no gain. As usual, there is only loss. Such is the nature of all our transactions. Never fear. In the case of salvation, the result will not be such. It is only that that we have to consider. It may be the desire and aim of these holy people that there too we may be deceived. But as it is in the Sacred Hands of Messiah the Lord, nothing of theirs will prevail there. The 'infallible' Pope has become shelved in one corner, and thousands of people have left him. Even in France, above 70 Rambans and priests married during the last month. The Jesuits have been expelled from Germany. The Chaldean Patriarch at Bagdad and one-hundred and odd Metrans, and likewise the Maronites, have abandoned the Pope. The Sultan of Turkey refused to receive, and expelled from the country, the Patriarch appointed over the Armenians by the Pope. Seeing that such matters are specially mentioned in the *Seema* (foreign-or-European) papers, it would not be that the fact would not be noticed if a Patriarch had been consecrated over us. If otherwise, it must be because there is nothing important enough to be mentioned. The Patriarch and consecration must be (the children of) the imagination of the correspondents to the newspapers of this place. If something is said here, it will serve for some days as a dodge. It is clear from everything that the movement is to make Messiah the Lord rule, removing falsehoods and tricks. And Satan and his Patriarchs, Metrans, priests &c. will all try their best to oppose the establishment of that rule. Let them do any thing. Let us, the servants of Messiah, without sleeping and without being gained over to the enemy's side, watchfully complete our labours and race, and be prepared to go to that Holy presence whenever we are called. The disclosures of the Prophecies are being realized and the (end) is drawing nigh. Nothing will be left unrealized.

Kurichikath Kathanar will at once come there also. He must be sent without any delay. And I do not know when you would return from Chenkolam. The *Shodathi* (Lottery) Book also will be sent then.

The rest anon.

From the Cottayom Seminary.—
Tuesday, the 10th Thulam 1048. M. E.—1872. A. D.
A. M.

No. 202.

EXHIBIT M.

No. 202.
Ext. M.
Copy of the late Mar Athanasius' Staticon.

[Exhibit M is a copy of the late Mar Athanasius' Staticon, produced on the 28th Thie 1056. Malayalam Translation of the same was filed by Plff.'s Vakil on the 17th Vrischigom 1058.]

In the Holy name of the One true God in the Father, Son and Holy Ghost: May His blessings be upon us for ever and ever. By His numerous blessings (bestowed) upon everything, by His indescribable mercy and by His Holy Word hidden from everything: Ignatius Patriarch of the great See of Antioch and of all East, the powerless, and the servant of the servants of Jesus Messiah, the Creator of everything and of God the Word: Sendeth Holy Peace (greetings) and prayers unremitted and heavenly enjoyments to Our dear Children, who are the holy tribe and blessed flock and chosen race, and who are heirs to heaven, and who know the divine mysteries: and biddeth that:—

Upon the chosen, as enjoined by the ordinances of the Church and the Gospels; the venerable fathers, the priests who are worthy as Aaron, bright deacons who are even as Stephanos, Epithropas, arbitrators, heads, chiefs, admirable learned men, sages, venerable old men, adults, boys, men, women, the small and the great: the Syrians of cities and towns and countries: the offspring of our praise: (or–the children for whom we pray:) May the grace of the Lord dwell (upon them.) May Divine care guard them from all evils and fear: And that, even by the prayers of all Saints and the Apostles and Mary who brought forth the Lord. Amen. Furthermore: after the unremitted prayers and the abundant peace and the enjoyments which We have given and shall give unto you, We inform unto Your true affection that:—

Paul, the Apostle and the *Malpan* of Divine Secrets hath cautioned us that we should not be moved in vain even as some are unnecessarily moved.

Not by him that desireth: Nor by him that enquireth: But all good and perfect *Nalvaroms* (good gifts) are bestowed from the great God, by the Holy Ghost, as this Apostle Paul the chosen hath further said. Our loving and beloved children! We further bid unto you that:—

In the letters sent by you, you have said in complaint that 'we have no shepherd, nor priesthood, nor baptism, nor ruler' and used several other expressions of the kind. But, when We heard that you who are believers live dispersed, We felt very sorry and grieved for you. We strove to send one to you, so that a true shepherd may come and see you, and that he may govern you. And when We searched with the eye of Our heart as to wherefrom we might chose one who will be an earnest, watchful and true shepherd, and a ruler possessing knowledge, for the spiritual protection of Our trusted people of Malayalam, a determination divine set in upon Us, that one should be chosen justly that he may not be maligned by others. Therefore, that We may not be opposed by the rock of dissension, even as We have seen and heard of several others having become opposed, We did not hurry to give effect to Our desire without examination and without a test free from (all) blot. While We were labouring, with all these thoughts, as to who may be sent to Malayalam: with these, came Our dear son, Kasisa Matthai from you, in peace. On seeing him, We were much pleased with him and said that, as one has come from among them, it is best above all that he should be the Father and ruler of them. And We saw that this came from the presence of the Lord and that to Our eyes it was wonderful. And Our love of him welled forth even as the holy oil did from the horn in the hands of Samuel the Prophet on King David. When, by divine light, our intellect was illumined, methought that this venerable Matthews Metropolitan, the elect, and in whom dwelleth the Holy Ghost, and being one chosen from his mother's womb even as Jeremiah the Prophet, and who is called to this divine service, and being perfect in his excellences, viz.; his good nature and meekness, fasts and unremitted prayers and love of the poor and his knowledge of God (inspired) of the Spirit and his marvellous (lit: divine) powers of thinking:—that he is one fit and verily competent to hold the dignity of a prelate. And when with coporeal eyes, We looked at him, the vision of knowledge coveted him. Not from man hath this come: Not through the sons of men either: But from the highly exalted God: so proclaimed

loudly all months and all tongues. First, We ordained him as Deacon; thereafter as Kassisa; subsequently as *Ramban* and afterwards, as Metropolitan. And thereupon, voices rose and became blended, saying, this call is from the Holy Spirit which maketh all perfect. And so as to show that he was worthy of the call, he was called by the name of Athanasius by the Holy Ghost, declaring that he was fit and competent to be called by this name. At this time, We and the Episcopas and Fathers that were with Us shouted forth in one voice, unanimously saying, "Axios! Axios! Axios! Matthews Metropolitan who is the venerable Athanasius Bava is fiit and competent to be the shepherd and Melpattakkaren of the throne in Malayalam-" And the armies of the angels, as they were pleased, shouted with us at the consecration of the man chosen by God to be His abode. And, even as our Lord Jesus conferred on the holy Apostles, there is in him authority vested by Our weakness, from the Holy Ghost, to bind and to unbind, to decree what is just and lawful, to pass laws, to ordain *Koris*, *Kassisas*, deacons and *Dayarayakar*, to consecrate churches and altars, to conduct every thing justly for the *Kramakkar*(?) of his diginity and to establish schools for the permanency of our people in Malayalam, who are believers and for their calling and education and dignity. And specially, We have commanded him to strengthen and firmly etablish the great school at Cottayom, called the Seminary. We command you to deliver unto to his charge all its wealth with all its expenses and to have same disposed of through him, that the Seminary may be maintained and established firmly in a proper and good order for the use of our trusted people, the Syrians of Malayalam and for their calling. Furthermore, he possesseth the right to receive all the tithes, offerings and dues customary to the churches and Fathers. None shall vex him or stand opposed to him. Whosoever doth stand opposed to him standeth opposed to us. Whoever doth honor him honoureth Us. Whoever may be bound by this Mar Athanasius, the Venerable Mathews Metropolitan is bound by God and by Our Weakness, and (likewise) cursed. And the bond shall not be loosed but by him that bound him. And so will it be, be he *Kassisa* or deacon or layman, or great or small, or old or adult, or man or woman. All whom this Father may bless, and his fore-fathers and departed who were believers will have grace from God and prayers from Us. And We again request you: You should prepare for this joy, and your mouths should be filled with joy and felicity and praise and prayer, and bearing in your hands the tender palm-leaves of spiritual glorifications and honours, proceed for the reception of this true shepherd, unto his presence, shouting forth "Axios! Axios! Axios! Matthews Metropolitan, the Venerable Mar Athanasius Bava is a fit and proper person." And do ye shout forth in this spiritual voice as We and the Fathers present with us did at his ordination, at the consecration of his crown by the Holy Ghost: for we are those who carry out the pleasure of God. Shout forth in high tones so that (it) may be perfect in spirit and body. We command you now, our dear sons: Listen unto us attentively. For even as our Lord gave unto his disciples, We have placed our tongue in his mouth and given him full authority. As a Father and a shepherd, he would conduct every thing according to His Laws. We further pray unto you: Do you love and honour him and obey his voice. All things should be by his command. Ye should acknowledge him as Apostle Peter. All that acknowledge him will be blessed by God and by Our feeble self. He that standeth opposed to him will be cast off from God and from Us. Nevertheless, so that his advent among you may be blessed, that your joy may be made perfect by him, that your sorrows may be removed, that you trades and industries may increase through him, that your seeds and harvests may be blessed, that your faults and your sins and your injustices may be forgiven you through him, that your sons may grow up in good and that God may look upon the suffering and the distressed and the sick with His manifold blessings; our feeble selves pray unto God. Furthermore: O ye Our Spiritual (lit: connected with the Formless) sons! We have commanded and

enjoined clearly upon this your Father that he should be zealous and earnest in the work and permanence of the churches and Dayaras; that he shall not move in the path of unrighteousness; that he should keep himself aloof from injustice and evil desires; that he should not be amenable to flattery; that he shall follow in the track of the ancient Fathers and not introduce any novel changes into the Canons of the Church; that he shall not beg of anybody for anything beyond his means and that he shall not alienate or subjugate the assembly of priests by bribery. We specially command you that you should specially love him. And ye should become enemies of, and show your enemity towards all who, becoming his enemies, listen not to his voice; and ye should at all times render your Father assistance: and in whatever affair he may need, be it before the King or the Judge or the man weilding authority, you should give him help. And even so will he be one praying and interceding on your behalf. And this is the duty of all believers: namely, that he should be helped towards the permanence of his residences and his labours, so that he may always pray for your good. And when We hear about your zeal, We show you the way in prayers and glorifications that God may see your true regard towards your Spiritual Father. Moreover, May God bless you and save from all evils and all dangers and trials, and may He avert from you all punishments and the rods of anger. May He shade you with His powerful right hand and guard you with His blissful eye and May He bless your dead and make them and you heirs to the houses of Jerusalem along with Abraham and Isaac and Jacob, in Heaven, the residence of the just and the Saintly and the holy martyrs: And that by the prayers of Mary the mother of Lives and who brought forth the Lord, and of Peter and of Paul and of the Holy Apostles and of Mar Yohannan Madonna and of Mar——(?) and of Mar Hannaniah and of Mar Solomon and of Mar Michael and of all Prophets: Amen. May the grace of our Lord Jesus Messiah be with you all. Amen. Furthermore, We lovingly make known unto you, O Our children, that: We have sent through our Son Matthews Metropolitan Holy Morone for the use of your youths. Further, we desire to prepare (lit; boil) Morone after of the great Fast of the Resurrection of our Lord Jesus Messiah from the tomb, and to send you same. May such be known unto you. Our Father which art in Heaven &c.—*Eem.* Amen. If you should enquire of our particulars: By Divine Grace, We are in enjoyment of health. And We have enjoined upon Our Son, Matthews Metropolitan to give you detailed information regarding all. 1st Kumbhom 1842, Christian Era.

I, Matthews Kurilos Metropolitan was present at the consecration of our Brother, Matthews Athanasius Metropolitan. With all the Fathers, I too shouted out thrice, "The exalted Aboon Mar Athanasius. Axios! Axios! Axios!"

1st Kumbhom 1842, Christan Era. I, Malke Kurilos Episcopa was present at the consecration of Our Brother Matthews Athanasius Metropolitan. With all the Fathers, I too shouted out thrice, "The exalted Aboon Mar Athanasius. Axios! Axios! Axios!"

(True copy)

Deacon Matthai of Konaut, Translator. (Signed in Syriac).

Compared by,—Geverghese Kathanar of Pattasseri. (Signed)

No. 203.

EXHIBIT N.

[Ext. N is a Syriac letter purporting to be from all the churches in Malabar under the Patriarch, to Elias II, Patriarch of Antioch. It was produced on the 28th Magarom 1056. The Malayalam Translation of the letter was put in on behalf of Plff.]

By the holy name of the Lord, the Guardian of Elias II, the honourable Ignatius Patriarch of the Apostolic See of Antioch, and the exalter of Your Prelatial dignity:—After kissing the holy hands and the holy feet of Him that is the chief-tain of chieftains, and the Father of Fathers, and the shepherd of shepherds, submit that:—By the grace of His authority and by His prayers that are offered and sent forth and received in behalf of us who are weak and suffering, May His blessings and kindness be upon us, may our debts be cancelled, and may our sins be forgiven: And that by the prayers of Mary who gave birth to God and who is the mother of light, and by that of all Saints. Amen. We beg to submit before your exalted throne, praying Your Holiness to grant the request of your servants that are suffering,—because the grace given unto our humble selves from Your Eminence has become spilt—of us, the priests, deacons and Christians of all the Churches of the Jacobite Syrians that are under the authority of Your Holiness, in Malayalam. When for want of a Metran bearing the impress of the Apostolic Imposition of Hands, we were for many years subject to difficulty and extreme groans, our Bava Mar Athanasius called Abdul Messiah came to us in 1825. Then, as our constant wish was granted us by our prayers from the very beginning, we in one mass became glad and rejoiced in him. Then, Philixinos of Malayalam who then was putting on the garb of Metranship and the present (destroyed) and his servant (scholar) Dionysius became filled with envy and malice and consulted the Anglican priests and expelled him, with the aid of the influence of the Officers of Malayalam. From the time of that sad event, the Church in Malayalam became a widow without anybody to govern it, for want of proper rulers. After the death of the aforesaid Philixinos, the present Dionysius subdued the churches of Malayalam and began to rule over the churches of us, sufferers, according to his blind knowledge and as one who had not received the *Nalvarom* of the Holy Ghost from the Holy Fathers. He effaced from our churches teachings that are Divine and becoming the Syrians (Destroyed). Receiving much money and diverse and unholy gains, fools and ignorant men, to the place of priests; boys, to the place of deacons; and infants, to the place of Ehup-deacons (destroyed). During the rule of that person who was like unto Simon (destroyed) more for the permanence and aggrandisement of his own things than for the stability and strength of our churches (destroyed)..... he reduced our wealthy churches to poverty and insignificance. By his constant ruinous deeds, he promoted quarrel and dispute among us. When by such deeds of his, he oppressed us more than we could suffer, we, from our weakness sent letters to Your Holiness. We begged that a Metropolitan should be sent very soon to us who were very near the gates of chaos. But you sent none. When we sent many letters, you sent by Marogi, the traveller prohibitory orders against Dionysius, the white-ant of our churches. You comforted us on our request to send us a Metropolitan soon. But Dionysius receiving the prohibitory orders acted accordingly for about a year; and afterwards, casting aside all scruples, disobeyed your order and made himself like unto the Patriarch of the Hindu (land). In those days, with the assistance of the Lord who comforts the sorrowful and who supports the fallen, and by his unspeakable mercy, our Bava Matthews Mar Athanasius Metropolitan was sent us from Your Holiness. He arrived at Cochin in 1843. When we heard of his coming, all of us set out to receive him with great joy and pleasure. From the

date of his coming to us, we, being connected with his Holiness in Masses (Kurvanas and the usual prayers, were comforted by the preachings of him who is filled with repentence and superior divine knowledge. He illumined our darkness with the light of holy books. He raised us from our failings, on a foundation becoming the Apostles and the Father-hood. For, our Community had fallen off from piety in God, and from the *Kramoms* Apostolic and conformable to the Canons which have originated from the blessed Fathers. All our community excepting a few who despise truth and are envious, have been filled with great joy and happiness at all that he has done. When Dionysius who deceives our people saw that all the people (destroyed) to Mar Athanasius on account of his good nature and knowledge arising from the knowledge of the Holy Ghost, and his divine preachings, he (Dionysius) with tongue filled with sweetness, and heart filled with extreme bitterness, as was usual with those who persecuted the Fathers that were sent before from Antioch, wished for an interview with Mar Athanasius. It was settled that the Staticon should be read publicly on the 29th Chingom in the Kantanad Church, and letters were accordingly sent to all the Syrian churches in Malayalam. We assembled and went to the appointed place at the appointed time to hear the Staticon read, and, according to your command, to shout out in one voice 'Axios! Axios! Axios!'

Seeing that his interests will suffer, if Abcon Mar Athanasius is consecrated, Dionysius consulted with Abraham Malpan and Philipose Kassisa, enlisting them to his cause with his cunningness and tricks and requested Mar Athanasius that the Staticon should be shown them alone secretly in a room. But Mar Athanasius and ourselves not consenting to the proposal of these who are filled with deceitfulness and treachery, said that the Staticon should be read in the church publicly and not privately. Then, the above-mentioned wicked men created disputes and quarrels through some drunkards of Kantanad who were among the people assembled there. Thus, our company were dispersed to go to their respective places without settling anything. From that date, we were acknowledging Mar Athanasius spending our days in communion with him in Divine prayers, in the constant prayers to the Virgin Mary, in the prayers to all the Saints and holy women and in the remembrance of the departed believers that are remembered at Holy Mass. Afterwards, Mar Athanasius had the honour of being received in public Durbar by His Highness the most respected Raja of Travancore—Malayalam. The Raja received Mar Athanasius with pleasure and respect. After that, he visited our churches (destroyed) separate priests for release from the foe and safety from the mouths of ravenous wolves (destroyed) confirmed (destroyed) in the true faith, in order that they may be careful and vigilant about their flock. We tried and worked for the good of such of our churches as had fallen into decay before through the negligence of Dionysius. But the leaders in the quarrel, through their envy, sent you, for your action thereupon, many false letters in our name without our knowledge, stating more falsehoods than before, viz: that Mar Athanasius made changes in the *Kramoms* of the Church and the Canons. They have written in it many falsehoods and objectionable statements. They, from the wickedness of their heart, returned evil for the difficulties and oppression he suffered for the good and benefit of our community. And we heard also that they sent false letters to Your Eminence. Still we were not afraid of these because we were confident that their deceitful letters will not be believed before your throne without a proper investigation of the matter. Now Philipose Kassisa has come to us and read the prohibitory command anathematising Mar Athanasius with all the curses ever seen in the Bible. O fortunate Father! we are all sunk in extreme sorrow and grief because your Holiness, without acting with a wisdom befitting your exalted position, partook with those wicked men who have buried truth in falsehood. Aboon Mar Athanasius is free from all the faults that the above-mentioned people accuse him of. All of us

in a mass testify to that effect before your Eminence. Like unto Moses who preferred the contempt towards his own nation to the riches of — (?) this man being filled more with zeal for the good of his people than for all the riches of the English, came to Your Holiness as far as Merdeen, suffering all the difficulties and expenditure and miseries of the way. None from Malayalam has come there in the days of any of the Holy Fathers, except in the time of your Fortunate Holiness. When we think of all these, our sorrow at the lamp lit by your hands to lighten (brighten) us being put out by yourself oppresses us. Now we hear that Kurilos Metropolitan is coming to take the place of Mar Athanasius. Father, hear the words of our weakness. If those who are wicked and quarrelsome did not obey the man that was sent from there before, how can we obey, with one mind, the man who comes subsequently? When Mar Athanasius rescued us from all the heathen foes that surround us and that were formerly oppressing us very much, on account of their ignorance, and when times of joy and years of blessing both to the soul and body commenced for us, the Jacobite Syrians of Malayalam, we got evil from your Holy Presence. Not a stroke nor a syllable has been altered by him in the *Kramoms* of the Church as is alleged in the false letters abovementioned. If all of us lie before Your Holiness, let God who examines the secrets as between us and Your Holiness, judge. Kurilos Metropolitan who is coming will not be able to settle the general disputes and quarrels between us or to rescue us from the oppression arising from the authorities in our country. For he does not know Malayalam and the other noble languages current among the great people of this country. Therefore, if Kurilos Metropolitan acts according to the wishes of the aforesaid disputatious people, we think that in Malabar there will arise more disputes &c than before, as in the days of Abdul Messiah Metran. The Great Maharajah of Travancore and the chief officers of the Presidencies of Bengal, Madras and Bombay and other authorities deal with Athanasius with great respect on account of his superior wisdom and his deep learning in the noble languages. All the knowledge and wisdom of Mar Athanasius is necessary for the strength and support of our people; and not to be used in our churches or to change Syriac into English, as (implied) in the words of the letters of those envious people. Now, on account of our weakness, we were not able to send the charity collections for the expenses of Kurkumadayara. Holy Father, what we beg of your Holiness is: on the whole, we are being scattered as dust by wind. If Mar Athanasius is not confirmed in his throne, and letters of blessing and peace are not soon sent, Kurilos Metropolitan will have to return to you like Metran Abdul Messiah. Thus Your Holiness' honourable name will become an object of derision to others. In accordance with the letter of the disputers, Your Holiness in your simplicity wrote demanding money from the chief English Consul of *Boroth* (?), for the expenses of Mar Kurilos. Let this be known to Your Holiness as a proof of their fraud. On their account, we too have to endure the derision of others, in your honourable name. If it is the custom of Your Holiness to send curses to Metropolitans without strong evidence, we also shall send you false letters, of heretical acts of the coming Mar Kurilos. We suppose you will send curses to him also, believing our false representations, as yo did the malicious letters of those people. Father, such act is not becoming you and your exalted position. As a mere pointing out is sufficient for Your Holiness, we do not further extend our words. Further, with much tears and sorrow we request before Your Holiness to send Mar Athanasius blessings and peace and to rule us through Mar Athanasius and Mar Kurilos and not to regard us as separated from your authority. Amen. We ask for the peace of Mar Jacob Gregorius Metropolitan of Jerusalem and of Mar Abraham Eustatius Metropolitan. 1840 (destroyed) 22nd Karkadagom.

Translated by—Konat Matthai Deacon (Signed).

Compared by—Geverghese Kathanar of Pattasseri, (Signature).

RECORD.

PART II.

Exhibits &c.

No. 204.
Ext. O.
Royal Proclamation dated 15th Karkadagom 1027.

No. 204.

EXHIBIT O.

[Royal Proclamation dated 15th Karkadagom 1027.]

No. 249. Rayasom.
Proclamation dated 15th Karkadagom 1027.

Whereas Mar Dionysius Metropolitan resident at Cottayam has resigned his dignity on account of old age; and whereas Mar Athanasius who has brought letter from Antioch for that dignity, has been appointed as Metropolitan; it is hereby proclaimed:—

That all comprising the Puthencoor Syrians in the Edavagay of Malankarai should acknowledge the said Mar Athanasius Metropolitan and conduct themselves in conformity with past customs.

This copy of the Proclamation was given in accordance with the order passed on the Petition dated 17th Chingom 1055, and presented by Kuruvilla Eappen of Cottayom, Vakil for Mar Dionysius, Syrian Metropolitan of Malankarai and Plff. in O. S No. 439 of 1054 of the Alleppey Zilla Court.

28th Chingom 1055.

Compared by—Head Rayasom
Mathaven Pillai (Signed).

No. 205.

EXHIBIT P.

No. 205.
Ext. P.
Royal Proclamation dated 23rd Kumbhom 1051.

[Royal Proclamation dated 23rd Kumbhom 1051.]

Proclamation by His Highness Sree Padmanabha Dausa Vanchee Baula Rama Vurmah Koolasakhara Kireetapathi Munnay Sultan Maharaj Rajah Ramarajah Bahadur Shamsheer Jung Knight Grand Commander of the Most Exalted Order of the Star of India, Maha Rajah of Travancore.

Whereas by a Proclamation dated 15th Karkadagom 1027, it was notified that Mar Athanasius has been appointed to the post of Metran of the Syrian Church by letter from Antioch; and whereas representations have been made that the Patriarch of Antioch or his predecessor claims to have deposed the said Mar Athanasius and to have appointed another Metran; this is to inform all whom it may concern, that:—

The former Proclamation is not to be considered as in any way precluding the entertainment and decision by the ordinary Courts of Law of any questions, as to the rights in, or ownership to, any churches or property connected therewith, or as to the power of appointment or removal of officers connected therewith.

With regard to all such matters and to any other disputes that may arise from the alleged deposition of one Metran and appointment of another, the action of His Highness the Maharajah's Government will be confined to the maintenance of peace and good order.

Any apparent connection with appointments relating to the Syrian Church which proclamation issued under times and circumstances now altered may seem to indicate will henceforth be avoided.

All parties will be clearly given to understand that they are to seek such remedies as they may deem themselves entitled to through the established Courts of the country. 23rd Kumbhom 1051.

RECORD.

PART II.

Exhibits &c.

No. 205.
Ext. P.
Royal Proclamation dated 23rd Kumbhom 1051.
—*Concluded.*

This copy of the Proclamation was given in accordance with the order on the English Petition dated 17th Chingom 1055 and presented by Kuruvilla Eappen of Cottayom, Vakil for Mar Dionysius, Syrian Metropolitan of Malabar and Plff. in O. S. No. 439 of 1054 of the Alleppey Zilla Court.

Compared by—Mathaven Pillai,
28th Chingom 1055. Head Rayasom. (Signed).

(*Note.*—The translation of the body of the Proclamation was adapted from the Travancore Government Gazette with the necessary changes).

No. 206.

EXHIBIT Q.

No. 206.
Ext. Q.
Kallumkatharai Patyola. Produced on the 23rd Magarom 1056.

[Patyola in Malayalam executed at Kallumkatharai—Produced on the 28th Magarom 1056.]

(A Syriac letter.)

Patyola executed by Mar Athanasius, Metropolitan of the Edavagay of Malankarai and the Pallikkar of Ankamali to Niranom, which are under the rule of our Venerable Bava Mar Ignatius Patriarch, who is the Bava of Bavas, the shepherd of shepherds and who, by the Holy name of the Almighty and unbeginning and endless Trinity, is the Head of Heads occupying, in eminence, the throne of St. Peter, in the Church of Antioch which is the mother of all Churches; at the Church of Mar Geverghese the Martyr, at Kallumkatharai, on Friday the 3rd Kanni 1019 M. E.—1843.

Whereas Mar Thoman Metran, the Metropolitan from the Palamattom Tharawad, that the Syrians of Malayalam had above them, was, with the Staticon of our venerable Bava Mar Ignatius Patriarch, and called 'Mar Dionysius' by Bavas, consecrated as Metropolitan: and whereas while he was ruling over the Syrian Church, he died in Meenom 983: and whereas thereafter, Mar Thoma Metrans of that family continued to govern the churches until Dhanu 990: and whereas, after their time, there happened to be no mature persons in that family and no Bavas came down from Antioch: and whereas consequently, Pulikote Joseph Ramban who built the Seminary at Cottayom and was residing there, came down consecrated as Dionysius Metropolitan, by Kidangen Philixinos Metropolitan who belonged to the family of the Kattumangat Metrans who had been formerly banished from the Edavagay of Malankarai by Mar Dionysius Metropolitan and the *Yogakkar*: and whereas, since he had been consecrated in the form required for Metropolitans, for the first time, he got a proclamation issued and published requiring obedience to him, for getting the people to acknowledge him: and whereas while, from that time, Metrans of that *Vaka* (may be—of that kind) were ruling, Athanasius Metropolitan and Ramban Soobara arrived in Malayalam from Antioch, in Vrischigo . 1001, with Staticon and command &c. of the Venerable Bava, the Patriarch: and whereas, thereupon, through the influence of Kidangen Philixinos Metropolitan who was then here and Dionysius Metran, now living, of Anjilimood in the parish of the Cheppat church, he was sent back; and they themselves continue to rule: and whereas, on the Patriarch's being written to praying that prelates and Staticon may be sent to make perfect the dignity of Dionysius Metropolitan that he may govern the Syrian Church, since the *Sthanom* of the aforesaid people was not perfect, the Patriarch wrote to say that he would send Bavas, Morone and books for the government of the Syrian Church and the churches and that, from the time that command was

RECORD.

PART II.

Exhibits &c.

No. 206.
Ext. Q.
Kallumkatharai Patyola.
Produced on the 28th Magarom 1056.
—*Continued.*

written, 'none of you have permission from Me or from the Holy Ghost to create a deacon or priest' and so forth; and Marogi brought and delivered that *Reeppoda* command to the aforesaid Metropolitan at Thumpone church, in Kumbhom 1016: and whereas, on reading same, thenceforth for an year and a half (he) continued to refrain from conferring any orders, in obedience to the interdict: and whereas, thereafter, (he) disobeyed the interdict and conferred Orders and caused disputes setting the people against each other, in all churches: and whereas, Deacon Matthai of Palakkunnom in the Maramannu parish left this and reached Merdeen and saw the Venerable the Patriarch Bava of Antioch and informed him of the particulars of this place: and whereas, thereupon, according to his (Bava's) pleasure, a Synod was called and consulted, and they decided that it would be well to consecrate and send him, according to the previous prayer, to govern the Syrians of Malayalam: and whereas, being accordingly given the title of Athanasius Metropolitan and sent from Merdeen with Staticon &c. to Malayalam and letters for the two States of Travancore and Cochin and for the Honorable the Government, he arrived in Cochin in Idavom 1018; and Konaut Malpan and some of the northern Pallikkar went and saw his Staticon and kissed his hands and (he) showed (them) the paper written in connection with the affair of the Kattumangattu Metran and gave (them) copy and, thereafter, went to Niranom: and whereas thereafter, Dionysius Metropolitan and some Pallikkar including Konat Malpan met and resolved, as first settled, to meet on the 30th Chingom, at Kantanad church to read the Staticon and determine upon the future line of action, and accordingly sent Sadhanoms to the churches; and in the proper form, Dionysius Metropolitan and the Pallikkar of Niranom and the other Pallikkar present acknowledged and gave the cope and *Patraseen* &c.; and the aforesaid Pallikkar invested the ring: and whereas, thereafter, when all assembled in the Kantanad church, according to the Sadhanom, Konat Malpan, Edavalikkel Pothen Kathanar, Sali Kora, certain Syrians and Dionysius Metropolitan conspired and began intriguing by alleging that this Athanasius Bava was averse to certain religious practices extant here and so forth, so as to prevent the reading of the Staticon, and sent away some Pallikkar: and whereas, thereon, finding that (their) intention was to commit grosser frauds than the ordinations bestowed contrary to the order that had come before, Athanasius Bava and ourselves dispersed from Kantanad and have all assembled here: the matters considered and settled, for giving effect to the *Sthanom* truly and properly conferred, in obedience to orders, and in connection with the contentions expressed at Kantanad, are written here-in-under:—

Firstly:—Because we, the Jacobite Syrians of Malayalam are under the Supremacy of the Holy and venerable Mar Ignatius Patriarch Bava of Antioch, and because from primeval days, venerable Bavas and principal Christans like Thoma &c have come from there and governed us and our churches and have given us the necessary properties and have, for generation after generation, conducted affairs; we ought accordingly to accept Prelates consecrated and sent by the Venerable the Bava: and therefore, we should accept Athanasius Bava who has now been sent down, as we have seen his Staticon; and he should, as is the duty of the Bavas of us, the Syrians, govern us and our churches.

Secondly. Considering the matter heard said at Kantanad, as to there being differences in the practices of the Syrians, extant here, it is agreed that everything shall be done and got done, according to the Holy Book, and according to the Canons of the three Synods of Nice, Constantinople and Ephesus, and according to the forms observed in practice by the Holy Fathers of the Church of Antioch and according to the Staticon now received.

Thirdly. Resolved that so long as affairs are done and got done as aforewritten, Athanasius Bava and all prelates that come with Staticon, under command of the venerable Mar Ignatius Bava shall be obeyed and that (they) shall act in

RECORD.

PART II.

Exhibits &c.

No. 206.
Ext. Q.
Kallumkatharai Patyola.
Produced on the 29th Magarom 1056.
—*Concluded.*

reciprocal concord; and that remedy shall be sought, by representation to His Highness the Maha Rajah, as against the Royal Proclamation issued in favour of the Kattumangat Metrans who have been up to this in power.

And on these terms, the Patyola has been executed.

Seal — Athanasius Malabar.

Chengannur	(Signature)	Kottarakarai	
Kadampanad		Thevalakarai	
(Destroyed)		Chatthannur	(Signature) (Two other Signatures removed to the right)
(Destroyed)	(Three Signatures)	Cheppat	
Puthenkavu		Karthikappalli	
Thumpamun		Venmani	
Omallur		Kalloosseri	
Kallurparai	(Signature)	Maramannu	(Signature)
Kannenkode		Kolancheri	(Signature) (Two Signatures)
Kalladai		Ranni	
Kuntarai		Thiruvella	
		Kallumkatharai	(Two Signatures)

(Docket) ൨൮ (228). Produced by Vakil for Plff. in No. 439 of 1054, on the 28th Magarom 1056.

(Ext. Q.)

No. 207.

EXHIBIT V.

No. 207.
Ext. V.
Accounts of the Bazgaza Day-book.

[Cadjan Accounts of the Bazgaza Day-book—produced on the 19th Chin-056. Copy of same was filed on the 28th Kunni 1058.]

Bazgaza Nalvali (Day-book).

Meenom 1048.

28th. Received in the Bazgaza ... ... Rs. 35,048–Annas 10–Pies 2.
Interest received ... ... Rs. 1419–Annas 3–Pies 9.
Total in two items, Principal and Interest, Rs. 36899–Annas 13–Pies 11.

Idem. Disbursed as per cash-keeper's account, for the expenses of the education in the Seminary, &c.... ... ... Rs. 1400–Annas 13–Pies 11.

17th Idavom. Disbursed as per Registered deed No. 562 of the above year, conveying on *Nerpanayom* the Chittadi Punja land, 66 parahs and 3 Edangalies in extent, in the Adivakkel tract of paddy lands, and Padanilon, 3 paras and 7 Edangalies in extent, and three plots of garden land, belonging to Kochitti Chandy of Vellur and held on *Jenmivakathettom* tenure ... ... Rs. 1700.

Disbursed as per Registered deed No. 561 of the above year, conveying on *Nerpanayom*, the *Pandaravaka Pattom* land, Thayanganandi Punja paddy-land, 36 parahs in extent, in the Thayanganadi tract of paddy-lands, and Valukidappu, belonging to the aforesaid individual ... ... Rs 1300.

7th Mithunom. Disbursed as per Registered deed No. 622 of the 8th Inst., on Varakenveli Punja land, 60 parahs and 5 Edangalies in extent, in the Varakenveli

tract of paddy-lands, of the *Pandaravaka pattom* tenure, of Matthu Uthuppu of Padinjareparampu in the Puthen Angadi in the Vellur Karai ... Rs 2450.

15th Mithunom. Disbursed as per Registered deed No. 1579 of the 19th Instant, conveying on *Nerpanayom* 253 parahs and 7 Edangalies of paddy-land consisting of Virippu and Punja lands, of the *Pattom* and *Otti* tenures, held of Arattu Pulai Velayudhen by Ummammen Kochu Koshi and Kunju-Nina Ummammen of Polachirakkel in the Thalakkarai Muri in the Mavelikkarai Proverthy under mortgage; ... ... Rs 5000.

Idem. Disbursed as per Registered deed No. 1578 of the 19th Mithunom of the same year conveying on *Nerpanayom* 177 parahs of Virippu and Punja paddy-lands situated in the Arakkathalay tract of punja paddy-lands in the Kadakkattu Muri in the Ala Proverthy, and in Thalayil in the Thalakkara Muri, and of the *Otti*, *Thettom* and *Pattom* tenures, belonging to Kocheria Umman of Polachirakkel in the Thalakkarai Muri, in the Mavelikkarai Proverthy, and others ... Rs 3500.

22nd. Disbursed as per Registered deed No. 1438 of the 26th Instant, conveying on *Nerpanayom* 125 Parahs and 4 Edangalies of paddy land, ten plots of garden land and *cherais*, of the *Otti*, *Pattom* and *Thettom* tenures, in the Anari Muri of the Arippad Proverthy, and Karuvatta Vadakkum Muri, Erikkavu Muri and Puthukandom Muri in Kumarapurom and Karthikappalli Proverthies, and belonging to Umman Geverghese of Panachimoottil in the Puthukkandom Muri in the Karthikappali Proverthy ... ... Rs 5000.

11th Karcadagom. Disbursed as per Registered deed no 1026 of the 3rd Instant, conveying on *Nerpanayom* Kunnathu Kantom punja land, 80 parahs in extent, in the Uliyannur Karipadom in the Arppookarai, held on Kanom from the Arppookarai Devaswom, and 25 parahs and 5 Eadangalies of paddy land called Kolatthu Kantom in the said tract of paddy lands, of the *Pandaravaka Pattom* tenure, making thus land to the total extent of 105 parahs and 5 Edangalies, belonging to Kora Ittiavira of Vakkasseri in the Arpookarai in the Kyppulay Proverthy, and others ... ... Rs. 200.

12th. Disbursed as per deed dated 25th Mithunom of the same year and registered in No. 698 on 8th Karkadagom, conveying on *Nerpanayom* 8 plots of garden land and 60 parahs and $1\frac{13}{16}$ Edangalies' extent of *Muntaka* paddy land comprising 13 parahs and $3\frac{13}{16}$ Edangalies of *Muntaka* paddy land in the Chemmarapalli Kilakkumpurom tract of paddy lands, in the Manganom Karai, and two plots of garden land, all held on Kanom from the Manganom Devaswom, and two *Puthuval* gardens, and *Muntaka* paddy-lands to the extent of 21 parahs and 6 Edangalies, of the *Pattom* and *Otti* tenures, and *Muntaka* paddy-land to the extent of 25 parahs and 2 Edangalies in the Kaduthanomkunnu tract of lands, in the Olalom Karai in the Changanachery taluq, held on Kanom from the Vennimala Devaswom, and four Puthuval gardens: all belonging to Ausep Ulagannan of Parappalli Chirai—Kanjirathummoottil, in the Manganom Karai of the Vijayapurom Proverthy in Cottayom. Rs. 1320.

Given, over and above the amount of the *Nerpanayom* deed executed by the above-named person, and under the specially registered agreement No. 19 of the 5th Instant ... ... Rs. 435.

18th. Disbursed as per deed executed on the 28th Mithunom of the same year and registered in No. 709 on the 12th Karcadagom, conveying on *Nerpanayom* 130 parahs and $5\frac{1}{2}$ Edangalies of paddy land belonging to Ulahannan Kurien and others ofParappurom in the Pallom Karai, comprising 4 paras and $2\frac{1}{2}$ Edangalies of punja land of the *Pandaravakapattom* tenure, in the Puliarampu tract of paddy lands, in the Pallom Karai; 35 parahs and 3 Edangalies of punja land, of the *Pallom Nelpurai Vaka Pattom* and 91 parahs of punja land, of the *Pandaravakapattom* tenure in the Nadukkari tract of paddy-lands, in the Kilirur Karai in the Cottayom Proverthy ... ... Rs. 2000.

Idem. Disbursed as per deed executed on the 20th of the above month and registered on the 12th in No. 708, conveying on *Nerpanayom* 40 parahs and 8 Edangalies of *punja* paddy-land of the *Pandaravaka pattom* tenure, in the Edakkaripadom, in the Palayakaripadavu, in the Kilirur Karai, in the Cottayom Proverthy, and of Thomman Kurien of Edathumpadikkel in the Pallom Karai, Rs 500.

19th. Disbursed as per deed executed on the 1st of the above month and registered in No. 1508, conveying on *Nerpanayom*, 1 plot of garden land called Anjiliveli, 1 Tharai, 1 plot of garden land called Kalakkat Mekke Purayadom and 1 Tharai, of the *Pantaravakapattom* tenure, and 1 garden called Chalavakkat Kilakkepurayadom, 2 Tharais, 20·2 parahs of paddy-land in the Anjilipulay virippu, the six compartments of the shop situated in the Anjiliveli-purayadom and the two Vadavu Muris, of the Otti tenure, in the Puthukandom Muri, and belonging to Pandalakkel Kochukunju Yohannan and others of Puthukkandom Muri, in the Karthikapalli Proverthy, ... Rs. 1800.

22nd. Disbursed as per deed executed on the 4th of the above month and registered in No. 1024 on the 8th, conveying on *Nerpanayom* $64{\cdot}6\frac{7}{8}$ parahs of paddy-land of the *Pattom* and *Thettom* tenures, comprising $40{\cdot}6\frac{7}{8}$ parahs of punja paddy-land of the *Pandaravakapattom* tenure, in the Valiatharapadom, in Arpookarai, and 12 parahs of Kanapattom land of the Arpookarai Devaswom, in the Paralakompadom in the said Karai, and 12 parahs of Venpattom land of the same Dewaswom; all belonging to Thomman Kurian of Kothakariparampu-Kovakkattutharai, in the said Karai in the Kypulay Proverthy, ... Rs. 1200.

Total amount disbursed up to Karkadagom under *Nerpanayom* deeds taken, ... Rs. 26,405.

To the Cash-keeper of the Seminary for the educational and other purposes of the Seminary, ... Rs. 1,400–Annas 13–Pies 11.

Total in the two Items ... ... Rs. 27,805 Do. 13 Do. 11.

Balance in hand ... ... Rs. 1,094.

1st Chingom 1049. Paid to the Cash-keeper for the expenses of the Seminary, ... Rs. 649.

4th. Disbursed as per deed registered in No. 748 on the 22nd Karkadagom 1048 conveying on *Nerpanayom* $53{\cdot}5\frac{1}{4}$ parahs of punja land in the Muttampalom Kilakkumpurompadom in the Manganom karai, and held on Kanom under Meledathu Namboory by Matthu Cherian of Palatthattu in the Manganom Karai in the Vijayapurom Proverthy in Cottayom, ... Rs. 1100.

5th. Disbursed as per deed registered in No. 17 of the same year, conveying on *Nerpanayom* 20 parahs and 9 Edangalies of punja paddy-land in the Kothakaripadom and Cherakkalirampupadom, and one plot of garden land, of Chakko Thomman and others of Chempitharai in the Pallom Karai in the Nattakom Proverthy, ... Rs. 350.

Idem. Given as per registered deed No. 90 of the same year conveying the Thannikkel garden, plot 1, and the shop in 3 compartments, made of wood and 23 koles by 16 in area, of Uthuppu Mani of Thannikkel in the Panangkalippu karai in the Vijayapurom Proverthy, ... Rs. $210\frac{1}{2}$.

1st Kanni. Disbursed as per Registered *Nerpanayom* deed, No. 84 of the same year, conveying $152{\cdot}9\frac{1}{8}$ parahs of punja Paddy-land called the Madapputhukkari Punja land, of the *Pandaravakapattom* tenure, in the Thuruthummel Vadakkupurompadom, in the Mulavattom karai in the Nattakom Proverthy, and of Matthu Kurien of Padinjareparampu in the Puthenangadi in the Veleur karai, Rs. 600.

Idem. Disbursed as per deed registered in No. 85 of the above year, conveying on *Nerpanayom* 20·5 parahs of *punja* land called Kollamanakari in the *Mulakkulai* Karai in the Nattakom Proverthy, and 8 plots of garden land, being the Thekkumkoi garden and others, of the *Otti* and *Pattom* tenures, and of Korula Thommi of Thekkumkoi in the Vellur karai, ... Rs. 700.

10th. Disbursed as per deed registered in No. 108 of the same year, conveying on *Nerpanayom* 56·5 parahs of *punja* paddy-land, being *Pattom* and *Puthuval* lands, in the Olavupunjapadom, in Eranjalaikarai in the Vijayapurom Proverthy, of Ittichandi Matthen of Manimalai in the Manganom Karai ... Rs. 550.

27th. Given under kychit to Pallappurakkel Kora of Cottayom ... Rs. 100.

21st Thulam. Given under kychit to Thomman Kurien of Kothakari Parampu in Arppookarai ... ... Rs. 220.

22nd. Given under kychit to Mallooseri Thoma Kathanar, Vicar of the Valiapalli, and others. ... ... Rs. 350.

Idem. To the Cash-keeper for the expenses of the Seminary ... Rs. 422.

8th Vrischigom. To the above person for the above purpose ... Rs. 330.

8th. Pura Muri Deed registered in the same year in No. 44 mortgaging two plots of compound and 2 Parahs and 4 Edangalies of paddy-land in addition to the land comprised in the registered document No. 438 dated 1048, as it does not pay a fair interest, taken from Panachimoottil Ummammen Geverghese, in the Karthikappalli Proverthy ... ... 1.

13th. Given according to the document executed on the 10th Dhanu of the same year and registered in No. 13596, mortgaging 8 garden lands in 6 plots, 3 *Tharais* and 6 *Cherais* in the Puthukantom Muri, and in the Kallikat Tharai in the Muthukulom Proverthy, belonging to Chiramel Thasiyil Geverghese Kuruvilla of Karthikapalli—
Fanams 8000 = ... Rs. 1122¾ chks. 1⅝.

20th. Interest received on the Star-pagodas, from the British Treasury, Rs 840.

25th. Given to the cash-keeper for the Seminary expenses, ... Rs 340.

12th Kumbhom. Given on further kychit to Mallooseri Thoma Kathanar, Vicar of the Valiapalli of Cottayom, and others ... Rs 300.

21st Meenom. Given for the Iron Press &c. got down from England, including expenses ... ... Rs 868¼ Ch. 1¾.

Idem. Given to the creditors of Mar Athanasius Metropolitan to satisfy the debt he incurred in making the printing materials which he gave over to the Seminary ... ... Rs 1000 „ „

Idem. Given to the cash-keeper in two items for the expenses of the Seminary ... ... Rs 200 „ „

25th. Received rent from Arakkapparampil Kurian, Paddy 114 Parahs.

Idem. Price of 102¾ parahs of paddy sold ... ... Chukrams 965½.

12th Madom. Received rent from Thomman of Puravakattu Tharai; Paddy, 210 Parahs. Rs 100.

17th. Given to the cash-keeper for Seminary expenses ...

17th. Given to the cash-keeper for Seminary expenses, Paddy 200 Parahs. Rs. 200.

4th Idavom. To the same person for the same purpose ...

22nd. Received rent from Vellur Kochidichandi, Paddy 555¾ Parahs.

Idem. Received rent from Padijare Parampil Matthu ... ... 524 Parahs.

24th. Received rent from Parappurath Kurian, Paddy 420 Parahs.

29th. Do. from Pullookotu Matthu, Paddy 229 Parahs.

5th Mithunom. Given to the cashkeeper for the expenses of the Seminary Rs. 124½

Do. Do. Do. Paddy 372 Parahs.

29th. Received rent from Edathumpadikel Kurien ... ... chks. 1068¾

Idem. Price of 590 parahs of paddy sold... ... ... chks. 5457½

Idem. Given to the cash-keeper for the Seminary expenses... Rs. 24.

30th. Price of 408 parahs of paddy sold in two items ... chks. 3749.

6th Karcadagom. Received rent from Chempithara Thomman 73½ Parahs.

Idem. Received from Arakkaparampil Kurian for a rent of 18 paras and 2 Edangalies of paddy, in cash ... ... Chks. 172½.

Idem. Received from Polachirakkel Ummamen of Mavelikarai and others, for a rent of 748 Parahs and 12 Edangalies of paddy, in cash at the rate of 94 chks. ... ... Chks. 7023¼.

10th. Received as rent from Vadakathuruthel Ausep, for paddy 375 Parahs and 1½ Edangalies ... ... Chks. 3527.

25th. Given to the cash-keeper for the Seminary expenses ... Rs 700.

In hand as per accounts written up to the 20th Karkadagom 1048— Rs 9094.

Received in different items, as Pattom, as interest on the Star-pagodas, and by sale of paddy &c. up to the 20th Karkadagom 1049 ... Rs 1611.

Total in hand... ... ... Rs 10705.

Invested on properties ... ... Rs 4633¼ chks. 1⅝.

Given on kychits ... ... Rs 970.

Paid for the purchase of the press &c. ... ... Rs 1898¼ ch. 1¾.

Given to the treasurer for the Seminary expenses ... Rs 3089½.

Total expenditure under the four items ... ... Rs 10561 ch. 3⅜.

Balance ... ... Rs 143¾ ch. 3¾.

Received during the same year, in Rent ... Paddy 2132¼ Parahs.

Out of which: given for the Seminary expenses &c. Paddy 572 Parahs.

Sold ... ... Paddy 1100¾ Parahs.

Expenses in two items ... ... Paddy 1672¾ Parahs.

Balance ... ... Paddy 459½ Parahs.

Received rent on the 5th Chingom 1050, from Philipose of Kunnenkarai— Rs 187½.

Sold paddy on the same date, 450 Parahs, for ... ... Rs 150.

6th. Given to the treasurer for the Seminary expenses ... Rs 180½.

10th. For rent in paddy of 7½ (parahs) from Parappurath Kurien, received ... ... Chks. 75.

Idem. Received from Chempitharai Thomman for paddy rent of 11 Parahs, Chks. 115.

Idem. Received from Pullurkote Matthen for paddy rent of 7 Parahs, Chs. 66⅜.

Kunni 13th. Received Pattom from Thannikkel Mani ... ... Rs 16.

Idem. Given to the cash-keeper for the Seminary expenses ... Rs 60.

Thulam 4th. Given to the same person for the same purpose ... Rs 89⅜.

20th. Received for rent from Gnavakattu Kurien, Paddy 37 Parahs and 5¼ Edangalies. Rs 107.

23rd. Received rent from Pantalakkel Yohannan ... ... Rs 70.

Idem. Received for rent from Pulimoottil Vadakkethil Thomma Rs 90.

25th. Given to the cash-keeper for the Seminary expenses ... Rs 263.

Magarom 10th. Given to the above person for the above purpose ... Rs 37.

25th. Interest received on the Star-pagodas, from the British Treasury,— Rs 840.

Idem. Given to the cash-keeper for the Seminary expenses ... Rs 198½.

Kumbhom 20th. Received rent from Kunnenkarai Philipose ...

Meenom 1050.

1st. Received rent from Vadakkethuruthel Ausep Paddy 124 Parahs.

Idem. Given to the cash-keeper for the Seminary expenses... Rs 198½.

Idem. Given to the same person for the same purpose, Paddy 124 Parahs.

Idem. Given to *Kochu Thirumanassu* for the purchase of the printing implements ... ... Rs 196⅛.

30th. Given in connection with the press business, to the same person— Rs 80.

Idem. Given to the cash-keeper for the Seminary expenses, in three items— Rs 414⅛.
Madom 5th. Received rent from Vellur Kochidi Chandy... Paddy 523 Parahs.
25th. Given to the cash-keeper for the Seminary expenses „ 523 Parahs.
Idavom 15th. Received for rent from Gnavakkattutharai Thomman,— Paddy 208 Parahs.
16th. Received for rent from Padinjare Parampil Kurian,— Paddy 256½ Parahs.
20th. For 150 Parahs of paddy sold ... ... Rs 50.
20th. Received for rent from Pullookote Matthu, for Palathatten,— Paddy 221 Parahs.
Mithunom 23rd. Received for rent from Padinjare Parampil Matthu,— Paddy 524 Parahs.
30th. Given to the cash-keeper for the Seminary expenses, Paddy 220 Parahs.
Karkadagom 19th. Received for rent from Parapurath Kurien,— Paddy 427½ Parahs.
Idem. Received for rent from Edathumpadikkel Kurien ... Rs 27.
Idem. Received in cash for paddy rent of 110¾ parahs, from Arakkaparampil Kurian ... ... Rs 35.
Idem. Received from Chempitharai Thomman, for paddy rent of 73 parahs, ... Rs 23.
Idem. For paddy sold, 1307¾ Parahs, in three items Rs 411 ch. 3½.
Idem. Given to the cashkeeper for the Seminary expenses ... Rs 263⅛.
Idem. Given to *Kochu Thirumauassu* for printing work ... Rs 185.
20th. Rent received from Vakkasseri Ittierah and others ... Rs. 36.
30th. Borrowed from Killakkekarai Chakko, ... Rs 378⅜.
Idem. Given to the cashkeeper for the Seminary expenses ... Rs 600.

Balance in hand as per *Nalvali* kept up to the month of Karakadagom 1049, Rs 143¾ ch. 3¾.

Received in the same year in rent, interest, and proceeds of paddy sold, Rs 2170 ch. 3½.

Loans ... ... Rs 378¾.
Received in three items ... ... Rs 2692¾.
Disbursed for the Seminary expenses ... ... Rs 2195⅝.
Disbursed for printing ... ... Rs 461⅛.
Balance ... ... Rs 26.

Paddy including previous balance and receipts of the year, 2791 Parahs 1½ Edangalies.
Paddy given to the treasurer for the Seminary expenses ... 867 Parahs.
Paddy sold ... ... 1907¾ Parahs.
Paddy disbursed in two items ... ... 2774¾ Parahs.
Balance in paddy ... ... 16 Parahs and 3⅜ Edangalies.

15th. Received interest from Palappurakkel Kora... Paddy, 40 Parahs.
Idem. Given to the Cash-keeper for the Seminary expenses ... Rs. 36.
Thulam 30th. Received rent from Thuruthel Ausep ... Paddy 166 Parahs.
Vrischigom 26th. Received rent from Kunnenkarai Philipose Rs. 260 ch. 2½.
Idem. Received from Pulimoottil Thomma for Thasiyil Kuruvilla... Rs. 63.
Makarom 2nd. Received interest from the British Treasury ... Rs. 840.
Idem. Received rent from Thannikkel Manni ... ... Rs. 15.
Kumbhom 9th. Received rent from Thuruthel Ausep ... Paddy 161 Parahs.
Mithunom 11th. Received rent from Vellur Kochidichandi, Paddy 100 Parahs.
13th. Received rent from Do. ... Paddy 440 Parahs.
16th. Received rent from Padinjare Parampil Matthu... Paddy 514 Parahs.

Idavom 13th. Received from Pollachirakkel Itti for rent in Paddy, 1044 Parahs and ¾ Edangaly at the rate of 3 Rs. ... ... Rs. 313¼.
29th. Received rent in paddy from Vadakkekoottu Uthuppurien, for Chempitharai ... ... 70 Parahs and 3½ Edangalies.
Mithunom 1st. Receipts from the Press ... ... Rs. 240.
Idem. Given to the Cash-keeper for the Seminary expenses— Rs. 1262½ ch. 2½.

Mithunom 1051.

1st. Given to *Kochu Thirumanasu* for printing ... ... Rs. 337.
Idem. Given to the Cash-keeper for the Seminary expenses in several items ... ... Paddy, 1491 Parahs 3½ Edangalies.
15th. To the same person for the same purpose ... ... Rs. 29.
Karkadagom 5th. Received from Thevarkunnel Raman for paddy rent of 427 Parahs and 5 Edangalies; at the rate of 93 chuckams— Rs. 129½ ch. 1¾.

Idem. Given to *Kochu Thirumanassu* for printing work ... Rs. 129½ ch. 1¾.
Balance in hand according to the *Nalvali* up to Karkadagom 1050...Rs. 36.
Received during the year, in rent and interest ... Rs. 1870¾ ch. 4¼.
Total in two items ... ... Rs. 1906¾ ch. 4¼.
Paid to the Cash-keeper for the Seminary expenses ... Rs. 1327½ ch. 2½.
Paid for printing ... ... Rs. 476½ ch. 1¾.
Total expense in the two items ... ... Rs. 1804 ch. 4¼.
Balance ... ... Rs. 102¾.

In paddy—Balance of the previous year plus rent received during the year— 1507 Parahs and 6⅞ Edangalies.
Paid to the Cash-keeper for the Seminary expenses ... 1491 parahs and 3½ Edangalies.
Balance in paddy ... ... 16 Parahs 3⅝ Edangalies.

As there was no money be paid for the mortgage-deed of Appookarai Puthenpurakkel Ittan and as it was paid by *Kochu Thirumanasu*, it is not entered in the account.

Chingom 1052.

3rd. Received rent from Edathumpadikkel Kurian ... Rs. 37½.
Idem. Given to the Cash-keeper for the Seminary expenses ... Rs. 37½.
Kanni 15th. Received rent from Gnavakkat Thomman ... Paddy 131 Parahs.
27th. Received rent from Vakkachery Ittiera and others ... Rs. 9.
Thulam 9th. Received rent from Gnavakkattutharai Thomman— Paddy 98 parahs & 1 Edangaly.
Thulam 16th. Received rent from Thannikkel Manni ... ... Rs. 15.
Idem. Given to the Cash-keeper for the Seminary expenses— Paddy, 229 Parahs.
21st. Received from Vadakkethurutthel Ausep for paddy rent of 215¾ Parahs at 88½ chukrams ... ... Rs. 67.

Thulam 1052.

21st. Given to *Kochu Thirumanassu* for printing work ... Rs 41.
Idem. Given to the Cash-keeper for the Seminary expenses ... Rs 50.
23rd. Receipts from the Press ... ... Rs 280.
Idem. Given to the Cash-keeper for the Seminary expenses ... Rs 64.
Dhanu 5th. Given to *Kochu Thirumanassu* for the press work ... Rs. 216.
Magarom 15th. Received interest from the British Treasury ... Rs. 840.
Idem. Given to *Thirumanassu* ... ... Rs. 240.
19th. Given to the cash-keeper for the Seminary expenses Rs. 484¼.
20th. Receipts from the press ... ... Rs. 103.
21st. Given to *Kochu Thirumanassu* for printing ... Rs. 168¾.

Kumbhom 28th. Receipts from the press... ... ... Rs. 60¼.
Meenom 19th. Received rent from Pulimoottil Vadakkethil Thomma—
Rs. 56 chks. 4.
Madom 16th. Received interest from Gnavakkattutharai Kurian ... Rs. 40
Idem. Receipts from the press ... ... Rs. 64.
Mithunom 25th. Received from Theverkunnel Ramen for Paddy rent of 427½.
Parahs, at 10 chuckrams, ... Rs. 150.
29th. Received rent from Edathumpadikkel Kurian ... Rs. 37½.
Karkadagom 3rd. Received from Vadakkekoottu Uthuppurien for Paddy rent of
34 Parahs, at 10 chukrams; ... 340 chukrams=Rs. 11 ch. 26½.
10th. Do. From Vellur Kochidichandi for Paddy rent of 150 Parahs
at 10½ Chukrams... ... ... Rs 55¼ ch. ⅜.
20th. Receipts from the press ... ... Rs 234¾.
Idem. Given to *Kochu Thirumanassu* for printing work ... Rs 420.
Idem. Given to the cash-keeper for the Seminary expenses, Rs 289¾ ch. 2⅜.
Balance according to the *Nalvali* up to Karkadagom 1051, ... Rs 102¾.
Received in rent and interest in 1052... ... Rs 1319¼ ch. 2⅜.
Income from the press ... ... Rs 742.
In three items, as per previous leaf ... ... Rs 2164 ch. 2⅜.
To the cash-keeper for the Seminary expenses ... Rs 925½ ch. 2⅜.
To press ... ... Rs 845¾.
To *Valia Thirumanassu* ... ... Rs 240.
Disbursed in three items ... ... Rs 2011¼ ch. 2⅜.
Balance ... ... Rs 152¾.
In paddy: Balance of the previous year plus receipts of the year—
245 Parahs 4⅜ Edangalies.
Given to the cash-keeper for the Seminary expenses, 229 Parahs 1 Edangaly.
Balance... ... ... 16 Parahs 3⅜ Edangalies.

Thulam 1053.

23rd. Received rent from Gnavakkattutharai Kurien, Paddy 107 Parahs.
Idem. Given to the cash-keeper for the Seminary expenses, Paddy 107 Parahs.
Rs 141.
Magarom 8th. Received rent from Pulloorkote Matthu ... ... Rs 19.
Idem. Received rent from Gnavakkattutharai Thomman ...

Magarom 8th, 1053.

Idem. Given for printing work ... ... Rs. 102¼.
Idem. Given to the cash-keeper for the Seminary expenses ... Rs. 57¾.
Idem. Received rent from Vadakkethuruthel Ausep Paddy 50 Parahs.
24th. Received from the same person, ... Paddy 33 Parahs.
25th. Receivd rent from Gnavakkattutharai Thomman, Paddy 11 Parahs.
Idem. Given to the cash-keeper for the Seminary expenses—
Paddy 124 Parahs.
Meenom 14th. Received rent from Padinjareparampil Matthu ... 50 Parahs.
Rs 840
15th. Receceived interest from the British Treasury ...
29th. Receivd rent from Vellur Kochidichandi Paddy 337 Parahs.
Madom 27th. Received rent from Theverkunnel Raman, Paddy 210 Parahs.
Idem. Given to the cash-keeper for the Seminary expenses 597 Parahs.
30th. Received accumulated interest from Pakkil Vadakkekoottil Uthup-
poorian for the year 1052, ... Paddy, 81 Parahs 6½ Edangalies.
Idem. Received from the same person for 12 Parahs and 3¼ Edangalies of
Paddy at 12½ chks ... ... Rs 5 chks 13½.
Edavom 3rd. Received rent from Pulimoottil Vadakkethil Thoma ... Rs 14.
Idem. Given to the cash-keeper for the Seminary expenses, Paddy 81 Parahs
6½ Edangalies.
3rd. Given to the cash-keeper for the Seminary expenses Rs 19 ch. 13½.

Mithunom 26th. Receipts from the press ... ... Rs 258 ch. 3½.
Idem. Given to *Thirumanasu* for the press work ... Rs 372½ ch. 1⅝.
Karkadagom 4th. Received from Padinjareparampil Uthuppu for paddy rent of
114 parahs and 8 Edangalies at 12½ chks. ... ... Rs 489.
Idem. Received the mortgage-loan advanced to the above person: Rs 2450.
Idem. Given to the cash-keeper for the Seminary expenses... Rs 317⅝.
10th. Do. Do. Do. Rs 642½ ch. ⅝.
25th. Do. Do. Do. Rs 273½ ch. ½.
30th. Received rent from Edathumpadikkel Kurien ... Rs 892.
Idem. Given to *Kochu Thirumanassu* for the press work ... Rs 37½.
Balance according to the Nalvali up to Karkadagom 1052, ... Rs 149.
Received in Rent and Interest in 1053... ... Rs 152¾.
Principal recovered ... ... Rs 1545½ ch. 13½.
Receipts from the press ... ... Rs 2450.
Total receipts in 4 items ... ... Rs 258 ch. 3½.
To the cash-keeper for the Seminary expenses ... Rs 4606¾ ch. 2¾.
To press... ... ... Rs 2203 ch. 5¾.
Total disbursement in two items... ... ... Rs 623¾ ch. 1⅝.
Balance ... ... Rs 2827 ch. ¼.
In paddy. Balance of the previous year plus rent received during the year, Rs 1579¾ ch. 2½.
925 Parahs and 9⅞ Edangalies.
Given to the cash-keeper for the Seminary expenses Paddy 909 Parahs
and 6½ Edangalies.
Balance ... ... Paddy 16 Parahs 3⅜ Edangalies.

Kunni 1054

5th. Sent through Kolath Krishna Pillai for institution and Vakil's fees &c., to file a suit in the Quilon Court against Polachirakkel Ummammen and others of Mavalikarai, ... Rs 925.
20th. Given to *Thirumanassu* for the press ... ... Rs 101.
Thulam 7th. Received rent from Vadakkethuruthel Ausep Paddy 155 Parahs.
Idem. Given to the cash-keeper for the Seminary expenses 155 Parahs.
9th. Sent through Krishna Pillai for paying penalty on documents, Rs 165.
Magarom 24th. Received interest from the British Treasury ... Rs 840.
Idem. Sent through Krishna Pillai to file suit against Pantalakken, in the Quilon Court ... ... Rs 150.
25th. Given to the cash-keeper for Seminary expenses ... Rs 490.
Idem. Given to *Kochu Thurumanassu* for the press ... Rs 200.
Kumbhom 23rd. Received rent from Vadakkethurutthel Ausep, Paddy—
121 Parahs 6 Edangalies.
Idem. Given to the cash-keeper for the Seminary expenses—
Paddy 121 Parahs 6 Edangalies.
25th. Delivered to Koshi Vakil for getting copy of the Plaint &c. in Case No. 439 of the Alleppey Court, affecting Seminary properties &c. Rs 32¼.
Meenom 3rd. Received rent from Gnavakkattutharai Thomman—
Paddy 350 Parahs.
24th. Received from the same person ... ... Paddy 18½ Parahs.
28th. Received rent from Vellur Kochidichandi ... Paddy 527 Parahs.
Idem. Given to the cash-keeper for the Seminary expenses—
Paddy 995½ Parahs.
Idavom 1st. Sent to Barrister Mr. Gantz for travelling expenses ... Rs 100.
4th. Received from Theverkunnel Ramen for Paddy rent of 427½ Parahs and 5 Edangalies at 10 chks. ... ... Rs 150.
Idem. Given to *Thirumanassu* for the Press work ... ... Rs 72.

Idem. Given to the Cash-keeper for the Seminary expenses ... Rs 78.
10th. Recovered mortgage amount &c. laid out on the Parapalli *Chera* held on mortgage by the Seminary from Ulahannan, on the same being conveyed on sale to Kilakke Cherian ... ... Rs 1622½ ch. 9.
12th. Given to Kolath Krishna Pillai to purchase the properties mortgaged to the Seminary by Karthikappalli Pantalakkel Yohannan and others, in auction held for satisfaction of other judgment debts ... Rs 800.
Idem. Given to Barrister Mr. Gantz for fees, messing &c. ... Rs 526¾.
15th. Given to Vakil Govinda Rao ... ... Rs 50.
16th. Given to Krishna Pillai to purchase the properties of Pandalakkel Yohannan and others in auction sale held in O. S. No. 411 of 1053 of the Quilon Court—Fanams 10,420.
Of this, deposited in ready cash ¼ thereof, being 2605 Fanams= Rs364 & 11½ fanams.
Travelling expenses as per Krishna Pillai's account— Rs 9 fanams 2¾.
19th. Returned by Krishna Pillai ... ... Rs 425.
20th. Discharged the debt, with interest, of Killakkekarai Chakko Rs 551½
24th. Received on the security of the two registered mortgage-deeds Nos. 561 and 562 of 1048 taken from Vellur Kochidichandi, from Thannikkel Werkey Matthai of Eraviperur Muri in the Kallurparai Proverthy ... ... Rs 2000.
27th. Sent through Kolath Krishna Pillai, to deposit the amount under auction sale ... ... Rs 1110 ch. 10.
29th. Amount disbursed according to the receipt brought by Krishna Pillai, as to the deposit of the amount under auction sale—Fanams 7815= Rs 1906½ ch. 10.
Petition fees and travelling expenses as per the said individual's account, —Rs 13½.

31st. Received rent from Pakkil Vadakkekoottu Uthuppurian— Paddy, 37 Parahs.
Mithunom 12th. Entrusted to Koshi Vakil for batta &c. ... ... Rs 44¾.
26th. Received rent from Vadakkekoottu Uthuppurian ... Rs 11 ch. 20.
3rd. Given to Vakil Govinda Rao ... ... Rs 14.
Credited as received by the Cash-keeper previously on the 5th Medom, rent due by Arakkapparampen ... ... Paddy 157 Parahs.
18th. Given to Vakil Mr. Symonds ... ... Rs 100.
23rd. Received rent from Polayil Itti in two items ... ... Rs 200.
26th. Given to the Cash-keeper for the Seminary expenses... Rs. 211 ch. 20.
Idem. Given to the same person for the same purpose... Paddy, 37 Parahs.
Disbursed for Vakil's fees and for obtaining records from the Huzzoor Cutcherry, the Resident's Office, the Paravur Court, the Cherthallay Division Cutcherry, and other places, through Kariasthans (agents) sent, from the 3rd Meenom to 27th Karkadagom, ... Rs 162.
Disbursed as per receipts presented by the agents deputed on the days to which the case stood adjourned, and so forth, up to the 30th— Rs 168¾ ch. 6⅛.
Rs 503¼ ch. 2 9/16.
Idem. Borrowed from Pattappurath Eippu ... Rs 168⅛ ch. ¾.
Idem. Receipts from the Press ... ... Rs 313½ ch. 1½.
Idem. Given to the Cash-keeper for the Seminary expenses, Rs 385 ch. 1¾.
Idem. Given for the press work ... ...
Balance according to the Nalvali written up to Karkadagom 1053— Rs 1579¾ ch. 2½.
Receipts in Rent and Interest in '54 ... ... Rs 1201 ch. 20.

Recovered from principal advanced :— Rs. 1622½ ch. 9.
Debts recovered ... ... Rs. 2503¼ ch. 3 9/16
Receipts from the Press ... ... Rs. 168⅛ ch. ¾.
Total Receipts ... ... Rs. 7055¾ ch. 3⅞.
Given for the Seminary expenses ... ... Rs. 1093¼ ch. ⅛.
To Press ... ... Rs. 758 ch. 1¾.
Spent in the case in the Quilon Court ... ... Rs. 1240.
Spent for the purchase in auction ... ... Rs. 1485 ch. 10.
Spent in the case in the Alleppey Court ... Rs. 1198½ ch. 6⅛.
Debt Discharged ... ... Rs. 551½
Total Expenses ... ... Rs. 6326¾ ch. 3¾.
Balance ... ... Rs. 749 ch ⅛.
In paddy—Balance of the previous year plus the current year's rent— 1482 Parahs 4⅜ Edangalies.
Given to the Treasurer for the Seminary expenses, 1466 Parahs 1 Edangaly.
Balance ... ... 16 Parahs 3⅜ Edangalies.

Chingom 1055.

3rd. Received rent from Theverkunnel Ramen ... Paddy 261 Parahs.
7th. Do. from Vadakkekoottu Uthuppurian... Paddy 26 Parahs.
Idem. Do. from Edathumpadikkel Kurian ... Rs 37½.
Idem. Given to the Cash-keeper for the Seminary expenses— Paddy 287 Parahs.
Idem. Given to Vakil Mr. Symonds for fees... ... ... Rs 150.
Idem. Given to Vakil Koshi for fees &c. ... ... Rs 64.
8th. Borrowed through Thannikkel Werkey Matthai ... Rs 500.
9th. Given to Barrister Mr. Gantz for fees ... ... Rs 600.
24th. Received rent from Polayil Itti ... ... Rs 50.
Kanni. 15th. Given to Vakil Mr. Symonds ... ... Rs 50.
19th. Given to Vakil Govinda Rao ... ... Rs 70.
Idem. Entrusted to Koshi Vakil for commission fee &c. to examine Plff. Rs 30.

Thulam 9th. Received from Kilakke Cherian for Parappalli *chera* Rs 302 ch. ¼.
12th. Given to the same Cherian according to kychit, chks. 6600 = Rs 231½ ch. 2¼.

Idem. Received from Thekkumkoi Kommi in principal and rent... Rs 300.
Received the amount of Rs. 240½ deposited by the Cash-keeper on the 14th Kanni 1053 in purchasing in Court sale, for the Seminary, the Parappalli *chera vaka* land mortgaged to the Seminary; from Kilakke Cherian: with interest up to date ... ... Rs 300½ ch. 3½.
Idem. Given as per Registered deed No. 259, conveying on *Nerpanayom* Mylatikuli *Muntaka* paddy-land 6 Parahs, of the *Pandara Pattom* tenure, in Payini Padom; and the Pattom garden plot 1, cleared out of Panthappattu Mattom and *Thumpunkal Pathu* Nilom 9 Parahs, in the said *padom* and *Pulikkappanthirupara Nilam* 13 Parahs and 2¾ Edangalies in *Akom padom* being *Tharana Nalloor Numburi Vaka Thettom*, and the one *Chira compound* cleared; all of Nettasseri Uthuppan and others— Rs 500.
Idem. Given to the cash-keeper for the Seminary expenses Rs 115½.
15th. Received on the security of the registered *Nerpanayom* document No. 709 of 1048 taken in favour of the Seminary from Ulahannen Kurien of Parappurom in the Pallom Karai, from Matthen Koshi of Palakkunnom in the Nedumprayar Muri in the Arammolay Proverthy Rs 700.
18th. Given to Vakil Mr. Symonds for fees ... ... Rs 50.

Idem. Given to the said person on the account of Chandapilla Kathanar of Punnatharai, for the case at Alleppey, ... Rs 352 ch. 1½.
Dhanu 12th. Entrusted to Vakil Koshi to obtain copies from the Court Rs 34.
24th. Given to Mr. Symonds for fees &c. ... ... Rs 255.
For sending agents on days in which the case stood posted &c., from Chingom up to the 30th of Dhanu, as per their accounts Rs 242½.
Magarom 19th. Received interest from the British Treasury ... Rs 840.
21st. Received from Arakkaparampil Kurien according to decree, Rs 240¼.
Idem. Receipts from the press... ... ... Rs 25¾ ch. 4⅝.
22nd. Received interest from Palappurakkal Kora ... ... Rs 31.
Idem. Given to the cash-keeper for the Seminary expenses Rs 1137 ch. 4⅝.
Kumbhom 5th. Borrowed through Matthen Koshi of Palakkunnom, under kychit, Rs 350.
Idem. Given to Vakil Mr. Symonds for fees ... ... Rs 70.
Meenom 9th. Received rent from Gnavakkattutharai Thomman, Paddy 14½ Parahs.
12th. Received from the same person, ... Paddy 290 Parahs
20th. Given to Barrister Mr. Gantz ... ... Rs 105¾.
28th. Received rent from Arakkaparampil Kurien, Paddy 115 Parahs.
Idem. Given to the cash-keeper for the Seminary expenses— Paddy 449½ Parahs.
Given for sending agents on the days to which the case stood posted, up to the 30th Idavom, as per their accounts ... ... Rs 210¾.
Mithunom 23rd. Given to Vakil Koshi for fees... ... ... Rs 35.
Idem. Entrusted to the same person to get copies ... ... Rs 10.
Expenses for the agents sent on the days to which the case stood posted— Rs 7.

Idem. Received rent from Vadakkekoottu Uthuppurian for Chempithara Thomman ... ... Rs 14.
24th. Receipts from the press ... ... Rs 296⅝.
Idem. Given to the cash-keeper for the Seminary expenses... Rs 310⅜.

(True copy.)

(Itld.) P. J. P.

(Note.—At the top of each sheet of the copy filed, there are the words "Bazgaza Nalvali,' entered in Malayalam.)

No. 208.

No. 208.
Ext. W.
Letter from Geverghese Patriarch to Mar Thoma. Produced on the 19th Chingom 1056.

EXHIBIT W.

[Exhibit W is a letter from Geverghese Ignatius Patriarch of Antioch to Mar Thoma, produced on the 19th Chingom 1056. Malayalam translation of same was put in on behalf of Defence.]

Translation of Exhibit W.

In the holy name of the self-existent Being, the Unbegining and the Endless; Embodiment of Essence; the Lord of everything; Ignati (destroyed) Geverghese Patriarch, the powerless, of Antioch:

Seal

May the mercy of the One Father and the Only son and the Communion of the Spirit, the Holy and Divine, descend unto and dwell *upon** Thoma, the blessed and holy (lit: Spiritual). May the blessings of God the Lord be upon him by the prayers of all (destroyed) and of the Holy Apostle Thomas *and of* the Virgin Mary who brought forth the Lord. And so be it: Amen. We make known unto (destroyed) that: May God make known unto you by all goodnesses: *We* now (destroyed) heard that, from the day the Venerable and Our dear brethren Mar Basilius Malprian called Sakrallaha and Mar (destroyed) Metropolitan of Jerusalem called Yohanna arrived amidst you; *up to* this *day*, you have not gone to them but stand as an enemy and an adversary. (destroyed) conduct doth not become you. (destroyed) through Our spiritual son Deacon Antonios, (destroyed) written letter was sent unto Us by you; and you have requested Us that We should send unto you (destroyed) Malprian. We did as you requested, sent a person, got him down from the town called Halaba, and consecrated him as Catholica and We pressed him to come unto you, for the sake of your honor. That too was according to your request. Now when, along with Mar Gregorius, he came to your midst and lived with you long, (destroyed) again, you not only stand opposed to Us and raise objections, but also teach all that follow you to dishonour and insult them and to say all evil things against them: Yet, for the obtaining of the numerous rewards from Him in Heaven (lit: Sky) as promised to the Holy Apostles, it is just on their part to bear patiently for the sake of their Master's name. They are mockers and scoffers and violaters of law and such as have fallen off from piety to God. They will suffer. For, they will obtain their reward which is the extreme torture of hell. But, while they have done you no evil, but only seek for your love and amity, and union with you, and for the protection of soul, and for remedying your imperfection, I do not understand what the reason is for the enmity sown in your heart against them. Why is it that even at this moment you seek to be aloof from them? This act is not for your good. If you say that it is on account of the acts of the Metropolitan that existed before, or on account of any other Metropolitan besides him, We say unto you "weeds have been plucked out from amidst the wheat even previously; only chosen wheats remain and no (weeds)." Why do you not come unto the wheats and appease thy hunger? We futhermore say: You will be one hungering in (destroyed) continued disputes and prohibited from the satisfaction (derived) from chosen wheats. As for these Bavas whom we have sent for your honour, in accordance with your repeated prayers to us: they are before us, your (destroyed). These Fathers are tried persons and such as will not swerve from the ways of the Fathers of us, Syrians. In this matter, your talk against them has become strong. We alter no part of what is theirs on account of anything in the world. Now when they came unto (destroyed). As the Gospel (destroyed) "light came out of darkness and ... darkness was wedded," hath it said, you have not understood their respectability. And We: We sent them unto your midst that the weeds viz; the practices *sown* amdist you, from among the Nestoreans and others, may be rooted out. And you: you have accepted their practices and do not follow (lit: use) the practices of the Syrians. On account of your (destroyed) this hath befallen you. I say that the practices you have adopted are contrary to those of the forefathers of us, Syrians. By that authority vested in Us through the Holy Ghost, being the power of Jesus Messiah the Lord who has empowered Our weakness in the Supremacy of the Apostolic Throne of Peter at Antioch, I now command unto you: *By* that authority We command unto you that you should acknowledge the supremacy of the Apostolic Throne of Antioch, that

* The Italicised parts represent words destroyed. These words are put in to make the sense complete.

you should obey all commands, and that you should root out from among you all alien and foreign customs and practices. To avoid lengthening the writing: it is not necessary that you should be reminded of the practices of us, Syrians, or of the practices of others. Behold! you must obey the Brothers, the Venerable Mar Basilius and Mar Gregorius (who *are* in your midst) and all that they may command or counsel unto you. For, We have placed the word given unto Us in their mouth. All that listen to them and obey them shall be blessed by our Lord, Jesus Messiah and by Our Weakness. He who listeneth not to them and obeyeth them not shall, by the mouth of the Holy Trinity and by the mouths of our Fathers, the 12 Apostles and of the 72 *Arippukar*, and by the mouths of the 318 Fathers of Nice and the 150 (Fathers) of Constantinople, and (destroyed) Ephesus and by the mouth of Ignatius, Our weak self who follows the footsteps of our Fathers and (destroyed) sitteth (destroyed) on the Apostolic (destroyed) Peter, be cursed and excommunicated. (destroyed) That you may be confirmed as Episcopa by the laying of their hands on you, We remembered you even before, in connection with our venerable Brothers, Mar Basilius and Mar Gregorius and had given them command with respect to this matter. Now, We hear a rumour as regards you, that you say that there is no necessity for making the dignity perfect. I do not understand where you took this authority from, whether from books or elsewhere. If you say that it is from books, I say unto you: examine the books carefully and see if there has been any but yourself, or any other besides yourself, who became a Deacon, Kathanar or Episcopa without the Imposition of Hands of the Fathers. Let us tell you about the temporal affairs spoken of in the Old Testament: It is first said that Prophet Samul took the bottle holding the oil of anointment and anointed Saul, the son of Kish and made him King. And thereafter, King David and all the Kings of the sons of Israel were (anointed). This is from the temporal matters of the old Testament. Furthermore: what is said in the New Testament regarding the Holy Orders is: Before our Lord, Jesus Messiah ascended to Heaven, He called together unto Him His disciples and raising His holy hands above their heads blessed them and entrusted unto their charge the Prelatial dignity. They were given authority over all the world(s). Thereafter, the Apostles chose seven persons and laid their hands on them and they became Deacons. And from that day to this, (nobody) has heard of any one having become Deacon, Kathanar or Episcopa, among us or in any Christian Church, without the Imposition of Hands. Therefore, it is established that your act is against the law. For, you wilfully contend that the perfection of your dignity is not needed. Behold! I now grieve and sorrow for you. For, you and all those ordained as priests or deacons, by you, have become stripped, and divested of the gifts of Holy Orders and Episcopal Office. For, since empty vessels cannot be filled except from vessels which are full, these have become deprived of everything. We sent you a letter. If you say that we called you Dionysius, you should not think that I confirmed you except on the agreement that you should receive Imposition of Hands from the Bavas I sent unto you. And We have so written in the letter that We sent unto you. If you say that you received the dignity of Episcopa from your *Karanaver*, he himself was only a Kori and not an Episcopa. When a Kori cannot impose hands on any or ordain one as a Deacon or Kathanar, how much more powerless would he be to consecrate an Episcopa. During the illness of your *Karanaver*, at the time of his death, a priest took the Mitre from his head and placed it on yours: this is the case. Nor is this act in conformity with the law. If you say that Gabriel wrote a paper and gave unto you, charge of the Episcopal office, the fact is that it was brought you by a priest after his death. Because that letter was not Gabriel's, but that priest's, this priest has deceived you by means of that paper and he has done the act only to be on terms of unity with you. This Episcopal Office which wants the Imposition of Hands (destroyed) especially (destroyed) Gabriel Syri (destroyed) not

(destroyed) it is clear to Us that you have leaned upon a broken reed and that you have built your house upon loose sand. Evil will befal you if you abide by this thought: and evil unto your soul on account of your wilfulness and vanity which have ruined that and, with you, numbers of people. Heaven (lit: sky) and earth, the Angels and all just persons will lament for you, forsooth. If you listen unto Me and withdraw from your wilfulness and come to terms with the Bavas, Mar Basilius and Mar Gregorius and get yourself confirmed by them, you will benefit your soul and the souls which have been destroyed through you. By the love of our Lord, Jesus Messiah, what We say unto you now is, that you should become obedient and go to the aforesaid Venerable Fathers and get your Episcopal title confirmed and that you should be on terms of reciprocal union and amity. This (destroyed) We regard (lit: know) you, O My dear and loving son. We multiply unto you (destroyed) blessings always. If you do not obey them and get yourself confirmed by them, we regard you (lit: know) as an enemy and (destroyed). If you do not turn obedient and do all that We have commanded unto you, be it known that you are one divested of the gifts (destroyed) of ordination. Now, choose (destroyed) what you please. Our Father which art in Heaven &c.

Written on the 25th Chingom 2064 of the Yovana Era.

(True Translation).

Translated by Ulasseri Joseph Kathanar Joseph Kathanar (Signed).

No. 209.

EXHIBIT X.

No. 209.
Ext. X.
Staticon given to Mar Dionysius by Mar Gregorius Metropolitan and Mar Ivanius Episcopa.

[Ext. X is the Staticon (Syriac) given to Mar Dionysius by Mar Gregorius Metrpolitan of Jerusalem and Mar Ivanius Episcopa of India, filed along with a Malayalam translation.]

Joseph, of the other name of Mar Thoma was, by the hands of Us, the feeble and weak Gregorius, Metropolitan of Jerusalem and Ivanius, Episcopa of India, by the command of the exalted Maran Mar Ignatius Patriarch ruling on the Throne of Antioch, consecrated by the Holy Ghost as the Metropolitan of our Jacobite Syrian people residing in the country of Malayalam. We, after imparting Our peace and blessing unto Our dear and beloved children, heirs to the Kingdom of Heaven, and the first body of servitors, being the clean Priests, graceful Deacons, Vicars, head-men, chieftans, noblemen, learned men, wise men, merchants, rich men, artisans, labourers, aged people, young persons, women, children, great and small people, being Our Jacobite Syrian people residing in Malayalam; do hereby inform that: O Our spiritual children! Do you now hear and learn that this Joseph Mar Dionysius Metropolitan being thereunto chosen by the Holy Spirit has been made by that Holy Spirit worthy to be called by that name, to be a Shepherd, Prelate and Ruler of God's Church, and to walk in the ways of perfection, in all goodness, meekness, fasting, incessant prayers, love towards the poor and the humble, and with all spiritual instructions (knowledge); and you now hear and understand that he is worthy and competent to be Shepherd and Prelate. Just as our Lord Jesus Christ granted to his Holy Apostles, We have, by the command of Maran Mar Ignatius Patriarch of Antioch, given him power to bind and loosen, to judge according to the law and precepts, to ordain priests and deacons, to consecrate sanctuaries and churches, to accomplish every thing lawful by the people who

follow his tenets, according to the Canons of the Jacobite Syrians, and to perform Mass. You should honor him. You, ordained Priests, should be unto him as Priests ordained according to his rites. (Not clear). Wherefore also: Should, henceforth, this Our Brother, Mar Dionysius Metropolitan interdict any one, be that person a Kori-Episcopa, Dayarayakaren, Priest, Deacon, man, youth, woman, small or great man: such person will be one cursed and rejected by God, by Maran Mar Ignatius Bava, and Our feeble selves. Should this Mar Dionysius Metropolitan bless any one, that person will receive blessing from God, Maran Mar Ignatius Bava and Our feeble selves. We, the feeble and weak implore God that in His mercy He may fill you with joy, bless you with all blessings, amplify your all goodnesses and save you from all harassing trials and punishments. May He shelter you with His Mighty Right Hand, and make you and your dead hear the joyful words addressed to those on the right hand side, "Come ye blessed of my Father, enter in and inherit ye the kingdom prepared for ye before the beginning of the world." And that by the prayers of the Blessed Virgin Mary who brought forth God, Mar John Madonna, St. Peter, St. Paul, the other chosen Apostles, Saints, Martyrs and Mowdeens. Amen.

Given this 19th day of Mithunom 2081, Yovana Era.

A Syriac Signature.

Compared by Geverghese Kathanar, of Pattasseri. (Signed.)

Joseph Gregorius Metropolitan of Jerusalem.

Seal

Yohannan Ivanius Episcopa of India.

No. 210(A).

EXHIBIT Y.

[Copy of (Malayalam) Decree of the Alwye Zilla Court, in O. S. 115 of 1049.]

No. 210(A).
Ext. Y.
Decree of the Alwye Zilla Court in O. S. 115 of 1049.

Seal

In the Additional Zilla Civil Court of Alwye.

Original Suit No. 115 of 1049.

By Judge Narayana Pillay:—Thursday the 22nd Adi 1050.

Plff.

Mar Athanasius, Metropolitan of the Edavagay of Malankarai, residing at the Pallikara church called the Morkala church, in the Morkala karai, Kunnatnad Proverthy: Vakil, Krishna Menon.

Defts.

Matthu Ulagannen of Pullyat, Pempillykara parampu, Palanganat karai, Kunnatnad Proverthy.

Matthu Chakko, Syrian, of Pullyat aforesaid, Kalukkampalom karai, in the Proverthy aforesaid:

3. Matthula Pyli, Syrian, of the same place: the 1st and 2nd Defts. by Vakils Ittiraricha Kuruppu and Pitchu Iyen.

The plaint seeks redemption of the Thenarimundaken paddy-land 15 parahs comprising 7 plots, situate at Kanyodipadem, in the Kalukkampaiom karai, Kunnatnad Proverthy, west of the Thenari paddy-land, ... wami ... paiom karai, Thenari paddy-land, east of the Palukkathachal padd... Syri... north of the Thekke ...y-land and the land in the

enjoyment of Palal Kurien, and south of the Arodi paddy-land; (2) the Thadyenchal Mundaken paddy-land, 4 parahs comprising 4 plots, situate at Thalavapadom, in the same Karai, west of the Thadyenchal paddy-land, north of the Pallapalli paddy-land, East of the Puthuvelchal paddy-land, and souh of the Pallayenchal paddyland; (3) the Manithottumukhamchal Mundaken paddy-land, six parahs comprising 1 plot, situate at Kanyodipadom, west of the Palangattuchal paddy-land, north of the Naduthode paddy-land, east of the Naduthode paddy-land, and south of the Palangattuchal paddy-land; (4) the Thonikadavu mundaken paddy-land, 7 parahs 5 Edangalies, comprising 3 plots, situate at Karalapadem, west of the Thekkekandem and the Thonikadavu paddy-lands, north of the Thonikadavu paddy-land, east of the Keerankalodi paddy-land, and south of the Thonikadavu paddy-land; (5) Eroomakuli mundaken paddy-land, 8 parahs comprising 4 plots, situate at the aforesaid Kanyodipadom, west of the Kanyodi paddy-land, north of the same paddyland, east of the Thenari paddy-land, and south of the Parampasseri paddy-land: in all 29 parahs and 5 Edengalies of paddy-land, the property of the aforesaid church included under the control of the Plff., which said lands were leased to Defts' father Mathula at an annual rent of 89 parahs of paddy, and which while in his enjoyment, were directly taken on lease by the Defts. themselves from the church, in 1040; and which said 29 parahs and 5 Edangalies of paddy-land worth the Jemn value of 3571½ fanams are sought to be recovered, together with 1125 fs. being value of 375 parahs of paddy the rent for the three years 1047 to 1049, over and above what has been already received and waived; and together with further rent and costs of suit.

2nd Deft. Exparte.

Read the written statements of the 1st and 3rd Defts., Exhibits A to Z, and Depositions of witnesses 1 to11 for Plff., as also Exhibits 1 to 30 and depositions of witnesses 1 to 12 including the Plff., for Defts.

Decree.

Decision passed under Section 168, dismissing the suit with costs, for the reasons set forth in the Judgment. (Signed) Judge.

To the Plff.

Institution fee...	fanams 235
Registration fee	fanams 10½
Batta...	fanams 43¾
Vakil's fee.....	fanams 223
	Total fanams 512¼

To the 2nd and 3rd Defts.

Batta...	fanams 85
Vakil's fee...	fanams 223
	Total fanams 308

to be paid by Plff.

Should the parties make any settlement of the Decree between themselves, the Court will not recognize the same unless made through the Court under Sec. 190 of the Civil Procedure Code.

(True copy)

Copy was applied for by Deft. on the 25th Dhanu 1051. Made ready on the same day. Granted on the 29th.

(Signed.) T. R. Narayanna Pillay, Judge.

Krishna Kuruppu—Gumasta.

Sd. Narayana Pillay—Copyist.

Copy of Decree in O. S. 115 of 1049.

No. 210(B).

EXHIBIT Y 1

[Copy of Judgment (Malayalam) of the Alwye Zilla Court in O. S. 115 of 1049.]

Seal

IN THE ALWYE ZILLA CIVIL COURT: O. S. No. 115 of 1049.

Plff.	Defts.
Mar Athanasius Metropolitan.	Matthula Ulagannen and others.

Plff, the Metropolitan of the Syrian Churches of the Malabar Coast sues to recover certain properties said to be the property of the Pallikara church and alleged to have been leased to the Defts in 1040 by the trustee appointed by him; together with arrears of rent due.

2. The Defts contend *inter alia* that the Plff is not Metropolitan; that even if he were, he is not exercising any authority over the church or its property; and that it is Mar Dionysius that the people of the church in dispute obey.

3. The two Issues at first framed in this case, are: Is or is not the Plff the Metropolitan of the Syrian churches: and, if so, is or is not the church in dispute included within his authority?

Judgment.

4. Not only is it now admitted on behalf of the Defts that the Plff was appointed by the Patriarch of Antioch as the Metropolitan of the Syrian churches, and that, under a Royal Proclamation, the Travancore Government acknowledges this position: but it is clear also by Ext R.

5. The Defts contend that after the Plff, Mar Dionysius has been appointed, and that the Patriarch has removed the Plff.

6. To prove this contention, Exts. 5 and 11 which are said to be the *Vilakkuneets* (prohibitory orders) of the Patriarch, are filed on behalf of the Defts. The 2nd, 3rd and 4th witnesses examined on behalf of Defts swear that these documents bear the seal of the Patriarch. Although they are much interested in the affairs of Mar Dionysius whom they acknowledge as their head and who is an enemy of the Plff, there is no doubt that what they have sworn to is to the best of their belief. The Court holds that Exts. 5 and 11 are genuine.

7. Yet, it is not necessary that the Court should try to see whether these documents are genuine or not. Unless this state treats a Metropolitan as such, the Courts need not look upon him as such: and unless the Travancore Government knows that Mar Dionysius, the opponent of Mar Athanasius has been appointed as a Metran and proclaims the same, the Courts should, proceeding upon authority, regard Mar Athanasius as Metran. (Vide Ext. A the Decision in A. S. 154 of 1044 of the Travancore Sadr Court).

8. It is not contended that Mar Dionysius has been thus proclaimed as a Metropolitan. If so, treating the Plff as Metropolitan, the first issue has to be found for him.

9. There is a good deal of evidence for both parties, both oral and documentary, on the 2nd Issue. The Plff. tries to make out that the church in dispute was under his control, while the Defts. attempt to establish that having set aside that, that authority has been exercised by Mar Kurilos and, thereafter, by Mar Dionysius.

10. Of the many Exhibits filed on behalf of the Defence, much suspicion is thrown upon the Plff's. case by Ext. 28.

11. This is a letter addressed by the Plff. two months before this suit to a friend of his, and is a document which is admitted.

12. In this letter, it is said, among other things, that 'Mar Dionysius, the person called therein Pulikote Achen, is also concerned in this church; let him rule; let him have the whole of Pallikara; it is one which was not with us.'

13. The Plff. says that the above passage had reference to a piece of land which he purposed buying to build a house upon, and which it was known to him Mar Dionysius was trying to purchase.

14. Taking this passage along with the allusion referred to above that Mar Dionysius was also exercising some functions in the said church, and along with the subsequent mention that although not strong enough by old age, he purposes going from Paravur where he then was to the aforesaid church and raising a quarrel; and considering these passages together with the general tenor of the letter, it has to be held that it becomes clearly established by this letter that the allegation of the Plff. is untrue and that he has never exercised any authority over the church in question.

15. If that be so, it appears that a decree cannot be given in favour of Plff. in this suit which covers only a slight portion of the many properties which belong to the said church. Although the Defts. aver that the Plff. has no right over this church, it may be wrong to say so, as also the exercising of authority over it. Besides, it appears that the Plff. should bring a fresh suit praying that, as he alone has lawful right to the plaint church and all its property, the same may be put under his control.

16. Moreover, even granting that such contention is irrelevant and one not to be allowed, it may also be held that this suit, brought as it is upon the basis of a lease alleged to have been granted by trustees appointed by him, is clearly false by the fact of the admission that he has no connection with the church, and must therefore be dismissed.

17. Considering, in these circumstances, that it is unnecessary to go into the other issues, this suit is dismissed with costs.

Declared in open Court this 22nd day of Adi, 1050.

(Signed) T. R. Narayana Pillay,
Judge.

(True copy.)

Copy applied for by Deft. on the 18th Mithunom 1055, and paper and fee presented on the same day; prepared on the 19th Idem and granted on the same day.

(Signed) Krishna Pillay
Gumastah.

(Signed) Parameswaren Thumby,
Copyist.

(Initialled) Judge.

Filed on the 16th Mithunom 1056 by the Plff.'s Vakil in O. S. No. 180 of 1052.

(Itld.) Judge.

No. 211.

EXHIBIT Z.

[Registered Agreement (Malayalam) entered into between the late Mar Athanasius and the 2nd and 3rd Defts. on the 23rd Meenom 1048.]

Deed of Agreement executed by Mar Athanasius Metropolitan of the Edavagay of Malankarai, and his successor, Mar Thoma Athanasius Metropolitan, and the Trustees, Punnatharai Chakko Chanpadilla Kathanar of Cottayam and Kulangaray Ittyachen Pyli of Paravur.

Whereas, according to the order of the Govt. issued at the request of the Pallikkar that the money belonging to the Cottayam Seminary, which remained deposited with the Sircar should be placed in the hands of the above-mentioned Mar Athanasius Metropolitan and Punnatharai Chandapilla Kathanar and Kulangara Kunjipyli, to be spent in the interests of the Community, in pursuance to the decision of the *Panchayakkar*, the money deposited with the Govt. was received and immediately invested in the Madras Bank, and the principal, the Star-pagodas, was left with the Govt. on simple Interest as before and a bond received for the same, and, while with the interest of these sums the tuition in the Seminary &c. are being conducted, notice has been received from the agent at Alleppey to state that the Bank is to be closed and that the money invested therein should be withdrawn, it is hereby agreed that the money should be withdrawn and dealt with according to the rules herein-under laid down.

1. That the Rupees received from the Madras Bank wherein they were invested should be kept under the respective lock and key of each of the above-said responsible persons, in the Treasury-box (Bazgaza) now placed in the northern inner room on the southern side of the western part of the Seminary building.

2. As this money is to be used for expenses connected with the Seminary, it should as far as possible be firmly laid out on landed property; and the proceeds thereof, together with the interest due from the Government, should be got on the receipt of all the three trustees and kept in the box aforesaid and spent for the conduct of the tuition in the Seminary and such other matters as may be decided upon by the Committee (lit: on consultation).

3. All documents relating to all pecuniary transactions on behalf of the Seminary shall be taken for the Seminary, in the names of Mar Athanasius Metropolitan and the above-mentioned Trustees, and should be kept in the above-mentioned box; and the Trustees shall each of them keep a registered copy of each of such documents.

4. The above-mentioned Trustees are to have an accountant whose duty it shall be to keep an account of the income and expenditure; of which, one copy shall be kept in the treasury, and one given to each of the Trustees; and such accounts shall be compiled in book and preserved.

5. The *Gisabura* Cash-keeper of the Seminary should be appointed under certain rules, his duty being to get from the treasury, giving receipt to the Trustees, money, for the ordinary expenses provided by the rules, and for special expenses; to keep a monthly account and a *Thirattu* once in 4 months to be placed in the Treasury; to give a *Kurunthirattu* account to the Trustees and to obtain a copy of this initialled by them to be preserved by him.

6. The money for lands obtained for the Seminary shall be disbursed only after the document has been received in the treasury, and if money is required before that, (torn) on the attested receipt of the Cash-keeper, and the receipt should be given back after the document has been received in the treasury,

7. Besides printing and publishing the *Thirattu* (accounts) of the income and expenditure as is done now, an account of the lands obtained and money lent

out on interest, and other particulars should be published in the annual *Thirattus* (Returns) and copies of the same sent to all the parishes.

8. Money should not be taken and spent from the Treasury, except according to the *Salmoosa* laid down relating to the lending out of money on *Ubhayom* and interest and to the taking of lands on mortgage and to expenses of other kinds.

9. Should one of the co-trustees become unable through disease or death or other cause to act according to these rules, another should be appointed instead, on the consulation and choice of the whole Sabha.

10. As it is also agreed to by this deed of consent that Thomas Athanasius Metropolitan, who conducts the affairs of the Sabha and the Seminary, being consecrated to assist Mar Athanasius Metropolitan in all affairs connected with the Sabha, and appointed as the President of the Committee, with the consent of the Sabha, should act in the place of the said Mar Athanasius Metropolitan in every thing connected with these rules also, Mar Thomas Athanasius Metropolitan and the co-trustees should, from this day forward, act jointly according to the aforesaid rules.

11. This Agreement should be registered; and each Trustee should obtain and keep in his possession an attested copy of the registered deed; and the original should be preserved under the aforesaid lock. Agreeing to act and to cause to act as aforesaid, this deed of agreement is executed by

Mar Athanasius Metropolitan;

Seal (Signed) Athanasius Malabar,
Metropolitan.

And Mar Thomas Athanasius Metropolitan;
(Signed) Thomas Athanasius, Suffragan.
And Punnatharai Chakko Chandapilla Kathanar. (Signed.)
And Kulangaray Ittyachen Pyli. (Signed.)

A.D. 1873—23rd Meenom 1048 M.E.

Witnesses hereto :—

Kooren Varghese Paulos, Kathanar of Paravur church. (Signed.)
Ankamalikkarai Vadakken Lohannan Verghese. (Signed.)
Polachirakkel Kunjena Ummammen of Mavelikkarai. (Signed.)
Palappurakkel Thomman Kora of Cottayom. (Signed.)

Fee—Fanams 35.

This deed was presented at 4 o'Clock on the 23rd Meenom 1048 by the undersigned person at the Syrian Seminary in the Govindapuramkarai, in the Cottayom Proverthy.

Mar Thomas Athanasius Metropolitan.
(Signed) Thomas Athanasius, Suffragan.

The undersigned parties have admitted at the said Syrian Seminary, the execution of this document.

Mar Athanasius Metropolitan of the Edavagay of Malankarai.
No special occupation, Cottayom.
(Signed) Athanasius Malabar.

Mar Thomas Athanasius Metropolitan.
No special occupation, Cottayom.
(Signed) Thomas Athanasius, Suffragan.

Punnatharai Chakko Chandapilla Kathanar. (Signed.) Priest, Cottayom.
Kulangaray Ittyachen Pyli. (Signed) Family management, Paravur.

Examined the undersigned Witnesses at the said Syrian Seminary, in connection with this document.

Kooren Verghese Paulos Kathanar. (Signed.) Priest, Paravur.

Vadakkan Lohannan Verghese. (Signed.) Family management, Chen-
23rd Meenom 1048. [gamanad.

(Signed.) Padmanabha Pillai, District Registrar.

Registered as No. 9 on page (lit: part) 11 of the 1st Volume of Book No. 3.
23rd Meenom 1048.

(Signed) Padmanabha Pillai,
District Registrar, Cottayom.

Seal

[*Note.*—Ext. Z bears a seal on the 4th page which contains no writing but the number of the Ext. &c. noted in the Court.

No. 212.

No. 212.
Ext. AA.
Ninavu for the site of the Cottayom Seminary.

EXHIBIT AA.

[Ninavu (Malayalam) for the Site of the Cottayom Seminary, produced on the 19th Chingom 1056.]

Reg. No. 345th.

NINAVU.

To Ousep Iramban.

Whereas you have come here and represented that there is no Seminary for giving religious instruction to the Puthencoor Syrian Christians and that some land should be given for building such upon; site has been determined upon therefor, in the Govindapuram Karai, Cottayom Proverthy, the boundaries whereof being: west of the way lying north to south, and used for taking the Tirunakkarai Devan in procession to the river for Arat; north of the Idanat (Destroyed); east of the Cownar river, and south of the Arat landing place, the way and the Cownar river:—within these four boundaries: north to south being 120 Dennoos and east to west 60 Dennoos which (Destroyed) is granted on the Annubhogom tenure from the 6th day of Karthigay 990 for building the (Destroyed) upon, when the tax of $6\frac{1}{4}$ fs. per annum payable to Sircar thereon (Destroyed) has been given up to meet the expenses of a light to be burnt: wherefore, the Seminary shall be accordingly erected thereon and the money allowed for the light shall be used for such purpose, and the same shall be held and enjoyed thus by the Iramban and succeeding Irambans as *Anubhogom*: In witness whereof, this Ninavu is written this 6th day of (Destroyed) 990 by Royal Command, by Valia Meleluthu Yogeeswaren Ramen: Eluthu (Signature).

No. 213.

EXHIBIT BB.

[Ext. BB is 1st Deft.'s Staticon. The translation printed below is from the Malayalam Translation of the Staticon, put in by Defence.]

Seal

Praise be unto Him who is God, the word, who is our Lord Jesus Messiah, and is seated on the throne of priest-hood, holding in His hands the keys of the Kingdoms of Heaven and Hell, and who hath authority over priest-hood.

In the Holy name of Him the self-created, and the Unbeginning and the Endless and the Almightly and who is full of Essence: Matthews Mar Athanasius Metropolitan of the Throne of Malankarai and the whole of Hindu (Land), being the Throne of Apostle Thomas. (Signature).

Seal

May divine peace and spiritual order descend unto and dwell upon our sons, the true believers, the people of the Holy Ghost, who, without swerving, believe in Jesus Messiah, Our Lord and Saviour: being the Kassisas, deacons, trustees, chiefs and all believers, living subject to the authority of our throne in Malankarai:

O Our spiritual Sons! Bow down your ears and hear what We, Mar Athanasius, a sinner and a powerless person, a petty servant among the servants of Messiah speak from the mouth of Apostle Jacob. All good and perfect gifts descend from above, from the Father of Lights, in whom there is no change. Therefore, "not from the hands of him who wisheth nor from the hands of him who runneth up: but verily from the hands of the blessing God"; thus saith Apostle Paul. O Our spiritual Sons! In former times, Our Edavagay in Malankarai was in straitened circumstances and distress, owing to the demise of the Metropolitans who were governing same. For, the Fathers, the Metropolitans used to consecrate during the life-time of each an Episcopa, to prevent the extinction of Prelacy in Malankarai; and some of them died suddenly without having an opportunity to consecrate Episcopas to take their place and govern the Edavagay, in pursuance to the precedents established from the beginning. And when, consequently, Our dear brother, the venerable Mar Kurilos, Metropolitan of the Tholyur church, and you, the priests, deacons, Malpans, trustees and all our believers of Malankarai together consulted and requested Us and pressed Us to consecrate to the exalted Prelatial Office, during our own life-time, Kassisa Thoma, our Steward, over all the properties of the Seminary; We, Athanasius, the powerless and sinful looked with the eyes of our thought, it seemed to us also that your counsel was good. Therefore, O Sons of our See (lit: throne)! the Holy Ghost, the dispenser of spiritual gifts, through the mediation of Our weak self, has consecrated Kassisa Thoma to the exalted position of prelate, to govern the Edavagay of Malankararai after Our death and to occupy the throne of Apostle Thomas, and (he) has been called by the name of Athanasius. And he has been gi n authority to ordain deacons, Kassisas, Kori-Episcopas, *Dayarayas*, Episcopas and Metropolitans and to consecrate sanctuaries and churches, to lay down laws and rules, and to do everything becoming our Lord's prelate, even as authority was given unto His holy and illustrious disciples by Our Lord. O sons of Our delight! We command unto you

and request of you that: You should receive with joy and pleasure Thoma Athanasius, your exalted Father, and love him even with spiritual affection, and honour him with all kinds of honours, and obey his words, and do for him everything that is just on your part. For, the Lord hath commanded, "Whosoever acknowledgeth you acknowledgeth Me: whosoever acknowledgeth Me acknowledgeth Him who sent Me." At the time of the consecration of this elect of God, We and all who were (found) with us have (in spiritual voice) unanimously shouted out, "Axios! Axios! Axios! Thoma Metropolitan who is the Sepherd and Prelate, the Venerable Aboon Mar Athanasius is a fit and proper person for the throne of Malankarai." O our beloved sons in Messiah! Do you in your unremitted prayers and constant supplications remember this Father of yours and pray that he may become earnest and energetic in (maintaining) the stability and the permanence of the Holy Church; that he may be one who would with sorrow and tears pray and entreat on your behalf day and night; that he may be one who would not walk in the ways of unrighteousness; that he may be kept aloof from avarice and ambition and lust for money which carries men into dangerous and satanic trials; that he may not become a flatterer (may be: lover of flattery) and that he may walk in the right path of the early Holy Fathers who past their days in the blessed faith without swerving from the limits of the three holy Synods and from the Ordinances of the Gospels. Furthermore: do you assist him in everything, and at all times and that he may grow strong, that he may withstand his enemies with might and succeed spiritually. May the God of our Fathers Abraham and Isaac and Jacob be with you day and night and guard you from troubles. May the rods of punishment and wrath be averted from you. May His powerful right hand be placed on your head to guard you against the evil One and his armies. May you be folded under the wings of the Cross, the the emblem of peace, the sign of Victory, the terror of devils, the revered of angels and the strong bulwark (lit: umbrella) of believers. May the lord, from Heaven, bestow upon you goodnesses, salvation, forgiveness, protection, consolotian, order, and peace and relief from all evils. May (He) grant unto you increased fertility of of soil, the joys of meals, and physical growth of your sons and daughters. And May He for ever bless you with all kinds of heavenly and wordly blessings. Amen. Our Father which art in Heaven &c.

This Staticon was written on the 4th Mithunon 1868 A. D.

Seal.

Signature

We, Joseph Kurilos, Metropolitan of the Tholyur church, were also present at the Imposition of Hands of our beloved Brother, Mar Thomas Athanasius. Shouted out thrice with all priests and the great and the low, "Axios! Axios! Axios! the exalted Aboon Mar Athanasius.!"

Seal

Signature.

True Translation

Translated by Ulasseri Joseph Kathanar Joseph Kathanar.
(Signed.)

No. 214.

EXHIBITS CC1 to 9.

[The Seminary Thirattu or yearly accounts of income and expenditure from 4th Idavom '45 to Karkadagom 1055, produced by Defts. on the 19th Chingom 1056.]

CC1

Thirattu prepared of the receipts, disbursements and balance, in paddy and cash, in the Cottayom Seminary from the 4th Idavom 1045, the date of the commencement of education in the Seminary, to Idavom 1046.

32nd Idavom 1046.

	Received Chuckrams.
The Seminary was opened for the purpose of education on the 4th Idavom 1045.	
Amount received, according to the account written from the said date to Idavom 1046,—Rs 840, being the interest drawn from the British Treasury, due on the 3000 Star-Pagodas invested:	
And Rs 1774-anna ½ drawn from the Alleppey Bank, being the interest at 5 per cent for one year ending in the 16th Kumbhom 1046, on Rs 35,480, annas 10, pies 2 invested therein on the 16th Kumbhom 1045: making thus a total of Rs 2614 anna ½	74,499 7/8
In paddy, rent, jack and cocoanuts, on and from the Seminary compounds	2852 3/8
Fees collected from the deacons	1144 3/8
Fees for the ensuing year collected in advance	1122 1/8
Total fees collected as per two items	12566
Occasional sums borrowed	28,290 1/4
Total Receipts	1,18,208 1/2

Details of Disbursements.	Paid.
For rice for the boarding expenses of the deacons, totalized number 6425, from 4th Idavom 1045 to Idavom 1046	11,274 1/4
For provisions	4,448 3/8
For fuel, besides wood felled from the topes	1051
For oil for lamp	1,557 3/16
For chatties, pots and pitchers	79
For medicines for patients	277 1/2
For wine, candle &c. for the church...	295
For thatching and tax	983 3/4
To smiths and carpenters for repairs	711 1/2
For planting and other works done in the northern tope &c. ...	477 3/4
For travelling expenses, in connection with the bringing of the interest money	960
For books, boat, ornaments &c.	895
For 500 7/8 Edangalies of rice spent on these accounts and given for the maintenance of the cook &c.	1429 1/8
To salaries of the Malpans and others, fifteen in number	33,247 1/8
For liquidating debts	26,347 1/4
Fees remaining due from the deacons since Idavom	4,972 3/4
Total, including outstanding amounts and disbursements... ...	89,007 1/16
Balance	29,201 7/16

EXHIBIT CC$_2$

Thirattu for the receipts, disbursements and balance, in paddy and cash, of the Cottayom Seminary from Mithunom 1046 to Idavom 1047.

	Chuckrams.
Balanceunder the previous *thirattu* down to Idavom 1046... ...	29,201 7/16
Received as per account from Mithunom 1046 to Idavom 1047, from the British Treasury, Rs 840, on account of interest on the 3000 Star-pagodas invested therein; and from the Alleppey Bank, Rs 1774, a. ½ on account of interest on Rs 35,480, as. 10, p. 2 invested therein: making a total of Rs 2614 a. ½	74,499 7/8
In rent, cocoanuts, jack. paddy &c. on and from the Seminary compounds	5102
Income of the church...	98
Fees from the deacons	15,654 15/16
Arrears of fees due for the previous year	4972 3/4
Occasional sums borrowed	25,551 1/2
Total Receipts...	1,55,080 1/2

Details of Disbursements.

For rice for the boarding expenses, from Mithunom 1046 to Idavom 1047, of the deacons to the totalized number of 9398 persons	16,198
For provisions...	6950
For fuel	1866
For oil for the lamp	1213 15/16
For chatties, pots and pitchers	106
For medicines for patients	259 1/2
For wine, candle &c. for the church	444 1/4
For thatching expenses and tax	963 1/4
To smith and carpenter for repair works	582
For the reconstruction of the wooden bridge over the *chirai*, for works in the topes, for repair of the clock, for the printing of the previous year's *thirattu*; &c.	1706 559
Travelling expenses for bringing the interest money &c.	1205 1/4
For small boats, timber, പാലത്തിക്ക, granite, copper pitcher, books &c....	9201 7/8
For taking down the tiles of the Seminary and drying and replacing them, cost of timber for reapers, and iron nails, and wages paid for thatching and to masons &c. and for plastering &c.	2287
To rice Edangalies 837½ paid on these accounts and to the cooks &c. numbering 3 persons	33,896 3/4
To salaries of the Malpans &c. 15 in number	17,100
Messing and other expenses of Mar Thomas Athanasius who resides in the Seminary and manages affairs, for 12 months at 50 Rs. per mensem	28,214 3/4 12,312 5/8
Debts liquidated...	1,35,066 3/16
Arrears of fees due from the deacons	20,014 5/16
Total including disbursements and outstandings	
Balance...	

EXHIBIT CC$_3$

Thirattu for the receipts, disbursements and balance in paddy and cash in the Cottayam Seminary, from Mithunam 1047 to Idavom 1048.

	Chuckrams.
Balance under the previous *thirattu* down to Idavom 1047 ...	20,014 5/16
Received as per account from Mithunom 1047 to Idavom 1048, from the British Treasury, Rs 840, being the interest on the 3000 Star Pagodas invested therein; and Rs 1419 annas 3 pies 9 from the Alleppey Bank, being the interest at 4 per cent on Rs 35,480 as. 10 p. 2 invested therein; making a total of	64,388
In cocoanuts, jack, rent, paddy, &c. from the Seminary compounds	3012 1/2
Fees collected from the deacons	12,044
Arrears of fees for the previous year	12,312 5/8
Occasional sums borrowed	26,698 1/2
Total Receipts	1,38,469 15/16
For rice for the boarding expenses of the deacons, to the totalised number of 8714, from Mithunom '47 to Idavom '48.	14,048 7/8
For provisions...	6,372 5/8
For fuel...	1558 1/4
For oil for lamp...	1542 3/8
For chatties, pots, pitchers, baskets &c.	125 1/2
For medicines for patients and for sending them home	316 5/16
For wine, candle &c. for the church...	483 1/4
For thatching and tax	609 3/4
To smiths and carpenters for repairs effected	460 1/4
For planting and other works done in the compounds, for printing last year's *thirattu*, for sending registered letters, for mounting the Palavenjana * box and for miscellaneous works &c.	1393 3/8
Travelling expenses for bringing the interest money &c.	1010 3/4
Costs of timber, sawing and iron &c. for constructing *Bazgaza* for securing the money in the treasury	4744 1/4
For registering and obtaining copies of the contract executed relating to money	977
For the travelling expenses of Kunji Pilo, a trustee	670 7/8
To rice, Edangalies 769 7/8 for the above purposes and for the maintenance of cooks &c, three in number	1,986 1/2
To salaries of Malpans &c. 15 in number	33,876 13/16
Messing and other expenses of Mar Thomas Athanasius Metropolitan, for 12 months, at 50 Rs per mensem	17,100
For liquidating debts	27,171 5/8
On account of the principal withdrawn from the Alleppey Bank and added to the money in the Bazgaza, ...	523 1/4
Arrears of fees due from the deacons	18,837 3/16
Total, including disbursements and outstandings	1,33,808 13/16
Balance	4,661 1/8

* A collective expression for Chili, mustard and the other spices mixed in curries.

EXHIBIT CC$_4$

Thirattu for the receipts, disbursements and balance in hand, of paddy and and cash, in the Cottayam Seminary, from Mithunom 1048 to Karkadagom 1050

	Chuckrams.
Balance under the *Thirattu* up to Edavom 1048, including arrears of fees to be collected	23,498 5/16
Receipts as per account for the receipts from the Bazgaza Rs 5285 1/8, including the interest due from the British Treasury from Mithunom 1048 to Karkadagom 1050, and the pattom of the lands	1,50,626 1/16
Income from the Seminary compounds in cocoanuts, jack, rent &c. for 2 years...	6,931 1/4
Received from the Bazgaza, paddy to the amount of 1439 parahs equal, at 8 1/4 chs. per parah, to	11,871 3/4
Fees collected from the deacons at the rate of 10 fanams... ...	14,460
Total Receipts	2,07,387 3/8

Details of Disbursements

For rice for the deacons, to the totalized number of 11308 from Mithunom 1048 to Karkadagom 1050	18,820
For provisions	8,530 3/16
For fuel...	1632 1/4
For wine, candle &c., for the church...	663 1/16
For oil for lamp...	3714 5/16
For medicines for patients	283 1/4
For planting and other works in the compounds	1212 1/16
For repairing the lock of the Treasury and for printing previous year's *Thirattu*	445
For buying a boat of Thampaka-wood...	1140
For raising a barrier of cocoanut timber and strengthening it with stones, across the river on the northern side of the Seminary	5234 5/16
Expenses for bringing the interest-money from the British Treasury	349
For purchasing parah, mat for drying corn, and box to keep title-deeds in	260 1/2
For writing-cadjan and string for tying up the accounts	19
For thatching and tax	941 3/4
For chatties, pots, well-ropes &c.	61
For removing and replacing the tiles of the Seminary church and plastering	2651 1/2
For the travelling expenses of Trustee, Kunji Pylo and for the cooks and miscellaneous workmen—rice Edangalies 1341 ...	3400
For paddy parahs 100, for miscellaneous works and for the sweepers	825
Salaries of the Malpans and others for 26 months...	76,224 3/4
Messing and other expenses of Mar Thomas Athanasius for 26 months at 50 Rs per mensem, Rs 1300 = ...	37,050
Deductions on account of bad cocoanuts	350
Arrears of fees due from the deacons	26,519 15/16
Copper chuckrams according to the *Thirattu* of 1048	79
Arrears due from Eranadan, Velampichan, and Kuthakkar ...	81 13/16
Total of disbursements including amounts to be collected... ...	1,90,489 3/16
Balance	16,898 3/16

EXHIBIT CC$_5$

Thirattu for the receipts, disbursements and balance in hand, of paddy and cash, from Chingom to Karkadakom 1051, in the Cottayam Seminary.

	Chuckrams.
Balance according to the Thirattu of 1050	16,898 3/16
Received from the Bazgaza, according to the account of the said year from Chingom to Karkadakom, Rs 1329 chs. 2 1/2.	
Borrowed since 18th Idavom, Rs 446 chs. 10 3/4	
Total in two Items, Rs 1775 chs.13 1/4 = ...	50,600 3/4
Income in rent, cocoanuts, jack fruits &c. on and from the Seminary gardens.	2886 1/2
Received from the Bazgaza 1490 parahs and 3 1/2 Edangalies of paddy which at the rate of 8 1/2 chuckrams per parah = ...	12,677 1/2
Fees from the deacons at the rate of 10 fanams	4560
Arrears of fees according to the thirattu of 1050	26,519 15/16
Total Receipts	1,14,142 7/8

Details of Disbursements

For rice for the deacons to the totalized number of 3146, and for two cooks from Chingom to Karkadagom...	5674 1/4
For provisions	2221 5/16
Oil for lamp	2069 3/8
For fuel...	388
For wine, candle &c., for use in the church...	330
For medicine for patients	97 1/4
For thatching expenses and tax	973 1/2
For chatties, pots, baskets, well-ropes, cadjans for writing and other things...	37
Expenses for bringing money from the British Treasury... ...	285
For chintz and lining for the sleeve of the cope	20
Wages for smith and carpenter, and costs of iron and timber for repairing the Seminary and the church	428 1/2
For sending letters to the Trustee, Kunji Pili and for repairing the clock	103
For making a mango-wood boat	145 1/2
For making an iron crow-bar for breaking stones	124
For repairing the bridge in the dam, for putting sand in the central courtyard, for works done in the compounds and for other miscellaneous works	341
For rice for the Trustee, Kunji Pyli and for workmen	357 3/4
Deduction on account of bad cocoanuts...	122 1/2
Pay for Malpans and others numbering 13 in all	29,058 3/8
Messing and other expenses of Mar Thomas Athanasius for 12 months at the rate of 50 Rs per mensem	17,100
Arrears of fees due from the deacons	31,079 15/16
Total of disbursements and sums to be collected	90,956 1/4
Balance...	23,186 5/8

EXHIBIT CC6

Thirattu for the receipts, disbursements and balance in hand of paddy and cash, from Chingom to Karkadagom 1052, in the Cottayam Seminary.

	Chuckrams.
Balance according to the Thirattu of 1051	23,186$\frac{3}{8}$
Received from the Bazgaza according to the account from Chingom to Karcadagom Rs 925$\frac{1}{2}$ chs. 2$\frac{3}{8}$: borrowed since 15th Kanni of the same year, Rs 965$\frac{1}{2}$ chs 10$\frac{5}{8}$: Total in two Items. Rs 1891 chs. 13	53,906$\frac{1}{2}$
In rent, cocoanut, jack &c. on and from the Seminary compounds	3347
Received from the Bazgaza 229 parahs and 1 Edangaly of paddy at 10$\frac{1}{2}$ chs.per parah	2405$\frac{7}{8}$
Fees from the deacons at the rate of 10 fanams	2000
Fees due for the last year	31,079$\frac{15}{16}$
Total receipts	1,15,925$\frac{15}{16}$

Details of Disbursements

For rice for the deacons, from Chingom to Karkadagom, to the totalized number of 1548 and for the cook...	3146$\frac{1}{2}$
For provisions	1027$\frac{1}{2}$
For fuel...	463
For oil for lamp...	1327$\frac{1}{2}$
For wine, candle &c., for use in the church...	445$\frac{1}{2}$
For thatching and tax	1288$\frac{1}{2}$
Expense for bringing the interest-money from the British Treasury	385
For medicine for and nursing of patients	97$\frac{1}{2}$
Expenses for putting in claim petition at Quilon against the attachment of the property obtained on mortgage from Polayil Itti.	859
Interest paid on Rs 446 ch. 19, the sum borrowed according to the Thirattu of 1051	1526$\frac{1}{2}$
Expenses in connection with the trial by the Sirkar, of Kurien and others of the Patriarch's party, for their entering the Seminary by force on the 26th Kunni 1051	4389
For repairing the jar in which mangoes are pickled and for exchanging the copper pitchers	90$\frac{1}{2}$
For writing-cadjan and string to tie up the accounts	18
To smiths and carpenters and for repairs and for planting and other works in the compounds	391
For repairing the clock	54
Deduction on account of bad cocoanuts	107
For rice Edangalies 20$\frac{5}{8}$ for miscellaneous workmen	98$\frac{1}{2}$
Pay for the Malpans and others, 13 in number	30,009
Messing and other expenses of Mar Athanasius Metropolitan for 12 months, at 50 Rs per mensem	17,100
Fees due from the deacons	33,079$\frac{15}{16}$
Total of disbursements including sums due	95,802$\frac{15}{16}$
Balance	20,123

EXHIBIT CC7

Thirattu of receipts, disbursements and balance in hand, of Paddy and Cash of the Cottayom Seminary, from Chingom to Karkadagom 1053.

Karkadagom 1053.

	Chuckrams.
Balance as per Thirattu of 1052	20,123
Drawn from the Treasury as per account from Chingom to Karkadagom. Rs 2203 and chs. 5$\frac{3}{4}$	62,791$\frac{1}{4}$
Borrowed on the 1st Chingom, Rs 245$\frac{3}{4}$ and chks. 3$\frac{1}{4}$ ...	7007$\frac{1}{8}$
Borrowed from the Sheristadar on 13th Kunni Rs 230. Do. Do. on 15th Vrischigom Rs 170. In two items, Rs 400	11,400
Proceeds of sale of cocoanuts and jack from the Seminary topes...	2178$\frac{1}{2}$
Rent on Vellamkulathmali Rs 24	684
Rent on Kollenkadavoomali Rs 3	85$\frac{1}{2}$
Rent paid by Kavalom Verghese, cocoanuts 225	112$\frac{1}{2}$
Rent on Thekkemattom, Rs 25	712$\frac{1}{2}$
Rent for Nelpura Thekkemattom, Rs 4	114
Paddy from the Treasury 909 parahs and 6$\frac{1}{2}$ Edangalies at 12 chks. per parah = ...	10,915$\frac{1}{2}$
Total Receipts	1,16,124$\frac{1}{8}$

Details of Disbursements.

Boarding for the deacons and children, 3277 individuals who lived and studied and had 3 meals per diem in the Seminary, from Chingom to Karkadagom, at $\frac{5}{8}$ Edangaly of rice (*Nediari*) each, Edangalies 2008$\frac{1}{4}$	
Rice (*Nediari*) given while going for vacation, Edangalies 26$\frac{5}{8}$	
Do. To the cook, Edangalies 142$\frac{1}{2}$	
Total rice (*Nediari*) 2177$\frac{3}{8}$ = 580 Parahs and 4$\frac{3}{4}$ Edangalies of Paddy : Pounding hire at 1$\frac{1}{2}$ per 10=87 Parahs and 1 Edangaly.	
Remission allowed to pounders to make up loss on account of chaff ... ... 30 Parahs of Paddy.	
Total 697 Parahs & 3$\frac{3}{4}$ Edangalies of Paddy at 12 chks. per Parah=	8373
Curry materials for the deacons	2407$\frac{3}{4}$
Medicines for the sick	18$\frac{1}{4}$
To smith and carpenter &c. for finishing off the bridge over the *Chirai*	22$\frac{1}{2}$
Clearing *Chiraneelam* and land around the Seminary, of jungle, and tilling the northern tope, and tying brambles round trees	52
Rice (*Nediari*) spent for same purpose. ... 21$\frac{1}{4}$ Edangalies.	
Total long grain rice spent for above purpose, 55$\frac{3}{8}$ Edangalies = 17 Parahs of Paddy including pounding hire;— at 12 chks. per Parah = ...	204
Money borrowed on 30th Adi 1052, returned	11,134$\frac{3}{8}$
Money borrowed in 2 items from the Sheristadar Rs 400, returned with interest up to 25th Karkadagom, Rs 438	12,483
Money borrowed on the 5th Kunni '52, Rs 154, returned with interest up to 25th Karkadagom 1053, Rs 188$\frac{1}{4}$ and chs. 4 ...	5,369$\frac{1}{8}$
Money returned with interest up to 25th Karkadagom Rs 471$\frac{1}{2}$ chs. 6$\frac{3}{4}$ ...	13,444$\frac{1}{2}$
Bad cocoanuts deducted	112
Total expenditure in these items	66,633$\frac{3}{4}$

RECORD.

PART II.

Exhibits &c.

No. 214.

Ext. CC7

Thirattu from Chingom to Karkadagom 1053.

—*Concluded.*

Expenditure in Salaries.		Chuckrams.
To Ayroor Malpan for 12 months—Rs. 252	... ...	7,182
To Sanscrit Teacher for 12 months—Rs. 168	... ...	4,788
To the Cash-keeper for 12 months—Rs. 168	... ...	4,788
To Krishna Pillay for 11 months—Rs. 110	... ...	3,135
Cocoanut oil for lamps	...	1,975⅝
Fuel	...	232½
Rice (*Nediari*) for same	3⅛ Edangalies.	
Wine and candles &c. for the church ...	... ...	715⅝
Thatching expenses	...	360
Rice (*Nediari*) spent for the same purpose	Edangalies 5¼.	
Tax paid on account of the Seminary ...	... ...	199½
Tax on account of Parapalli *cherai* &c.	... ...	1,085
Michavarom paid to the Manganom Devaswom for Parappalli *cherai*, Paddy 12 parahs at 12 chks. per parah =	...	144
Chatties and pots	...	9
Putting of reapers to the Boat-house including cost of trimming reapers, coir yarn &c.	... ...	457¼
Rice (*Nediari*) for above	Edangalies 25¼	
Cadjans for accounts	... ...	6
Cord for same	... ...	6
Paid for purchase in auction of the Parapalli *cherai* paddy-land	...	6,854¼
Expenses for the suit filed against Arakkelparampil Kurien	...	684¼
For repairing clock...	... ...	71¼
Keys made for the western and dining rooms	... ...	4
Making door-shutter to the horse-keeper's house	... ...	9½
Expenses of Cash-keeper and Krishna Pillay in going to the tenants at Mavelikkara, Karthikappalli &c. ...	... ...	221½
To Peon who went to Trustee Kunji Pyli with letter	... ...	21½
Expenses of Krishna Pillay in going to Quilon to bring plaint written out for filing suit against Polachira Mootha Kunju and others of Mavelikarai	... ...	142½
To the accountant for 12 months—Rs. 84	... ...	2,394
To the Peon for 12 months—Rs. 54 ...	... ...	1,539
To the Cook for 8 months—Rs. 32 ...	... ...	912
To Lascar for 12 months—Rs. 36 ...	... ...	1,026
To Dhoby	... ...	226
To 3 sweepers—Rs. 3 and 99 parahs of paddy ...	... ...	1,273½
Total expenditure in salaries... ...	... ...	27,261½
Total expense under the two heads ...	... ...	93,895¼
Of which still due to employes and shop-keepers ...	... ...	7,711
Difference actually spent on above account ...	... ...	86,184¼
To the Metran for his messing &c. as determined at the council, for 12 months, at 50 Rs—Rs 600 ...	... ...	17,100
Total expense	... ...	1,03,284¼
Balance in hand in *Vivarom* ...	... ...	12,139⅞

(Itd.) P. J. P. Vakil.

Produced by the 1st Deft. on the 19th Chingom 1056 under the Plff.'s notice in O. S. 439 of '54, in the Alleppey Zilla Civil Court.

(Itd.) G. S. A.

RECORD.

PART II.

Exhibits &c.

No. 214.

Ext. CC8

Thirattu from Chingom to Karkadagom 1054.

EXHIBIT CC8

Thirattu for the receipts, disbursements and balance in hand, of paddy and cash, in the Cottayom Seminary, from Chingom to Karkadagom 1054.

Karkadagom 1054. CC8	Chuckrams.
Balance according to the *Thirattu* of 1053	12,839⅞
Received from the treasury up to Karkadagom—Rs 1,093¼ ch. ⅛=	31,157¾
Proceeds of the sale of cocoanuts and jack from the Seminary compounds	3,331½
Received Rs 3, being the rent for *Vellankulathumali*	85½
On account of cocoanuts 285 in number, received as rent from Kavalom Verghese	112½
On account of Rs 6 being the rent given by the above person for three years	171
On account of Rs 25 being the rent for *Thekkemattom*	712½
Received Rs 4 rent for *Nelpurathekkemattom*	114
Received Rs 2, the proceeds of the sale of cocoanut-plants ...	57
Received Rs 5 as boat hire	142½
On account of 1466 Parahs and 1 Edangaly of Paddy at 11 chks. a Parah	16,127
Total Receipts	65,748⅞

Details of Disbursements.

Rice for the maintenance of the deacons, 2200 individuals in total, who were boarding and taking their meals thrice a day, from Chingom to Karkadagom of the said year, at ⅝ measure of rice each, amounting to	Edangalies 1346½.
Rice given for travelling expenses on going home during vacation...	23⅜ Edangalies.
For the cook—Rice	90 Edangalies.
Total rice Edangalies 1459⅞ =	389 Parahs and Edangalies 3¼.
Threshing expense at 1½ per 10 =	58 Parahs and 3 Edangalies.
Total in two items,—447 Parahs and 5¼ Edangalies of paddy:—at 11 chks. per Parah = ...	4925
For curry-stuffs for the deacons	1506
For oil for the lamp	1469
For fire-wood	272
Rice paid for fuel—	Edangalies 2⅝.
For wine and candle for the church	49¾
For thatching	616¼
Rice for the above	Edangalies 8⅜.
To tax on the Seminary	204
To tax on the Parapalli *cherai* &c.	940½
On account of 32 Parahs and 5½ Edangalies of paddy being the rent on the Parapalli *cherai* paddy-land, given to the Manganom Devaswom, at 11 chks. per Parah	360¼
For provisions supplied at Ulsavom to the said Devaswom ...	21⅜
For repairing the clock	14
For bringing the interest-money from Trivandrum	313½
For chatties and pot-	21

RECORD.

PART II.

Exhibits &c.

No. 214.

Ext. CC8

Thirattu from Chingom to Karkadagom 1054.

—*Continued.*

	Chuckrams.
On account of Rs 58½ chks. 13 paid as interest on the 30th Karkadagom 1054 on Rs 245¾ chks. 3¼ borrowed on the 1st Chingom 1053	1680¼
Travelling expenses for the peon who went to Paravur and Peermade for getting the receipt signed	56
Travelling expenses of Krishna Pillai for going to Quilon and Paravur	484½
Travelling expenses of Krishna Pillai for going to Mavelikarai and other places	28½
To the peon who brought the summons relating to *Polachira* ...	29
For tying brambles round the cocoanut trees	55
To the smith who made the lock for the door of the boat-house ...	10
For turning up the soil of the northern and eastern topes and that round the cocoanut trees in the *cherai*, and for removing and replacing the tites of the school-building	117
Rice for the above ... ... Edangalies 9½.	
For clearing the thicket round the Seminary	4
Total expenditure of Rice in this item, ... Edangalies 20½.	
Making a total of 6 Parahs and 2¼ Edangalies of paddy, including expenses of threshing; at 11 chks. per Parah = ...	69⅛
Remission made on account of bad cocoanuts	79
On account of 5 Parahs of paddy given to Pylo for building a house at *Kanjiramattom*	55
Total expenditure in this item	13,380

Expenses on account of Salaries.

Rs 154½ paid to Ayrur Malpan out his salary of Rs 252 ...	4,403¼
Rs 152¼ paid to the Sanskrit Master out of his pay of Rs 168 ...	4346¼
Rs 236¼ paid to the treasurer being the sum due to him in two items; viz: arrears of salary, Rs 68¼ due to him for 1053 and salary, Rs 168 due to him for the above year.	6,733⅛
Rs 76 paid to Krishna Pillai out of Rs 187¾ due to him as salary in two items; viz: arrears of salary, Rs 67¾ due to him for 1053, and salary, Rs 120 due to him for the above year... ...	2166
Rs 63 paid to the clerk out of Rs 126 due to him in two items; viz: arrears of salary for 1053, Rs 42, and salary for the above year, Rs 84, ...	1,795½
Rs 67½ paid to the peon on account of arrears of salary for 1053 and salary for the above year...	1,923¼
Rs 65¼ paid to Ulasseri Malpan out of Rs 116 due to him in two items; viz: arrears of salary for the months of Mithunom and Karkadagom 1053 and salary for the above year amounting to Rs 140; minus Rs 24, the cost of his boarding at the Seminary for 8 months = ...	1,859⅝
Rs 36 paid to Verghese, the senior cook, being his salary for 9 months	1026
Rs 21 paid to the Lascar Matthai out of Rs 39 due to him in two items; viz: Rs 3, arrears of salary for 1053 and Rs 36, salary for the above year...	883⅛
Paid to the Dhoby...	228
Rs 8½ and paddy 82½ parahs paid to the sweepers, three in number	1149¾
Total expense in salaries	26,514¾
Disbursements as per items two	39,894¾

RECORD.

PART II.

Exhibits &c.

No. 214.

Ext. CC8

Thirattu from Chingom to Karkadagom 1054.

—*Concluded.*

	Chuckrams.
Rs 319½ chs 2, paid to the Metropolitan out of Rs 638 ch. ⅞ due to him in two items; viz: arrears of allowance sanctioned by the committee for 1053, Rs 38 ch ⅞ and allowance for the above year, Rs 600;	9,107¾
Total Disbursements...	49,002½
Balance...	16,746¾

(Intialled) P. J. P. Vakil

Docket—Produced by the 1st Deft. on the 19th Chingom '56, in pursuance to notice issued at the instance of Plff. in O. S. 439 of 1954 of the Alleppey Zilla Court.

CC8

28th Kunni 1058.

(Initialled) G. S. A.

EXHIBIT CC9

Thirattu of the receipts, disbursements and balance in hand of paddy and cash, of the Cottayom Seminary for the year 1055 from Chingom to Karkadagom.

Ext. CC9

Thirattu from Chingom to Karkadagom 1055.

Karkadagom 1055.	Chuckrams.
Balance as per thirattu of 1054...	16,746⅜
Drawn from the Treasury from Chingom to Karkadagom, Rs 1563¼ chs. 1/16 = ...	44,559 11/16
Caused to be paid on the 20th Mithunom by Kollenkari Werkey Ulagannen, Rs 331½ chs. 2¼	9450
Income from cocoanuts and jack of the Seminary topes... ...	3279½
Rent for *Vellankulathu Mali*, Rs 31½...	897¾
Rent for *Kollenkadavu Mali*, Rs 3	85½
Rent for Thekkemattom, Rs 12½...	356¼
Rent cocoaunts from Kavalom Verghese, 225 = ...	101¼
Paddy received from the Treasury, 736½ parahs at 8 chks = ...	5892
Total Receipts	81,362 5/16

Details of Disbursements

Rice for the deacons and students, 2836 individuals, who boarded and lodged and studied in the Seminary, having 3 meals per diem, from Chingom to Karkadagom of above year: at ⅝ Edangali of rice each; Edangalies 1747¾. Rice given while going on vacation, for expenses on the way, Edangalies 22⅞. ...Edangalies 23⅛.	
Rice given to the cook	
Total Rice Edangalies 1793¾ = 478 parahs and 2½ Edangalies of paddy, with 1½ per 10, pounding hire amounting to 71 parahs 5¼ Edangalies. Total in 2 Items, 550 parahs and ¼ Edangali of paddy, at 11 chks per parah being paddy of 1054, =	6,050⅜
Curry materials for Deacons	2,107¼
Oil for lamps	1041⅜
Fuel	284
Rice given for same... ... ...2½ Edangalies	
Thatching expenses...	773½

RECORD.

PART II.

Exhibits &c.

No. 214.
Ext. CC_9
Thirattu from Chingom to Karkadagom 1055.
—*Continued.*

	Chuckrams.
Rice given for same ... ... $6\frac{3}{8}$ Edangalies	
Tax on account of the Seminary...	204
On account of the tax payable by Palathattil Cherian and others	1,245
Rent paid on above named's land, according to chit, to Meledath Namburi of Manganom	250
Expenses for conveying interest money from Trevandrum ...	$313\frac{1}{2}$
Chatties, pots and baskets &c....	$25\frac{1}{2}$
Cadjans for writing...	8
Letters sent to Paravur, registered for acknowledgement ...	10
Paid to and expended through Puthenpurayil Kathanar for expenses for attaching *Polachirayen's* crop...	855
To Peon who brought above-named's summons	$28\frac{1}{2}$
For registering sunnud got for the property of Pandalakkel Yohannan of Karthikappalli, bought at auction, and for fee &c.	$598\frac{1}{2}$
Vakil's fee and expenses for getting copies &c., paid to Vakil Krishnien, in the Review Case filed by Polayil people ...	*$306\frac{3}{8}$
Paid to same Vakil by Krishna Pillay on account of same case ...	$313\frac{1}{2}$
Given to Krishna Pillay who had been sent to Quilon and other places	969
Petition fee &c. on account *Pokkuvaravu* of properties,... ...	$488\frac{1}{2}$
Of the debts as per the Thirattu of 1051, paid off the debt due to Kilakkekarai Eipu *Vicharippukaren* Rs 508 = ...	14,478
For pulling down the *chirayil* bridge and building it up as a culvert	702
Rice spent for same purpose... ... ...Edangalies $29\frac{7}{8}$	
For tilling tope, and diverse other works.	$147\frac{1}{4}$
Rice spent for same purpose... ... ...Edangalies $8\frac{7}{8}$	
For medicines for Seminary students...	36
Tying brambles &c. round trunks of trees...	58
Rice spent for these purposes, Edangalies $47\frac{5}{8}$ = 14 parahs and $4\frac{1}{2}$ Edangalies including hire for husking...	160
Bad, small and spoiled cocoanuts deducted...	165
Total expenditure as per above items	$31,318\frac{1}{8}$
Salary paid to Ayrur Malpan, Rs $349\frac{1}{2}$ = ...	$9960\frac{3}{4}$
Salary paid to Sanscrit Master, Rs $85\frac{3}{4}$ = ...	$2443\frac{7}{8}$
Salary paid to Cash keeper, Rs 168 = ...	4788
Salary paid to Ulasseri Malpan, Rs $134\frac{3}{4}$ = ...	$3840\frac{3}{8}$
Salary due to Krishna Pillay for 1034, Rs $111\frac{3}{4}$	
Do. for this year, Rs 120. In 2 Items, Rs 231.	
Out of which amount, paid Rs $151\frac{3}{4}$	$4324\frac{7}{8}$
Salary to the accountant for 2 years, 1054 and 1055, Rs. 147.	
Out of which, paid Rs 70 = ...	1,98(0)5
Salary paid to Lascar Matthai, Rs 44	1254
To the Head-cook Chakoo and others, Rs 43 = ...	$1225\frac{1}{2}$
To acting peon Lukos...	114
To Seminary Watcher...	40
Dobhy...	265
To 3 sweepers, paddy 108 parahs...	1188
Total expenditure in salaries...	$31,439\frac{3}{8}$
Total expenditure under the two heads	$62,759\frac{1}{2}$
Due for Metran's Messing as per decision passed in consultation, for 1054. ... ... Rs 318 and chks. $13\frac{1}{8}$.	
Do. Do. for this year, ... Rs 600	
In two items, ... Rs 918 and chks. $13\frac{1}{8}$.	

* or—$206\frac{3}{8}$

	Chuckrams.
Out of this, paid Rs 190 = ...	5,415
Total expenditure	$68,172\frac{1}{2}$
Balance	$13,189\frac{13}{16}$

(Itld.). P. J. P. Vakil.

Produced by the 1st Deft. on the 19th Chingom 1056 under the Plff.'s Notice in O. S. 439 of 1054 in the Alleppey Zilla Civil Court.

CC_9 Itld. G. S. A.

[Note.—CC_1 to CC_6 are printed. CC_7 to CC_9 are manuscript copies.]

RECORD.

PART II.

Exhibits &c.

No. 214.
Ext. CC_9
Thirattu from Chingom to Karkadagom 1055.
—*Concluded.*

No. 215.

EXTRACTS FROM EXHIBIT DD.

[Exhibit DD is a book containing rules for the burial of priests. It was produced by Defts. on the 1st Kumbhom 1056, and Malayalam translation of extracts was put in for Plff. on the 12th Vrischigom 1059.]

No. 215.
Extracts from Ext. DD.

SOME PARTS TRANSLATED FROM (EXT.) DD.

[1*st leaf*; 1*st page*; *from the* 6*th line*.]

Our Lord Messiah, who art our God, the one Son, who came for our salvation and who is to come for our redemption (lit: favour) and for the renovation of our race: Through the excellence of Thy mind, favour and comfort for ever Thy servants and worshippers who have slept in Thy grace on account of the true faith and who wait for the happiness of Thy promises heavenly and—otherwise.

[3*rd leaf*; 1*st page*; *from the* 16*th line*.]

Son of God! Do Thou shelter our brethren who have slept and our Fathers who have become parted, in the abode that is in the Kingdom. They are of Thy form. As it has been destroyed, do Thou renovate it. Do Thou call it and may it ascend to its place, the abode of souls. Do Thou wipe off from them all hard sighs. Do Thou comfort them from the sorrow and grief of the abyss. Good Lord! On the day of redemption, do Thou, as Thou hast promised, clothe them in the garment and lustre of greatness.

[3*rd leaf*; 2*nd page*; *from the* 14*th line*].

My Lord! When Mass is said for Thy ecclesiastics who have slept in Thy refuge, do Thou make good remembrance on the altar (of Sacrifice). 1. If Reuben(?) who sinned and discarded the command was emancipated and purified (lit: made just) by the incense of Moses, how much more should those impressed with the seal of the living *Roosma* of the cross be purified by the chosen incense of priest-hood!

[6*th leaf*; 2*nd page*; *from the* 10*th line*]

My Lord! Do Thou cause to dwell in holy (lit: priestly) and blessed (lit: fortunate) abodes and in glorified and prepared houses, those of Thy priests who have departed from among us. Our Lord and our God! Do Thou make them worthy of the lustrous tents and for the assemblies of the Holy and to the rights of those who rejoice in Thee, celebrating festivals.

[10*th leaf; 2nd page; from the last line.*]

Do Thou receive into the Jerusalem above the souls of our brethren who have past their lives in Thy refuge. My Lord! May not the sons of the Holy Church be excluded from the Kingdom Thou hast prepared for Thy Saints. My Lord! May not the palms that have borne Thee and the mouths that have been absolved by Thy Blood *be punished* (lit: gnash the teeth) in the fire of hell with those that crucified Thee and those that beat Thee on Thy cheek. My Lord! Do Thou, out of Thy goodness, remember our dead and record their names in the Jerusalem on high.

[11*th leaf; 1st page; from the last line.*]

Messiah, the chief preceptor and lord of the chief preceptors! Make Thou blessed the priests who have administered Thy Mysteries. Praise be unto Thee.

[11*th leaf; 2nd page; from the 9th line.*]

Lord God! Do Thou raise to the elevated seats in Thy exalted Kingdom all our Fathers and spiritual brethren who departed this life in the true faith and the rules of the Holy Orders.

[12*th leaf; 2nd page; from the 9th line.*]

Lord! We pray unto Thee that Thou mayst make these priests, Thy servants whom Thou hast taken unto Thee fit persons for the unbeginning and never-ending greatnesses. May they shine in beauties undefinable, and may they be seen in holy (lit: priestly) and angelic tents.

[13*th leaf; 2nd page; from the 4th line.*]

Our Saviour! Do Thou at the table in Thy Kingdom make remembrance of all who have become disciples to thy Gospel and who have received Thy Body and Blood.

[14*th leaf; 1st page; from the* 13*th line.*]

Our Lord! Do Thou, making remembrance of Thy servant who has slept in thy refuge, make them (him) stand on thy right side on the day that Thy greatness shall dawn.

[15*th leaf; 1st page; from the* 1*st line.*]

O Living Son, at whose pleasure death takes persons, and who sheltereth the dead! May the dead who are in the abyss obtain salvation (lit: favour) and reach the bridal chambers of light, and may all the blots of their sins be expiated (lit: justified), through Thee.

[15*th leaf; 1st page; from the 7th line.*]

Lord! Do Thou make Thy priests who are dead hear Thy voice saying, "Blessed of My Father! Come ye and enjoy as of right the lives prepared for ye before the worlds themselves came to exist," and cause them to reside in the land of the living in the world of the Seraphs (-ാംസ്രാഫ്).

[15*th leaf; 1st page; from the last line.*]

My Lord! Do Thou sprinkle grace upon the dead who have tasted death, and give them shelter and make them rejoice and make them happy. Do Thou call the dead and admit them into the cell of souls. And Do Thou seat them at table in the great Eden of the Kingdom.

[15*th leaf; 2nd page; from the* 14*th line.*]

My Lord! Do Thou make good remembrance of Thy servant who has slept in Thy refuge.

[16*th leaf; 2nd page; from the 6th line.*]

Lord! By this fragrant incense, we pray on behalf of the priests and deacons that Thou mayst *give them the same consideration as to* (lit: regulate them with) Aaron and Phinehas and Samuel. Do Thou make them worthy to serve Thee, along with the aerial existences above. Do Thou be our and their Mediator (lit: Justification) at this time when we commemorate Thy priest, at all festivals and at all times and hours.

[19*th leaf; 1st page; from the 7th line.*]

May my brethren who have become Seraphs and who have sung the voices of praise in Thy churches be awoke unto Paradise from their graves, by Thy living Voice, and may they stand on Thy right side on the day that Thy greatness dawns, and may they pass unto Thy bridal chamber with the just who are Thy friends and (who are) in Thy presence. Lord, do Thou save from the fire intended for evil-doers, our fellow-servants who have become spiritual harps unto Thee. Do Thou make them, and ourselves with them, worthy to enjoy and be happy in the Jerusalem in Heaven, on the day that Thy blessings *are dispensed* (lit: dawn). From the beginning &c. O Thou who didst enjoy death and didst promise immortality to us, mortals and who dost call unto life the dead! May Thy living voice awake our brethren who have slept in Thy Grace. Do Thou invest them in praise on the day of Thy Coming. May they enjoy with Thee in the bridal-chamber irradiated by the lustre of pleasures.

[20*th leaf; 1st page; from the* 12*th line.*]

May our brethren and Fathers who have slept in Thy Grace obtain refuge in the place where fortunes are full. My Lord! Do Thou make Thy servants who have slept worthy to go into Thy bridal-chamber, with Thy Saints, on the day that Thou comest to judge the races, and may they from there praise Thee, with all the Just.

[21*st leaf; 1st page; from the* 11*th line.*]

O Messiah, the Bridegroom! Do Thou call back Thy deacons from destruction. Do Thou awake thy priests who bear sufferings in the grave and who did not delight in evanescent pleasures. Do Thou, by Thy Love, reward them with good for their sufferings.

[23*rd leaf; 1st page; from the* 14*th line.*]

Lord! Remember Thou our fathers and brethren whose commemoration and ceremony we perform to-day. Do Thou command that their souls and formless (substances) may reside (lit: be regulated) in delightful places and live in celestial tents and dwell in abodes thatched with fragrance.

[24*th leaf; 2nd page; from the last line.*]

Lord! Do Thou not forget our dead who have slept in Thy Grace and who wait for Thy Resurrection. Halleluiah! Halleluiah! Do Thou make their bodies capable that they may sing Thy praise, O Messiah who art full with blessings!

True translation.

Translated by Pattesseri Joseph Geverghese Kathanar (Signed).

No. 216.

No. 216.
Extracts from Ext. EE.

EXTRACTS FROM EXHIBIT EE.

[Exhibit EE is a book containing the burial service for laymen, &c., and produced by Defts. Malayalam translation of extracts was put in for Plff. on the 12th Vrischigom 1059.]

SOME PARTS OF EXT. EE, TRANSLATED.

[EE. 3*rd leaf; 1st page; 3rd line from the foot.*]

Messiah the King, favour Thou unto Peace the soul of Thy servant together with all Thy Holy persons, in the place where sufferings and everlasting grief do not reign.

* * * *

[*7th leaf; 2nd page; from the 2nd line from the foot.*]

Mary, the Mother of Jesus our Saviour, pray Thou with us unto Him that, when the Messiah who arose from Thee, prepares the throne of Judgment, we may be deserving of favours and compassions.

[*14th leaf; 1st page; from the 1st line.*]

My Lord, favour Thou in Thy mercy our departed, and make them stand on Thy right hand. As the Author and Father of our life and death, and Thou who blesseth us and forgiveth our debts and sins, make them wear the fitting praise in Thy Kingdom with the just that Thou lovest, and the Saints.

[*18th leaf; 1st page; from the 3rd line.*]

By the prayers of Mary who bore Thee, protect Thou Thy Church from its straits (oppressions) and accord mercy unto it.

[*25th leaf; 2nd page; from the 1st line.*]

Let us all offer praise unto God in the remembrance of Mary the Mother of God and receive blessings taking refuge in her name. May our congregation, by her prayers, be guarded against the machinations of the enemy that hates our race.* Your Just would praise you.* And you the Saints, the Prophets, the Apostles, the Malpans, *Mowdeenmar*, the Martyrs, Priests and *Onoopoyaikar*, pray all of you for us unto the Messiah who exalteth you. Through your prayers: make us obtain out of His Treasures the granting us of the object of our supplications just as we need it.

[*33rd leaf*; *1st page; from the 6th line.*]

May the prayers of the Apostles who caused the heathens to drink of the spiritual beverage and who became exalted rivers in the thirsty and parched up earth, be a fortification unto our congregation.

[*35th leaf; 2nd page; from the 10th line*]

Ye Prophets, Apostles, Martyrs and Malpans, pray unto the Messiah that by your prayers and supplications we may be blessed.

[*36th leaf; 1st page; from the 7th line.*]

Son of God, help Thou our dead and make Thou them wear praise in Thy Kingdom.

[*47th leaf; 2nd page; 2nd line from the foot.*]

My Lord! Both worlds, here as well as there, are alike Thine. By Thy mercy, guard Thou the living and help Thou the dead.

[*48th leaf; 2nd page; from the 1st line*]

Our Lord, may the bodies of the dead who have put Thee on themselves, by the water of baptism, be whitened by Thee from the stains of their sins* The poor would eat* Our Lord! Retain Thou in the place where the Just live the memory of the dead who have eaten Thy body and taken delight in Thy blood.

(True translation)

Translated by Pattasseri Joseph Geverghese Kathanar (Signed.)

No. 217.

EXTRACTS FROM EXHIBIT FF.

No. 217. Extracts from Ext. FF.

[Ext. FF is a book containing marriage, baptism and Andutexa and produced by the Defts. Malayalam translation of Extracts was put in for Plff. on the 12th Vrischigom 1059].

Some parts of FF, translated.

[FF. *2nd leaf; 2nd page; 2nd line from the foot*].

May Thy right hand which is sacred (lit: secret) and which is full of all help be placed over this oil and may Thy power which is great and which sanctifies

be mixed with it, by the prayers of all the Saints of the Lord who is ever (lit: even now) full with blessings.

[*7th leaf; 1st page; from the 11th line*].

Our Lord! Protect with Thy Cross these children who have come for baptism.

[*20th leaf; 1st page; from the 1st line*].

May the Cross of our Lord be with you day and night and protect you now and always and for ever, from the Evil One and his armies.

[*27th leaf; 1st page; 11th line*].

May this assembly (congregation) be ever blessed by the prayers of the Blessed Lady and the Saints.

[*32nd leaf*; *1st page; from the 9th line*].

Going to the pit and standing facing eastwards.

[*35th leaf*; *1st page*; *from the 9th line*].

The virgin daughter of David called me today to her chamber, out of love inscrutable. Come let us delight in her invitation and let us shout out with him that the fruit she has borne is God.

[*41st leaf*; *2nd page*; *13th line*].

May Our dead find grace (lit: favour) in Thy Kingdom.

[*61st leaf*; *1st page*; *from the 27th line*].

Mercy of the wonderful Lady! Pray Thou unto Him for us that the only Son of God may confer blessings upon all of us.

[*64th leaf*; *2nd page*; *from the 8th line*].

Lord! Have mercy on Thy people and bless the sheep of Thy *Edavagay* (Diocese) and raise the horn of the true Christians by the great emblem of Thy Apostles.

[*64th leaf*; *2nd page*; *from the 12th line*].

Mercy of the wonderful Lady! Pray Thou unto Him on our behalf that the Only Son of God may bless us all.

True Translation.

Translated by Pattasseri Joseph Geverghese Kathanar (Signed).

No. 218.

EXHIBIT GG.

No. 218. Exhibit GG. Patriarch's address at Mulanthuruthu and the Resolutions of Mulanthuruthu.

[Address by the Patriarch to the people that assembeld at Mulanthuruthu, and the Resolutions of Mulanthuruthu (both in Malayalam.)]

Syriac Heading.

Seal

May divine mercy and heavenly blessing come and dwell upon the foreheads of Our spiritual children, the beloved, dear and blessed, well-behaved Priests, Deacons, chieftans, *Epithropanmar* and all blessed people; and may the blessing of the Lord God be shed upon them. Amen.

What We in true love towards you inform you of is: That from the day of Our reaching India, We purposed, to convene a spiritual meeting to enquire into the affairs of Our Church, and Our faith, as also into the grievances occasioned to Our people by the enemies of the true faith andworship; but We had no opportunity to do so. Now when We sent you letters of blessing, you have assembled with spiritual

earnestness. May your coming be blessed. We pray to God that this meeting may be made like unto the meeting of the three Synods in which the Holy Ghost publicly dwelt upon them. We desire of God that the Holy Ghost, the Comforter may publicly dwell upon this spiritual assembly and endow you with understanding, knowledge and wisdom to utter the matters truthfully. You have yourselves known the sorrows and difficulties you have undergone more than we do.

Firstly. We have read your book of ancient history. When the Portuguese, the people who profess the Pope's religion, came to India, they created disputes among you, and dealt by you even in the same way as those who go angling put bait to the hook and throw it into the river. And among the indolent and avaricious men of that time, they spent money liberally. They robbed Our people and churches, and burned our books, Texas and church rules. As spiritual wealth consists in books, they thereby rendered you destitute and poor in spiritual things. If any people become destitute of learning and books, that people would become barbarous and destitute in spiritual matters and in established rules. Should an eloquent and learned person come and tell them anything, they would believe it all. Being ignorant and unable to answer, they would accept even heresy. Owing to this, the Papists have seized more than half of our people and made them Chaldeans. From Our youth, We have heard of your sorrows. When Beliar came up to the Throne, We examined him, and We found him a cunning man and a heretic to Our faith. Owing to distance of place and to some crafty people who accompanied him from Mossul having deceived Elias Patriarch, and this man having confessed that he was a Priest, he was consecrated as Metran; and he promised on oath that he would not modify the original Faith of the Syrians. And when he came among you, he wrote out a letter in the Malayalam language in the same terms and sealed it; and that is also in Our possession; and when necessary, We shall show it to you.

Secondly. When Our unworthy self was selected for the Patriarchate and was duly installed as such, We received a general letter from you, and many other letters; and when We, having perused them, understood the sorrows you and the churches experienced on account of Beliar, We at once proceeded to Constantinople, and thence, to London; and in such foreign place, We stayed with grief for seven months; and We represented your grievances to Her Majesty the Queen by Divine Grace exalted, and the honourable officers, and they perused your memorial as well as those We submitted, and sent all those records to the Madras Government and also gave unto Us letters of introduction to all Government Officials in India. We reached India and went to the Honourable the Governor at the Neilgherris. And when We spoke to him of the reason of Our having come to India in this Our old age, he sufficiently honoured Us. He told Us that this proclamation should be set aside; that he would not interfere in spiritual matters; that We should go to the Maha Rajah of Travancore; that all the records have been forwarded to that Maha Rajah and that he would dispose of the matter consistently with truth. When We reached Trevandrum and represented the grievances to the respected Maha Rajah, His Highness disposed of the matter and sent communication to the Madras Government. That matter delayed us from Chingom to Kumbhom. Then final reply came to the Travancore Sirkar from the Madras Government. His Highness the Maha Rajah revoked the previous Proclmation and issued another. What this proclamation says is that "Owing to the Patriarch's letter, We at first proclaimed him; now that the Patriarch has dismissed him, We also dismiss him and revoke the proclamation accordingly. But by the Patriarch's letter, he at first got authority over the churches. The Patriarch having dismissed him, the Sirkar has also dismissed him from the church." By this, Our people have derived consolation to a great extent. Now, We have heard that some officials, having illegally passed some decisions, are expelling our people from churches. They have transgressed the decision of the Honourable the Governor and have modified the same. But some of you,

Our people, are trying to help Beliar, and to seize possession of you and your churches. That is not spiritually or honestly; but just as the Pope's religionists formerly dealt among you. Now you, who are assembled here, take care and hold stead-fastly by what you love. Should you love the faith of your churches and of your ancestors, you should, in accordance with the past practice, hear the Patriarch's command and obey same, and draw up a document of consent and sign same: if otherwise, you should give Us a reply. There has already been enough of delay. If not, you should make a firm foundation and select persons to be *Karyasthens* (agents) of the people in general, persons who have knowledge, ability and divine wisdom; and execute and give them a Deed of Consent, to be exhibited before the Sirkar authorities in all criminal, civil and religious matters which the people may have and empower them to be the responsible agents of you all in all matters. For, when a people have no chieftains or rulers, they would become scattered. Ignorance also will increase. And any one coming against them will rob them and persecute them. But you should be beware of these. We have several things to say to your true love; but now let Us first establish a foundation for the redress of the present grievances of the people. Then, all the rest can be accomplished. This is enough for your knowledge. But more especially, We pray unto the Lord that there may be among you peace and unanimity, that you may be conducted unopposed through the straight path and that you may be saved from all enemies that may battle with you.

And that by the prayer of the Mother of God and of all the Saints. Amen.

Our Father who art in Heaven &c.

15th Mithunom 1051.—1876 A.D.

Syriac Heading.

Seal

We have all been called together here in this Synod by His Holiness Maran Mar Ignatius, Peter III, Patriarch, the chief authority in the Apostolic Throne of Antioch and the Holy Father of us, the Jacobite Syrians of Malankarai; and we have heard the reasons explained to us. Let us all pray our Father to be the President of this Synod.

The Father having granted the request, His command was read before the assembly:—

Whereas it is expedient that resolutions and assurances should be at once come to, for bringing our Church in Malankarai, to be confirmed in, and subject to, the faith of the true worship and the call of the Apostolic Throne of Antioch for ever; for removing the disputes which have in divers ways happened among our community, so that union and peace may be insured among us; for promoting education and multiplying its good fruits among us more and more; for checking the progress of the evil endeavours of him who, though he has been anathematized and excommunicated by three of our successive Holy Fathers, persists firmly in his evil designs, and being self-willed, defies authority and, in manifold ways, offers opposition to our Church, and who has by his transgression of the truth become invested with the title of Beliar, and of his associates: it has to be considered what measures should be taken therefor.

This day's meeting has been brought to a close, charging the assembly to consider this matter and to prepare a reply to the command. 16th Mithunom 1051.

Met again at 10 A.M. on the 17th Mithunom. The reply to the Father's command was read out and placed before His Holiness. The assembly affirmed

the resolution that the people of each respective parish should execute and register a Deed of Covenant binding themselves to be subject to, and never to transgress the mandates of, the See of Antioch; and to the true worship of the Jacobite Syrian Faith and secure same in the chief coffer of the church, furnishing to His Holiness a copy of each such Deed attested and sealed by the Registrar (of Assurances).

The assembly resolved, and affirmed the resolution: That chiefly to signify that the people would be firm in, and obedient to, the true faith and worship, as well as the mandates of the Apostolic See of Antioch, it is well to send book in printed form at once, so that a schedule may be made as soon as practicable, of the families that form the cogregation of each parish, showing the names of their houses and of the Karanavers (principal member therein), the number of the male and female members of each house and their total number, under the signature of the Karanaven; and showing also the state of the belief; and so that the same may be submitted through the priest of each parish to the Holy Father: and that the same would not only avail to confirm the faith, but would also serve as an account for the collection of the Rasisa-fund due to the throne.

It was resolved, and the resolution was affirmed: That if, for the stability of the true faith, a book containing the necessary Canons and rules, in Syriac or Malayalam, should be printed by command, and one copy of it, with the seal affixed, should be distributed to each church, and it be enjoined that that and none be hereafter followed, it would be very good.

It was resolved that three distinct books with prescribed columns for the registry of Baptisms, Marriages and Burials respectively, should be kept in all parishes, and that the respective Vicars should be charged with the entry of the particulars in same at the proper times; and that such books should bear the seal of the Metran of each period. As these three books would tend to be testimony to the faith of the people of the parish, the assembly affirmed this.

The obstructions to the removal of contentions and to the growth of unanimity and peace are instability in faith, disobedience to authority, want of responsible persons for considering the common weal of the people and the want of a common fund. Of these, besides some of the remedies for stability in faith and obedience to authority, alluded to above, when the way for the other things necessary are settled, contentions would be removed and unanimity and peace would increase.

Those remedies are:—

Whereas the contentions which have now befallen our churches are some disputes which have arisen respecting religion, funds and authority, and it is difficult and impossible (lit: powerless) for the people of each respective parish to accomplish this by themselves: hence, wherever, hereafter, any dispute arises at any place as to any of these matters, the assembly should meet together, consider the matter and properly determine the same; but should the same arise from the opposite party, it is necessary that the needful expenses of money or litigation should be met and carried on by the common funds, and thus accomplished.

It is very necessary that it ought to be considered what steps should be adopted for creating the common fund above alluded to, and to secure education and its good fruits for our people in general. By the absolute authority of the Metrans, the church funds having become scanty,—a fund must be raised among the people themselves in a way not difficult or burdensome to them. For this purpose, an Association of the whole race should be formed and called the Syrian Christian Association, of which our present Holy Father and his successors should be the Patron(s) and the ruling Metran, the President. The members of the Association should be divided into four classes; the first class contributing 100 Rs. per head, the 2nd class, 50 Rs. per head; the 3rd class, 25 Rs. per head and the 4th class, 10 Rs. per head; and each church should contribute 500 Rs. and below according to the condition of each as an entrance fee into the Association. Whoever is not

in a position to pay down the money should execute to the Secretary of the Association a bond carrying interest at 1 per cent. per month. The resolution to this effect has been affirmed by the assembly.

The assembly resolved, and the resolution was affirmed: That whereas owing to the existence of no counter-force against the absolute authority of the Prelates of Malayalam, the Church has suffered detriment, the establishment of the aforesaid Association is very needful; and whereas it would be difficult for all of them jointly to carry on the affairs, a chief Committee composed of 8 priests who have taken part herein and 16 laymen of the first class, with the ruling Metran for President, should be formed, with a paid Secretary and a Cash-keeper who shall furnish security; that they should be made responsible as managers and responsibility-bearers to manage and control all the religious and social concerns of the whole of the people in general; and that the necessary rules should be framed and confirmed for regulating their conduct: That if this is all so done, all good will result to the Church in general: and, therefore, that it is necessary that the priests and laymen fit for the same and interested in the common cause should be appointed and confirmed by this Synod itself.

Here, the assembly appointed the Committee and the Holy Father blessed them; and their names are subjoined:—

Vadakkethalakkel Alexandrios Kathanar of the Mavelikarai church.
Elanthuruthil Philipose Kathanar of the Puthuppalli church.
Pallikat Paulos Kathanar of the Vakathanom church.
Malitharai Elias Kathanar of the Neelamperur church.
Murimattathil Paulos Kathanar of the Kottur church.
Karoteveettil Simeon Kori of the Kantanad church.
Chalupurath Jacob Kori of the Mulanthuruthu church.
Thoppil Lukos Kathanar of the Southern Paravur church.
Panakkel Patthappen Iypuru of Kunnankulangarai.
Kunnumpurath Kora Kurien of Cottayom.
Thukalen Matthu Paulos of Kantanad.
Chalil Youseph Cheria of Mulanthuruthu.
Kallarakkel Kora Kunjuvarkki of Kuruppompadikkel.
Elenjikkel Matthu Chakko of Niranom.
Muripurakkel Pothan Kuruvilla of Kumarakom.
Kalapurakkel Chakko Cherian of Olassai.
Puthenpurakkel Uthuppan Thoma of Kumarankari.
Edathumpadikkel Thommen Kurien of Pallom.
Kochuparaithu Ittyavirah Kathanar Kochuvarkki of Puthuppalli.
Edayathu Werkey Cheria of Mamalasseri.
Kollenparampil Kunjenah Eappen of Puthenkavu.
Puthenpurayil Matthan Kunji Kora of Pampakudai.
Chathuruthil Matthai Werkey of Mulanthuruthu.
Pylipparampil Matthu Ittoop of Nedumpasseri, Ankamali.

It was resolved, and the resolution was affirmed: That the chief Committee shall have free power to create and increase funds other than those above determined upon, to organize sub-committees and to do all such works of amelioration: that, every year, the Association should meet and hear a detailed report of all the receipts and disbursements, by the Committee, and of their other operations, of which, when printed and approved of, one copy should be forwarded to the Throne of Antioch, and one to each of the churches; and that they do also have power to remove members of the Committee and to appoint others in their stead or to confirm themselves.

The assembly affirmed that whenever it be deemed necessary that any matter of importance should be carried out after obtaining the consent of the Association, the below-named persons selected by the Holy Father and deemed to be people of the 1st class should be, with the consent of the Committee, summoned in writing by the Secretary, and consulted.

The names are subjoined of those selected by the Holy Father and whose names have been read out before the assembly.

Konat Yohannan Malpan of the Pampakudai church.
Chakkara-akathoottu Thariathu Kathanar of the Ankamali church.
Veliatthu Geverghese Kori of the Kuruppompadi church.
Thukalan Matthai Kathanar of the Kantanad church.
Padathukaren Abraham Kathanar of the same church.
Thekkalakat Geverghese Kathanar of the Kadamattom church.
Kuttikat Geverghese Kathanar of the Srayi church.
Mukkalil Geverghese Kathanar of the Northern Paravur church.
Palakkat Geverghese Kathanar of the Mulanthuruthu church.
Kallanikkel Paulos Kathanar of the Kolancheri church.
Chelat Geverghese Kathanar of the Cheriapalli at Kothamangalom.
Muramthookkil Jacob Kathanar of the Mulakulom church.
Manchadivilagom Jacob Kathanar of the Chathannur church.
Kilakkevilayil Matthai Kathanar of the Kuntara church.
Peedikayil Geverghese Kori of the Omallur church.
Karingattil Iscariot Kori of the Thumpone church.
Puthenveettil Philipose Kathanar of the Cheppat church.
Kilakkeparampil Panikker.
Jacob Kathanar of the Mavelikarai church.
Mattakkel Behanan Kathanar of the Niranom church.
Kolathukalathil Kuruvilla Kathanar of the Kurichi church.
Pallivathukkel Koshi Kathanar of the Kadampanad church.
Kallur Philipose Kathanar of the Kallurparai church.
Kovur Geverghese Kathanar of the Thiruvella church.
Panakkel Jacob Kathanar of the Kunnankulangarai church.
Thomas Matthai Munsiff, Cottayom.
Ampat Thariathu of Ankamali.
Arakkaparampil Chakko of Manjappra.
Panikkel Tharu of Arthat.
Kakkaseril Eappen of Kunnankulangarai.
Panakkel Chakko Cheru.
Panakkel Itty Avirah.
Cheruvathur Matthukutti.
Pulikottil Matthu of Palanji.
Pulakottil Chummaru of ditto.
Thombra Pathros of Chalasseri.
Earali Verghese of Northern Paravur.
Kulangarai Ittyachen Matthu.
Mookkencheril Cheria of Tripooniterah.
Mamalay Itthapiri of Karingasrai.
Pala Kochitten of Kurinji.
Puthenveettil Matthai of Kantanad.
Karottuveettil Kora of ditto.
Vanmelil Kurien of Mulanthuruthu.
Thanangattil Kuruvilla.
Akkarapadom Pyli of Southern Paravur.
Kadumpurath Kunjippavu of ditto.

Tharayil Chakko of Manthuruthel.
Puthenpurakkel Thommi of Piravom.
Madaparampil Kunjukuru of Pampakudai.
Madaparampil Kunjuvarkki of Maluvannur.
Thadempara Matthai of Vadakarai.
Vengacheril Kunji Pyli of Kunnikurudi.
Muranthookkil Chandi of Mulakulom.
Kurusinkel Kunjavira of Pallikarai.
Mattakkel Chakko Vydien of Niranom.
Pallathu Matthai of Varathara.
Puthoopattil Geverghese.
Vallakkalil Chakko.
Pallikadavil Kuncheira.
Chalakkuli Matthen of Thiruvella.
Kodikat Geverghese of ditto.
Kochupurakkel Kochuthuppu cashkeeper, of Cottayam.
Kunnumpurath Yohannan.
Chirakkadavil Korala.
Vellur Kochidichandi cashkeeper.
Thekkethala Kurien Vakil.
Erikat Matthu.
Karikkel Kuruvilla.
Ottathiekel Manni, parishioner of the Cottayam Valiapalli.
Ummacheril Chandi of Kumarakom.
Thekkekari Chakko of Kallumkatharai.
Venkidath Matthu of Manarkat.
Karote Chandi of Puthuppalli.
Parakkel Esau of ditto.
Vettiparampil Thomman of Vakathanom.
Puthenpurakkel Ittyavirah of Kurichi.
Puthenpurakkel Matthen of Puthenkavu.
Kilakkethalakkel Umman of ditto.
Moolamanmil Cherian of Karakkel.
Panachitharai Kuruvilla of Neelamperur.
Adangumpurath Eapen Panikker of Kallurparai.
Thundyil Chakko of Kalicheril.
Kallenparambil Chakko of Ranni
Puthenveettil Kochu Koshi of Kypattur.
Kallote Koshi of Kannenkode.
Arikupurath Matthan of Parumalai.
Koipurath Chakko of Chathannur.
Pallivathukkel Iscariot of Thumpone.
Chekkittadath Parayil Matthan of ditto.
Ampanat Idychandi of Kadambanad.
Padanilath Chakko of Pallom.
Parakkel Chakko of Viyapuram.
Poothikote Matthu of Mepral.
Kyalath Geverghese of Mallappilli.
Kottakat Cheria of Kayenkulom.
Puthenveettil Yohannan of Cheppat.
Vadakkedath Cheria of Omallur.
Thoompunkel Kochuvarkki of Mavelikarai.
Anjilimoottil Geverghese of Pallippad.
Alummootil Kochu Koshi of Karichal.

Avyote Geverghese of Kottarakarai.
Kilakkedath Ummammen of the eastern street of Kottarakarai
Unnikote Matthan Panikker of Kuntara.
Vadaseriyakath Eippu of Kattur.

It was resolved, and the resolution was affirmed by the meeting: That the chief Committee will have power to modify the existing rules as to the funds which the Syrian Community now have, of Church funds and common funds, and to pass new rules; to receive annual accounts from the churches and to adjust them; and to confirm the various Epithropanmar whom the Association would nominate to the several churches: that it will also have the responsibility to make all attempts for the promotion of education; to cause to be printed in the necessary languages books for the use of the people; to repair the churches in disrepair; to build new churches and to establish schools.

It is resolved and affirmed that the Committee should be responsible for collecting and remitting the Rasisa due to His Holiness the Patriarch; to collect the moneys due to the ruling Metran, by the churches, in the shape of *Kymuthpanom* &c.; and, if the same fall short, to determine how to meet that; and, besides, to consider about the funds for the maintenance of the inmates of the monasteries; and then, to give that and also to give to the parish priest such a salary as it may be possible to do; and to pay and discharge the salaries of the Secretary &c.

It was resolved, and the resolution was affirmed by the meeting: That copy of the accounts of the receipts and expenditure of each church during the whole year; copy of the Schedule of properties of the church, such as gold and silver, clothing and furniture and trinkets, metal vessels, details of paddy-lands and gardens; with account of special annual additions to the property of the church and those which have deteriorated, as also of the copies of the register of baptisms, marriages and burials, and so forth, signed by the vicar of the church, the trustees and four members of the Association, should be every year forwarded to the aforesaid Committee: and that, besides, from time to time, as and when necessary, the said Committee shall be communicated with as to all matters concerning all religious and social affairs.

It was resolved, and the resolution was affirmed by the meeting: That, although in the foregoing paragraph it has been resolved that the Committee should be the responsible managers of everything connected with our Community, yet, as it would be difficult for all of them jointly to conduct and carry on all litigations arising generally as to religions or social matters, the President, Mar Dionysius Metropolitan shall be the person who should have power to carry on all such and to collect the moneys necessary for the purpose; and that the members of the Committee shall be auxiliaries to him therein.

It was resolved, and the resolution was affirmed by the meeting: That the President, the Metropolitan, while on circuit, should examine the *Thirattu* accounts of the churches, confirm Epithropas, establish schools &c., settle disputes which may arise in churches, and do all other things from time to time becoming necessary to be done; and that, besides, he should write down and preserve a diary of his movements and actions, and read same when the Committee meets.

It was resolved, and the resolution was affirmed by the meeting: That the power to add to, or reduce, the number of the members of the Committee, from whatever cause, will be vested in the Association; and that in all such matters, the vote of the majority will be accepted and carried out.

It was resolved, and the resolution was affirmed by the meeting: That, inasmuchas other religionists have from a long time been putting forth divers endeavours to annihilate the concord and relationship from the earliest times subsisting between our Jacobite Syrian Church of Malayalam and the other Syrian Churches subject to the Apostolic See of Antioch, and inasmuchas it is mentioned

in the Prize Essay made through the British Resident Mr. Ballard, that, so long as the Supremacy of Antioch lasts, there would not be peace in the Syrian Church of Malayalam; it is expedient that, in all matters, the dioceses of other places and the diocese of Malayalam should be always united so that that Supremacy may endure, and that the right of both to the See of Antioch should be equal and the relationship alike, and that the *Majalees* (Committee) here and the *Majalees* there should both be on terms of union; and that all matters and things, which may be done, for our Church and our Community, with the sanction of the Committee, should be valid and binding.

It was resolved, and the resolution was affirmed by the meeting: That, for the assurance that the Holy Father, the Metropolitan and the Association, have mutually agreed to the foregoing resolutions, not only should the Holy Father and the Metropolitan hereunto affix their signatures and seals, but the members of the Association should also affirm the same with their signatures. And signatures are accordingly affixed.

(Signature of the Patriarch.)

Mar Dionysius Metropolitan (Signature) (Seal)

Ankamali, Akaparampu Church.

Thalathuveettil Ittimatthu Kathanar	(Signed)
Chakkara-akathoot David Kathanar	(,,)
Kooren Jacob Kathanar	(,,)
Pyliparampil Matthu Ittoop	(,,)
Ampat Matthu Thariyathu	(,,)
Thelapallil Verghese Matthai	(,,)

Niranom church.

Mattakkel Behanan Kathanar	(Signed)
Panakkamattom Matthai Kathanar	(,,)
Kanyantharai Ninan Kathanar	(,,)
Karikote Mattakkel Daniel Kathanar	(,,)
Elenjikkel Matthu Chakko	(,,)
Mattakkaveetil Perumal Chakko Vydien	(,,)
Pallikkadavil Chakko Kuncheria	(,,)
Varathara-pallom Mammen Matthai	(,,)
Puthuppallil Varkki Kochuvarkki	(,,)

Arthat, Kunnankolum and other churches.

Panakkel Jacob Kathanar	(Signed)
Do. Patthappen Eipuru	(,,)
Do. Iyakku Tharu	(,,)
Do. Verghese Ittyerah	(,,)
Kakkasseri Iyakku Eapen	(,,)

Pallikkarai church.

Kocheril Paulos Kathanar	(Signed)
Kallurparai Pathrose Kathanar	(,,)
Papparai Matthu Matthula	(,,)

Manjappra church.

Arakkaparampil Abraham Kathanar	(Signed)
Do. Ittyachen Werkey	(,,)

Mamalasseri church.

Manankote Paulos Kathanar	(Signed)
Edayatthu Werkey Cheria	(,,)
Thurutthikkat Korothe Matthu	(,,)

Piravom church.

Karamel Abraham Kathanar (Signed)
Puthenpurakkel Deacon Thomas (,,)

Cherlayom church.

Karumankuli Paulos Kathanar (Signed)
Cheruvathur Deacon Matthai (,,)

Makkankunnu church.

Thengumtharai Geverghese Kori (Signed)

Kunnankulom—Puthenpalli.

Koladi Matthu Kathanar (Signed)
Panakkel Ittyerah Cheru (,,)

Kilavallur church.

Peedikayil Geverghese Kori, Vicar (Signed)

Kuntara church.

Kilakkevilayil Matthai Kathanar (Signed)
Kuriesu, Trustee (,,)

Onakkur church.

Valanadyil Yohannan Kathanar, Vicar (Signed)

Vengur church.

Poykattil Geverghese Kathanar, Vicar (Signed)

Kuntara—Puthenpalli.

Thenguvilayil Esau Kathanar (Signed)
Naduvilavilayil Geverghese, cash-keeper (,,)
Thalyachira Deacon David (,,)
Karamel Ittyavirah Ulahannen (,,)

Pothanikat church.

Chettyankudyil Geverghese Kathanar (Signed)
Do. Pyli Cheria (,,)

Mulakulom church.

Muramthookkil Paulos Kathanar (Signed)
Do. Ousep Chandi (,,)
Chandyadath Chandi Paulos (,,)

Southern Paravur church.

Palathunkel Thomma Kathanar. (Signed)
Kochupalathunkel Matthai Kathanar. (,,)
Thopil Lukos Kathanar. (,,)
Velayangat Deacon Geverghese. (,,)
Kochupalathunkel Paulo. (,,)
Kottur Ulahannan. (,,)

Puttumanur church.

Kannayth Simon Kathanar. (Signed)
Palyal Kuriak Kuriak. (,,)
Kannyath Itten Werkey. (,,)

Vadakara church.

Chelaparambath David Kathanar. (Signed)

Kurinji church.

Thukalen Matthai Kathanar, Vicar (Signed)
Naduthudyil Itten Kochuru. (,,)
Palal Werkey Ittoop. (,,)

Kottur Nasras church.

Chennakat Paulos Kathanar. (Signed)
Murimattathil Paulos Kathanar. (,,)
Chennakat Yohannan Kathanar. (,,)
Kochupurakkel Kurien Eipu of Murimattom. (,,)

Gnattuvettil Werkey Chakko. (Signed)

Kolancheri church.

Kallanikkel Paulos Kathanar. (Signed)
Kunnath Pathros Kathanar. (,,)
Thenungkel Yowsep Kathanar. (,,)
Palayil Ittoop Matthu. (,,)
Kallunkel Kurien Thomma. (,,)
Eylur Werkey Matthula. (,,)

Kannyatnerappel church.

Perumpa-puthenvettil Matthai Kathanar. (Signed)
Edapallimattom Deacon Philipos. (,,)
Mureekkel Deacon Maithai. (,,)
Perempa-puthenveettil Paulo Cheria. (,,)

Srayi-Cheriapalli

Malavencheriparampath Jacob Kathanar. (Signed)

Paryarom church

Thengumtharai Geverghese Kori, Vicar. (Signed)

Nadamel church.

Vadayadi Geverghese Kathanar. (Signed)
Kolarikkel Iscariot Kathanar. (,,)
Mookkencheri Cheriathu Cheria. (,,)
Manjali Werkey Pyli. (,,)
Vadayadi Werkey Matthu. (,,)
Pattasseri Werkey Werkey. (,,)
Manet Porothu Thommen (,,)

Maratti church.

Kuttipulai Paulos Kathanar (Signed)

Chathannur church.

Koipurath Chakko, Trustee (Signed)

Rakkat church.

Onat-thottathil Kuruvilla Kathanar (Signed)

Panthalom church.

Kilakkeveettil Thoma Kathanar, Vicar (Signed)

Pampakudai church.

Konat Yohannan, Malpan (Signed)
Konat Puthenpurakkel Matthen Kora (,,)

Palanji church.

Cheeren Ittoop Kathanar (Signed)

Kantanad church.

Karote Simon Kori (Signed)
Padathukaren Abraham Kathanar (,,)
Punnachalil Geverghese Kathanar (,,)
Karimankulom Yohannan Kathanar (,,)
Tholuppaden Paulos Kathanar (,,)
Thukalen Matthu Paulos (,,)
Karavattu Koruthu Kora (,,)
Thukalen Chummaru Paulos (,,)
Pallivathukkel Werkey Werkey (,,)

Manthuruthel church.

Cheruthottil Geverghese Kathanar (Signed)
Kalapurath Paulos Kathanar (,,)
Varikkacheril Deacon Kuriakos (,,)
Arikupurom Porotha (,,)

Cochin Fort church.

Mattammel Matthai Kathanar, Vicar (Signed)
Pallipparampil Chummaru Daniel (Signed)

Kunnakurudi church.

Pulyanad Itthappiri Kathanar (Signed)
Vettikolikkel Cheriathu Werkey (,,)
Vengacheri Matthai Pyli (,,)

Ramangalom church.

Mangachalil Geverghese Kathanar (Signed)

Ranni church.

Thalath Matthu Kathanar, Vicar (Signed)

Thiruvella Valiapalli.

Kovur Geverghese Kathanar (Signed)
Kodykat Jacob Kathanar (,,)
Do. Geverghese Geverghese (,,)
Thekkepynummoottil Kosbi Werkey (,,)
Puthenpurakkel Matthu Kochitty (,,)
Kongkarai Ikka Umman (,,)
Peedyakkel Idikkuruvilla Werkey (,,)

Kurichi church.

Kolathukalathil Kuruvilla Kathanar (Signed)
Edathikunnel Thommi Matthen (,,)

Nellikkel church.

Chunkathil Yacob Kathanar (Signed)
Malayathu Verghese (,,)

Ayroor church.

Mavelil Geverghese Kathanar (Signed)
Kuttikkandatthil Chakko Thomma (,,)

Kattur church.

Vattaparampil Deacon Abraham (Signed)
Vadaseriakathu Idichandi Eipa (,,)

Mallappalli church.

Pyampalli Geverghese Avirah (Signed)
Kyalathu Chakko Potha (,,)
Valakulikkel Eipa Verghese (,,)

Kallisseri church.

Pulimoottil Abraham Kathanar (Signed)
Thuntyil Thoma Kathanar (,,)
Pallenparampil Matthula Ittiavirah (,,)
Pachamkulathu Ittiavirah Chakko (,,)

Pampadi church.

Kadavumbhagathu Thommen Thommen (Signed)
Karinganamattathil Kurien Chakko (,,)
Karote Kurien Itty (,,)

Nalumnakkel church.

Puthuparampil Geverghese Kathanar (Signed)

Kypattur church.

Peedikayil Abraham Kathanar, Vicar (Signed)
Neduvelil Chakko Geverghese (,,)

Omallur church.

Peedikayil Abraham Kathanar (Signed)

Kadamattom church.

Thekkelakat Geverghese Kathanar (Signed)
Muntenchira Thommen Werkey (,,)

Chengal Itthapiri Itthaku (Signed)

Thumpamon (Thumpone) church.

Karingattil Iscariot Kathanar (Signed)
Kanicheril Korathu Kiriapilla (,,)

Kodassanad church.

Thekkedath Yohannan Kathanar, Vicar (Signed)
Valiaveettil Kuruvilla Koshi (,,)
Keepallil Mammen Mammen (,,)

Channanappalli church.

Karingattil Iscariot Kathanar. (Signed)

Puthuppalli church.

Padinjarekoottil Yacob Kathanar. (Signed)
Parakkel Mani Esau. (,,)
Elamalai Mani Mani. (,,)

Cottayam Valiapalli.

Edavalikkel Geverghese Kathanar. (Signed)
Ottathiekkel Thommen Mani. (,,)

Chelakkara church.

Koladi Matthu Kathanar, Vicar. (Signed)

Thuruthikat church.

Karikote David Kathanar, Vicar. (Signed)
Komakkel Matthula Cherian. (,,)
Chettupalli Pothan Chandy. (,,)

Peechanikat church.

Kooren Paulos Kathanar. (Signed)
Thelappallil Ittyavirah Verghese. (,,)
Poonthra Werkey Yowsep. (,,)

Maluvannur church.

Kulangattil Yowsep Kathanar. (Signed)
Madaparampil Verghese Matthu. (,,)

Chempil church.

Manaprom Thomma Kathanar (Signed)
Maliakkel Ulahannan Thommen. (,,)

Neelamperur church.

Malitharai Elias Kathanar. (Signed)
Panachitharai Thommen Kuruvilla. (,,)
Nusranithundyil Kurien Kurien. (,,)

Puthenkavu church.

Alummoottil Pathros Kathanar. (Signed)
Puthenpurakkel Mammen Eapen. (,,)
Kollemparampil Kunjena Eapen. (,,)

Kurppompadi church.

Veliath Geverghese Kori-Episcopa. (Signed)
Thottathil Deacon Matthu. (,,)
Thompra Deacon Geverghese. (,,)
Kallarakkel Kora Werkey (,,)
Thuruthyil Matthai Werkey. (,,)
Manjammakudi Matthu Pyli. (,,)

Chennithala church.

Thottatthuvilayil Geverghese Kathanar (Signed)

Chengannur church.

Kadanthottil Mammen, Trustee (Signed)

Kothamangalom Valiapalli.

Irumalai Yowsep Kathanar (Signed)

Srampikudi Werkey Werkey (Signed)
Thakkirikka Werkey Pavu (,,)

Kumarakom church.

Ummacheril Abraham Kathanar (Signed)
Muripurakkel Pothan Kuruvilla (,,)
Kalathiparampil Kurien Itty (,,)

Kottappadi church.

Irumalai Yowsep Kathanar (Signed)
Manjammakkudi Matthu Pyli (,,)
Srampikudi Werkey Werkey (,,)

Kallurparai church.

Kallur Philipose Kathanar (Signed)
Vannikote Eapen Potha (,,)

Kallumkatharai church.

Muppathyil Iscariot Kathanar (Signed)
Kalapurakkel Chakko Cherian (,,)
Puthenkalathil Ulahannan Chakko (,,)

Mavelikarai church—Thalakkara.

Vadakkethalakkel Idichandi Kathanar (Signed)
Polachirakkel Puthenveettil Ummammen Idichandi (,,)
Vadakkeveettil Eipu Geverghese (,,)

Palakkulai church.

Kulirankel Thomma Kathanar (Signed)
Venat Kuruvila Matthai (,,)

Cheppat church.

Puthenveettil Matthen Kathanar (Signed)
Do. Philipose Kathanar Kochu Koshi (,,)
Tharayil Ittoop Itty (,,)

Karingachira church.

Kuttikat Geverghese Kathanar (Signed)
Karuthedath Philipose Kathanar (,,)
Kulyanjal Geverghese Kathanar (,,)
Cheruthottil Kurien Werkey (,,)

Pallippad church.

Kymaveettil Matthen Kathanar (Signed)
Vengalil Matthen Geverghese (,,)
Arayakulangarai Matthen Matthen (,,)

Karichel church.

Puthenveettil Matthen Kathanar (Signed)
Kulangara Kilakkethil Matthen Koshi (,,)
Kaniyanvadakkethil Chakko Chakko (,,)
Mulamoottil Matthunni Matthai (,,)

Velianad church.

Kaanote Abraham Kathanar (Signed)
Puthenpurakkel Uthuppan Thomma (,,)
Valayil Uthuppan Thomma (,,)

Thuruthippalli church.

Thuruthyil Abraham Kathanar (Signed)

Parumalai church.

Karikote Daniel Kathanar, Vicar (Signed)

Vakathanom church.

Vallikat Paulos Kathanar (Signed)

Puthusseri church.

Elanthuruthil Philipose Kathanar, Vicar (Signed)

Pallom church.

Edathumpadikkel Thommen Kurien (Signed)
Parappurom Kurien Ulahannen (,,)

Cottayom Cheriapalli.

Venkidath Alexandrios Kathanar (Signed)
Do. Deacon Alexandrios (,,)
Kunnumpurath Kora Kurien (Signed) C. Kurien.
Kanjirathil Ittyavira Cherian (Signed)
Vanchithara Chakko Chandi (,,)
Komadathuseri Avira Verghese (,,)

Kothamangalom Cheriapalli.

Pallimali Geverghese Kathanar (Signed)
Chelat Geverghese Kathanar (,,)
Puthukkayil Kuruvilla Matthu (,,)
Chelat Ausep Werkey (,,)
Kakkakudi Thomma Kathanar Werkey (,,)

Manarkat church.

Venkidath Alexandrios Kathanar (Signed)
Do. Eipa Matthu (,,)
Parampukarai Eipu Cherian (,,)

Mavelikarai-Puthiyakavu church.

Panikker Jacob Kathanar, Vicar (Signed)
Vilanilath Geverghese Kathanar (,,)
Kanjirathummootil Perumal Philipose (,,)

Mulanthuruthu church.

Thoppil Iscariot Kathanar (Signed)
Palakkat Geverghese Kathanar (,,)
Chalapurom Yacob Kori-Episcopa (,,)
Chalil Cheria Kunjikora (,,)
Edampadom Kuruvilla Ittyavirah (,,)

Srayi church.

Malavencheriparampath Korutha Kunjipyli (Signed)

Cottayom Puthenpalli.

Kunnumpurom Yacob Kathanar (Signed)
Eruthikkel Iscariot Kathanar (,,)
Nettasseril Mani Ittyavirah (,,)
Eruthikkel Kunjuthommen Chandy (,,)
Elanjithara Kurien Kurien (,,)

Karakkel church.

Kadavil Abraham Kathanar, Vicar (Signed)
Puthenpurakkel Kuria Kochu Kuria. (,,)

Thalavadi Kilakkekarai church.

Kanyantharai Yownan Kathanar, Vicar. (Signed)
Attumaliputhenpurakkel Chandy. (,,)
Adangapurath Kodikkel Matthu Matthu. (,,)

Thiruvella Puthenpalli.

Kodykat Yacob Kathanar. (Signed)
Kollamanai Idikkula Matthu. (,,)

Kattanom church.

Valyalathu Matthunni Matthan. (Signed)
Kuttyil Thomma Koshi (,,)

Viyapurom church.

Purakkel Matthai Kathanar. (Signed)
Theveril Ummammen Varid. (,,)

Karuvatta church.

Manachirakkel Deacon Geverghese. (Signed)
Manachira Puthenpurakkel Idikkula Werkey. („)
Nedungote Koshi Idikkula. („)

Anaprampal church,

Varikalathil Matthen Matthen. (Signed)
Puthenpurakkel Mammen Mammen. („)

Thalavadikuli church.

Pynummoottil Gevergbese, Vicar. (Signed)
Chekkalayil Chandi Kochandi. („)
Kumpamthanom Ittyavira Chakko („)

Nechur church.

Cholonnil Abraham Kathanar. (Signed)

Chalasseri church.

Cheeren Ittoop Kathanar, Vicar (Signed)
Thompra Pathros. („)

Chengalom church.

Yacob Kathanar. Vicar. (Signed)
Mundat Eipa Eipu. („)

Kayenkulom church.

Pallithottathil Idicheria Kunjuthommi. (Signed)
Alummoottil Lohannan Mammen. („)
Paramel Idichandi Koshi, („)

Kannenkode church.

Kallote Kunju Koshi, Trustee. (Signed)

[Note.—In this document, there are signatures in Syriac (purporting to be of the Patriarch) at the foot of pages 8, 10 and 12 and at the close of the body of the Resolutions in page 14. On page 15, there are two columns of names and signatures.

Docket—(238). GG. (Itld.) T. C. K. M.]

No. 219.

EXHIBIT HH.

[Resolutions (Malayalam) of Parumalai].

No. 219.
Ext. HH.
Resolutions of Parumalai.

Resolutions of the Synod that met in the Parumalai Seminary, on the 6th Kumbhom 1878—M. E. 1053.

Seal

Whereas, beyond that it was resolved and settled in the Synod that was assembled on the 15th Mithunom 1876 at Mulanthuruthu church, by Maran Mar Ignatius Patriarch, called Peter III, ruler of the Apostolic See of Antioch, and our Holy Father, that there should be an association for our Jacobite Syrian Church in Malankarai, that it should be called "The Syrian Christian Association," that there should be Committee therefor consisting of 24 members and a president, and, among many things to be conducted by them, that a common fund should be raised by means of debt-bonds and the Civil suit &c, conducted, nothing has as yet been

done: and whereas our Church is in a pitiable condition: and whereas some of the Committee members have left on account of their *Sthanom* and two, on account of death or disease: and whereas the Association is in a state of infancy notwithstanding that it has existed for one year and odd: and whereas the right (lit: question) to the *Sthanom* is about to be barred by limitation by lapse of the period fixed in the Proclamation: and whereas, for consideration of that matter and for commencing of suit without delay, orders have been sent to all and summoned, so that it would excite grief in all: the President, Mar Dionysius Metropolitan Avergal has commanded that the necessary resolutions should be passed, and the order issued has been read out.

Copy of the order and list of the names of the Pallikkar present are filed herewith.

The meeting resolved that Joseph Mar Dionysius Metropolitan, the President be requested to preside at this Synod.

His Holiness consented and blessed the Meeting.

It was resolved and affirmed by the meeting that, whereas the impediment lay in the want of agreement between the Father's Command and the will and determination of the people, in the failure to complete the debt-bonds begun and to put forth exertions to raise the common fund, it is absolutely necessary to put forth endeavours to raise that (fund): that along with the endeavours to raise a fund by means of such debt-bonds, the Metropolitans, including the President Mar Dionysius Metropolitan, and 40 persons including those who may have to be elected in the place of those who have discontinued on account of *Sthanom* or death, should be elected as members of the Committee: and that if those 40 persons should get up a fund for the Association, by contributing sums up to Rs 500 each, and thus have the suit &c. conducted, liquidating that debt by means of debt-bonds or other receipts of the *Samooham* (Church or Community or Association), it would facilitate the accomplishment of the objects in view.

The names of the Members of the Committee were hereunder entered, those (already) elected before being put under Head A, and those now elected, under Head B.

President:—Joseph Mar Dionysius, Metropolitan.

Members of the Committee.

1. Mar Julius Metropolitan.
2. Mar Athanasius Do.
3. Mar Ivanius Do.
4. Mar Dionysius Do.
5. Mar Kurilos Do.
6. Mar Gregorius Do.

A. Vadakkethalakkel Alexandrios Kathanar of Mavelikkarai.
Malitharai Elias Kathanar of Neelamperur.
Thoppil Lukos Kathanar of Thekken Paravur.
Elanthuruthil Philipose Kori of Puthuppalli.
Kunnumpurath Kora Kurien Writer, of Cottayom.
Panakkel Pathappan Eipuru of Kunuankulangarai.
Thukalen Paulos of Kantanad.
Chalil Cheria of Mulanthuruthu.
Murippurakkel Kuruvila Menon of Kumarakom.
Puthenpurakkel Thoma of Velianad.
Edathumpadikkel Kurien of Pallom.
Kallanparampil Eappen of Puthenakvu.
Konat Ittenpilla of Pam[illegible]rudai.

Kallarakkel Kunju Werkey of Kuruppompadi.
Edayathu Cheria, of Mamalasseri.
Chathuruthi Werkey of Mulanthuruthu.
Pyliparampil Ittoop of Ankamali.
B. Puthooppalli Geverghese of Niranom.
Koyipurath Chakko of Chathannur.
Therakathu Kochukoshi of Kypattur.
Kadanthottil Mammen of Chengannur.
Adangupurath Eappen Panikker of Kallurparai.
Elanjikkel Perumal of Niranom.
Moolamannil Cherian of Karakkel.
Kallamparampil Chakko of Ranni.
Thekkekari Chakko of Kallumkatharai.
Poothiyottu Puthenpurakkel Matthu of Melpral.
Karavattuveettil Kora of Kantanad.
Ummasseril Itty of Kumarakom.
Erikatu Matthu of Cottayom.
Vettiparampil Thommen of Vakathanom.
Kallasseril Ulahannan of Kurichi.
Palal Ittenpilla of Kurinji.
Marettu Auseph of Kallurparai.
Kandathil Potha of Kallurparai.
Thekkethalakkel Kurien Vakil of Cottayom.
Ampattu Thariathu of Ankamali.
Vengalil Lohannan of Niranom—Mannar.
Chalakkuliyil Matthen of Thiruvella.
Parakkel Esau of Puthuppalli.

It was resolved, and the resolution was affirmed by the meeting: That the Metropolitans shall be the chiefly responsible persons for raising the common fund, for liquidating the above-mentioned debt by means of debt-bonds or otherwise, that the members of the Committee shall be auxiliaries and that the Metropolitans should go from church to church, all together or separately, and endeavour to raise the common fund, and liquidate the debt by raising same.

It was resolved, and the resolution was carried: That, as there should be no delay at all hereafter in raising a fund and commencing the suit, it is absolutely necessary that the 40 members together should, for the time being, raise a sum of Rs 6000 by contributing 150 Rs each, and go to Trivandram with the Metropolitan or Metropolitans and consult about the means and opportunity for bringing the suit—Beyond this, it was also resolved and affirmed by the meeting that, as a temporary Treasurer elected from among the members for giving receipts for the funds that may be collected, and a temporary Secretary for doing such writing business as keeping accounts &c. are required, Puthooppalli Werkey Geverghese should be appointed as the Treasurer, and Karikkel Kuruvila Eapen, as the Secretary: and that the Treasurer should disburse money on vouchers bearing the seal of the President and written and signed by the Secretary with the sanction of the members of the Committee.

It was resolved and affirmed by the meeting that in case such of the members of the Committee as have pecuniary responsiblity display lack of interest by not taking their share of the money, when required, and they or their agents, not presenting themselves when wanted, the Committee has power to remove them and appoint others instead, with the consent of the majority of the members of the Committee.

It was resolved and affirmed by the meeting that though, of the members of the Committee, responsibility with respect to the debt-bonds is vested in the Metropolitans, it will be advisable to hand over not less than 20 blank bonds

(*chits*) to each of the other members in order that they may induce persons within their influence to have those bonds filled.

It was resolved and affirmed by the meeting that, as only the Metropolitans are held generally responsible for raising the funds by means of bonds, it is not possible to see what exertions are put forth by each, a list of the bonds got executed every month should be submitted to the Treasury of the Committee and that those lists should be placed in the records of the Committee for the purpose of showing what exertions are put forth by each.

It was resolved and affirmed by the meeting that, as some Pallikkar have not attended this Synod, and as there is no evidence to show that the present resolutions are agreed to by all, and as there should be a deed of consent among the records of the Committee, the President should get one such printed, circulated and signed and have same on record.—Beyond this, it was also resolved and affirmed by the meeting that the President should himself conduct the common suit and that an order should be sent from the Committee to all the churches giving a list of the names of the Metropolitans appointed to issue bonds and the limits within which they are to issue such bonds.

The resolution of the meeting that to attest to the fact that the Metropolitans and members reciprocally consent to the resolutions, and that they agree to act and cause to act as therein set forth, the President should affix his signature and seal, and that, over and above that, the members of the committee should also sign and confirm, is affirmed, and the signatures are affixed.

Mar Dionysius Metropolitan of Malayalam, President of the Syrian Christian Association Committee. (Signed)
Mar Julius Geverghese, Metropolitan of the Thumpone Edavagay (,,)
Mar Athanasius Paulos, Do. of the Cottayom Edavagay. (,,)
Mar Ivanius Paulos, Do. of the Kantanad Edavagay. (,,)
Mar Dionysius Simon, Do. of the Cochin Edagavay. (,,)
Mar Kurilos Geverghese, Do. of the Ankamali Edavagay.
Mar Gregorius, Do. of the Niranom Edavagay. (,,)
A. Vadakkethalakkel Alexandrios Kathanar of Mavelikkarai. (,,)
Malitharai Elias Kathanar of Neelamperur. (,,)
Thoppil Lukos Kathanar of Thekken Paravur. (,,)
Elanthuruthil Philipose Kori of Puthupalli. (,,)
Kunnumpurath Kora Kurien of Cottayom (Signed) C. Curien.
Panakkel Patthappen Eipru of Kunnamkulangarai (Signed) P. P. Eipuru.
Thukalen Paulos of Kantanad. (Signed)
Chali Cheria Kora of Mulanthuruthu. (,,)
Murippurakkel Kuruvila of Kumarakom. (,,)
Puthenpurakkel Thoma of Velianad. (,,)
Edathumpadikkel Kurien of Pallom. (,,)
Kollemparampil Eapen of Puthenkavu. (,,)
Konat Ittenpilla of Pampakkudai. (,,)
Kallarakkel Kunju Werkey of Kuruppompadikkel. (,,)
Edayathu Cheria of Mamalasseri. (?)
Chathuruthi Werkey of Mulanthuruthu
Pyliparampil Ittoop of Ankamali.
Puthooppalli Geverghese Niranom. (,,)
Koyipurathu Chakko of Chathannur. (,,)
Puthenveettil Kochukoshi of Kypattur. (,,)
Kadanthottil Mammen Chengannur.
Adangapurath Eappen Panikkar of Kallurparai. (,,)
Elanjikkel Perumal of Niranom. (,,)
Moolamannil Cherian of Karakkel. (,,)

Kallenparampil Chakko of Ranni.	
Thekkekari Chakko of Kallumkatharai.	(,,)
Poothiyottu Puthen Purakkel Matthu of Melpral.	(,,)
Karavattuveettil Kora of Kantanad.	
Umasseril Itty of Kumarakom.	(,,)
Erikkattu Matthu of Cottayom.	
Vettipparampil Thomman of Vakathanom.	(,,)
Kallasseril Ulahannan of Kurichi.	(,,)
Palal Ittenpilla of Kurinji.	(,,)
Marettu Ausep of Kallurparai.	
Kandathil Potha of Kallurparai.	(,,)
Thekkethalakkel Kurien Vakil of Cottayam.	(,,)
Ampattu Tharyathu of Ankamali.	
Vengalil Lohannan of Niranom—Mannar.	(,,)
Chalakkuli Matthen of Thiruvella.	(,,)
Parakkel Esau of Puthuppalli.	(,,)

No. 220.

EXTRACTS FROM EXHIBIT II.

[Exhibit II is a book produced on the 28th Magarom 1056 and containing Kurbana Texa and baptism and other services. Malayalam translation of extracts from the book was in put on behalf of Defts].

[*Book II. Translation from the 10th line of page 32 to the 4th line of page 33*].

O Lord! We offer unto Thee this sacrifice without blood, on behalf of Sion, the holy mother of all Churches, and on behalf of the Church throughout the world, that Thou mayest grant unto it the gifts of Thy Holy Spirit. O Lord! Remember Our Fathers, the just and upright Patriarchs Mar Ignatius and Basilius, and Mar *such a person* governing us, and the priests and the deacons and all Orders connected with the Church, together with my suffering self. Do Thou, according to Thy blessings, make me live, without remembering the sins of my youth. Remember also our brethren who are bound, sick, afflicted, or distressed, and are troubled by wicked Spirits. Do thou filling good pleasure in all that live bless the crown of the year and the seasons.

True translation.

Translated by Ulasseri Joseph Kathanar Joseph Kathanar. (Signed)

[*Book II. Translation from the 11th line of page 39 to the 10th line of page 43*]

Servitor. Let us watch with fear and awe.

Priest. O Lord! Have mercy upon us and bless us. The Holy things are being given unto the holy and the pure.

People. The one Father is holy. The one Son is holy. the one Spirit is holy. Praise unto the Father, the Son and the holy Ghost: from the beginning unto everlasting. Amen! Bless O Lord!

Priest. The one holy Father who formed the world in His mercy, with us. The one holy Son who redeemed it by His own sufferings, with us. The living and holy Spirit who is the perfecter and completer of every thing that hath existed and shall exist, with us. Blessed be the name of the Lord, from the beginning unto everlasting. Amen.

Servitor. Pray we in the resurrection of Messiah the King.

He desends after repeating this prayer, making the sign of the Cross with his hands.

Here performs (destroyed) places (destroyed).

Priest. Covers the mysteries and takes the spoon and places it on the cup, and descending before the altar and bending before the table of life, prays these prayers.

O Lord, make me worthy to eat Thee in holiness. May my desires be removed by the eating of Thy body. May my sufferings be removed by drinking of thy living cup. O our Lord and our God! May I be made meet for the cancelment of debts and the remission of sins for ever. Amen.

Another. Make us worthy, O Lord God, that our bodies may be made holy by Thy holy Body and that our souls may be made bright by Thy propitiatory Blood. O our Lord! Be unto the cancelment of our debts and the remission of our sins.

Another. O Lord God! Make us worthy, to eat Thy holy Body and to drink Thy propitiatory Blood, and, O our Lord, that we may become heirs to Thy heavenly kingdom, with all who have secured Thy good Grace.

He ascends the steps and when taking the coal of fire from the cup with the spoon, says; I hold Thee, O Thou who hast conquered the limits: I carry Thee, O Thou who governest the depths: O God! I place Thee in my mouth. O our Lord and God! By Thee, may I be delivered from the fire that is not quenched, and be made meet for the remission of sins, like the sinful woman and the thief.

And when he is communicated, says; A propitiatory coal of fire of the Body and Blood of Christ, our God is given to a sinful servant for the cancelment of debts and for the remission of sins. Amen.

When he drinks from the cup, says,—By Thy living and life-giving Blood which was shed on the Cross, may my debts be cancelled and my sins be remitted, O Jesus, Word of God, who comest for our salvation, for ever and ever.

When communicating a priest with the spoon, he says,—A propitiatory coal of fire of the Body and Blood of Christ, our God is given to an illustrious priest, or to a modest deacon, or to a Ramban like unto Antonios, *and then,* to the steward of the house of God, for the cancelment of his debts and the remission of his sins. May his prayers be with us. Amen.

The priest taking the paten in his right hand and the cup in his left moves towards the north, turning left. But when he returns, it is in the right direction. As the mysteries are going forth,—he says, From Thy propitiatory altar, let there descend expiation for Thy servants, O Son of God, who came down for our salvation, and will come for our resurrection and the renovation of our race for ever.

Makkep (joins). O Lord, stretch forth Thy invisible right hand and bless, O our Lord and God, this multitude of your worshippers who receive Thy Body and Thy valuable Blood, for the cancelment of debts and for the remission of sins and for Grace (lit: delight of the face) in Thy presence, for ever.

When he descends from the steps, says,—May the love of our great God and Saviour [illegible] Christ be upon those who bear these holy things, and upon those who give [illegible] upon those who receive these and upon all who have laboured and have participated and are participating in them. The blesssings of God will be, in both worlds, for ever. Amen.

What he says when communicating the people. (Is given) to the true believer for the cancelment of debts and the remission of sins.

And the recipient says, Amen.

What he says when he turns to the right. O our Lord and our God! Praise be to Thee, Praise be to Thee, Praise be to Thee. O our Lord Jesus Messiah, let not Thy holy Body which we have eaten and Thy purifying Blood be unto our judgment and vengeance but (cause) that it may be for the life and salvation of us all, and bless us.

Servitor. Let us stand decently.

People. We praise Thee.

Priest. Thanksgiving. We praise Thee, O Lord, for the abundance of Thy mercies which have made us worthy to partake of Thy heavenly table. O Lord! Let us not be condemned by the reception of Thy holy mysteries, but may we, becoming worthy, be partakers of Thy Holy Spirit and find a portion and inheritance with all the holy persons who have been from the beginning. And we will raise unto Thee glory and thanksgiving, and to Thy Only Son and to the Holy Spirit, the good above all, the adored and life-making, and Thy equal in substance.

People. Amen.

Priest. Peace.

Servitor. After.

People. We will bend our heads.

Priest. O great and wonderful God, who for the salvation of mankind didst bow the heavens and come down, pity us and bless us. May we now and always and ever praise Thee and God, Thy Father who begat Thee, and Thy Holy Spirit, continuously. Amen.

People. Amen.

Servitor. Depart ye.

Priest. Huthama. Bless us all, O God. Guard us all, O our Creator. Show unto us the way of life, Helper and Lord of us all.

Huthama. May the God who accepted the offerings of Abel at the open ground, of Noah in the Ark, of Abraham on the mountain, of Elijah on Mount Carmel, and of David in the threshing-yard, of Oran of Jebus, and the coins (lit: *cash*) presented at the holy place by the widow, accept your presents, offerings and tithes. May He do good remembrance unto your dead and (give) blessed desires and protection unto your living. And may we be saved and protected by the prayers which are listened to and by the prayers which are accepted and by the supplications which deserve to be responded to, of Mary the mother who brought God, and who is pure and is the spotless Virgin and the second Heaven, and who is victorious; and by the great might of the victorious and protecting Cross. And that, O Lord, by the prayers of the prophets and and the Apostles and the martyrs and the confessors and the just and the priests and the holy Fathers and the truthful shepherds, and the praise-worthy Malpans; and by the prayers of John the Baptist, and of Mar Stephanos the Deacon, and of the fortunate Apostle Mar Thoma, and of Mar Barsoma the great victor; and by the prayers of Aboon Mar Matthai, and of Mar Zacai, and of Mar Abraham and Mar Daniel, and of Mar Behanan the crown of the Martyrs, the great and divine, and of his sister Sarah, and of his friends, the forty holy persons; and by the prayers of Mar Yohannan of Basunia, and of Mar Melche of Cloosma, and Esau of Halaba; and by the prayers of the Martyrs, Mar Sargis and Mar Barcus, who were great and by the prayers of the holy Martyrs, Mar Geverghese and Mar Theodorus; and by the prayers of Martha Shamoni, and of her seven sons, and of *Eliazar*, her Malpan; and by the prayers of Mar Kuriakos and his mother *Yulithi*; and by the prayers of Mar Yohannan the son of *Nagray* and of his sister Susan; and by the prayers of Mar *Sina* and his sister Sarah; and by the prayers of all holy men and holy women who have existed from the time of our Father Adam and Mother Eve to this day, and who may exist and who are yet to exist, and whom we may or may not have remembered; and by the prayers of Mar *such a person* who has regulated us on his holy table, and of Holy *such a person* whose Holy Mass we have perfected; and by the prayers of Our happy Father who governs us today, and of our Fathers, brethren and yourselves, the chiefs, whom you have properly perfected for ever.

The priest places his right hand upon the throne and says this address. He says drawing three crosses on the people. Our brethren and beloved people! Depart ye in peace seeing we commend ye to the grace and mercy of the holy and

glorious Trinity, with the viaticum and the blessing which ye have received from the propitiatory Altar of the Lord.

Those far off and near and the living and the dead, and those saved by the victorious Cross of the Lord, and those stamped with the seal of holy baptism: this will obtain expiation of your sins; your sins will be forgiven; and the souls of your dead will be given rest.

I am a weak and sinful servant. O our brthren and chiefs! may I obtain mercy and have help through the aid of your prayers. Amen.

(True copy)

Translated by Ulasseri Joseph Kathanar Joseph Kathanar (Signed)

From the *Kramom* to be repeated by the Servitor at Mass.

[*From the 2nd line of column 2 of page 8 to the 14th line of column 2 of the 9th page, in Ext. II.*]

Servitor. Remember we in our prayers and masses, our Fathers who taught us during their life-times that we may in this evanescent world which looseneth become the Sons of God. The Son of God will give them rest with the just and the saintly in that heaven, the world which looseneth. O Lord, bless us and grant us help.

Then (joins) makkep. Let us attain the salvation of our souls, on the festival of Messiah the King, through faith. Let us all say together to the Son who saved us by His Cross. Our Saviour is a glorified one. O Thou who magnifiest in all places the remembrance of her who brought Thee forth and of His Saints and of His believers who are dead, Thou art a Holy One, art a Holy One, art a Holy one. Halleluiah!

He who is the Father, Son and the Holy Ghost is a Worshipped One and Glorified One. Glory to Him from beginning to generation and generations. Halleluiah.

Priest. From Thy propitiatory Altar.

Servitor. O our Lord! Bless Thou us. O our Lord, have mercy on us and bless us. O our Lord, respond and bless Thou us. O our Lord! praise be unto Thee. O our Lord! praise be unto Thee. O our Eternal Refuge! praise be unto Thee. Bless O Lord!

When the priest administers Communion to the people, the servitor should repeat these ബാങ്കുകൾ *(?)* My Lord! Remember Thou well the Virgin Mother who brought Thee forth, with cleanliness and holiness. Help Thou us also by her prayers. Halleluiah! Remember Thou well, my Lord, the Prophets, the Apostles, the Martyrs, the Just and the Saints. Help Thou us also by their prayers. Halleluiah! My Lord! Remember Thou well our fathers and brethren who have slept. Write their names in the Book of Life in the Kingdom. Halleluiah! (May there be) praise to God, glory to Her who brought Him forth, the crown of glories, to the martyrs and mercy and blessings, to the dead, on high. Halleluiah!

When the priest turns, the servitor says,—Let us all stand decently, after we have been communicated in these mysteries which we have eaten and drunk, and which are divine and heavenly, and which are of the Lord and which give life. For [they] (are) the valuable body aud blood of Messiah our God, which he gave and made us worthy of the great happiness which has been up to this. This (gift) is unequalled and indescribable. It is one possessing life and which gives life to those that receive it. Let us praise Him, God, who giveth before all and after all, by the voices of gratitude.

People. We praise Thee, O our God! And we praise Thee specially.

Servitor. Amen.

Priest. Peace.

No. 220.
Extracts from Ext. II.
—*Concluded.*

Servitor. With Thy soul: Let us again bow our heads before the Lord, the blissful, after receiving these holy mysteries which have been administered, And that before Thy holy presence, O our Lord and our God.

Priest. O God who made us worthy!

Servitor. Amen. Bless, O Lord. May Thy pleasure rest on the Mass which the priest has performed. May the ൟരാപ്പേർ (Seraphs) on high delight in it. May the departed believers have salvation thereby.

Priest. Go ye in peace.

Servitor. Praise be unto God who received thy offering. May he help us also by thy prayers.

True translation.

Translated by Ulasseri Joseph Kathanar.

Joseph Kathanar. (Signed.)

No. 221.

EXHIBIT NN.

No. 221.
Ext. NN.
Memorandum by the British Resident dated 15th February 1870.

[Memorandum by the British Resident acknowledging receipt of the Star-Pagodas &c., dated 15th February 1870.]

MEMORANDUM.

I do hereby acknowledge to have received from Mar Athanasius Syrian Metropolitan of Malabar,—Poonathara Alexander Kathanar,—and Varidoo Coonjee Pylo, layman,—Trustees for safe custody in the Resident's Treasury, Trevandrum,—the undermentioned Bond in duplicate, the interest on which will be paid annually, on or after the 22nd December in each year, as it falls due, on the receipt of the Metropolitan and trustees for the time being.

Bond dated 1st December 1808 for Star Pagodas 3,000 (Rupees 10,500) bearing interest at 8 per cent per annum.

2. The undermentioned papers are also lodged in the Treasury.

Dated Madras February 4th 1841. *(a)* A joint receipt signed by B. Bailey Senior Missionary at Cottayam in connection with the Church Missionary Society and C. A. Browne Officiating for Secretary Corresponding Committee Church Mission Society, acknowledging receipt from the Resident in Travancore the sum of Rupees 47484-3-9¾ being amount awarded to be held in trust for the Cottayam College in Travancore.

Dated Madras February 4th 1841. *(b)* A receipt signed by C. A. Browne Officiating for Secretary Madras Corresponding Committee Church Missionary Society, acknowledging that Rupees 47484-3-9¾ received by him in conjunction with the Revd. Benjamin Baily from the Resident in Travancore is the property of the Cottayam College Trust.

Dated Madras February 4th 1841. *(c)* A receipt signed by B. Bailey Senior Missionary at Cottayam in connection with the Church Missionary Society acknowledging that Rupees 47484-3-9¾ received by him in conjunction with Major C. A. Browne Officiating for Secretary of Madras Corresponding Committee of Church Missionary Society from the Resident in Travancore is the property of the Cottayam College Trust.

Dated Madras 12th May 1841. *(d)* A Bill of Exchange drawn by Messrs Arbuthut & Co. Madras on the Resident in Travancore for Rupees 47484-3-9¾.

Trevandrum, February 15th 1870.

(Signed) G. A. Ballard, Resident.

No. 222.

EXHIBIT OO.

No. 222.
Ext. OO.
Extract from Despatch dated 13th May 1857, from the Court of Directors.

[Extract from a Despatch from the Honorable Court of Directors, dated 13th May 1857.]

ECCLESIASTICAL DEPARTMENT.

Extract from a Despatch from the Honorable Court of Directors dated 13th May, No. 6 of 1857.

11 *and* 12, *also para:* 12, *of letter dated* 11*th Nov.* (*No.* 13) 1856.
Explanation of the Resident of Travancore with reference to the interference alleged to have been exercised by him in relation to the individuals claiming the Office of Metropolitan of the Syrian Church in Travancore.

20. Lieutenant General Cullen rests his refusal of permission to Mar Athanasius Stephanos, to enter Travancore, in 1849, on the practice of former Residents in analogous cases. We regret that our previously expressed desire for the observance of absolute non-interference, was not strictly attended to; and that some ground was thus afforded for the allegations of Mar Athanasius Stephanos. It is stated that there is now a general acquiescence in the rule, as Metropolitan, of Mar Athanasius, the first appointed of the existing claimants to that dignity. This is a matter, the determination of which rests with the Members of the Syrian Church alone, and it is for them to recognize or not, the pretensions of any Ecclesiastic who may be hereafter sent into the country by the Patriarch of Antioch. We desire that strict attention be paid to our instruction in this respect.

No. 282.
Extract Minutes consultation, dated 14*th July*, 1857.
6. Copy of this para: will be communicated to the Resident at Travancore for his information and guidance. That Officer will pay particular attention to the wishes of the Honorable Court for the future.

(True Extracts.)

(Signed) E. Maltby,
Acting Chief Secretary.

To the Resident of Travancore and Cochin.

(True copy.)

Exd. J. A. Wilson.

W. CULLEN,
Resident.

No. 223.

EXHIBIT PP.

No. 223.
Ext. PP.
Bazgaza Kurumthirattu.
Produced on the 28th Kunni 1058.

[Copy of Kurumthirattu (Malayalam) of Bazgaza, produced on the 28th Kunni 1058.]

In O. S. 439 of 1054.—Ext. PP.

Thirattu of Receipts and Disbursements in money from Meenom 1048 to Karkadagom, of the Bazgaza.

RECORD.

PART II.

Exhibits &c.

No. 223.

Ext. PP.

Bazgaza Kurumthirattu. Produced on the 28th Kunni 1058.

Meenom 1048.

Amount of Principal received from the Bank on the 28th, Rs 35,480 annas 10— pies 2.
Amount of interest received therewith from the same place, Rs 1419 as. 3 pies 9.
Total, in two items, of principal and interest ... Rs 36,899 as. 13. p. 11.

Details of Disbursements.

Amount disbursed on account of lands taken on Nerpanayom, up to 30th Karkadagom... ... ... Rs 26,405.
Disbursed to the Cash-keeper for conducting the education in the Seminary. Rs 1400 as. 13 p. 11.
Balance ... ... Rs 9,094,

Ext. PP_2 Kurumthirattu of the Bazgaza.

PP_2

Thirattu of Receipts and Disbursements in cash and paddy, from Chingom 1049 to Karkadagom, of the Bazgaza.

Karkadagom 1049.

Balance as per previous *Thirattu* of 1048 ... ... Rs 9,094-
Income up to 30th Karkadagom '49 in *Pattom* on lands, interest on the Star-Pagodas, and proceeds from sale of paddy ... ... Rs 1611·
Total amount in hand as per the two items ... ... Rs 10,705.
Amount of paddy in hand deducting the paddy sold ... ... 1031½ Parahs.

Details of Disbursements.

Amount paid on lands taken on Nerpanayom during the above year, Rs 1,633¼— chks. 1⅝.
Amount spent under 4 items ... ... Rs 10,561 chks. 3⅜.
Balance ... ... Rs 143¾ chks. 3¾.
Amount of paddy given the Cash-keeper for the expenses in the Seminary— 572 Parahs.
Balance in paddy ... ... 459½ Parahs.

Ext. PP_3 Kurumthirattu of the Bazgaza.

PP_3

Thirattu of Receipts and Disbursements in cash and paddy, from Chingom to Karkadagom 1050, of the Bazgaza.

Karkadagom 1050.

Balance as under previous Thirattu of 1049 ... ... Rs 143¾ chks. 3¾.
Amount of Receipts up to 30th Karkadagom 1050, in *Pattom* on lands, interest on the Star-Pagodas and proceeds from sale of paddy... Rs 2170 chks. 3½.
Amount borrowed ... ... Rs 378¾.
Total in hand as per the three items ... ... Rs 2,692¾.
Total amount of paddy including the balance of the previous year and the unsold remainder of the above year. ... ... 883 Parahs 3⅜ Edangalies.

Details of Disbursements.

Amount given to the Cashkeeper for the expenses in the Seminary during the year. Rs 2,195⅝.
Printing costs.... ... ... Rs 461⅛.
Total as per the two items. ... ... Rs 2,656¾.
Balance... ... ... Rs 36.
Amount of paddy given to the Cashkeeper for expenses in the Seninary. 867 Parahs.
Balance. ... ... 16 Parahs 3⅜ Edangalies.

RECORD.

PART II.

Exhibits &c.

No. 223.

Ext. PP_4 Kurumthirattu of the Bazgaza.

PP_4.

Thirattu of Receipts and Disbursements in cash and paddy, from Chingom to Karkadagom 1052, of the Bazgaza.

Karkadagom 1051.

Balance as per previous Thirattu of 1050. ... ... Rs 36.
Amount of receipts up to 30th Karkadagom 1051, in *Pattom* on lands and interest on the Star-pagodas ... ... Rs 1,870¾ chks 4¼.
Total in hand as per the two items. ... ... Rs 1,906¾ chks 4¼.
Amount of paddy including balance of the previous year and receipts of the year. 1507 Parahs 6⅞ Edangalies.

Details of Disbursements.

Amount given to the cashkeeper for the expenses of the Seminary during the year. ... ... Rs 1,327½ chks 2½.
For Printing. ... ... Rs 476½ chks 1¾.
Total expenses as per 2 items. ... ... Rs 1,804 chks 4¼.
Balance. ... ... Rs 102¾.
Amount of paddy given to the Cashkeeper for the expenses of the Seminary, 1491 Parahs 3½ Edangalies.
Balance of paddy in hand.... ... ...16 Parahs. 3⅜ Edangalies.

Ext. PP_5 Kurumthirattu of the Bazgaza.

PP_5.

Thirattu of Receipts and Disbursements in cash and paddy from Chingom to Karkadagom 1052, of the Bazgaza.

Karkadagom 1052.

Balance as per Thirattu of 1051.... ... ... Rs 102¾
Income up to 30th Karkadagom1052, in *Pattom* and interest on the Star-pagodas, Rs 1,319¼ chks 2⅜
Income from the Press... ... ... Rs 742.
Total as per the 3 items... ... ... Rs2,164 chks 2⅜.
Total of paddy received during the year plus the previous balance, 245 Parahs, 4⅜ Edangalies.

Details of Disbursements.

Amount given to the Cashkeeper for the expenses of the Seminary during the year, Rs 925½ chks 2⅜.
For printing... ... ... Rs 845¾.
Paid to the senior Metropolitan (വലിയതിരുമനസ്സു). ... ... Rs 240
Total as per items 3. ... ... Rs 2,011¼ chks 2⅜.
Balance. ... ...Rs 152¾.
Amount of paddy given to the Cashkeeper for the expenses of the Seminary 229 Parahs 1 Edangaly.
Balance in paddy... ... ...16 Parahs 3⅜ Edangalies

Ext. PP_6 Kurumthirattu of the Bazgaza.

PP_6.

Thirattu of Receipts and Disbursements in cash and paddy from Chingom to Karkadagom 1053, of the Bazgaza.

Karkadagom 1053.

Balance as per Thirattu of 1052. ... ... Rs152¾.
Amount of pattom and interest on Star-pagodas, received up to 20th Karkadagom 1053. ... ... Rs 1,545½ chks 13½.
Amount of principal drawn. ... ... Rs 2,450.
From the press. ... ... Rs 218 chks 3½.
Total as per items 4 ... ... Rs 4,406¾ chks 2¾.
Amount of paddy including balance of the previous year and receipts of the current year. ... ... 925 Parahs 9⅞ Edangalies.

RECORD.

PART II.

Exhibits &c.

No. 223.

Ext. PP$_6$

Kurumthirattu of the Bazgaza.

Details of Disbursements.

Amount given to the Cash-keeper for the expenses of the Seminary during the year. ... ... Rs 2,230 chks $5\frac{3}{4}$.
For Printing... ... ... Rs $623\frac{3}{4}$ chks $1\frac{5}{8}$.
Total as per the two items. ... ... Rs 2,827 chk $\frac{1}{4}$.
Balance. ... ... Rs $1,579\frac{3}{4}$ chks $2\frac{1}{2}$.
Amount of paddy given to the cashkeeper for the expenses of the Seminary 909 Parahs $6\frac{1}{2}$ Edangalies.
Balance. ... ... 16 Parahs $3\frac{3}{5}$ Edangalies.

PP$_7$.

Ext. PP$_7$

Kurumthirattu of the Bazgaza.

Thirattu of Receipts and Disbursements in cash and paddy from Chingom to Karkadagom 1054, of the Bazgaza.

Karkadagom 1054.

Balance as per Thirattu of 1053 ... ... Rs 1,579 chks $2\frac{1}{2}$.
Amount received in *Pattom* and interest on the Star-pagodas up to 20th Karkadagom 1054... ... ... Rs 1,201 chks 20.
Amount of Principal drawn. ... ... Rs $1,622\frac{1}{2}$ chks 9.
Amount borrowed. ... ... Rs $2,503\frac{1}{4}$ chks $3\frac{11}{16}$.
Income from printing. ... ... Rs $168\frac{1}{8}$ chk $\frac{3}{4}$.
Total in hand ... ... Rs $7,075\frac{3}{4}$ chks $3\frac{7}{8}$.
Total amount of paddy including balance of previous year and receipts of the year, 1,482 Parahs $4\frac{3}{4}$ Edangalies.

Details of Disbursements.

Amount given to the Cashkeeper for the expenses of the Seminary, Rs $1,093\frac{1}{4}$ chk. $\frac{1}{8}$.
Paid for printing... ... ... Rs 758 chks $1\frac{3}{4}$.
Expense for a suit in the Quilon Court ... ... Rs 1,240.
Amount expended for purchasing in an auction sale, the lands belonging to *Pandalakken* of Karthikappalli ... ... Rs 1,485 chks. 10.
Expenses in connection with the suit in the Alleppey Court... Rs $1,198\frac{1}{2}$ chks. $6\frac{1}{8}$.
Amount of debt discharged ... ... Rs $551\frac{1}{2}$.
Total of expenses ... ... Rs $6,326\frac{3}{4}$ chks. $3\frac{3}{4}$.
Balance ... ... Rs 749 chk. $\frac{1}{8}$.
Amount of paddy given to the Cash-keeper for the expenses of the Seminary ... ... 1,466 Parahs 1 Edangaly.
Balance ... ... 16 Parahs $3\frac{3}{5}$ Edangalies.

PP$_8$.

Ext. PP$_8$

Kurumthirattu of the Bazgaza.

Thirattu of Receipts and Disbursements in cash and paddy, from Chingom to Karkadagom 1055, of the Bazgaza.

Karkadagom 1055.

Balance as per previous Thirattu of 1054 ... ... Rs 749 chk. $\frac{1}{8}$.
Amount of *Pattom* on lands and interest on the star-pagodas received up to 30th Karkadagom 1055 ... ... Rs $1,512\frac{3}{4}$.
Amount of principal drawn ... ... Rs $302\frac{1}{4}$.
Amount borrowed ... ... Rs 1,550.
Income from the Press ... ... Rs $322\frac{1}{2}$ ch. $1\frac{1}{16}$.
The amount, with interest, caused to be deposited in 1053 by the Cash-keeper, for bidding in auction-sale, for the Parappalli *Cherai* ... ... Rs $309\frac{1}{2}$ chks. $3\frac{1}{2}$.
Total as per such item(s) ... ... Rs 4,737 chks. $4\frac{9}{16}$.
Amount of balance of paddy including receipts of same during the year ... ... 752 Parahs $8\frac{3}{5}$ Edangalies.

RECORD.

PART II.

Exhibits &c.

No. 223.

Ext. PP$_8$

Kurumthirattu of the Bazgaza.

Details of Disbursements.

Amount disbursed for taking land on Nerpanayom ... ... Rs 500.
Amount paid under bond ... ... Rs $231\frac{1}{2}$ chks. $2\frac{1}{4}$.
Amount paid to Cash-keeper for the expenses of the Seminary... Rs $1,563\frac{1}{4}$ chks. $1\frac{1}{16}$.
Expenses in connection with the suit in the Alleppey Court... Rs 2,336 chks. $1\frac{1}{2}$.
Total of expenses ... ... Rs $4,630\frac{3}{4}$ chks. $4\frac{13}{16}$.
Balance ... ... Rs 106 chks. 7.
Amount of paddy given to the Cash-keeper for the expenses of the Seminary ... ... 736 Parahs 5 Edangalies.
Balance ... ... 16 Parahs $3\frac{3}{8}$ Edangalies.

PP$_9$.

Ext. PP$_9$

Kurumthirattu of the Bazgaza.

—*Concluded.*

Thirattu of Receipts and Disbursements in cash from Chingom to Karkadagom 1056, of the Bazgaza.

Karkadagom 1056.

Balance as per Thirattu of 1055 ... ... Rs 106 chk. $\frac{1}{8}$ (?).
Receipts from the Press and amount of *Pattom*, and interest on the Star-pagodas received up to 30th Karkadagom 1056... Rs $1,326\frac{1}{4}$ chk. $\frac{5}{8}$.
Amount borrowed ... ... Rs 1,700.
Total in hand as per such items ... ... Rs $3,132\frac{1}{4}$ chk. $\frac{3}{4}$.
Amount of paddy received during the year including balance of previous year ... ... 4,226 Parahs $4\frac{5}{8}$ Edangalies.

Details of Disbursements.

Amount given to the Cash-keeper for the expenses of the Seminary ... ... Rs $1,205\frac{1}{4}$ chks. 7.
Expenses in connection with the suit in the Alleppey Court... Rs $1,648\frac{3}{8}$.
Amount of interest given ... ... Rs $120\frac{3}{4}$ chk. $\frac{3}{4}$.
Total expenditure ... ... Rs $2,974\frac{5}{8}$ chk. $\frac{5}{8}$.
Balance in hand ... ... Rs $157\frac{5}{8}$ chk. $\frac{1}{8}$.
Amount of paddy given on lands, under documents ... $3,536\frac{1}{4}$ Parahs.
Amount of paddy given to the Cash-keeper for the expenses of the Seminary ... ... 673 Parahs $8\frac{3}{4}$ Edangalies.
Total expense ... ... 4,213 Parahs $1\frac{1}{4}$ Edangalies.
Balance in paddy ... ... 16 Parahs $3\frac{3}{8}$ Edangalies.

(Initialled)
P. J. P.—Vakil.

Docket.—Copy of Ext. PP$_{1-9}$ produced by 1st Deft. in pursuance to notice issued at the instance of Plff. in O. S. No. 439 of 1054 of the Alleppey Zilla Court.

PP.

28th Kanni 1058.

(Initialled) G. S. A.

No. 224.
Ext. QQ.
Copy of the late Mar Athanasius' letter to the Resident, dated 21st Sept. 1843. Produced on the 27th Meenom 1055.

No. 224.

EXHIBIT QQ.

[Certified copy of English letter sent by the late Mar Athanasius to the Resident, dated 21st September 1843—produced on the 27th Meenom 1055.]

To

Major-General W. Cullen,
Resident of Travancore and Cochin.

Sir,

I beg to inform you that his Grace, the Patriarch of Antioch (who is supreme, in all religious matters, over the Syrian Christians of Malabar as well as of other places) has suspended the present Metran Mar Dionysius who is at present acting without his sanction and cognizance—on which account his Grace the Patriarch sent official letters to the community and to the Metran himself. In 1842 and on 1st of February, I was consecrated by His Grace, Metropolitan to the Syrian Christians of Malabar and sent hither with letter patent and other credentials. On my arrival in these provinces, I had the honor to acquaint you of the same and afterwards to forward for Your Excellency's perusal the copy of my Staticon and that of the letter to His Highness the Rajah of Travancore.

According to your answer of the 15th July I desire to wait upon Your Excellency immediately upon your arrival at Quilon and to inform you every thing.

I now beg to state what has happened since my writing to you last. let (At) an interview between Dionysius and myself he and the Syrians who were then present acknowledged me and delivered into my hands some of the Episcopal garments of the former Metropolitans appointed by the Patriarch, Dionysius also sent Official letters and assembled the Syrians on the 30th Ultimo at Candenate for the purpose of reading my letter patent before them. At the convocation, the people acknowledged me as their lawful Metropolitan, the Metran (though not authorized by the Patriarch) instead of receiving the Staticon from my hand and delivering it to the people to be read, desired me to send it to them in a way not sanctioned by the Church. On account of this the people and myself departed from Candenate. Now I remain at Mavalicara earnestly desiring to wait upon you and to inform you everything and to solicit your advice that I may begin my duty to which I am appointed by the Patriarch, amongst the Syrians.

I therefore humbly beg that Your Excellency will condescend to let me know your earliest convenience to see me at Quilon.

I have the honor to be

Sir,

Mavalicara
21st Sept. 1843.

Your most obedient Servant
(Signed) Athanasius Malabar.

(Itld.) T. S.

(True copy.)
Bonham Faunce, Major
Ag. Asst. Resident.

Docket.—Copy of letter sent to the Resident by Athanasius Metran on the 21st September 1843.

QQ. (Itld.) G. S. A.

Produced on the 27th Meenom '55, by Plff.'s Vakil in Case No. 439 of '54 of the Alleppey Zilla Court.

(Note by the High Court.)

This copy agrees with the original which bears water-mark "1840." The date of receipt is marked as 2nd October 1843, probably in a clerk's hand. No initial.

15/7/60. (Itld.) T. R. A. P.
(„) G. S. A.

(Note.—A Malayalam translation of this letter is also filed.)

No. 224.
Ext. QQ.
Copy of the late Mar Athanasius' letter to the Resident, dated 21st Sept. 1843. Produced on the 27th Meenom 1055. —*Concluded.*

No. 225.

EXHIBIT RR.

[Certified copy of Mar Dionysius' letter (Malayalam) to the Cheriapalli-vicar &c., dated 18th Dhanu 1023—produced by Plff.'s Vakil on the 10th Chingom 1055.]

(Initials.)

No. 225.
Ext. RR.
Copy of Mar Dionysius' letter to the Cheriapalli Vicar &c. Dated 18th Dhanu 1023. Produced on the 10th Chingom 1055.

Letter (from) Mar Dionysius Metropolitan of the Edavagay of Malankarai. To, the Vicar, the local priests, the trustees & people of our Cheriapalli atCottayom.

When the disease of old age of Elias, the Holy, the Venerable the Patriarch of Antioch, the true shepherd, and the head of Bavas advanced, he sent for the Metropolitans of Antioch, Besanagari and all the East, Mar Gregorius, Metropolitan of Jerusalem who having built a large Church at *Kusmadinapolis* (?) was living there, publishing the Old and New (Testaments) and *Pallikramom* books, the Bishops, Kori-Episcopas, the chief Rambans living in Dayaras and chosen Malpans; and told them that disease had advanced in us (him) and that the time for his joining the right side of Jesus Messiah was near; and spoke to them of appointing a Patriarch to rule over the churches and (D)ayaras properly, and about other necessary matters. The next day, the 1st Madom 1847, Tuesday, our Patriarch leaving this world to go to that world which is the right side of his Lord, Jesus Messiah, the abovementioned persons buried him with all spiritual rites and with tears and lamentation. Soon after, the abovementioned Synod assembled and selected 4 or 6 worthy persons and on *drawing lots* (ചൊരുക്കുന്നു) among them, the lot fell in favour of Mar Sicorius (?) Metropolitan of Jerusalem. And he received consecration on the 8th Edavom, on the festival of Mar Barsoma which followed close on the.....(not clear.) Now that writs have been issued from the Throne of Peter at Antioch, to the bishops of all the churches, to the chiefs of the Dayaras, to Mar Kurilos Yorikis Metropolitan who has come to Malayalam, our country, to us who is weak, and to the Pallikkar, announcing this fact and with respect to some other matters; as soon as this *Sadhanom* reaches you, priests and all others should fast, pray and perform mass for three days in commemoration of our departed and holy Patriarch. Also, you should specially pray in *Namaskaroms* and Masses that the Venerable Ignatius Patriarch, the true shepherd who has now begun to reign may be blessed with (—?) times and (—?) years and divine goodness from his enemies, private and public and the (—?) of the right. Copies of the orders that have come will be sent to all the churches shortly.

This: the 18th Dhanu 1023.

(Signature.)
(Signature.) (Itld.) G. S. A.

Fanams $1\frac{1}{4}$.

[Note.—This appears to be a copy given from some Court records. The Judicial attestation at the foot is by means of an initial-stamp. The copy is written in Tamil characters and abounds in errors.]

RECORD.

PART II.

Exhibits &c.

No. 226.
Ext. SS.
Mar Dionysius' Letter to the Resident, dated 30th Chingom 1846.

No. 226.

EXHIBIT SS.

[Certified copy of Mar Dionysius Metropolitan's letter (Malayalam) to the Resident, dated 30th Chingom 1846—produced on the 30th Chingom 1055].

To

The honourable presence of *Maharaja manya Rajasri* the Resident *Avergal*.

Mar Dionysius, Metropolitan of the Edavagay of Malankarai writes and informs that:—

That, though Abraham Kathanar of Palakkunnom, of the Maramannu church, and his *Anandraven*, Deacon Matthai and some others, having forsaken the observances (lit: customs) of the Syrian persuasion and having, of their own pleasure, created certain religious observances (lit: customs) and *Pallikramoms* and followed same, were dismissed from the *Sabha*; and (though) the matter was communicated in writing to the most Venerable the Mar Ignatius Patriarch Bava of Antioch, the head of Syrian Metropolitans; he has come down as Metran having presented himself before the Patriarch Bava with a fabricated letter purporting to be one from the Syrian Church-people in Malayalam and by having misrepresented facts and given false name, and is causing troubles, has been already communicated to you in writing. As, on writing to, and informing, the Very Venerable the Patriarch Bava with reference to his case, the Venerable Mar Kurilos Joachim Metropolitan of the country of Thurabdien has been sent with Staticon to govern the churches according to the religious customs of the Syrians and to conduct religious observances (lit: customs), and has arrived on the 26th of this month, charge has been given over to the Venerable Mar Kurilos, with consent thereto, that, as written in the very Venerable the Patriarch Bava's Staticon, (he) may govern the Syrian churches in Malayalam and conduct religious affairs, and that he may look after and manage the affairs of the Seminary at Cottayom and so forth. Therefore, prays that all orders that may have to be sent relating to the churches or the Seminary, may be addressed to the Venerable Mar Joachim Kurilos Metropolitan. This (lit: Thus): From the Cochin church, on the 30th Chingom 1846.

(Signed.)

(True copy.)

(Signed) Bonham Faunce, Major
Ag. Asst Resident.

(Itld.) T. S.

Compd. (Itld.) M. I. P.

Docket. Letter of assignment sent to the Resident, by Mar Dionysius Metropolitan, on the 30th Chingom 1846.

Produced on the 30th Chingom '55 by Vakil for Plaintiff in Case No. 439 of '54.

SS. (Itld.) G. S. A.

Note.—Made by the Hight court, on comparison of the copy with the original. This copy agrees with the original. The Signature is "Mar Dionysius Metropolitan who is Philipose." The paper bears no water-mark. On the back, the date 23rd Sep. 1846 is noted, followed by an initial which the Residency clerk says is that of General Cullen. The date is also noted, he says, in General Cullen's hand.

15. 7. 60.

(Itld.) T. R. N. P.
(„) G. S. A.

RECORD.

PART II.

Exhibits &c.

No. 227.
Ext. TT.
Letter from Patriarch Elias II to Philipose Metran and others. Translation put in for Plff.

No. 227.

EXHIBIT TT.

[Exhibit TT is a Syriac letter from Patriarch Elias II to Philipose Metran and others, dated 1st Kunni 1840. The original was filed on the 28th Kunni 1058. The Plff. put in a Malayalam translation on the same date and the Defts. another, on the 30th Kumbhom (1059). Only the former is rendered into English and printed].

In the holy name of the unbeginning and endless self-created Being, the Almighty and the Essence that is perfect: Elias II, Ignatius Patriarch, ruling on the throne of St. Peter at Antioch.

Seal

May there be divine peace from the Father, the Lord of the Universe, and heavenly honour from the one Son from whom everything has come to exist, and spiritual glory from the Holy Ghost through whom every thing is accomplished.

May there be all the peace of Jesus Messiah, our Lord and God and our Saviour, and who, storing the hearts of his disciples, the decent Apostles with the secrets and expositions which were made to dwell in them, conferred on them power to grant remission of sins and misdeeds. May such peace and His abundant order come and dwell upon the heads of our spiritual sons who are our limbs of the right, and decent believers, and the chosen people of God, and such as were bought with His faultless blood, and are the baptized, and have their standing based on the rock called Peter, and are armed with the Christian faith, and have received the commands of the Gosples and are established as heirs to the kingdom of heaven.

Firstly. May the grace (lit: attention) of God guard the Divine Services of the decent priests like unto Aaron, and who perform acceptable *poojas*, and pure deacons like unto Stephanos and who offer fragrant incenses, and tried Malpans, able Doctors (in learning), believing Epithropas, Vicars, venerable old men, good traders, chiefs, rulers, men, women, virgins, decent young men, boys, and fair children, and the great and the small, and of Our blessed son, Philipose Metropolitan; who maintain their position by the Grace (lit: attention) of God who is kind and the Lord of the Universe; and who are zealous in everything; and who reside in the land of Malabar, Cochin and all other towns and villages, in blessed India, the *Edavagay of the throne* (See) of the Holy Apostle Mar Thoma: And that by the prayers of Mary who brought forth the Lord and of all holy people (Saints). Amen.

After Our granting unto you blessing and peace abundantly, and Our again granting unto you; Our weakness enquireth of the facts of the quarrel among you and of your health &c. We pray unto God that you may ever enjoy peace and health so that you may have delight by the power of the Lord who mal... every-thing happy and that you may rejoice in the command of the exalte.. God who protecteth everything and that you may obtain long lives and years of happiness. But if you should enquire about Our health: as at the time this command is (lit: was) written, We are in the enjoyment of health, We offer praise unto the Lord God. We who are powerless are in the enjoyment of health (or comfort) by the grace of the most exalted One and pray in supplication unto the Almighty who is the Superior of Superiors. May He be unto you a Helper and a useful One. May (He) grant unto you complete courage and favour (lit: cheerfulness of face) before His most exalted throne, without your being deceived. And that by the prayers of the Prophets and the Apostles and all the Just and the Saints who pleased God and acted according to His pleasure. Amen.

Further: We make known unto you that: May Messiah who is our Lord and our God behold you by all goodnesses. The reason of writing this is that We desired to obtain sight of you who are fair and fitting. For, you are Our beloved spiritual children and the blessed flock of the truthful Shepherd who is our Chief Preceptor (or-Priest) and Chief Shepherd. We pray in supplication unto His mercy that We and yourselves may be granted favour (lit: cheerfulness of face) before His awful and exalted throne. Amen.

Further: We make known unto your love that: The letter sent by you through Our son Marogi, the traveller, to Us, reached this on Tuesday the 13th Chingom. You have put Us in mind that among as ravenous wolves have got in, and scattered you who are the flock of Messiah, you are a dispersed people and that you have no shepherd and manager to tend and govern you according to the Canons of the Apostles. And when We learned what you through your letter reminded us, excessive grief and sorrow overtook Us, as you are the flock of the Messiah and purchased with precious blood. And thereafter, so as to settle your affairs and to send unto you Bavas to tend and govern the churches and parishes of your blessed selves, divine mercy and the aid (?) of the Father moved Us, by the regard that (We ?) have for you. It is just for and becoming us who believe in Messiah, to strive for the spiritual protection of those who are the people of Messiah and who are precious, and who have been purchased with the innocent blood shed upon the Cross. It is just for, and becoming, us, the feeble disciples of our Fathers, the holy Apostles, to tend the people who are our spiritual flock and the lambs of Messiah, even as He conferred upon His disciples and commanded unto Apostle Mar Peter, 'Tend my lambs, Tend my goats and tend my ewes.' Furthermore, what We now make known unto you is:—After sending this letter unto you, We shall assemble a synod and We and the venerable Bavas will consult about sending you Metrans. If possible, We will Ourselves come bringing you Bavas and Morone and the books you have written for and appoint Metrans and priests and deacons for you and regulate your Pallikramoms according to the Canon of the holy Apostles. We have now heard that Metran creates Metran, and Kathanar, Kathanar. This act is contrary to the holy Gosples. For our praise-worthy Lord, Jesus Messiah conferred this great power or our Fathers, the holy Apostles. He appointed them firstly as deacons, secondly as priests, thirdly as Episcopas, and fourthly as Patriarchs. But, they (have), up to this day, transmitted this great authority to their respective successors through generation after generation. To the end of the world, no deacon, nor *Kahana*, nor Episcopa, nor Patriarch can be created without a *Danom* (gift). Henceforth, up to Our arrival in your midst, none of you hath from Our weakness and from God authority to create a deacon or a *Kahana* or an Episcopa or a Patriarch. And thereafter, We will dispose of the matter of Our son, the Metropolitan and the *Kahanas* and the deacon, as the Holy Ghost may direct our determinations. If We find it impossible to come to you, We will send you Bavas to tend and govern you and to regulate your churches. Furthermore, We make known unto your love (?) that:—(You) should be people based firmly in the true creed which is the Creed of the three holy Synods of Ephesus, Constantinople and Nice which cursed all heresies chopped off from the body of the holy Church. Firstly: a Synod was assembled at Nice. That was in connection with Arios, the cursed who declared (lit: bore testimony to—or attested) that the Son was created and was not the Creator, and not a consubstantial existence with the Father and the Holy Ghost. On this account, 318 Fathers met and cursed him. They affirmed that the Son is in essence consubstantial with the Father and the Holy Ghost and laid down (lit: attested) their firmly-rooted (lit: firm) article of creed that 'we believe in the one God, the Father who is the creator of heaven, earth &c. and is the Lord of the Universe' and so forth, and cursed Arios and excommunicated him from the Church. Second: the Synod of Constantinople.

This was held in connection with the doctrine declared by the wicked Maccadonius, that the Holy Ghost was created and not the Creator and is not in essence consubstantial with the Father and the Son. On this account, those assembled affirmed that the Holy Spirit was in essence consubstantial with the Father and the Son and confirmed the glorified Apostolic Faith; and they declared that "We believe also in the holy Ghost who is the Lord that giveth life to everything and who is worshipped and praised along with the Father and the Son and who has proceeded from the Father as the Bible hath it, 'When I ascend unto my Father, I will send unto you the Comforter who proceedeth from the Father and who revealeth unto you taking from what is mine,"* and rejected his view from the holy Church. The third Synod met at Ephesus as the wicked Nestorius declared with respect to the incarnation of Messiah as man, that there are two Persons and two Natures and two Pleasures. Then, holy Kurilos and 200 Bavas met and cursed him; and confessed that, after the union, in our Lord Jesus Messiah, there is the single Nature, the Nature comprising the Body and Soul of God the Word, and cursed Nestorius and all who followed his erroneous belief. But the Synod of Chalcedon renewed Nestorius' belief and said that there are two Natures and two Minds and one Body in Messiah. Then, Mar Dioscorus and his followers and the Patriarchs of Antioch and Alexandria cursed them and all those that may add to or annul any part of the Creed of the three holy Synods. But the Creed of us, Syrians is one firmly founded on the Creed of the three holy Synods. Not a letter can be added or annulled. But I pray unto you that you may now receive blessings from our Fathers, the holy Apostles and from the Bavas who assembled at the three holy Synods, and that you may be strongly founded in the Creed of the three holy Synods, so that you may, by your true belief and good deeds, become fit to enjoy the Kingdom of Heaven. Amen. Furthermore: May the merciful and almighty Lord, with His kind and holy hands, behold you and be kind towards you and your sons and accept your prayers, supplications, fasts, charities, good deeds, presents, offerings, tithes and Rasisa, and grant unto you the cancelment of debts and remission of sins, and take you by the right hand and specially help you for your spiritual protection, and sow divine love in your hearts and in your midst, and annihilate from you the strength of enemies, and open before you the gate of blessings, and shower on all of you His blessings and mercies, and bless your abodes and your handicrafts, fields, crops, harvests, gardens, compounds, paddy-lands and cattle and grant unto you easy lives and happy months and lonely (?) years, and avert from you all punishments and rods of wrath, and by His mercies make you fit to (hear) His life-giving voice which proclaimeth to those of the right, "O Ye blessed of my Father! Enter ye and enjoy as of right the Kingdom of Heaven prepared for ye even before the beginning of the world." And that by the prayers of Mary that brought forth the Lord and of all Saints and of the Apostle holy Mar Thomas, your guardian. Our Father which art in Heaven &c.

To this effect: Written on the 1st Kunni 1840 A.D.

Our sons also enquire regarding your health.

Severius called also Abdanuharam, a Native of Thurabdien (worn out.)

Jacob who is Gregorius of Jerusalem wishes you peace.

Abdanuharam who is Statos of Tibel wishes you peace.

Matthai who is Kurilos of Tibel wishes you peace.

All the monks of Kurkumadayara wish you peace.

(Signature.)

Compared by Geverghese Kathanar of Pattasseri. (Signed.)

* Not a quotation from the Bible.

RECORD.

PART II.

Exhibits &c.

No. 228.
Ext. UU.
Order from Patriarch Pathrose, dated 22nd Mithunom 1872.
Filed on the 28th Kunni 1058.

No. 228.

EXHIBIT UU.

[Order from Patriarch Pathrose to Joseph Dionysius Metropolitan and others, dated 22nd Mithunom 1872, and filed on the 28th Kanni 1058. Malayalam translation of same was put in on behalf of Plff.]

In the (holy) name of the Self-existent Being, the unbeginning and the endless, the Lord of the Universe, and who is full with substance: Pathros III, Ignatius Patriarch, the Powerless, of the Apostolic throne (See) of Antioch.

(May there be) divine peace from the one Father, and heavenly honour from the one Son, and spiritual blessing from the great and eternal Holy Ghost.

May that peace which is the peace of Jesus Messiah, our Lord and God and Saviour who, at the great Mansion of Zion, the mother of great honour, did dwell in the holy and decent Apostles, and fill their hearts with brightness and contentment, and confer upon them power to forgive debts and sins and faults verily dwell and live upon the foreheads of Our sons, who are the blessed and the glorified, and the limbs of Our right (side), and the decent believers, and the chosen people of God, and such as were purchased with the faultless and precious blood, and stamped with the seal of the holy Trinity and smeared (with the oil of anointment) at baptism, and founded and based on the foundation of Peter, and adorned by the faith of true worship and accept the commands of the Gospels and obey the laws of the Fathers (lit: forefathers) and for ever reside in heaven as heirs thereto.

Firstly: In accordance with the laws of the Church and the Apostolic commands, the (names are given in order) of the dignities held by our sons, the blessed people and the spiritual subjects, thus:—May he, the Rev. Dionysius Metropolitan who is the foremost among them and their head, and is blessed as the ruler of their Edavagay and as their shepherd, and is a ghostly person and who stands as the head of the flock that is in the terrific land in India called Malabar and is a native of Malayalam, be protected by God. Amen!

(Next): Upon the decent Kassisas like unto Aaron; the ecclesiatics who are bright and offer divine sacrifices and accepted presents; the Just; the deacons who are like unto Stephanos and burn fragrant substances, waving incense; believing vicars; sextons; great nobles; merchants; chiefs; those who live with fame; the illustrious learned; able Malpans: clever writers; respectable and intelligent rulers; blessed adults; fair youths; affable boys; children guarded by God; modest women; influential daughters; all favoured (lit: blessed) and blessed believers, of all ages; people possessing knowledge; working persons possessing discretion and intelligence and those hidden under the shade of the blessings of Jesus Messiah, our Lord, God and Saviour; and individually and specially upon the people made subject to the authority of the Edavagay of our aforesaid son, Rev. Dionysius; the numerous lonely towns; the blessed and defended forts; the small towns; and likewise all cities, villages and houses, (all these): upon them and their houses and their children and all that may gather on their right and their left, dwell the mercy of our Lord, Jesus Messiah. And that by the supplication(s) of Holy Mary, the pure and faultless Virgin, the Mother of Lives, and who brought forth the Lord; and of the fortunate Mar Yovannan and Mar Hannania the Victor: and by the prayers of all the Saints in the *Dayara* wherein stands the famous throne of Antioch. Amen for ever until the (day of) Resurrection. Further, We, the feeble and powerless do enquire (of several) about your state of health in the Lord, O our blessed and dear sons! May you in this difficult time which is about to set, live in physical and spiritual comfort by the power of God and by the power

RECORD.

PART II.

Exhibits &c.

No. 228.
Ext. UU.
Order from Patriarch Pathrose, dated 22nd Mithunom 1872.
Filed on the 28th Kunni 1058.
—*Continued.*

of the living Cross. And that by the unremitted prayers of the Prophets, the Apostles, the Martyrs, the Confessors and all the Just mentioned in the Old and New Testaments. Amen. And further, if the sea of your love should be moved, and if you should enquire about Our weakness: (may there be) thanksgiving and praise to the Lord. Even at (this) time of writing these words of benediction, We are in the enjoyment of lives of happiness and grace. We have no grief nor sorrow, but that We desire to see you happy. You are ever remembered in prayers and Masses and specially before the sepulchres of the Saints. And in prayer, (we) entreat and pray to the Almighty, the Superior of Superiors that He may be unto you your help and aid and one who would save you from the rod of wrath. May He, by his blessings and mercy govern you without giving you up and neglecting you. May (He) make straight your doings in the straight by-ways of righteousness; and may (He) confirm your hearts in the Faith of true worship; and may (He) protect you with His victorious Cross; and may (He) cause to reside on you His blissful right hand and guard you by sheltering you from all enemies and opponents, open and secret. And that by the prayers of the pure (lit: clear) Martha Mary who is the praised of women in both worlds. Amen. Having hereby (given) blessings and special Peace and multiplied prayers, again and again and twofold, (We) make known unto your true spiritual love how and in what manner the consecration of the Patriarch was effected, and the reason for the delay up to the time the matter was accomplished. You (might) have known before this that having been called to the dignity of Metropolitan of Syria, being the town of Ponike (called) Hemez, We were ruling over that Edavagay. Now, we have received telegraphic communication about the demise, that is, the unexpected departure of the Jacobite Patriarch (*Bava*) from the world of sorrows to the land full with life, to the midst of the Just. The citizens of Merdeen, Ahmed and *Othur* telegraphed to say that as 'we have written to the Metrans of India, Jerusalem and all (other) Edavagays to assemble, you should also (come) over to the Dayara of the throne.' And at that time, a determination arose within us with regard to you that 'We shall not move from Our place until the Metrans of India shall come or news of their coming shall be received.' While with these thoughts We were at Ponike, (a) suit suddenly arose relating to Martha Mary's church at Hemez, as against some heretics who are enemies of the Faith. Therefore, We rose and went to the town of Boosnio, and, until the church case was decided, stayed there contesting and pushing on the suit; and, thereafter, returned to Ponike, Our place. On making enquiries attentively as to whether you were coming, or whether any news are received from you, or whether you have telegraphed that you were not coming, we nowise got any information from you. Even before Our return from the royal town, *Abadannur*, Metran of Jerusalem and Gabriel, Metran of Uraha said that all the Metransof Thurabdien and *Othur*, together with all the nobles of the aforesaid land and towns have assembled in the Daraya of the throne. They (wrote) to us daily insisting that We should certainly go. But after the demise of Patriarch Moran, our poor race were in great distress, troubled and oppressed by their enemies. (Our people) were greately troubled by (enemies), even as did the enemies of the widow mentioned in the Bible, against her. Then as the (Bible) hath it, 'I bore not the scorn shown against a daughter of my people.' Sorrow overcame me even as it is said, 'The determination of your house absorbed me,' and 'the scorn of those that scorn you fell on me,' and shame rose on my face from the scorn of those that scorn and the injustice of flatterers. And We grieved involuntarily. On this account, We moved from Our place with great grief and [travelled], with the greatest difficulty and hardship, from Syria to Ahmed (without) convenient places to halt on the way. At that time, all the *Yogakuris* of the Edavagays, bearing the seals of all the chiefs and Metrans of our race, & sent to Us, reached Us at Ahmed. Therein, it was said for Our information, 'We have chosen you to be our Patriarch.' And at that place, the chiefs

of Ahmed, Merdeen and all the other places received Us. And We were carried to Merdeen amidst a vast concourse of our own people and others, escorted by the King's soldiers, and in grand procession of numerous people, as if (to testify to) the greatness of the Lord and the blessedness of the holy Church. And in those days, countless people from Ahmed, Besanagari, *Othur*, the *Gosaratha* of the Chaldeans, the land of *Bissaria*, all Thurabdien and Merdeen and all its bounds, to the Dayara at Kurkuma, came to sing. They said unto Us, "Thou art chosen by us as our shepherd and to make firm the entire Church" and again all shouted as from one mouth, by the act of God and by the love of God. And after some days, when Pentecost drew close, there came Episcopas, Rambans, Kassisas, Deacons, bright chiefs and the King and his armies, and the Ismaelites, the Armenians and the Chaldeans who were more desirous to see than the Pallikkar themselves, and several races of believers in Christ, men, women, young men, boys, children and virgins, in parties, in batches, in lines, in crowds and in rows and from all sides, and in several colours. Great noice and press ensued, such as has never before been witnessed. After matins and holy divine Mass, consecration began. As the time of the imparting of the Holy Ghost came, there arose unanimously a terrific and shaking voice from the Episcopas, from the vast numbers of priests, from the deacons, and from those of all orders; and the entire Church and the people from outside and inside shouted thrice "Axios! Axios! Axios! Aboon Mar Ignatius". Surprise and excitement overtook all. A new song was made at the time. The Metrans and Episcopas chant the "*Kadeesa.*" The entire concourse of priests chant "*Breec (Ikkoray)*". The Deacons, Ehup-deacons, Koroyans and *Msamrans* sing praise in crowds. The crowds of Pallikkar shout forth cheers. Men and women rejoice. Yong men leap rejoicing. Young women and Virgins praise. Boys and children clap hands and rejoice. Bells and cymbals rend the air. The King and his armies stand grieving. They separate the crowds with clubs and blows. Others than Christians in immense numbers stand amazed. And in spite of themselves, they sing praise to the Lord. And thus, the crowds lived at the throne (See) of Antioch for 10 days eating at the same table filled with all things, and rejoicing. And afterwards, they parted pleased at, and satisfied with, what took place and what they heard; and, praising the God, and each one returned to his house. Fitting unto Him is praise and honour from everything, for ever. O our spiritual sons! As hereby, your protection has been secured and the holy Church glorified, like those near, it becometh you who are far off to say 'Good News', to publish (this) in all the churches in India and to rejoice and be satisfied. You should say largely and with pleasure and satisfaction, 'This is the day that the Lord hath prepared. Come let us rejoice and enjoy therein. The like hath not occurred before. And this is the Spiritual bridal chamber, and the celebration of rejoicings, and the great festival, the like of which may (not come to exist) in future. We should pray unto God that we may be made fit for the indelible Joy in Heaven, for ever. Amen.' When after the consecration, all went to their places and each to his house, occurred (the following): When we examined Jerusalem, the acknowledged Dayara wherein the throne is, We saw the walls, from top to foot, broken, and grieved very much. And We stood sorrowful for a long time. On that account, sorrow and trepidation overtook us. We at once sent person(s) and got down workmen, carpenters and numerous labourers and pulled down the large edifices and began to remove the foundation, with great labour, difficulty and inconvenience. Behold! (We) began with indescribable zeal to concert beforehand the necessary measures to have all the work done anew. On this account, we request of you that: You should never cease to pray to God on Our behalf to enable Our weakness to finish this great work during Our own life-time and that it may be accomplished by us. And as for the rest, be it as it may please God. Therefore, it is found necessary to go to the place called Constantinople to obtain letters, commands and insignias from the

Authority of Constantine, with respect to matters which are necessary and are required by the customs and usages; to build a residence there; and to appoint an agent for Us at the place called *Esthana* for (certain) affairs and matters that may arise at times, and to come off with success. We should pray unto, and entreat, our Lord that His holy name may be glorified in us, that knowledge which is bright may grow in us, and to renovate in us everything according as it may please Him. Further, O dear Sons! We pray and beg of the true love of all of you conjointly that: The old ways, such as envy, falsehood, deceit, quarrels, disputes, boasting, pride, and conceit the mother of all evils, and carelessness &c. should be removed from you, from the whole Church and from the people. We and you alike should cast off from us the old son of man and wear love, peace and order, the new one, and reciprocally confess, and work reciprocally. We give you a new command that, just in the same way as We have loved you, you should love one another. Furthermore, even as the Lord hath said, "He who obeyeth My orders loveth Me," so should we love one another. For it was love that brought down the Son of God for our redemption. He remained in the Virgin's womb and grew up as a man (through love.) (He) lived on earth with sinners for 30 years, enduring their association in all matters except sin, through love. O dear people! Who would not have wondered and been surprised to see face to face with the sons of man, God from whom the Seraphs will in future avert their faces, and the residence of whose eternity (nobody) finds it possible to enter? He being the master of creation, the dispenser of holiness to the holy, the perfecter of all imperfections and the purifier of the impure, who would not be humbled and made to love his neighbour, to see Him bending His head before His servant John at Jordan river and receiving baptism? O our dear people! It is a great wonder and a miracle such as transcends the power of description. To our heard-heartedness and pride, (alas!) (what a surprise it would have been) to see our Lord God washing with towel [in hand] the feet of the twelve disciples, and firstly of Judas, the youngest and last of them. Though He knew that he would after some time deliver Him into the hands of His executioners on the Cross, Our Lord harboured no ill-feeling against him. Nor was He reluctant to (manifest love) towards him. For, He showed that for our sake, that others may learn from Him, and that we may honor Him on account of the humility (displayed) towards Judas, the murderer. And in the same manner should we love alike our brethren, our neighbours, our enemies and our opponents. As our Lord did, for our redemption, bear all this up to His death on the Cross, even so should we pray for those who rob us and those who injure us. Therefore O brethren! We should fear and tremble, from the great love and humility of this blissful Lord. We should be ashamed on account of these miserable (?) and unnatural sufferings which He endured for our redemption. (Thereby), He cleared for us the way of life and gave us the *Nalvarom* (gift) of the Holy Ghost that (we) may know the (way) of giving ourselves life and of giving life. Whenever we commit sins, we should confess them to one another among ourselves. O our Misery! By how much are we indebted to love the good and kind Lord! Alas! Misery to us if we do not love one another. For He loved us. And we have known that He did even deliver Himself up to be killed, for our sake. But if we do not repent, He likewise turns round and hates us. (Therefore) we should make good return for His love. As we have daily heard from His life-giving, sacred mouth, we should forgive our brethren all faults from our hearts. If not, (the anger of God [is] the reward). Behold! We have had it already impressed upon us by Mar Jacob Malpan, that all disciples who have not in them the love of the Son of God are like unto Judas who betrayed his Master, and so forth. Furthermore: The mouth that is filled with despise and scorn towards one's neighbour makes the mouth that gave breath to Adam drink ചൊക്കാ (vinegar?), &c. Therefore O Our dear sons! We pray unto Him in Our prayers, on your behalf, that God may sow in your hearts

His grace and love and to give you good will to do good unto your near and distant brethren. May He bless you, your houses and your children. May He direct you in the way of His holy commands and enable you to walk in the by-paths of His unswerving laws and grant unto you grace and prtoection before His terrible throne. May (He) guard and shade you from all the punishments of wrath and redeem us from all troubles and sorrows of the soul and the body. May (He) save you from all the traps and nets of *Akulkursa*, the deceiver. May His true promises which are not false be fulfilled for you. May all the days of your lives be caused to be passed in good paths (lit: procedure) and may He multiply for you His order and the peace *proceeding from Him* (lit: which is His duty). May your churches and *Dayaras* be brought to good order and may all felicities, blessings and celestial gifts be showered upon you. May your souls and the souls of your dead be given salvation. May you and they and all departed belivers be made to hear the voice which gives joy and which proclaims to the sons of the right side, "O ye blessed of the Heavenly Father! enter ye and earn the Kingdom of heaven prepared for ye even before the world began to exist". And that by the prayers of Her who brought forth God and who is the life of the world and by the prayers of all Saintly men and women and of all who for ever carry out (lit: do) the will of God. Amen. For the souls of your dead, (repeat), "Our father which art in Heaven; &c."

Written on the 22nd Mithunom 1872—A.D.

Konat Matthai, Deacon. Translator. (Signature.)

Compared.—Geverghese Kathanar of Pattasseri. (Signature.)

No. 229.

EXTRACTS FROM EXHIBIT WW.

[Exhibit WW is a Malayalam book containing the Syrian History as written by (1) Mr. Ittoop, (2) Rev. Mr. Eapen, (3) Rev. Mr. Kurien.]

EXTRACTS FOR APPELLANT.

WW_1

[*Last para in Page* 77.]

The Anglicans being convinced that the Syrians of Malayalam are ancient Christians, that they are people who maintain the holy faith without any deviations (lit: stains) and that, though the Portuguese, on the principle, 'might is right' deceived the Syrians in several ways and introduced certain foolish observances extant among them, and which, through ignorance the Syrians accepted, the Syrians are people, who have guarded the true faith without swerving from it, they sent down Missionaries to help them. And several acquired the treasure of knowledge from them.

[*From the words* "ഭിഷഗാകാല" *in para* 1, *page* 79 *to the words* "കപടക്കുകയംചെയ്തു" *in line* 13, *page* 80.]

In 51–52 A.D., Holy Mar Thomas arrived in *Myalankarai* in the *Cherakonemalai* land in Malayalam. At that time, the power of the king was at the lowest ebb, in Keralom. For, even the 32 *Gramoms* (villages) that then existed in Keralom were being governed by the respective *Gramakkar* (Members of the Gramoms.)

Of the several *Gramakkar* who acknowledged and believed in Messiah and got baptised on Apostle Mar Thoma's announcing Jesus Messiah, the Saviour,

here, a priest was ordained from each of the two families called *Sankarapuri* and *Pakalomattom*. He travelled through such places as Palur, Kottakkayal, Gokkamangalom, Niranom, Chayal, Kurakkeni and Kollam (Quilon) in *Myalankarai* and preached about Messiah and converted several people and built churches in the afore-said seven places in the name of the Infinite. It was not in the aforesaid places alone that the Apostle preached. According to the Puranas (tradition) he preached the way to salvation in other places also, in Malayalam. On his way back to *Pandy*, after tending his flock in Malankarai for above 30 years approximately and establishing the true church amidst them, a lance (*Soolam*) hurled by an *Embran* struck him fatally. He died of this at Little Mount in Mylapore, about 90 A. D. and was buried there.

[*Para* 2, *page* 87.]

In 200 A. D., when Demetrius was the Bishop of Alexandria, some Christians of India wrote to him requesting him to send a teacher to instruct them in the doctrines relating to the belief in Christ. This was in 200 A. D.

[*From the beginning of para* 2, *page* 95, *to the words* "വരിച്ചിരിക്കുവാനും" *in line* 11 *para* 3.] (This is included in the next Extract).

[*From the beginning of para* 1, *page* 95 *to the words* "സത്യവിശ്വാസത്തിൽ സ്ഥിരപ്പെടുത്തി" *in line* 8, *page* 98.]

Beyond that it is only found that in these days there was great trade between Alexandria and Malayalam and that ecclesiastical leaders from Persia, Alexandria and other places came and preached in Malaylam, no accurate information can be had, of a long time.

But in 825 A. D.,—1 M. E.—two Episcopas called Mar Sabor and Mar Abrotha were sent from Babylon by command of the Nestorean Patriarch. They landed at Quilon in a ship which belonged to a merchant called Xavaries. The Arch-deacon and people of that time, coming to know of this, at once went over to Quilon and gave a grand reception to the Episcopas. (They) obtained interviews with the ruling sovereigns and secured their favour, and travelled over several places, built churches as were found necessary, with consent, and thus worked the development of the church. It was subsequent to the coming of these Episcopas that the Nestorean creed came slightly to be intermingled with that of Malayalam. And the ruling Sovereigns being pleased with their conduct and respectability and their behaviour became more kindly disposed towards them, allowed those who were willing, to be converted, and recognized the privileges conferred previously in the time of Thoma of Canae. And even people of higher castes began to call the Syrians by the designation of *Mappillai*, meaning 'Great Pillai,' as a mark of respect. But since, as days passed, the Mahomedans also began to use this designation, the name '*Nasrani Mappillai*' came to be used for the purpose of differentiation.

Since, until the expiry of the days of the two Episcopas called Mar Sabor and Mar Abrotha, the religious affairs of the Syrians used to be conducted properly, with knowledge and purity of heart, admitting those who believed in the religion and putting out those who followed heathen practices and such as took part in necromancy, the Syrians used to be highly respected by people of other religions. After the time of the aforesaid ecclesiatical Heads, the Archdeacons themselves used to promote the development of the Church during their respective periods. On account of the religious learning derived from the ecclesiatical Heads who used to come frequently from foreign parts, and so forth, the people came to be acknowledged by the kings and feudatories as trustworthy persons conducting themselves as respectable inhabitants and thus secured their special favour. And further, sanction was obtained from the Royal Authority to have all affairs managed under the direction of a prominent member of theircommunity.

But the chief place of residence and the capital of the Syrians (was) *Mahodevarpatnom*—Kodungallur. That seaport became important in those times. All trading vessels used to harbour there. And Nestorean Christian merchants from Persia and other places used to come and reside there and traffic largely in pepper and other articles. Therefore, people became rich and respected. Nor were the Syrians deficient in the art of arms. Young people between 8 and 25 were scarce among Syrians, who were not learned in the art of arms. And therefore, the kings and feudatory chiefs being pleased, some Syrians were employed to escort with arms the kings in their processions and the chieftains in their movements. And the principal members of the Syrian community used also to have seat in the presence of the kings.

When their power thus increased, they became objects of envy to the ruling authority, and the oppression becoming unbearable, they gave up seeking royal favour and, meeting in a body, resolved to elect one as their king. Of the families that joined before from among the 32 *Gramoms*, the *Villiarvattom* family was given the designation of *Swaroopom* and a member thereof was made king of the Syrians of Apostle Mar Thomas. *Udyamperur* was made the capital, and there he resided. And the Syrians for a long time, without obeying any Royal Authority, remained subject to the orders of the aforesaid *Swaroopom*. The last of the persons who so ruled dying without issue, they were again subjected to the authority of native kings; and consequently, they had again to obey Royal Authority. Subsequently, Yohannan Metropolitan came from foreign parts in 988 A. D.—163 M. E.; Mar Thoma Metran in 1056—231 M. E.; Mar Jacob Metran in 1222—299 M. E.; Mar Joseph Metran in 1231—396 M. E.; and subsequently Mar David Metran in 1285—460 M. E.; Mar *Yavalah* Metran in 1407—582: thus Episcopas came down to Malayalam frequently from foreign parts,—from under the Antiochian Supremacy or from Babylon under orders of the Nestorean Patriarch, till the arrival of the Portuguese in 1500, and confirmed the Syrian Christians in the true faith.

[*From the beginning of para* 1, *page* 99 *to the words* "അപ്പോൾ" *in line* 7.]

In 1498, Vasco d'Gama, a captain, left Portugal for trade and reached Malayalam. And on his return after seeing the countries, Admiral Cabral with ten or twelve ships under him, with a proportionate number of men, were sent by the King of Portugal to conquer the countries seen by him (d'Gama).

[*From the begining of para* 2 *page* 102, *to the end of the same para in page* 103.]

But beliving that the Syrians too would gradually join the Portuguese faith, no authority was exercised over, nor any persecution commenced against, the Syrians in Malayalam. While, therefore, the Syrian customs were being observed in full force, a Nestorean Episcopa named Abraham arrived at Cochin in 1547. Numerous books brought by him became serviceable to the Syrians. As difference was found between that Episcopa's faith and that of the Syrians, much dispute ensued. As there was no Episcopa for the Syrians at that time, Archdeacon Geverghese, the Superior in Malankarai resolved to receive ecclesiastical Order alone from him and received in full all dignities from him on the 24th Kumbhom of the said year and agreed to work on terms of union if the Faith of the Syrians would be no way violated. The Portuguese in the fort coming to know this fact and having in view the conversion of the Syrians to their Creed, they thought their object would be frustrated if that Metran was allowed to establish himself here and, winning over the Cochin Rajah, got down Abraham Episcopa and frightening him with threats and persuasions finally imprisoned him and thus subjected him to sufferings; and, on this, he agreed to join the Romish Church. Thereon, the Portuguese sent him by ship to Rome, but a storm drove the ship to Mozambique. From there,

Mar Abraham effected his escape and went to Babylon. And again, he was sent to Malayalam by command of the Patriarch of that place. But knowing what the strength of the Portuguese in Malayalam was, he went over to Rome and with the sanction of the Pope returned to Malankarai. Though he did nothing here in accordance with the Romish practice, the Syrians did not acknowledge him thinking that he had acknowledged the supremacy of Rome. They conducted themselves in obedience to the Archdeacon and in conformity with precedents. Thereon, Episcopa Abraham wrote to Babylon to send a Metran to Malayalam to assist him.

[*From the beginning of para* 1, *page* 105, *to the end of the words*, "നിശ്ചയമായിട്ടാണ്ടി" *in line* 10 *of the same para.*]

After this, (they) began to vex the Syrians in divers ways. Printing was begun in the Cochin Fort in 1577. They printed in Tamil and Malayalam, books on such Romish topics as 'Catholic Faith,' 'Christian allegiance' &c. and publishing same by distributing it as far as possible among the people began to allay the hatred of the Syrians. On seeing all this, the Syrians understood them to be humbugs and the Arch-deacon and people insisted that no Portuguese priest should thereafter be even allowed to enter Syrian Churches.

[*From the beginning of para* 1, *page* 108 *to the end of the words* "ചട്ടകളഞ്ഞു" *in line* 7 *of the same para.*]

Not allowing the Arch-deacon and others to say anything, and thinking that if all ancient religious traditions and books treating thereof, so far as existing among the Syrians, be destroyed, they would have no more occasion to boast, (they) destroyed all Syrian books so far as they could then get, alleging that they contained heretical doctrines.

[*Paras* 1 *and* 2 *in page* 109.]

While thus crushed and frightened by oppression, it was also thought that if the Arch-deacon was won over, the people would of themselves join (them), and, accordingly, an agreement was executed promising to pay him (the Arch-deacon) annually *so many Rayals* (?); and great pressure also was used. Finding that there was no escape, nor any person to help, the Arch-deacon and his flock had, against their conviction, to accept the Romish doctrines on account of pressure. In these days, the head quarters of the prelates of the Syrians of Malankarai was Ankamali Church.

Meanwhile, this Arch-deacon Geverghese died on the 25th Karkadagom 1604—770 M.E., at Ankamalikarai and was interred in the Cheriapalli. On his demise, his Anandraven, Arch-deacon Thoma was in management of the affairs of the Church.

[*Para* 1, *page* 111.]

Considering the fact that it is expressly mentioned in the very articles of this Synod that when this form of confession was read out, some of the Syrians simply expressed assent with a 'hum!,' others said something else and others that they would acknowledge only Metrans sent by the Patriarch of Antioch at Bagdad (?) and that Metrans so sent should act according to the laws of Bagdad (?), it is clear that the Syrians were forcibly converted. Further, as all the doctrines laid down at this Synod were recorded, a perusal of the whole of the articles of this Synod will enable one to understand that, up to that time, the belief and practice of the Syrians were spotless and what all erroneous principles of the Romish Creed were introduced among the Syrians subsequent to this Synod.

[*The whole of page* 112.]

Before this Synod, the chief religious rites among the Syrians were four; viz.; Baptism, Communication after Confession, Ordination and Marriage. At this

Synod, Confirmation, Extreme Unction and Mass: these three were added, making the number seven. And it was enforced that Confession, thereafter, should be by kneeling before the priest and acknowledging sins committed.

The prayer of the Syrians was, "Hail Mary, full of Grace: Our Lord is with Thee: Blessed art Thou amongst women and blessed is the fruit of Thy womb Jesus Messiah Our Lord:" But at this Synod, the following was added and made extant:—"Holy Mary, Mother of the Lord: Pray to the Lord for us sinners ever and at the hour our death. Amen."

The adoration of the Cross was extant among the Syrians from ancient days. But while worshipping of the Cross and images, in the church and at home, was altogether unknown among them, this Synod laid down that the images of the Cross, the Lord, the Saints and Virgin Mary should be worshipped, placing them at the altar and at home. While it was not customary among the Syrians to pray for the dead and to have Mass said for the benefit of the dead, this Synod laid down that there is a purgatory for the remission of the sins of the dead, and that the souls in distress there will obtain solace by such good acts as Mass and prayers said by the living, on their behalf.

It was customary before for priests to marry. But it was laid down at this Synod that, thenceforth, priests shall not marry and that such as have married shall separate themselves from their wives. Therefore, for some time thereafter, priests refrained from marrying, though those that had married were not willing to be separated from their wives.

[*Para* 1 *page* 113.]

The Syrians had not even the idea that if the living should pray to the Saints, they would mediate for the living and the dead. Heresies of this kind not extant among the Syrians were, by the Ordinances of this Synod, introduced among them. Still, the practices extant among the Syrians also on account of their association with heathens, and ignorance, such as getting horoscopes cast, believing in fate like the heathens, observing *Pulakuli*, പുലികുടുക്ക,(?) getting charms engrossed on cadjan by *Kanians*, (Astrolger-class of people), dipping of hand in boiling ghee as a test of truth and boring the ears and wearing ear-ornaments, were not left uncensured by Alexius Metran at that Synod.

[*From the beginning of para* 1 *page* 119 *to the end of the words* "രണ്ടുകയായി" *in line* 4 *para* 2.]

After the supreme rule of the Portuguese for a period of about 165 years, between 1500 and 1665 A. D., having won over to their side the native kings and chiefs, all of them that were in Cochin and Cranganore were without any exception banished. And some native priests who were here and there were allowed to remain, extracting from them a promise that they would not in future ally themselves with Portuguese Metrans.

After this, from the time of the advent of the Dutch Company, the primeval Syrians enjoyed freedom and ease, by the grace of God. But there came to be a division into *Puthencoor* (new people) and *Palayacoor* (old people) among people of the same religion.

[*From the beginning of para* 2, *page* 121, *to the end of the words* "പുതിയിടങ്ങടത്തി" *in line* 4 *para* 1 *page* 122.]

While these two were conjointly ruling with peace and protection (to the people), the Anandraven of Mar Thoma Metran was consecrated with the name and title of Mar Thoma II. The Senior Mar Thoma Metran died on the 12th Medom 845 M. E. and was interred in the Cheriapalli at Ankamalikarai.

Subsequent to this, Andrews Patriarch came from foreign parts in 1678—853 M. E. and died and was buried in the Kalladay Church on the 19th Kumbhom 867.

He was a devotee of wine and was not on agreeable terms with the Mar Thoma Metran of Malayalam. He died having lost his footing while bathing in the Kalladay river.

Mar Thoma II had no opportunity to consecrate a successor, having been killed suddenly by a thunderstroke on the 3rd Madom 861. He was buried in the Niranom church.

[*From the beginning of para* 2 *page* 125 *to the end of the words* "വത്തമാനംകെട്ട" *in line* 22.]

But, none of the persons of the Powlomattom family hitherto elevated to the dignities of Metran and Archdeacon, appears—(it is probable that this was due to the general ignorance of the age;)—to have been noted for learning or knowledge. For, this is instanced by the fact that though, from the positions they attained, after the Synod of Udayamperur convened by Alexius Menezes, they ordained people and did other acts as emergencies required, they never set their hearts to remove the evils generated by the about 55 years of inevitable observance of the Portuguese customs. For when Mar Thoma V and some Malpans and leading persons consulted about such endeavours of Mar Ivanius, they resolved that, since it was the practice for prelates who had up to that come from foreign parts to be subject to the Metran and Archdeacon of Malayalam, and since Mar Ivanius removes images from the churches and breaks them and does other deeds, a proper prelate should be got down. At this time, they heard the news of the merchant Antonius Deacon's having arrived at Cochin again.

[*From the beginning of para* 2 *page* 145 *to the beginning of para* 1 *page* 153 *(except the foot-note).*]

Subsequently, when His Highness Bala Rama Varma Kulasekhara Perumaul Rajah of Travancore visited Chengannur, Mar Dionysius Metropolitan and the Pallikkar went and submitted to His Highness that it was a grievance to have to give up the Syrian customs which had been in vogue from the times of their ancestors and to have to join the Portuguese who were heretics, showing His Highness the Staticon and other letters which His Holiness the Patriarch Bava had sent to Mar Dionysius from Bagdad (?), and representing all particulars of the past; and His Highness commanded that since he was convinced that the Syrians were ancient inhabitants of his, and honest people, and were recognized as such by his predecessors and, accordingly, given honours and privileges by them, and who were honourably enjoying same, all Puthencoor Syrians should recognize their religious Head and conduct themselves in conformity with the practices enjoined by their religion, and also that all assistance should be rendered towards that. Consequently, no oppression of the Palayacoor people visited them thereafter.

The Romo-Syrians, called Palayacoor people, obeyed no other Governor but the Metran of Verapolay, after the time of the *Parammakkel* ? Governor.

But in 1806–7—982 M.E., while Mar Dionysius Metropolitan, the Head of the 77½ churches of Malankarai and his successor-elect, Mar Thoma Episcopa were governing the people, the Reverend Dr. Buchanan visited Malayalam. For, it had become known among the English that the Syrians, notwithstanding that they were persecuted by the Portuguese, had in their (love) of Christ, endured those sufferings with fortitude and adhered to the true faith. For 200 years after Alexius d'Menezis convened the Synod at Udyamperur and attempted to convert the Syrians also to the Romish faith in 1599, the English heard nothing about their condition. It was therefore suspected if at all the Syrians existed in Malayalam and was believed that if they existed, they would possess evidences relating to the true Christian Religion. It was in these circumstances that the Rev. Dr. Buchanan was deputed to make his researches relating to the true religion. He visited

several countries and arrived in Travancore in Thulam 1806, and, with the Maha Rajah's permission, visited the Syrian churches at Chengannur, Ranni, Kantanad, Udyamperur, Paravur, Ankamali &c. In doing this, he had occasion to meet some of the principal ecclesiastics and obtain from them information regarding the Syrians, and, specially, to see Mar Dionysius Metropolitan the Great at Kantanad; and, as he (Rev. Dr. Buchanan) knew Syriac too, to converse with him; which led to their being pleased with each other and becoming friends and to consulting on certain beneficial matters.

When Dr Buchanan reached Chengannur, as the Syrians had only heard of the English people, the Pallikkar suspecting them to be people subject to Rome aud recalling to memory the old terror, at first felt reluctant to welcome him. But after a conversation regarding the Bible and the articles of faith, the right hand of friendship was readily extended, and he was duly honored. As, from the conversation which he had with Iscariot Kathanar of Chenganuur and others, Dr Buchanan learned that the Syrians, having been, within the 200 years previous, subject to the yoke of the Romish authority and to their oppression, had courted the favour of the Sovereign Authority; that therefore, they suffer, as if under the bondage of slavery; that their former glory was fading and that religious feelings were becoming demoralized among them because of the scarcity of Manuscript Bibles and the difficulty of preparing and distributing such, he showed them a Syriac Bible which he had with him. The Kathanars, as they had not seen printed books, opened the book here and there and read, and were surprised and delighted. The gentleman then promised to get down some printed books from Europe and give them, and they praised him as they would have if they got gold. He consoled them saying that if the Bible was got translated by Kathanars versed in Malayalam, so as could be understood by the people, it could be printed and the necessary number of copies given to the churches at a low price, and that, as the laws and policy of the English company were in conformity with the Bible, he would render the Syrians all possible help and liberate them. Leaving that place, he visited some other churches and, arriving at Kantanad, saw Mar Dionysius Metropolitan. There, they consulted about the printing of the Bible, and he (Dr. Buchanan) was pleased on hearing that the translation was being speedily pushed on. When the Malpans were first consulted as to the advisability of forming an alliance between the Syrian and English Churches against the Romish people, it was not altogether unopposed. The Malpans urged that the union might be difficult as the Syrians very much suspected the (purity of the) ecclesiastical Orders existing among the Englishmen; and it was thought that though the English were a great people and celebrated as warriors, their Faith and Church were not of ancient date; that 'their Orders were derived from our Old enemies, the Roman Catholics;' that the Syrian Church had been existing from the earliest times, without any stain and with priest-hood derived from the Apostles during their own times, and which has descended unbroken up to that time, and that no other Church had similar distinction. To this, the gentleman replied that the Ordination of the Roman Catholics also was derived from the Apostles and that even though, 'you say that there is difference in faith' there cannot be any difference in the Inposition of hands, for, the fact that a great priest of the Israelites was wicked could not make all his successors out-casts. On hearing this reply, the Metropolitan desired to know what benefits would arise from an alliance with the English, and the gentleman said that Missionaries would be sent to preach on religious subjects in the Syrian Churches, that they would be saved from the oppression of the Roman Catholics, that it will tend to advance the knowledge of the true faith among them and that, as even the few English Missionaries that existed did not know the native language, those who receive Orders from the Syrian Metran will be required to preach in English churches also, in the vernacular language. On this, the Metropolitan thought that a union was profitable, but he said that any alteration of the

Pallikramoms would not be right. To this, the gentleman replied that no such degradation was intented but only the rendering of every possible support to the Syrian Church, and assured that it would in future become an agent of beneficial influence in Malayalam. He pointed out that there were certain differences of observance and erroneous practices extant among the Syrians and asked what would be done as regards them, as they were not conformable to the English Church. The Metropolitan answered that those which have come in unnecessarily during the coercive regime of the Portuguese could be easily removed. On this, since, as regards the alliance, it was said that the sanction of the English Church had not been obtained and that, if the Metropolitan agreed, communication could be sent and sanction obtained, and, depending on this, it was thought that the alliance would contribute to the increased propagation of the religion aud to future prosperity, Mar Dionysius executed a Padyola agreeing to the union without modifying largely the Syrian tenets, and signed and sealed it and delivered it to Reverend Dr. Buchanan. Afterwards, the gentleman visited the Paravur, Ankamali and other churches, and a very old Syriac Bible comprising the Old and New Testaments, which was in the Ankamali church was given him after obtaining the Metropolitan's permission. It was presented to Her Majesty's Library in England, and is still carefully preserved there. Subsequently, when Dr Buchanan, in company with Colonel Macaulay, the first British Resident in Travancore and Cochin, again saw the Metropolitan at Kantanad, he expressed himself pleased at the diligence with which the Bible was being translated into Malayalam, and took leave.

After the departure of Dr. Buchanan, the Metropolitan did not relax his efforts to have the translation of the Bible finished. For, when, on his way to Europe, he came to Travancore the next year, the translation of the Bible was given him, and that was printed at Bombay and sent to the Syrian churches; and, moreover, he recommended to his superiors in England that the ancient Manuscript containing the Old and New Testaments which he got from the Ankamali church should be printed in Syriac and given to the Syrians gratis. He so recomended on good grounds. These were:—(1) The obligation due to their having preserved the book entire even from the ravages of the Portuguese and given it to him; (2) that, of the languages of the earth, it was in Syriac that the Lord spoke; (3) the reverence due to this ancient Church which has guarded the language in which He spoke, and His teachings, (4) to contribute to the permanency of the true faith in this Church in the future also, (5) for the clear understanding of the Syriac language and its inflections, in the East and (6) for the diffusion of the Syriac language among Englishmen also. On these grounds, he kindly recommended that the book should be printed and given gratis, that these ancient Christians should be patronised and that Missionaries should be sent. And for the books which were accordingly printed and sent gratis from England to the Syrians through Colonel Munro, their gratitude will be lasting.

While Mar Dionysius Metropolitan and his *Anandraven* (successor-elect), Mar Thoma Episcopa were jointly managing the affairs of the church, Dioscorus Bava came from foreign parts in 1807—982 M. E. He visited some churches and took money therefrom without sanction, and on this and other grounds, disputes arose with the Metropolitan, which were brought to the notice of the Sirkar. And under orders of Valu Thumbi Dalawah, he was deported. Colonel Macaulay had sent an order on the 3rd Madom 983 to Colonel—(?) of the Quilon Subsidiary Force to search for, arrest and confine him. Consequently, he was arrested at Niranom and taken to Alleppey, from where, after a short confinement, he was deported.

The Metropolitan, Mar Dionysius the Great died at Niranom, on the 25th Meenom 983 M. E., on Friday the 40th day in Lent, and was buried in the Puthenkavu church. Having laid the foundation of the Puthenkavu church on the 17th Vrischigom 969 and mostly on his own expense got the work completed, removing

the opposition of the heathens, he had desired that he should be buried there; and it was in accordance with this direction that he was buried there.

[*The 1st and 2nd paras in page* 154.]

When this Kurilos II became weak, he got down Cheeren Kathanar of Kunnankulangarai and Kidangen Kathanar, to nominate his successor; and nominating Cheeren Kathanar as Metran with the titular designationof Philixinos IV, he died in 1807. This Philixinos, according to his previous promise, consecrated Kidangen Geverghese Kathanar as Metran and died in 1811. On questions arising with regard to this consecration, it was confirmed only after the Resident, the Dewan and Kathanars met at Balghatty and discussed the subject. In 992, this Kidangen Metropolitan sent Pulikote Ittoop Ramban of Chattukulangarai consecrated as Metropolitan of Malankarai, with the designation of Dionysius.

But Mar Thoma Episcopa, the successor of Mar Dionysius the Great, Metropolitan of the Edavagay of Malankarai did not long survive his predecessor. For he fell ill in Mithunom 1809–984 M. E.; and having on the 20th of that month got down Thoma, a priest who was a relative of his, and consecrated him as Episcopa, died at Kantanad on the 22nd and was buried in the Kolancheri church. Hitherto, no disputes nor schism had arisen on account of the Metrans of the Powlomattom family having consecrated Metrans. But, though the aforesaid priest Thoma was a relative by the female side, since it was declared that he received consecration as Episcopa by taking and placing on his head the hand of the unconscious Metran who was on the point of death, and as, therefore, the recognition of the people could not be secured, numerous disputes and suits ensued therefrom.

[*Para* 2, *page* 159.]

Before this quarrel became ripe, Col: Macaulay, as he had previously promised the Metropolitan, delivered the deed relating to the 3,000 Star-pagodas invested in the Madras Government at an interest of 8 per cent per annum in the name of the Metropolian who is the ecclesiastical head, and in behalf of the Syrians, and sent an order to the Metropolitan to give receipt and draw the interest every year from 1809—985 M. E- from the Resident's treasury in Travancore.

[*From the beginning of the last para in page* 167 *to the end of the same para.*]

Purport of the petition presented to the *Sahib Avergal* (Resident) at the instance of the Rambans.

When Mar Thoma Bishop, the successor of Bishop Mar Dionysius became dangerously ill, some of those who were with him consulted about getting down Thommen Kathanar of Kadamattom and consecrating him. When the Bishop, in his sick-bed heard this, he got angry and said that that person was not fit to be chosen for that dignity. Consequently, they gave up the idea for the time, and when, four or five days subsequently, the Metran became unconscious, the disease having grown more serious, Chakkarayakath Ittoop Kathanar and others secretly got down the aforesaid Thommen Kathanar and said, "We want an ecclesiastical head hereafter; complications would arise if this person is not at once designated Mar Thoma." Some persons in that company agreed to this. When Konat Malpan and others saw preparations being made for this, they said that this should never be done. While they were engaged in thus opining, by the intrigue of the recalcitrants, people came in and with sorrow and flurry cried, "Aiyo! The Bishop is on the point of death. Come all." Hearing this cry, all left the room and went to the vestry. There, Ittoop Kathanar and others had dressed Thommen Kathanar in the robes of the Metran: the ring that was on the Metran's finger was taken off and put on his finger and the Holy Office was conferred on him: (some) cried in the interval, "Let him come to consecrate Sythe" (or—"Wait yet for the consecration of Sythe"): he was made to kneel by the side of the Metran's bed

and Chakkarayakath Ittoop Kathanar took the Bishop's hand and placed it on his head: and some gave the mitre and staff and crosier and repeated something, and called him by the titular name of 'Mar Thoma Episcopa': and kissing the left and not the right hand, he rose from his kneeling posture. When some of the persons assembled asked Philipose Ramban and others why all this was being done, the answer was given that things were being done wantonly without caring for his voice and that of others.

[*From the beginning of the last para in page* 169 *to the end of the words* "ചിങ്ങം ൯൮൫" *in para* 1, *page* 171.]

Copy of the Petition presented to the *Sahib Avergal* (Resident) by the Pallikkar on the Metran's side.

Petition written and presented by the Syrian Pallikkar before Munro *Sahib Avergal*.

From the time that Apostle Mar Thoma came to Malayalam and preached the Gospel in the year 52 of Our Lord, up to the present day, members of the Powlomattom family were governing us as our Ecclesiastical Head. In Mithunom 924 M.E., when Mar Thoma Metran fell ill, his father's younger brother's son, Thomman Kathanar was given the title of Mar Thoma Metran by the Pallikkar, Philipose Ramban, Konat Malpan and others, having got the rites required to be performed by the sick Metran duly done. This matter was reported to Macaulay *Sahib* also. The sick person died on Tuesday; and since there was no space in the Kantanad Church as two Metrans had already been buried there, his remains were conveyed to the Kolancheri Church, three leagues to the east, and interred there. All the properties of the Metran were then secured and locked up in the room of the Kantanad Church, taking only such as might be urgently required. After the burial, it was resolved that, on the 40th day, the ceremony should be celebrated at the Kantanad Church, inviting all the Pallikkar. *Sadhanom* was accordingly sent to all Pallikkar. And, in obedience thereto, all gathered and the ceremony was conducted. And, thereafter, on the 1st Chingom 985, a Padyola was executed as to the future conduct of affairs and, in accordance with past usage, the Metran was invested with the ring. After this, the gathering broke up. Subsequently, as it was requested that Vadakken Joseph Kathanar should be made Ramban, he was given the Office; and he began to manage affairs in conjunction with the Metran. While thus, as Joseph Ramban began to spend the income of the Arthat Church according to his pleasure and without submitting any accounts to the Metran, he sent a *Sadhanom* to the effect that Rambans had no authority to govern churches or to spend church funds. On account of the ill-feeling created by this, the Ramban won over to his side the Pallikkar of Kantanad, Karingasra & Mulanthuruthu &c. and resolved to prevent the continuance of the dignity of Metran in the same family. The representations he has made are due only to personal pique. And even though your gracious self has sent orders to be reconciled and work unanimously, he is bent on not coming to terms. When, under command, all Pallikkar met at Puthiyavu Church, Ittoop Ramban and four or fi[illegible]aymen required that the Metran should issue a *Sadhanom* conferring on the sons of brothers the right of inheritance where a deceased has left only daughters; and as the Metran did not accede to this, they also have turned against (the Metran.) The Metran did not issue the *Sadhanom* because the right to succeed to property, in accordance with the authority of books and popular usage, rests with the daughter, in the absence of male issue. But, since the matter which the Ramban has taken on hand has not been brought to a close though it is now 5 or 8 months, it causes much inconvenience. The attempt to annihilate the title of the Metran and to cause confusion and quarrels, because the Ramban's desire and the persistence of the laity are not given way to by the Metran, is very injurious to the people. Therefore, pray that

Your Excellency may be pleased to enquire into this matter and give a decision conformably to truth and past usage.

What was addressed *by* (to) Joseph Ramban and Philipose Ramban *to* (by) the *Sahib Avergal* (Resident.)

Received your letter of the 24th Karkadagom. As what is said therein and what Mar Thoma Metran and the Pallikkar have written do not correspond, copy of same is herewith forwarded. It should be perused and the cause of the difference intimated to Us. It is not proper on the part of either party to be thus on terms of discord and enmity. Considering the facts that the title of Mar Thoma has descended in hereditary succession (or—existed from ancient times) in this country and that all speak well of them even now, it is necessary that you should be reconciled to each other and, without any ill-feeling, be on terms of friendship. And you should accordingly be reconciled to each other and conduct yourselves conformably to the usage of the Church.

To this effect: 6th Chingom 987.

[*From the beginning of para* 1 *page* 187 *to the end of the words* "പരിഷ്ക്കാരങ്ങൾ" *in the last part of para* 2, *page* 188.]

As the Resident understood well the inconveniences and difficulties the Syrians encountered because a school-house was not built and education begun, and also the nature of the disputes in connection with the Metran, he charged Ittoop Ramban with the duty of having a school-house built for the common use of the Syrians, and taking the receipt of the Pallikkar of Kantanad, Mulanthuruthu, Nadamel, Karingsra and Chattukulangarai and of Pala Kochitten Itti Matthu Tharaken for 960 Star-pagodas equal to Rs. 3,360, being the interest for the four years 1809 to 1813, gave the amount of Rupees 3,360 to Ittoop Ramban; and giving also an order addressed to the Tahsildar to give a site of 6 *Dennoos* of land for the school-house, at any place the Ramban may fix, in Cottayom, Ittoop Ramban and the Pallikkar of his party were sent in the early part of Magarom 989. After this, the Metran got an order to go to Quilon; on doing which, he was given some copies of the Malayalam Bible which Colonel Macaulay got printed before, and sent; but the Resident said nothing about the dispute, nor was there any enquiry about it subsequently.

The Ramban in obedience to the Resident's order to build a school-house went to Cottayom, got a site registered, and residing there, collected the required timber and stone. And on the 3rd Kumbhom 1813—989 M. E., by his endeavours and the assistance of the Resident, the foundation-stone of the Seminary at Cottayom was laid and the work begun. Though the partisans of Ittoop Ramban desired that the Seminary should be built at some place near Kantanad, the Ramban, agreeably to the Resident's wish, resolved that the site should be at Cottayom and, without seeking for any other place, wisely selected a spot surrounded on three sides by river and which lay waste at that time.

With the assistance received from the Sirkar through the influence of the Resident, and by the exertions of the Ramban, the Seminary, in a quadrangular block, of single story in the southern and northern sides and double story on the eastern and western, and suited to accomodate one Metran and four Rambans, and with separate rooms for deacons, was almost completed building, on the Ramban's plan, in Meenom 990. It was then proposed to get down Philixinos Metran called Kidangen Metran from Anjoor, to lodge him in the Seminary and to have the education commenced. But since Mar Thoma Metran objected to this, Ittoop Ramban himself collected some deacons and began the education.

[*From the beginning of the last para in page* 189 *to the end of the same para in page* 190.]

During the time Ittoop Ramban was conducting education in the Seminary on a small scale, he went to Anjoor on the 9th Meenom 991 and got himself

consecrated as Metran by Philixinos Metran, at the Palanji church, and, returning to Cottayom continued to reside in the Seminary. On hearing about this, Mar Thoma Metran was very sorry, and fell ill on account of the anxiety caused thereby. He also presented petitions to the Resident representing that, when formerly Kattumangat Kathanar assumed the vestments of a Metran, his (petitioner's) predecessor represented the matter to the Travancore and the Cochin Sirkars, that, under their order, the matter was referred to the Dutch Company who, after hearing the matter, divested (the pretender) of his Episcopal office, that he (Kattumangat Kathanar) was allowed to stay with petitioner's predecessor, that he thence escaped and went to and resided in Anjoor in Calicut, that Joseph Ramban's friend Kidangen went there in 987 and got himself consecrated by him, that, on representing about this before, order was issued prohibiting his visiting these states, that, while thus, Ittoop Ramban has got himself consecrated by the said Kidangen, that it is matter of grievance that he proposes to reside in the Seminary, that this community has not had from former times any religious head except petitioner's *Karanavers* and that that practice should be enforced even now. Though no reply was received to any of these, the Resident showed much interest in other affairs relating to the Syrians. For, he issued orders to fell Teak trees for the repair of old and dilapidated churches and relieved the Christians from oppressions.

And besides, the Thiruvella Chapel having been burnt down by the *Potties* and others and the offence having been clearly proved against them, they were made to pay a fine of 60,000 *Kalliens* and the Resident kindly got that amount given to the church. One-half of this amount was devoted to the building of the Thiruvella church and the other half was credited to the Seminary.

[*From the beginning of para* 2, *page* 191 *to the end of page* 194.]

Eipu Metran resigned his office and resided at Kadamattom in the vestments of a Moopen Kathanar. After his demise at that place, no Metran has ruled hitherto from the Powlomattom family.

Details of the endowments to the common Seminary of the Jacobite Syrians in Malankarai, from the Honorable the East India Company, the Travancore Sirkar &c.

1. The endowment of 3,000 Star-pagodas made by the Madras Government, through Colonel Macaulay, for common purposes of charity of the Syrians, was given under deed got executed in the name of Mar Thoma Metran, the then Religious Head, under date the 1st Dhanu 1808 A. D.

2. On the representation of the parishioners of the Thiruvella church regarding the destruction of that church by fire set by the *Potties* &c., His Highness was pleased to present 8,000 Rs. in 1816 for the common benefit of the Syrians.

3. The Travancore Sirkar owed Matthu Tharaken Muthalali a large amount. And the Dewan and other officials met at Alleppey and examined the accounts and found that only 80,000 fanams were payable. But Matthu Tharaken's family becoming extinct, a donation of 20,000 Rupees including the aforesaid amount was obtained from the Travancore Sirkar for the Seminary, through the kindness of Colonel Munro. But this cannot be treated as a return for the amount which Matthu Tharaken, countenanced by the Sirkar, exacted from the Syrians in 1779—974. M. E. However, the event proved beneficial to the Syrians in general.

4. Besides the aforesaid donations from the Travancore Sirkar and the Jenmom grant of the Seminary Site, Her Highness made a present of a *Desom* called Kalladay for the special use of the Syrians and issued a Royal Writ to evidence grant thereof on *Anubhogam*.

5. Besides the above items, other endowments were obtained through the exertions of the English Missionaries who were then conducting the education in the Seminary. For, the amount of above 14,000 Rupees collected by Mr. Fenn, the well-known Missionary who worked hard for the well-being of the Syrians and for the advancement of education among them, from his charitable friends in England, for the purpose of printing the Bible &c for the Seminary and for the construction of a Syriac school for the instruction of Syrian boys and priests, has also been credited as Seminary fund.

The income from the above endowments and other funds enabled the bringing up of the educational work in the Seminary to a proper footing. For, while Pulikote Dionysius had gathered a few deacons and commenced education, and Kidangen V. had come from Anjoor & was superintending the business, the Resident. Col. Munro did, in accordance with the opinion expressed before by Dr Buchanan, that the educational work would be well conducted if there was the assistance and supervision of the Englishmen also, write to the Government and the Church Mission Society resolving to have it arranged accordingly. And the Society had expressed themselves pleased with the endeavours put forth by the Syrians of Malayalam for their advancement and sent English Missionaries for conducting the education in the Seminary properly. In 1816—991 M. E., Rev. Mr. Norton and Rev. Mr. Bayley, and after that, in 994 Mr Henry Baker and Mr Joseph Fenn had arrived at Cottayom; and of these, Rev. Mr. Norton went to Alleppey and fixed his quarters there forming a Mission branch (lit: Society) there, while the others stayed at Cottayom and commenced preaching the Gospel among the ancient Syrians. And as requested by Col: Munro that, of the latter, Mr. Joseph Fenn and another Missionary should, in co-operation with the Metran, conduct the educational and other business of the Seminary, education was accordingly conducted gathering pupils and deacons from the North and South, and all business used to be conducted by the Missionaries in consultation with the Metropolitan. The Missionaries opened a Grammar School of their own and began teaching Syrian youths English and Malayalam. At this time, Malayalam schools were opened by the Sirkar in the Moffusil, at the suggestion of the Honorable Mr. Munro, which served greatly to turn the popular mind in favour of education.

As the Missionaries and Metropolitans were on very friendly terms, they used to visit Syrian churches and preach Sermons just before or after Mass, and the Missionary ladies used to teach girls, paying their expenses, and to instruct them in sewing; and the Metrans and people were alike pleased at this.

On the 12th Vrischigom 992, Mar Dionysius of Pulikote died in the Seminary and was interred in that very church. On this, the Missionaries and the Honorable Mr. Munro resolved that a competent person should be appointed as Metran of Malankarai, and being satisfied as to the ability and fitness of Punnatharai Kurien Kathanar of Cottayom determined upon appointing him temporarily as Vicar-General. The people consenting to this, a convocation was held, and on the 10th Magarom of that year, Kurien Kathanar was raised to the dignity of Vicar-General, at the Cheriapalli. And afterwards, Mar Philixinos Metran was got down from Anjoor and, on the 26th Thulam 993, the Vicar-General was raised to the dignity of Metropolitan, consecrated by Mar Philixinos. The Sircar issued a proclamation in his favour and all people recognized Mar Dionysius Metropolitan of Punnatharai.

[*From the beginning of para* 1 *page* 196 *to the end of para* 1 *page* 197.]

The upstair-building erected by Punnatharai Metropolitan adjacent to the Cheriapalli at Cottayom, for the residence of Metrans, is a substantial work and one which is pretty in appearance and on account of its site. The new system laid down regulating the hitherto uncertain rates of perquisites payable in connection with *Pulakuli*, *Chattom*, vows, &c. &c., so as to secure to the priests a sure living

... he went to Anjoor on the

is still extant. When we consider the united efforts of this Metropolitan and the English Missionaries in conducting the education in the Seminary, we (find) that while the blessed gates of knowledge remained closed to thousands, the English Missionaries, by Providential Grace, came to Malayalam and fixed their quarters here, and became bound to the Syrians by ties of brotherly regard and endeavoured to liberate us by removing the powerful impediments that existed against the dissemination of knowledge; and as several of us enjoy, and are witnesses to, the numerous fruits of their zealous and manifold labours to dispel the darkness of ignorance from among us and to diffuse light in our midst by imparting to us learning and knowledge and to spread the knowledge of the Scriptures among us, we are as a whole bound to adequately extol them and their Society and, especially, the East India Company.

After the ceremony on the 40th day of Punnatharai Mar Dionysius' demise, the Pallikkar resolved to appoint a successor and, in consultation with the Missionaries, fixed upon Konat Abraham Malpan of Mamalasseri, Philipose Kaseesa of Anjilimood in Cheppat, Adangapurath Joseph Kassesa of Kallurparai church and Eruthikkel Markose Kaseesa of Cottayom as competent candidates and cast lots. The drawing terminated in favour of Philipose Malpan of Cheppat, and on some demurring to it, lots were cast a second time, which too terminated in favour of the same Philipose Malpan. Thereon, he was got consecrated at the Cottayom Cheriapalli, as Metran of Malankarai, by Kidangen Philixinos Metran, with the designation of Mar Dionysius, on the 15th Chingom 1001, and all acknowledged him and invested him with the ring, and the Sirkar issued a Proclamation in his favour. Subsequently, when the Metran was consulted with as to the advisability of a union between the Missionaries and the Syrians in religious affairs, removing all irregular practices, he simply agreed to do so but gave no occasion for the removal of any of the practices, as he did not wish it to be said that he undid any practices of the past times. This contributed to the presentation of the petition appended below.

[*From the beginning of para* 1 *page* 201, *to the words* "ചെറിയ പള്ളിയിൽ എത്തി" *in line* 14.]

While so, a Metropolitan by the name of Athanasius and a Ramban named Isaac arrived at Muttoncherry church on the 3rd Vrischigom 1001, from foreign parts, sent by the Venerable the Patriarch of Antioch with Staticon for Malayalam and power to make perfect the Ordination of the Metrans. On receiving information regarding this, the Pallikkar of the five churches at Kantanad, Karingasra, Mulanthuruthu, Pattamana, Paravur and Kuruppompadi went over to Cochin and received him. As it was found that it would take some time for Mar Philixinos, from Anjoor, and Mar Dionysius of Malankarai to come, they went over to Balghatty on the 9th and had an interview with the Resident Mr. Newall. At sunset, that very day, they set out for Cottayom and arrived at the Cottayom Cheriapalli on the morning of the 10th.

[*Para* 1, *page* 203.]

The enquiries conducted were unfavourable to the Bavas and favourable to the Metrans. The number of persons on the side of the Bavas was few; and even of those, Konat Malpan, Thekkethala Kathanar and a few other Kathanars were subjected to the hardship of confinement. The Bava and the Ramban were informed at Thirunakkara of the decision and the order of Mr. Newall that foreigners have no right over the properties of the Syrians in Malayalam; that it was open to them, if they pleased, to receive any foreigners that might come, and not compulsory; and that for putting an end to the dispute, Mar Athanasius and the Ramban should be deported. And when the Dewan asked them to depart, the (Metran) got angry and asked, "Who ... you? Are you not a servant of servants?," and left

with these words. The Tanna Naick and peons forthwith went carrying the order and turned the foreigners out of Cheriapalli on the 20th Meenom of the same year. In accordance with the order received from the Government to pay them 1000 *calli* fanams for the expenses of their journey, Kochupurakkel Uthuppu of Cottayom, Cash-keeper of the *Mulakumadissila* Department carried the money to them with deep sorrow, and the Bava and the Ramban received the amount and left for Cochin, from which place they took ship shortly after and returned sorrowing.

[*From the beginning of the last para in page* 272 *to the words*, "പരിതാപം നിറഞ്ഞൽ ചെയ്യും ചെയ്യ" *in para* 1 *page* 273.]

Within 14 months of the working of this Association, an East Indian paid school-master and, similiarly, a native assistant were appointed through the exertions of the Patron and the members; and, in this manner, English Education, and Syriac under the supervision of Kythayil Geverghese Malpan and Philipose Kathanar of Ayroor, continued to be conducted under the orders (of the Metropolitan). Within a year, rules were laid down as to the admission, in future, of members and the future conduct of the Association.

Thus while His grace the Metropolitan had undertaken with pleasure charge of the measures of improvement, the education business commenced under the auspices of the members was discontinued in pursuance to the *Sadhanom* sent to the Association in 1034.

EXTRACTS FROM WW_2—FOR APPELLANT.

Ext. WW.
Extracts from WW_2

[*Para* 1, *Page* 3.]

Founding of 7 *Sabhas* in Malankarai by the Apostle.

It is commonly believed that this Apostle came to Malankarai in 52 A. D. By his exertions, several people accepted the truth and became Christians, especially at the seven places called Niranom, Chayal, Quilon, Palur, Cranganore, Gokkamangalom and Kottakayal. A church was built at each of these places. Except the church at Chayal near Sabarimalai, which has been destroyed by elephants, and the one at Cranganore destroyed by other reasons, the other five churches remain still in their former sites or well nigh those, a monuments of very ancient architecture. The Palur church is near Chowghat, Kottakayal is the present Northern Paravur and Gokkamangalom is near Southern Pallippurom.

[*Para* 1, *page* 4.]

The castes from which people first became Christians, in Malayalam.

There is a current tradition that of the people of high castes, from Bramhins downwards, that embraced Christianity on the Apostle's preaching, the majority were Bramhins and Sudras. Dr. Day also mentions this as the main reason which contributed to the respect accorded in former days to the Syrians, in society. But we cannot be sure how far this hypothesis is correct, for wherever Christianity has pervaded, its stronghold generally has been among the lower classes. It is however a generally admitted fact that the four families, *Kalli*, *Kalianka*, *Sankarapuri* and *Pakalomattom* were of the highest order of Bramhins. The persons on whom Holy Orders were conferred by the Apostle were of the two last-mamed families. And in the *Pakalomattom* family was conferred the special title of Arch-deacon; and, in that family, the prelatial office continued vested for a long period subsequently.

The families which obtained ordination.

[*From the beginning of para* 2, *page* 7 *to the words* "പ്രയാസം കാണുന്നു" *in line* 5, *page* 8.]

The evidence of Cosmos.

It may be justly inferred that in these days the spiritual affairs of the Syrians prospered, as did their temporal affairs. In a public letter written in 572, by Cosmos, a merchant of Alexandria who flourished in the 6th century, and who on account of his voyages to India was know as the "*Indu Plavasthan*" says in terms of praise, after a visit to people of Malankarai and obtaining information regarding them, that "Malankarai, the pepper-coast has a Christian population which is prosperous and increasing." But he also says that the prelates of these people were generally from Persia. When we consider the fact that the Persian Church was at this time subject to the Nestorean Patriarch of Babylon, their own account of the prelacy in Malankarai and the absurd testimony of independent writers appear hard of reconciliation.

[*From the beginning of the last para in page* 8 *to the words* "അവർക്ക നടപ്പായി" *in line* 26, *page* 9.]

Eusubius, the Metropolitan of Mossul writes, that about 658 A.D., since the Prelate of Persia refused to acknowledge the supremacy of the Patriarch of Babylon and set himself at variance, the Churches in Persia and India were on the decline and that, Ordination in India had fallen through. It appears that after this state of affairs continued for some time, these Churches returned to their allegiance to the Patriarch of Babylon in about 970 and that thenceforth they began to prosper and to make progress. At about this juncture, two prelates from Babylon called Mar Sabor and Mar Abrotha landed at Quilon.

Coming of Mar Sabor.

With the sanction of Sankara Iravi Sri Rajah who was reigning at Kayenkolum, they built some churches in his territories and converted several and thus brought the Syrian Church to a prosperous state. During the time of these people, and even after, native sovereigns used to treat the Syrians with respect and pleasure. They also allowed the Syrians to have their temporal and spiritual affairs governed by one from among themselves. And with the expressions "*Nasrani*" and "Syrian," the designation "*Mappilai*" meaning "Great Pillai" also came into use.

[*From the beginning of para* 1, *page* 11 *to the end of para* 1 *page* 12.]

Since on the cessation of their royalty, the Syrians were more or less oppressed by the Mahomedans and Hindus, they represented their grievances to Vasco d' Gama, on the coming of the Portuguese. Before entering into the history of the time in which the Portuguese came, it is proper that we should review the state of affairs about the time of their advent. Gibbon, the great historian says, "In arts and war, and perhaps in virtue also, they were foremost among the people of Hindustan. Their farmers used to cultivate the cocoanut tree, their merchants became rich by trading in pepper and their warriors served as escorts of the *Nayars* or lords. Out of gratitude or fear, not only the Cochin Rajah, but even the Zamorin used to respect their ancient privileges. Though they were subject to a Hindu sovereign, the Metran of Ankamali governed them even in their temporal affairs. He advances his original designation of 'Metropolitan of India,' even now."

Religious condition of the Syrians at the coming of the Pourtuguese.

Another authority as to the belief &c of these people at the time of the coming of the Portuguese translated runs thus:—"No kind of images were allowed in their churches. They had the cross; and they used to regard this as sacred. Confession was not extant among the Syrians: they had simply no knowledge of Purgatory or of Transubstatiation.....

There were but rare arrangements for instructing the people properly in the doctrines and forms relating to their holy faith. Moroever, the evil became greater, as the public services were from ancient times conducted in Syriac; but notwithstanding these, they were highly distinguished from the people that surrounded them by their righteous ways of life. Even their enemies have admitted that they were noted for their honesty, chastity, obedience to parents and reverence of the old".

[*Para* 1 *Page* 14]

Petition of the Cranganore Syrians to Vasco d' Gama.

In 1502, hearing that the celebrated Portuguese Navigator (or–Naval Commander) Vasco d' Gama had arrived at Cochin, the Syrians of Cranganore sent some from among them to him and prayed that, as the King of Portugal was a Christan, they should be taken under his protection and saved from the opression of the native chiefs &c. The sceptre &c of their last Sovereign were entrusted to Gama to be presented to the King of Portugual. This sceptre was a red staff with two silver rings, and three silver bells on one of them. When they delivered this, they said, as the *Keralpalama* has it;—"Formerly, there was in this country, a King of our own race. Here are the sceptre and the writ of sovereignty given him by the ancient Perumals. We give them to you. About 30,000 of us have agreed in this. Let the King of Portugal henceforth weild the right of supremacy over us; we shall henceforth sentence no offenders except in his name". On this, Gama was highly pleased, and promising to rescue them from all enemies, especially from the ravages of the Mussulnans, gave some presents and bade them leave.

[*From the beginning of para* 1, *page* 16 *to the words* "സ്വീകരിക്കയുംചെയ്തു" *in line* 11 *para* 1 *page* 17]

In the meantime, seeing that no pacific overtures could avail to convert them to the Roman faith, the Portuguese determined upon gaining their end by coercion.

Return of Mar Joseph, on being sent to Portugal

Thinking that the first step was to make the Syrian Church a "school without a master," and resolving to accomplish this by getting hold of Mar Joseph, the Metropolitan at the time and sending him off to Rome, he was sent to Portugal. When Mar Joseph who was managing the affairs the Church properly was thus arrested and sent to Lisbon, the Queen of Portugal was some-how pleased with him and sent him back to Goa with a letter under Sign Manual. The purport of the letter was that, as Mar Joseph agreed to try his best to convert the Syrian *Sabhas* to the Roman Faith, he should be allowed to govern his own Diocese.

Coming of Mar Abraham

As the Syrians, not having had the remotest thought of the probability of Mar Joseph's return, wrote to Mar Simon Patriarch of Babylon to send at once a Metran to rule them, a prelate called Mar Abraham was immediately sent down from there. When this person, fearing the Portuguese, arrived in Malankarai in disguise, the Syrians who were (in the condition of) sheep without a shepherd received him with the greatest pleasure.

[*From the beginning of para* 1, *page* 21 *to the end of the words* "വാഴിക്കയുംചെയ്തു" in line 8.]

Subsequently, Mar Abraham having become weak on account of age and the strife with the Portuguese, he wrote to the Patriarch of Babylon to send down a Prelate to be his suffragan for the time and his successor in future. In compliance with this letter, the Patriarch consecrated and sent down one Simon.

[*From the beginning of para* 1 *page* 22 *to the end of the same para in page* 23]

In 1590, when, by command of the Pope, Down Matthias, the Prelate of Goa called a council of the church, though Mar Abraham was also requested to

attend, he refused to attend and assumed an inimical attitude; and thenceforth publicly maintained the Syrian Faith in all ways. Five years after this, Pope Clement VIII wrote to Alexius Menezes, the then Prelate of Goa requiring him to institute an enquiry into Mar Abraham's belief &c. and, if anything heretical was found therein, to remove him and appoint one of the Roman Catholic faith as Vicar-Apostolic of Malankarai, and by these means to subjugate the Syrian Churches to the Romish Church. The enquiry, proved not only the heresy of Mar Abraham, but even that he and his congregation had written to Babylon to send out one to succeed him; and consequently, stringent orders were issued to the authorties in charge of the sea-ports on the route, to detain any priest that may be found coming from Chaldea, Persia or Armenia without the supreme Pontiff's permission and bound for India. At Ormuz, a prelate who in disguise was on his way to Malankarai and other prelates and priests, at other seaports, were arrested in pursuance to this order.

Prelate Alexius preventing the coming of foreign Metrans.

[*The first note in the Margin in page* 24.]

The council convened by Archdeacon Geverghese at Ankamali.

[*From the beginning of the words* "പിന്നിട അവർ ഇതപ്രാട്ടകാതം" *in line* 22 *page* 24 *to the words* "പ്രസ്താപിച്ചിട്ടതി" *in the latter part of the same para.*]

After that, both the parties agreed not to accept any prelate not delegated by the Patriarch of Babylon nor to admit any Roman priest into churches, and they took an oath accordingly and published the matter throughout the Edavagay of Malankarai.

[*From the beginning of para* 1 *page* 28 *to the end of the same para in page* 30.]

The prelate begins to visit the churches.

After a brief conversation between the Archdeacon and the prelate, the latter said he desired to visit and see the Syrian Churches, and the Archdeacon agreeing to this, they agreed to meet the next day in the Vaypikode Seminary. When, accordingly, the prelate with his retinue reached there, the Archdeacon failed to be present. The Archdeacon came only two days subsequently, lest it might be interpreted that what the prelate may do there was done with his consent. Before his arrival, the prelate proceeded to the parish-church and preached a Sermon taking as his text "He who entereth the fold not by the gate but by other ways &c." and showing that the gate to the fold was Rome and not Babylon; and asked the people to attend for Confirmation next day. On some people coming in obedience to this, they were told about the purgatory after the performance of this rite which was novel to them. The doctrines and beliefs of the Syrians were in no way shaken by the Sermon above referred to. For at matins and vespers, though the prelate was present, it was the Patriarch of Babylon's name that was commemorated as the Supreme Pontiff's. The prelate understood this only latterly, as he did not know Syriac. Resolving not allow this in future, he prepared a letter against the Patriarch and getting it signed by the Archdeacon and priests, hung it at the door of the church. When the Syrians of the land knew this they became furious, and went to the Archdeacon and solicited permission to proceed to take vengeance on these enemies who had acted in such outrageous manner against their Metrans and their Patriarch who had been governing them since years past. To this, the Archdeacon replied that since the prelate was backed by the Portuguese forces and the Cochin Rajah, it would prove injurious to "fight the mountain" and that, considering the circumstances, it would be wise only to suit themselves to the times and not [illegible] vengeance. As none of the bold among the Syrians were present, the entreaties of the Archdeacon and the priests prevailed and they (the people) were pacified.

Doings at the Vaypikode church.

The people rebel.

[*Para* 1, *page* 65.]

Rivalry between the Nestorean and the Jacobite Patriarchs.

But, even after the Jacobite prelates began to rule the Church, some of the Syrian Pallikkar used to acknowledge Nestorean prelates. For instance, between 1714 and 1730, the aforesaid Thomas Metran was ruling the 22 Pallikkar of the South; and the Pallikkar of the North were being governed by a Nestorean prelate called Mar Gabriel. And it is found that, owing to the difference between these prelates, there arose a schism among the people. It was in the Cottayom Cheriapalli that he resided mostly and that he was interred. Though one was sent from Babylon to succeed him, it is doubtful if he reached Malankarai. There are no reasons to suppose that Nestorean prelates governed the Syrians of Malankarai at any time after 1750.

[*From the beginning of para* 1 *page* 68 *to the beginning of para* 1 *page* 73.]

Mar Ivanius died in 1794. Mar Dionysius Metropolitan ordained his *Anandraven* Matthen Romban to be his suffragan for the time and his successor in future, with the name of Mar Thoma, and the two ruled the Church properly. While affairs were being so conducted, the Madras Government, deputed its principal Chaplain, Rev: Dr. Kerr to these parts to enquire into and report regarding the condition of the Syrians and other Christans in Malayalam. As the report submitted to the Governor of Madras by this gentleman upon his enquiry will show what the temporal and spiritual condition of the Syrians was at that time, I think it well to append translation of an extract therefrom. It is the following:—"They have no images in their churches. Yet, they have an image of Virgin Mary bearing the infant Jesus in her arms. They regard this only as an ornament, and no worship of the idolatrous kind is bestowed upon it. These Christians are regarded as followers of the heretical doctrines of Nestorius. But now, the tenets they follow seem such as discard those heresies and tally in several respects with the tenets of Athanasius, excluding the erroneous parts. Their Services are mostly conducted like those of the Anglican Church. When I expressed to the Metropolitan a hope that, at one time, these Churches might become united, the suggestion appeared to be agreeable to him. The character of these people, in all moral excellences, appear to be clearly superior to that of the heathens. They are well known for their honesty and integrity. They are very strict in their religious observances. They obey their Metropolitan and priests in all affairs, secular and spiritual. They are highly honoured by the Nairs. The Rajahs of Travancore and Cochin treat them as next to the Nairs. Their strength is roughly estimated at seventy or eighty thousand. They have got the direct protection of the British Government. It will be a noble work to unite them with the Anglican Church. It is an end which should be most piously desired, as also to recover to their former Church those that have seceded to the Roman Catholic Church. This is not very difficult as it is probable that the native Governments also will render their aid towards this."

Enquiry made by the Madras Government.

Dr. Buchanan's visit.

It was in the same year, 1806, that the celebrated Dr. Buchanan who was Chaplain in Bengal came down making researches for manuscripts &c. and to avail himself of the assistance of the Syrians, if that could be useful towards translating the Bible into the native languages. This gentleman traversed hills and forests and visited Syrian churches and found that, though the primeval glory of the Syrian Church and community had faded, its doctrines, liturgies and laws &c. were tolerably good. And withal, he saw that the aged Mar Dionysius Met[illegible]
New Testament translated in[to] *page* 22 *to the end of the se*[illegible] earnest about getting the Syriac Manuscript Bible from the [illegible]ropolitan [illegible]
[illegible] to Malayalam, and also got a very ancient and correct [illegible] Ranni Church through his influence. By these and

other facts, the philanthropic gentleman began to feel a lively interest in the Syrians, and laboured to have the translation of the New Testament, when it was finished, and, subsequently, the whole of the Manuscript Bible referred to above, printed and given to the Syrians, through the generous aid of the English nation. When the Church Missionary people saw the writings of Dr. Buchanan regarding this ancient Church, and because of other circumstances, they set their mind upon improving the condition of this Church. As an Annual Report of that body evidences this, an extract from that is appended below, translated:—"And Travancore and Malabar in the south of the Peninsula of India invite the Christian Missionaries to go and see the ancient and venerable Church of the Syrians in those parts. The report submitted to Lord William Bentiuck by Dr. Kerr, the chief Chaplain of Madras, on his being deputed by the Madras Government to enquire into the condition of the Syrian and other Churches is corroborated by the testimony of Col. Macaulay who was for a long time Resident in Cochin and by the subsequent researches of Dr. Buchanan.....

The opinion of the Church Mission Society.

There is room to believe that if a few learned, wise and energetic priests are sent, this respectable Church will receive them with open hands. Their exertions might, by Divine Grace, tend to the resuscitation of the glory of that downtrodden people and, in the end, to their union with our Churches. It is certain that one who reads Dr. Buchanan's account of this people cannot but sympathize with them."

While the aforesaid Society was watching the Syrians with interest, a request proceeded from Col. Munro that some Missionaries might be sent down for them. And therefore, from 1816, there came to exist a union between the Syrians and the Church Missionary gentlemen.

[*From the beginning of para* 1 *page* 77 *to the beginning of para* 1 *page* 78.]

Dispute between the Antiochian and Native Metrans.

In the meantime, in 1825, there came a prelate called Mar Athanasius and a Ramban called Abraham, from Antioch. The foreign and native Metrans fell out regarding a question of jurisdiction and Mar Athanasius endeavoured to render void the prelatial office of the native Metrans, Mar Philixinos and Mar Dionysius; and the opposite party strove to have him deported, with the aid of the Sirkar. Because this Antiochian Metran struck the acquaintance of Lord Bishop Heber of Calcutta, at Bombay, on his way to Malayalam, he (the Lord Bishop) wrote to both parties to come to terms, and to the Missionaries not to take up any side in the dispute, and further thought that he could in his diocesan visit reconcile them. But this was never accomplished as he died on his way. Finally, Mar Athanasius Metran had to take ship and leave the country. Shortly after, Mar Philixinos Metran died and Mar Kurilos was consecrated to Anjoor.

Extracts from WW$_3$ For Appellant.

EXTRACTS FROM WW$_3$—FOR APPELLANT.

[*Para* 2, *page* 14.]

Among the Syrians of Malayalam, there are found two divisions who though one in religious doctrines, have different customs and usages, and who do not allow intermarriage, and each claiming to be superior to the other in social rank. Both give their own stories as to the origin of this difference. And foreign historians have extolled or deprecated each party according to the versions supplied by the respective sources from which they derived their information. The question is still an open one. That neither [illegible] accurate information on the subject is clear from the unsupported grounds adduced by each. Their trivial and false arguments are eschewed and only those that appear to be just are given below.

[*From the beginning of the last para in page* 15 *to the beginning of para* 1, *page* 19 *(except the foot-note)*].

There is some truth in each of the two aforesaid versions. For, while the Native Christians who were living in Cranganore continued to live in the Northern Section and the foreigners who came and their followers, in the Southern Section, it may justly be inferred that, as is the practice now-a-days, the servants of the Southern Section joined the Northern Section with a view to raise their social status, because such are not even now allowed by the people of the Southern Section to rise. I think that when the two parties broke up from Cranganore, the Native Christians, as a whole, came to be called *Vadakkumbahager* (People of the Northern part). But it is an undisputed fact that all did not go and reside at Cranganore. Even should this be a fact, there is no ground to suppose that there can be any degradation attaching to the Northern Section. They have the distinction of being the primeval Christians of Mar Thoma, converted from the Vaysias and Sudras. Then, there may arise the question, how it happens that there are black people in the Southern Section. Change of colour may arise by lapse of time, and from climatic differences, differences in food, discontinuance of connection with foreign parts and unchastity. I am sure that those who consider the question thus minutely will have no reason to complain. But I cannot explain how there are among the people of the Southern Section such distinctions of caste and house-names as exist in the land generally. The *Nasrani Moplahs* of this place came to be called Syrians because of the coming of Thoma, a Syrian and his followers. This colonization tended to the advancement of the temporal and spiritual interests of both parties. But from that time, the foreigners annihilated the spirit of these independent Native Christians. The title of Archdeacon was conferred on a member of the Palamattom family, one of the families in which Mar Thomas appointed priests: and he was managing all affairs connected with the properties of the Church; but he never was appointed as Metran. If this had been done, the Native Christians might have retained their independence, their affairs would have prospered, and such matters as disputes relating to the dignity of Metran, cessation of Metrans now and then &c. would have been avoided. And the Christians would have secured increased fame and self-dependence. There is room to think that, of those who came, the ecclesiastics were Chaldeans. This is confirmed by the fact that the characters they use in writing even now are Chaldaic. Though the Chaldaic creed and practices were introduced among these ancient Christians, they were not Nestoreans. That creed had not come into existence then.

Because when Raja Krishna Rayer invaded the country, the Syrians also contributed pecuniary help towards driving him out and because towards the coronation of Emperor Cherakon Perumal, they gave a *Nali* full of precious stones, the Perumal appointed seventeen *parushais* (castes or people) to be their servants. He died in 348. If through the power of a temple or a *gramom*, one should perpetrate any outrage against one of the aforesaid eighteen castes, and if all of them should jointly make a representation, the offender would be compelled to pay a fine. This union continued down to 920. The disputes among themselves used to be settled by the priests and prelates. Those who were willing to reside with foreigners went over to Mahadevarpatnom in Cranganore and, fixing their quarters in the northern street, pursued the occupation of trade. But it can only be supposed that the foreigners occupied the southern part and that the others resided in their own places pursuing their vocation of trade and farming. While affairs were in this state, in 825 A.D. (M.E. 1—2) Eyoba-(Tolerbius) a merchant called also Bar Yesu and two prelates called Mar Sabor and Abrotha arrived at Quilon. This they did, I think, because they were Nestoreans. These people came in Eyoba's ship.

This may be called the third batch of foreign colonists. These people too obtained titles and privileges from Sankaran Iravi Sri who was then ruling Venaud. Inscriptions are found in the Quilon church even at present, supporting this. The aforesaid people laid the foundation-stone for a church at *Chingom Rasi, Karkadakacoor*, Sunday the 29th Magarom 1, M.E. There is authority to show that these established schools, converted several having obtained permission to convert such as may be willing, and built churches. In these parts, there is a diversity of opinion as to the original habitation of the Syrians. Writings are found in two different forms. Those from Laha bridge northwards used to write in their documents as "*Puthenparampil Kurien Yohannan residing in the Iymanom Desom from Mahadevarpatnam*" and those of the south as "*Alummoottil Ummammen Philipose residing in Thalakkarai Street from Kurakkeni-Quilon.*" Differences are found in the dress, ornaments, customs and usages of these two sections of Christians. I think this is the origin of this difference.

[*From the beginning of para* 2 *page* 27 *to the beginning of para* 1 *page* 29.]

The Syrian Christians began to ally themselves with the Portuguese, believing that benefits might arise therefrom just in the same manner as when Christians first came from foreign parts, their advent conduced to their (the Syrians') release from the tyranny of their sovereigns. But this arrangement did not only prove injurious to them but became the cause of grief, suffering and loss to and quarrels and dissension among, them, from that time; and the fruits thereof are still rife among them.

The Portuguese, on account of their own power and the weakness of these people, thought they could easly convert them to their creed. According to their belief, there were two errors among these people; viz: their Nestorean belief and their not acknowledging the Pope of Rome as supreme Pontiff. To make them admit these, Jesuit priests entered their churches and preached and held discussions. Seeing that this was not very effectual, they thought they could gain over the future generation if they taught the youths in their doctrines. And by order of Albuquerque, the Goanese Metran, they got a school opened at Cranganore through a Franciscan Friar named Vincent, in 1545, and began the teaching of Latin. Nor did this serve their purpose. Finally, they resolved fo make a more gigantic attempt. This took place during the aforesaid period. Their attempt was to get hold of Mar Joseph Metropolitan who was residing at Ankamalikarai, then their Head-quarters, and to send him off to Rome. An open cause was also afforded therefor. The Metropolitan was charged with having taught some Portuguese youths who were residing with him to use the words, 'Mary, the Mother of Messiah' and not 'Mary, the Mother of Lord' in saying the prayer '(Hail) Mary, full of grace,' and was cited to Goa and sent to Portugal and Rome to offer an explanation as to the charge of heresy.

This unwarranted step was but the harbinger of similar deeds in future. This assumed greater proportions and at last several became prey to the fires of the Inquisition—a disgraceful form of punishment. In the history of the future, we will meet with similiar absurd acts and turmoils.

The Syrians despaired of Mar Joseph's return and applied to Babylon for a successor and Mar Abraham was sent from there for Chera (Cheraman's land), in 1565. When he came, he brought several books.

[*From the words "* [illegible] *" in para* 2 *page* 32 *to the end of the same para.*]

From there, (he) went to Pattamana-Paravur, and though the people of that place had prepared a feast, it was not given. They were strongly attached to the Chaldean Patriarch and quite averse to the Romish creed.

[*From the beginning of the last para in page 33 to the end of the same para in page 34.*]

From there, the Metran took boat for Kanjur while the Arch-deacon and followers proceeded thither by land. The people gave a fair reception; yet the Nestorean creed was depecrated. The Arch-deacon not being pleased with this, resolved not to visit any more churches in (his) company and left on the pretext of illness and went off to Chovarai for treatment.

[*From the beginning of para 3 in page 42 to the end of the same para in page 43.*]

The long-desired for Council at last met in the Udyamperur church on the 20th June 1599. It was attended by the Archdeacon, 153Kathanars, 660 delegates, and numerous deacons and others. The Chattukulangarai and Thiruvancode people did not attend. Assent was obtained to alter the Syrian books of Service and to acknowledge the Pope of Rome and Metrans sent from there. Marriage of priests was prohibited and such as had married were forced to divorce their wives. And what was thought by them to be wrong in the faith, customs or temporalities of the Church was removed. Twenty-two heretical books were burnt: it was ordered that all books should be destroyed so as not to leave even a trace of Apostolic connection. He left orders also to correct the errors in the remaining books and to burn those found objectionable. The names of Nestorius and Theodore were effaced from the books.

[*From the beginning of para 1 pae 46 to the words* എഴുതി അയച്ചിരുന്നു *in line 2 page 47.*]

Thus within a period of 10 months, Alexius Metran, with the aid of the Portuguese and the connivance of the native chiefs, and by his own zeal, accomplished the object with which he came, viz: subjugation of an independent Christian Church, and returned to Goa.

The Syrians waited for an opportunity to throw off the yoke of the Portuguese. Subsequent to appointing Archdeacon Thoma as his successor, Archdeacon Geverghese died at the Cheriapalli at Ankamalikarai on the 25th Karcadagom 1604. After a lapse of fifty years, there arose occasion for fresh quarrels.

As, though the Syrians applied to Rome several times for the appointment of a Metran from their own class, no reply was obtained thereto, they wrote to their own Patriarch, the Coptic Patriarch in Egypt and the Jacobite Patriarch at Merdeen.

[*From the beginning of the last para in page 57 to the words* "ഒരിക്കലും ചെയ്യ" *in para 1, page 58.*]

While a Metran called Mar Simeon was on his way to Malayalam, the Jesuits arrested him at Tannore in 1700. But the Carmelites promising to have him turned out of Malayalam, took him into their custody, brought and lodged him in the Alengad church for a time and afterwards sent him off to *Puthusseri* (Pondicherry.)

Afterwards, a Nestorean Metran called Mar Gabriel came in 1705, by order of Mar Elias Catholica. But several among the Syrians of Malayalam were unwilling to receive him. Thereon he performed Mass with *Patheera* and *Hameera*. He did not live on terms with Mar Thoma IV. Therefore, Mar Thoma IV himself appointed Mar Thoma V. Mar Gabriel Metran died at the Cheriapalli in Cottayom in 1730.

[*From the beginning of the last para in paga 59 to para 1, page 61.*]

Copy of the *Theettoorom*

"Maketh known:—Unto Our Kariles

That command has been issued to enjoy all that may appertain to the Office of Metran of the diocese of the Puthencoor Syrians in Malankarai. And We

have granted a Writ authorizing to conduct and enjoy in all the ways that the Metrans of the past have done.

Unto this effect commanded: Witness the hand of *Powatthil Ampadi*, from the Palace, in the Month of Magarom 947 M. E."

On Mar Dionysius' complaining to the Travancore Sircar about this matter, a person was sent therefrom to Cochin; and the matter being found unjust, on enquiry by the Commodore, the Writ in favour of Kattumangat Metran was withdrawn and a fine of 18000 Kali fanams imposed on that faction.

Copy of the Theettoorom (writ) issued in the matter by the Cochin State, to Mar Thoma Metran *alias* Mar Dionysius.

"Maketh known:—Unto Our Mar Thoma Metran:

That, whereas the Metran and the people of the Puthencoor party have petitioned Us, after the event, representing that the consecration received at the hands of foreign Metrans by Kattumangat Ramban was irregular and that therefore the previous usage should be caused to be enforced, and whereas, on enquiry as to the past usage, We have been convinced that Kattumangat Ramban had no right (lit:–Justice) to receive consecration as Metran, and whereas the Commodore of the Cochin Fort has heard the matter, decided that it is illegal and communicated the decision to Us, We decree that Kattumangat Ramban had no right to receive consecration as Metran, and send him to you (Metran). And this Writ is issued requiring that matters be arranged without any deviation from the state of affairs that existed previous to Kattumangat Ramban's receiving consecration.

Unto this effect commanded: Witness the hand of *Pallyil* Kanden Kumaren, from Chirakkel Palace, under date the 21st Mithunom 949."

[*From the beginning of page 69 to the end of the last para in page 72 (except the foot note.)*]

After this, as Ittoop Ramban of Pulikote, a native of Arthat, raised a few partisans and made representations to the then Resident, Col. Munro about the Metran's neglegence, he delivered to his charge the sum of 3360 Rs being the interest on the aforesaid Star-Pagodas for four years, for the purpose of building a school for the promotion of education among the Syrians. And at the instance of the Resident, Her Highness the Rani of Travancore also made a present of a site and 8000 Rs for the purpose. A hundred *Pulayas* were also released from their servitude and placed at (his) disposal to work. Besides these, 20,000 Rs and the Isle of Munro near Kalladay were also given free of tax. The building of the school commenced in 1813, and the work was finished in course of one year. In 1815, the Ramban received consecration as Mar Dionysius from Kidangen Philixinos of Anjoor and fixed his abode in the Seminary at Cottayom. Mar Thoma died in 1816 after consecrating a relative as Mar Thoma IX.

This Metran was incompetent and advanced in years. Therefore, Metran Dionysius made representations to the Sirkar and taking its officers with him, went to Kadamattom where the Metran was staying and divested him of his staff, mitre, crosier and red vestment, and returned to the Seminary at Cottayom carrying away all the properties that belong to the Metrans. Divested of his (Episcopal) office, Eipu Kathanar spent his days at Kadamattom. Thus, with him ended the Metranship in the Pakalomattom family in which it remained from times of yore, and the office began to be vested in others. It was at this time that Bishop Middleton arrived in Cochin and studied the true history of the Syrians.

As promised by D. Buchanan, Rev. Mr. Bayley arrived at Cottayom, sent by the Church Mission Society. Mar Dionysius Metropolitan died at the Cottayom Seminary in 1817. It is said that he was a pious man who used observe the fasts very strictly.

As, subsequent to this, there was no Metran for Travancore and Cochin, Philixinos of Anjoor had to pay a visit to this country. Geverghese Kathanar of Punnatharai in Cottayom, who was then managing affairs as Vicar-General was consecrated in 1818, with the designation of Mar Dionysius. This Metran began to lend his aid towards working out the aim of D. Buchanan, for the amelioration of the condition of the Syrians. As Col. Munro who then held the office of Dewan also, was pleased with the nobility, intelligence and honesty of the Syrian race, he appointed several of them to offices, high and low. And many of them discharged the duties newly entrusted to them, creditably. But it cannot be said that Col. Munro's idea was fully realized. On his retirement in 1819, the channel opened to the Syrians to get into Government Service began to disappear. By their appointment however, their competency became known, oppression and scorn were removed and their social status became elevated.

Dionysius Metran dying in 1825, Philixinos of Anjoor had to put himself to the inconvenience of coming hither once more. The Pallikkar and Yogakkar met in the Cheriapalli at Cottayom and resolved that henceforth Metrans shall be chosen by casting of lots. Three persons were chosen and lots were cast allowing two lots for each. The three persons were Abraham Malpan of Konat, Philipose Malpan of Pallippad and Joseph Kathanar of Adangapurom. The words written on the (two) chits (for each) were (respectively) "If it is the will of God that *such a* Malpan should become Metran, let this chit be drawn;" and "If it is the will of God that *such a* Malpan should not become Metran, let this chit be drawn." The chits were placed on the altar and Philixinos offered prayers; and then, a young deacon drew the lots. The first lot drawn was the one against Abraham Malpan. Then the other chit bearing his name was taken out, and the lots were drawn. This drawing resulted in favour of Philipose Malpan. Therefore, consecrating him as Mar Dionysius, Philixinos returned to his diocese and died three years after. His successors, though they have no authority, still exist, proving serviceable as (reserve) Metrans at times of need.

Two Missionaries named Rev. Henry Baker and Rev. Joseph Fenn also came down and began to assist in the management of the Seminary and the schools. As marriage of priests again became extinct, marriages of the kind were got performed offering rewards. This beneficial practice has not still pervaded the northern parts owing to the influence of Roman Catholicism.

But this Edavagay was not fortunate enough to enjoy peace and order long. The Patriarch of Antioch sent out two ecclesiastics to this country. Their names were Athanasius Metropolitan and Ramban Abraham. On their way, they saw Dr. Heber, Bishop of Calcutta, at Bombay, got the necessary letters and received unasked the Sacrament at his hands. They reached Malayalam in November 1825 and took hasty steps contrary to the advice of the Bishop. The native Metrans were suspended and they, through fear, took refuge in the Seminary. These people said that the consecrations after the time of Dionysius I were invalid. And there were the arrogant Ramban and others to set them up. The English Missionaries sided with the native Metrans and so did the Travancore Sirkar and the Resident, Mr. Newall.

It was decided that Athanasius and the others should leave the country; and thereafter, the quarrel ceased and everything was restored to order.

One or two more Missionaries arrived and began to work towards the advancement of education &c. There were at that time 9,000 pupils between 35 schools. The Bible was abundantly circulated in the Vernacular language. Thus affairs continued to be managed harmoniously and properly until 1835. Subsequently, differences arose between the two parties owing to Dionysius Metran's not acting conformably to the subsisting union. To remove this breach, Bishop Daniel Wilson of Calcutta came here and a Conference was arranged for at Cottayom,

which took place on the 21st November. Six points were noted for consideration. They were :—

1. That those who should seek ordination should be ordained by the Metran only after receiving certificates of qualification.
2. That all accounts relating to property should be examined annually.
3. That some means should be devised for providing priests with a permanent income for their maintenance.
4. That schools should be established at all places.
5. That the priests should expound the Gospels to the people.
6. That the prayers should be rendered into the Vernacular and that one of the Liturgies of Mass should be translated into Malayalam.

Though, in a way, the Metran assented to these beneficial suggestions, he discarded them subsequently owing to the evil counsels of people. As contrary resolutions were passed at a meeting at Mavalikarai in January 1836, the union which was productive of so much good broke up, and thereby the ways to so much good which they might have derived were closed. The separation took place openly in May 1838. The union subsisted, more or less, for 22 years from 1816. In April 1840, the Seminary properties were sold in auction and the proceeds were divided between the Syrians and the Missionaries. This was done in pursuance to a Panchayet decision.

[*Paras* 2 *and* 3, *page* 74.]

The coming of foreign Metrans did not cease even though decisions were passed declaring that they had no authority. In 1849, an Episcopa named Athanasius Stephanos accompanied by a Ramban came down to assist Kurilos Metran, but returned as they failed to accomplish anything. Though in 1863 the Travancore Sircar issued a Circular Order prohibiting Kurilos from entering churches and causing disputes, such as were willing continued to obey him.

In 1856, the Metran of Jerusalem and a Ramban came down to raise a subscription for certain charities and returned, having gained thir object.

EXTRACTS FROM WW—FOR RESPONDENT.

EXTRACTS FROM WW1

[*Para* 2, *page* 38 *to* 39.]

At this Synod, the articles of creed required for the Church and the Canons relating to the prayers and other Services for Fasts and Festivals were laid down. And to prevent the rise of heresies in future, four Patriarchs were appointed over four Sees. The four Patriarchs appointed were (1) the Patriarch of Rome (2) the Patriarch of Constantinople (3) the Patriarch of Alexandria and (4) the Patriarch of Antioch. These four were given authority and supreme jurisdiction over their respective Sees. As between themselves they were equal in power and authority.

[*Para* 1 *page* 41.]

The four Patriarchs appointed at this Synod had full power to manage the affairs of their respective Sees. Besides these four Patriarchs, one was appointed at Jerusalem as a mark of distinction for that place, with the title of 'the Fifth Patriarch,' and subordinate to the Patriarch of Antioch. It was also laid down that the Catholica appointed at Tigris to manage the affairs of the Eastern Churches subject to Antioch, was common and could exercise all the functions of Patriarchs.

[*Para* 1, *page* 66 *to* 67.]

The name and persuasion of the Jacobite Syrians are one and the same. All the Christians subject to the rule of Mar Ignatius Patriarch of the throne of

Antioch, the Bava of Bavas, and residing in *Thurabdien*, in the East, in the islands of *Kurdu*, in *Merdeen*, in *Ahmed*, in *Uraha*, in *Besanaharim*, in *Misraim*, in *Dermasoke*, in the East of Chaldea and in Malayalam, and such as belong to the See of the Catholica of Tigris are called Jacobites. They are so called Jacobites since 600 A. D., because we follow truly the doctrines of Jacob, famous as Mar Jacob Bowdana, a native of Uraha who, in the aforesaid year, by his divine teaching removed the erroneous doctrines extant among the Antiochian Syrians and re-established the true Faith. But the Jacobite Syrians of Malayalam are still subject to, and obey, Mar Ignatius Patriarch of the See of Mar Peter at Antioch and follow and maintain the belief in the Trinity and the way to Salvation as laid down by the Bavas of glorified memory, and in conformity with the teachings of the Apostles.

[*Para* 1, *page* 67.]

From his Holiness the third Mar Ignatius Patriarch of Antioch, all Patriarchs are designated by the titular name of Ignatius from the time of their consecration as Patriarch. This Patriarch holds his seat at Merdeen, in th *Dayara* of *Kurkma*. But in consideration of the extent of his jurisdiction, there is one appointed as his suffragan with the title of *Malpriana* to rule over all East. The present seat of the *Malpriana* is at the *Dayara* in Mossul near *Besanaharim*.

[*Para* 3, *page* 84.]

The members of the Pakalomattom and Sankarapuri families wherein Mar Thoma conferred Ordination ruled the Christians of Malayalam from Kurakkeni-Quilon to Palur without allowing them to swerve from the right path, up to 200 A. D. Subsequently, owing to the want of priests in Malayalam and there having been no intercourse with Antioch, the people lapsed into ignorance. During these times, owing to necessity, elders used to conduct the rites of baptism, marriage &c. While matters were in this state for some time, and owing to the predominance of the heathen power and the absence of competent persons to teach the Gospel of Truth, the people began, because of their former relationship with them (the heathens), some to read their traditions, some to study their improper hymns, some to visit their temples and witness their grand sights, and others to secretly give offerings to their deities. While thus, certain mishaps befel the Christians of Malayalam. It was follows.

[*From para* 4 *page* 88 *to* "പലവിധപ്രശ്നങ്ങൾ" *in page* 91.]

The Christians of Malayalam were in a state of disorder for about 300 years from the time that Apostle Mar Thomas visited Malayalam and established the True Faith, as it had neither head nor shepherd. But by the Grace of the Lord, the Episcopa of the Syrian land called Uraha had a vision is his sleep, in which a person appeared to him and said, "Grieve ye not for the flock that suffer and collapse, in Malayalam which I won even at the sacrifice of my life?." The Episcopa hereon awoke and at once announced the important tidings to the Holy Catholica of Jerusalem. He thereon called together learned Malpans and others and consulted them; and it was resolved that the respected Christian merchant called Thoma of Canae and residing in Jerusalem should be sent to Malayalam and the particulars ascertained through him. And thereon, he was sent to Malayalam on a trading enterprise.

This Thoma of Canae arrived at the Cranganore Bar and landed and saw, and, from the Cross then worn round the neck, recognized the Christians who were brought to follow Christ by the exertions of Apostle Mar Thomas and who in spite of the oppressions of the heathens and heathen sovereigns continued to remain in the True Faith without any deviation. He struck their acquaintance and asked them about their past particulars and learned that their grievance was very hard

on account of the want of priests and that the church was owing to that reason in a tottering condition. On learning these particulars, he thought delay was improper and lading his ship with the pepper &c. which he then could gather sailed off, and, by divine grace, reached Jerusalem without much delay, and communicated to the Venerable the Catholica of Jerusalem, in detail, all the facts he had observed in Malayalam. And thereon, with the sanction of Eustathius Patriarch of Antioch, 400 and odd persons, comprising men, women and boys, with Episcopa Joseph of Uraha and priests and deacons were placed under the orders of the respectable merchant, Thoma of Canae and sent off by ship to Malayalam, with blessings.

By the grace of Almighty God, all these arrived at Cranganore in Malayalam in the year 345 of Our Lord, without experiencing any inconvenience or distress on the way. On this, they were received by the people of the Kottakkayal Community and the Christians called *Dhariakkel* of the 64 families. They acknowledged allegiance to Joseph Episcopa who came from Jerusalem, as their Metropolitan. And the affairs of the Church continued to be regulated by Thoma and others.

Thoma went and obtained an interview of King Cheraman Perumal, the then ruling sovereign of Malayalam and made presents to him and represented to him the sufferings and weakness of the Christians; and the sovereign was pleased and said that he, the lord of the land would undoubtedly render all help. Not only was command issued to have all aid rendered to the Christians, but privileges of honour were also bestowed under title deeds with sign manual and engrossed on copper-plates, the sun and moon being witnesses, to be enjoyed without any demur from any quarter as long the sun, the moon &c. shall exist. Further, King Cheraman Perumal made a grant of a tract of land in Cranganore, 144 *koles* in extent by the *Anakole*, comprising land on which a parah of paddy was scattered, and conveyed it to the Christian Thoma with the (then usual) rite of dropping water and flower into the hands of the donee. This grant was obtained at *Karkadagom Rasi*, the *Sapthami* day, Saturday the 29th Kumbhom of the above year, and called it Mahadevarpatnom, and (Thoma) lived there in the enjoyment of great power.

[*Para* 1, *page* 110.]

But the Synod that assembled at Udyamperur has to be described at fuller length. The only object of convening this Synod was to turn the Syrians of Malayalam subject to Antioch into the Roman Catholic persuasion and to bring them under the Supremacy of the Pope. The writings drawn up at this Synod will themselves evidence this. For, in the first Canon thereof, it was laid down that 'Alexius Metran, the senior and head of all the Metrans of the East subject to the Kingdom of Portugal shall be the head of this Synod,; that 'this Synod is commenced that the Mar Thoma Syrians may unite with the Roman Catholic Church and own allegiance to the Holy Pope, and for the sake of the Holy Roman Catholic Faith and its perfection and brightness, for setting aright the customs of the Syrians and for the weal of their Syriac books,' that 'as all the decrees of this Synod are for the good of the Faith, all should obey them,' that 'none shall depart before the consultation closes' and that 'after the commencement of the conference, none shall form themselves into cliques and talk,' and further, that 'the Holy Roman Catholic Church is the mother, the head and the preceptor of all the churches in the world,' that 'the Holy Mar Pope who rules as successor to Simon Peter should be acknowledged,' and that 'the Patriarch of Bagdad who stands opposed to the Roman Catholic Church, and prelates sent down from there should not be obeyed in future.' When this oath was administered to the Syrians by Jacob of Palluruthi, a priest, God alone knows how much they grieved and sorrowed and what tears they shed! It is beyond the power of description.

[*From beginning of page* 114 *to para* 1 *page* 117.]

After the Synod of Udayamperur, for a period of about 55 years, the Syrians followed the practices of the Portuguese to the exclusion of their own and used to observe such novelties as praying for the dead and confessing to the priest kneeling and going on pilgrimage to St. Thomas' tomb at Mylapore near Madras, &c. While affairs were in this state, Ignatius Patriarch of Antioch arrived at St. Thomas' church at Mylapore in Madras, on his way to the Syrians of Malayalam, in 1653 A. D.—828 M. E. The Portuguese of that place fearing that if he was allowed to visit Malankarai, the Syrians might revert to their faith deserting the Portuguese persuasion which they were then following, arrested and detained him there. At that time, Deacon Itti of Chengannur and Deacon Kilakkedath Kurien of Kuravalangat reached that place on a pilgrimage to St. Thomas' shrine. These people saw the Patriarch and informed him with regret of the confusions and hardships in Malayalam. The Patriarch was thereon highly grieved. The Portuguese knowing this confined him in a room and placed a guard upon him. Knowing by this that the Portuguese were scheming some treacherous act, he drew up a Staticom to have Archdeacon Thoma of Malayalam consecrated as Episcopa and, entrusting it to the said persons, sent them off secretly to Malayalam.

On their returning to this country and giving the Staticon to the Archdeacon and informing him of the particulars, writs were issued to the churches to meet at Alengad church, and a large number of people comprising priests, deacons and laymen met and began consultations. Meanwhile, the Patriarch was sent over from Madras by land to the Cochin Fort, under guard, to be sent off to Rome. On his arrival there, he was confined in a dungeon. When the rumour of the Patriarch's arrival in Cochin became afloat, all the people assembled at Alengad went over and solicited the Portuguese Governor to release the Patriarch. But as, instead of doing it, the Governor raised objections, the Archdeacon, priests and people, numbering about 25,000 resolved to effect the Patriarch's release even at the risk of an encounter with the Portuguese, and boldly set forth. There were then in the Cochin Fort only about 300 Portuguese. Frightened by the overpowering numbers of the enemy, they drew up the drawbridge, mounted cannon on the battlement and determined not to capitulate at any risk.

Finding the fort impregnable, they withdrew and represented their grievance to the Cochin Rajah. The Rajah thereon called the officer in charge of the Fort and insisted upon the surrender to the Syrians of Malayalam of the Sage, their master whom the Portuguese had in confinement. The Portuguese some-how won over the Rajah to their side and drowned the holy Patriarch with a large stone tied to his neck, and thus killed him. So says the Syrian tradition while some histories say that the Portuguese sent him off to Goa and after detaining him in the Inquisitorial dungeons for some time had him sent off to Rome. Of these two versions, the one still believed among the Syrians is that he was drowned to death.

As the Rajah connived at the cruelties of the Portuguese against the Syrians simply for pecuniary gain, and gave up the holy person to be murdered, the King of kings, in Heaven, Almighty God did that very moment visit him with His punishment. For, at the very time that the Portuguese in the Cochin Fort made preparations for the drowning, the Rajah had a fall from the stair-case of the palace, fractured his skull and died instantaneously.

The Syrians assembled, on knowing of all these particulars, gathered together at the Muttonchery church and market-place and resolved that 'we should never again unite ourselves with the Portuguese who have, without any scruples or fear of God, murdered the holy Patriarch, that even in the times of our successors there shall not be any connection or intercourse with them,' that Francis

Metran of the Roman persuasion should not be acknowledged as superior, that in future no Metran of theirs should be acknowledged, that Archdeacon Thoma should be consecrated as Metran in accordance with the Staticon given by Ignatius Patriarch and that 'our ancient and spotless doctrines should be followed.' A *Patyola* was accordingly drawn up to that effect, and all unanimously and casting themselves on the refuge of God attached a large cable to the Koonen Cross at Muttonchery and extended it both ways in the market-place; and the people assembled held by this rope and unanimously and in one voice swore as afore-stated and separated, on the 3rd Magarom of the above year.

Subsequent to this, all those that assembled at Muttonchery returned to Alengad church and in obedience to Mar Ignatius Patriarch's staticon consecrated Arch-deacon Thoma as Metran, with the titular designation of Mar Thoma Metran. After this, Kadavil Chandy Kathanar of Kaduthuruthi, Vengur Geverghese Kathanar of Ankamalikarai, Palliveettil Chandy Kathanar of Kuravalangat and Itti Thoman Kathanar of Kallusseri were appointed as counsellors to the Metran. The Metran began to manage the affairs of the Church in consultation with them.

But some questions were raised by certain people relative to the office of the Metran appointed by the meeting. And therefore, the desired for peace did not ensue. Further, some superstitious practices which crept in among these people by the commuuion with the Portuguese for a period of 55 years appear not to have been weeded out.

[*From the beginning of the last para in page* 120
to the end of para 1 *in page* 134.]

In the meanwhile, in 1665—840 M. E., Mar Gregorius, the fifth Patriarch of Jerusalem came to Malayalam, by the command of the Patriarch of Antioch. Mar Thoma Metran obtained perfection of his office at his hands, and both continued to govern the Puthencoor Syrian churches in perfect concord.

The fifth Patriarch, and Mar Thomas when he understood the matter, grieved very much that, since the Synod held at Udyamperur by the influence of the Portuguese, the Syrians were being crushed under the Roman yoke and that the Syrian clergy and laity observe their superstitious practices, and tried to have these absurd practices removed. But at the counsel of some Malpans and influential persons of the time, the people foolishly held that by the placing of images in churches and carrying them in procession, the churches derived some income and that there was no objection to their being in churches, none of these were unfortunately removed. The fifth Patriarch himself could not remove these (though they were improper practices) without the consent of the *Yogam* (people.)

[The next two paras and four lines of this extract have been printed as an extract for Appellant. *Vide ante*—Page. 124.—the whole of the last extract.]

.....And the fifth Patriarch of Jerusalem managed the spiritual affairs of the people for some time more and died on the 14th Medom 865 M. E. and was buried at Pattamana–Paravur. As Andrews Patriarch died the next year as mentioned above, there was no ecclesiastical head in Malayalam for some time.

In the mean time, in 1685- 861 M. E., Mar Basilius Catholica, Mar Ivanius Episcopa, two Armenian priests and one Greek priest came by ship and landed at Tellicherry. From this place, they came by land to Kothamangalom church encountering much difficulty and fatigue. Mar Basilius survived his arrival here only by thirteen days. He died on the 10th Kunni of that year and was buried in the Cheriapalli at Kothamangalom. Afterwards, Mar Ivanius Episcopa himself managed the affairs of the Church and consecrated a member of the Powlomattom family as Mar Thoma III. He did not survive his consecration long. He died at Kadampanad church on the 9th Medom 863 and was buried there. On this account, Mar Ivanius Episcopa consecrated an *Anandraven* of the deceased Metran as Mar Thoma IV.

This Mar Ivanius was verily a holy person. As the Syrians were following the Portuguese practices, he altered some of those which were erroneous spiritually and brought things to some order. As the *padre* Parajalla, the wise man and his disciple, Deacon Matthula set themselves up against this holy person, they had to be anathematized. On account of this anathema, they died after enduring much misery and hardship.

This Mar Ivanius died at Mulanthuruthu, on the 3rd Chingom 869 and was buried there.

Again, the Nestorean Mar Gabriel, a Metropolitan came down in 1708 A. D.—883 M. E. by command of Mar Elias Catholica.

As this person preached the doctrine that in Messiah there are two Persons and two Natures, he was not acknowledged, and much dispute ensued. Of the Syrians themselves, some sided with him. On that account, he performed Holy Mass with *Hameera* and *Patheera* and caused fasts &c. to be observed in conformity with the Syrian usage. On account of these practices, Mar Thoma Metran kept himself aloof from Mar Gabriel Metropolitan and without consulting him and asking him to take part, consecrated his *Anandraven* as Mar Thoma V. He (Mar Thoma IV) died on the 13th Meenom 903 M. E. and was buried in the Kantanad church.

But some contended that the consecration by Mar Thoma Metran alone of his Anandraven, was not right, and refused, for some time, to acknowledge him. Further, it was averred that consecration so had was not valid, and representation was made to the Dutch Company.

This Gabriel Metropolitan resided for the most part in the Cheriapalli at Cottayom. He died on the 8th Kumbhom 906 and was buried in the Cheriapalli. It is not long ago since the remains of this Gabriel Metran were removed from the Cheriapalli.

[*Footnote to the above para*:—Though this Mar Gabriel Metropolitan was a Nestorean, he is still spoken of as one who was very piously devoted to Messiah and a firm believer. Tradition says that he fore-told the date of his death, that he died on that very date and that on the 40th day after burial, his body was found, on opening his tomb, in the same state as when itwas buried; but the truth of this cannot be guaranteed. The Edatthil *Thampurans* themselves used to call this person a sage and deeply reverence him.]

As the resolution of the people that the office of Mar Thoma V could not be accepted and as their request to the Dutch Company to get down for them a Syrian Metran from foreign parts had no effect, they pressed the great Jewish merchant, Ezekkiel Rabbi whose trade extended over all parts and, through his recommendation, got down Mar Ivanius Malprian, from Bussorah. He came down to Malayalam in 1748—922 M. E. in the merchant Deacon Antonius' ship. On visiting the Syrian churches and finding images placed there, he censured the people and convinced them that it was contrary to the command of God and got the images removed from most churches. On this account, the Metran and people united in their opposition to the Bava. The Bava discarded this and, on visiting some churches, broke and burnt the images there, and thereby drew upon himself the wrath of Metran Mar Thoma V and the leading people.

Without caring for anybody's pleasure, he began to remove irregular practices one by one. He made the priests and the old men of the laity wear the cap (lit : round cap.)

[The next 21 lines of the Extract are included in Appellant's Extracts. *Vide ante.* Page 125—the whole of the 1st Extract.]

Mar Thoma Metran sent for this person and got him down to the Pallikkarai church and requested him to get down from foreign parts a very learned prelate, promising to pay all expenses therefor. Deacon Antonius said that in the town *Verva*, there was one Sakrallah and that he was a learned and a patient

man. On this, a letter addressed to the Patriarch to send down that person was given him, and he want to Antioch, delivered the letter and submitted the particulars. On this, the Patriarch was highly pleased and getting down the aforesaid Sakrallah conferred on him the dignity and name of Mar Basilius Catholica of the town *Verva* in the land of Alleppine, and sent him and Mar Gregorius Metropolitan of Jerusalem, Mar Ivanius Episcopa from Mossul, the town of Azor, one Kori-Episcopa and some Kathanars and deacons to Malayalan supplied with Morone, Sythe and books and Staticon and with authority to consecrate Mar Thoma Metran as Metropolitan of Malayalam with the designation of Dionysius, and a staff, mitre and crosier to be presented to him. By the grace of God, these landed at Cochin on the 14th Medom 1751—926 M. E. Mar Thoma Metran heard about this at Pallikkarai and, being pleased, sent some priests and laymen, with letter, to Cochin to receive the Bavas and take them to Kantanad, while every preparation was made at that place for their reception.

As soon as the Bavas arrived at Cochin, they ordained Nellimattath Kathanar, a native of Kothamangalom and made him wear the priestly cap. On seeing such hasty deeds, the bearers of the letter simply presented it and came away frightened, without representing any particulars. But as there was an amount of about 12,000 ₨ due to the merchant Deacon Antonius for passage and fare in the ship, for which representation was made to the Dutch Company, the Bavas were pressed for the money. Mar Thoma Metran and others were informed of this, but the Metran and Pallikkar demurred that the charge was rather excessive. The Dutch Commodore therefore prohibited the Bavas from leaving Cochin, On this account and because civil action was taken before the Sirkar Travancore in the reign of his Highness Vanchi Marthanda Varma Kulasekhara Perumaul Maharajah, against Mar Thoma and others owing to the failure to obtain any redress, the Bavas stayed in Cochin in obedience to the prohibition of the Dutch Company, and, from there, wrote to Mar Thoma Metran to go there. When the Metran, after consulting with the Pallikkar, proposed to start for Cochin, he heard a rumour that the captain and *Thuludasanmar* had set out to arrest him. Frightened by this, the Metran left for Rakkat church and secured the favour of the third *Kymul* of *Thachchatthu* at that place. But as the Metran failed to settle the account of the passsage-money or send the amount, the persons who were sent to find him out and get the amount, on reaching Pallikkarai, became disgusted and entered the market and commenced a raid. Thereon ensued a serious conflict with the market-people, and, since the Cochin Sirkar assisted the Dutch, they (the market-people) had to surrender. And they never were able to recover the things which were plundered.

In the meantime, Mar Ivanius Malprian who arrived in 1748 went over to Cochin and saw Mar Gregorius Metropolitan and others. On this, it was only anger that was manifested towards the Malprian. It was resolved that, for the misdeeds perpetrated by the Malprian in the churches during the last three years, and which have caused much vexation among the people, he should be sent back to foreign parts; and, accordingly, representation was made to the Commodore at the Fort and arrangements made.

[*Foot-note to the above para*:—In speaking of the Dutch Company, the readers have to be informed of one matter.

In the treaty entered into with the Cochin Rajah by the Dutch after their conquering the Portuguese and taking possession of Cochin, it was stipulated that the Rajah shall have no authority over any Christian, that no fresh tax shall be imposed on the Christians without informing the Dutch Company, and that if any amount has to be recovered from any Christian, the steps therefor should be taken through the Dutch Commodore. These facts and that all Christians were under the protection of the Dutch Company, and that Christian offenders were punished by them are clear from the agreement entered into on the 22nd Meenom 1663.]

The aforesaid matter also was represented in conformity with the practice of laying the grievances of Christians before the Dutch Company; and the prayer was granted and the (Malprian) sent back by ship.

But it was very sad that this Mar Ivanius who during his sojourn of about four years among the Syrians removed several errors and introduced some order and removed images from churches and was governing the Church in the right way and according to the Gospels, was sent back by ship to Bussorah.

Subsequently, on the 3rd Karkadagom, Mar Gregorius Metropolitan and others removed to Kantanad Church with the sanction of the Dutch Company. The Metran on learning this fact did not know what might happen and removed from Rakkat to Kothamangalom and took up his residence in the Cheriapalli. The Bavas reached the Valiapalli at that place, and, there, both parties desired to have an interview. As popular opinion was partly in favour of the Metran, and partly of the Bavas, this did not take place. The Metran immediately went over to Kuruppompadi church and getting down the Southern Pallikkar removed to Niranom. The Bavas, on learning this, followed and reached Kayenkolum. In the meantime, His Highness the Maharajah, while at Mavelikkarai, got down Mar Thoma Metran and sent him telling him that letter had been received from the Commodore with respect to the 12000 Rs due by the Metran for passage-money to the Dutch Company and that, therefore, he should go to Cochin and discharge the debt. On going to Cochin, he was threatened with deportation unless he paid the money at once. Frightened by this, he resolved, at any risk, to consecrate his successor and made him say First Mass at Kadamattom. Meanwhile, the Pallikkar discharged the debt by subscription among themselves and the Metran returned to Puthiyakavu. The Metran and the Bavas held an interview there, but could not come to terms and broke up in disunion. In 936 M. E., this Mar Thoma raised his successor (*Anandraven*) to the dignity of Episcopa as Mar Thoma VI.

Meanwhile, Kattumangat Kurien Kathanar of Mulanthuruthu became a perfect scholar, under Mar Ivanius Malprian who had been deported. Mar Basilius being highly pleased with the zeal he manifested in the education of deacons and boys, appointed him as Ramban. And the Kori-Episcopa who had come in the company of the Bavas, and Sakrallah Kathanar were sent back with such amount as had been collected.

Up to this, the Syrians had no church or place of their own in Cochin. But now, by the exertions of Mar Ivanius Episcopa and Mar Gregorius Metropolitan, and at the recommendation of the Dutch Company, the Cochin Maharajah granted to the Bavas site for a church and residence for the priests, at Muttonchery, at *Attipper* value. And land extending from the market to the said place, and 1½ *Dennoos* broad so as to admit of two palanquins passing at the same time, was also purchased at the same rate of value; and the Bavas built a common church with funds received at this place as charitable donations.

On the 9th Thulam 1764—939 M. E., Mar Basilius Catholica died at Kantanad and was buried there. And Mar Thoma V died at Niranom on the 27th Medom 940.

Though, for about 20 years from 926 M. E. to 945, the Mar Thoma Metrans stood opposed to the Bavas, Mar Thoma VI endeavoured by degrees, to come to terms with the Bavas.

The decision come to at the Udayamperur Synod and which Alexius, the Portuguese Metran enforced, that priests should not marry, was hitherto obeyed by Syrians also. But these Bavas cancelled that prohibition. For, they made four Kathanars viz:- Kompan of Kantanad, Konaten of Mamalasseri, Chanthinethil Kathanar of Mulanthuruthu and Chathanattu [illegible] marry.

Beyond that Mar Thoma Metran made the *Adyara* presents to the Sirkar and secured its favour and began to manage the affairs of the Church conjointly

with the Bavas, he consulted with the Malpans &c. as to working in unison and had an interview with Mar Ivanius at Kallusseri church where the ill-felling was talked over and made up. Thereon, Mar Gregorius Metropolitan and Mar Ivanius Episcopa consecrated Mar Thoma VI on the 29th Mithunom 945, at Niranom, as Metropolitan of Malankarai, with full authority and the designation of Mar Dionysius, and gave him the staff, mitre, crosier, Staticon, and Morone &c. that had been brought from Antioch. While by the Grace of God the disputes had abated and everything was being conducted in harmony, Mar Gregorius Metropolitan, suffering from eye-disease, fixed his quarters at Kayenkolum, the Episcopa, at Puthiyakavu church and Mar Dionysius, at Omallur.

At that time, Kattumangat Ramban went and saw Mar Dionysius and told him that as Mar Gregorius was old, weak and disease-stricken in the eye, he would take him to Mulanthuruthu for treatment. By this trick, he obtained permission and conveyed him in a boat to the church at Muttonchery got built by these Bavas. Thereon, getting Mass said by Kattadi Kuruvila Kathanar, Kattumangat Ramban was consecrated by Gregorius Metropolitan with the designation of Mar Kurilos Metran and given his staff, mitre and crosier on Friday the 17th Vrischigom 945 M. E.

But, while the disputes which existed hitherto relating to the Metranship had ceased and peace was restored, the consecration of Katumangat Ramban as Metran by Mar Gregorius without consulting with Mar Dionysius Metropolitan and Mar Ivanius Episcopa shows clearly that it was done on account of the illfeeling he harboured against Mar Dionysius. For, this was done because, while disputes had ceased and harmony was restored, and his (Mar Dionysius') dignity was made perfect, Mar Gregorius Metropolitan was put to great inconvenience at Kayencolam without his expenses being paid; and, thereon, Kattumangaden went and set him up.

On being consecrated, this Mar Kurilos obtained *Theettoorom* from Cochin, *Theetu* from *Palyom* and writ (lit: paper) from the Commodore of the Dutch Company, and issued *Sadhanoms* to the churches in Cochin and together with the people who had come from the Mulanthuruthu, Karingasra and other churches began to move about grandly in the capacity of Metran. Meanwhile, as Mar Gregorius Metropolitan had become advanced in years, and weak and sickly, he resolved that before his death Mar Kurilos should be given the right to suceed to his assests and, accordingly executed a will and constituted Mar Kurilos his successor. This will was executed by Mar Gregorius at the Muttonchery church on the 23rd Magarom 1772 A D. For, when he informed the Dutch Commodore, Adrien Moens at the Fort, on finding that Mar Gregorius was worse, he (the Commodore) sent Abraham Rudolph, his Secretary and others to Muttonchery church. On their going and seeing him, he very intelligently, and with clear memory and voluntarily expressed a desire in Arabic to have all the property that Providence had given him conveyed to George Kurilos under a will; and this being interpreted by Baron Paul, the Dutch interpreter and Palluruthi Syed Ahmed *Thangal* to them, the Secretary and others had the will executed in their presence, and, on its being signed by Mar Gregorius Metropolitan, Johannes *Bose* (?), the Writer of the Dutch Company and Francis Rebaut attested and signed same; and it was sealed with a *Patthak* (a large gold coin). And it was confirmed by Abraham Rudolph (ಅಬ್ರಹಾಂ), the Secretary by affixing his signature thereto. Copy of this will is registered in the records of the Dutch Company as No 278. The purport of the will :—The will evidences that Mar Gregorius did, out of his assets, set apart 12 *Patthaks* to be given to the deacons that come to the Syrian church at Muttoncherry for charity and 12 *Patthaks* to be given to the hospital at Pallippurom, and convey to the aforesaid George Kurilos the right to succeed to the rest of his properties, comprising all his silver and gold articles, and debts and assets and slaves and the staff, mitre and crosier appertaining to his office, to the total value of within 2,000 *Patthaks* and that George Kurilos was given

power, thereafter, to appoint his heir and to execute in favour of such person a will conferring on him the right of inheritance.

After this, Kattumangat Metran removed Mar Gregorius to Mulanthuruthu; and, after lingering there for some time, he died on the 27th Mithunom 1772 and was buried there.

But when the news of Kattumangat Ramban's consecration reached Omallur and Puthiyavu, Mar Dionysius and Mar Ivanius resolved that some remedy must be sought for in the matter and, having issued writs to the Pallikkar to meet at Kantanad, proceeded to that place. On sending some persons to Trivandram to represent the matter to His Highness the Maharajah, Pattarunni Valia Sarvadhykariakaur was deputed under Royal Neet to enquire into the matter. On his going to Cochin and representing the matter, the Maharajah said that as the matter was one relating to Christians, it would be well to have the question got decided by the Dutch Company; and, accordingly, the Kathanars and the people who were the complainants went over to the Fort and got down Kattumangat Metran; and, by the exertions of Eipu Kora Tharaken of Kantanad and others, the question relating to Kattumangat (Metran) was decided on the 22nd Mithunom 949 as Mar Dionysius Metropolitan wished it should be. The decision by the Commodore was that the obtaining of Metranship without the consent of the people and consulting the other Metrans, while everything had been amicably settled and terms come to, and the exercising of that authority in Cochin appeared unlawful; but that, since the title had been conferred, he should enjoy the title, but live subject to the other Metropolitans, and maintained by them. As under royal command, he was made to return the *Theettoorom* &c., he was sent off to Kantanad. And at that place, Mar Dionysius and others tried hard to divest Mar Kurilos of his staff, mitre, crosier and red robe and make him say Mass as a Kathanar and began to use pressure. Finding no means of avoiding it, he agreed in a way to do so. But on the day previous to the one on which it was intended to say Mass, as he bathed with oil and during night had a wet piece of cloth applied to the forehead, fever commenced. And thus, he avoided saying (Mass) the next morning. The application of wet cloth as above continued for two or three nights without failure, the fever increased, and the pressure to say (Mass) abated to some extent. As the disease grew worse, he went to Mulanthuruthu to place himself under treatment at home. With treatment, he improved slightly; and thereon, taking the things he got from Gregorius Metropolitan under the will, fled at night to Calicut in *Neduvirippu* land and lodged in a house at Anjoor, which belonged to a Syrian of Panakkel house in the Vylathur *Amsom*. Through that person's influence and that of Aythrose Kutti Moopen, Manager of the Palace (?), he obtained some land in the Tholyur Desom from the Punnathur Rajah, on Jenmom and erecting a Cross there fearlessly wore the red robe and lived there openly as a Metran. Subsequently, in 1774, foundation of a church was laid at Tholyur on the 15th Idavom, after consulting the Syrians of the four Desoms called Tholyur, Anjoor, Vylathur and Gnamanakkat. After the work was finished, he ordained some as deacons and, getting down his younger brother, appointed him as Ramban.

The Yogakkar and Metran agreed that there should always be a Metran in the Tholyur church, and for the maintenance of such Metran, the title-deeds of the church-lands and the Sirkar tax &c. were transferred to the Metran's name. It was thus that a Metran began to rule in Tholyur.

[*Para* 1 *page* 143.]

In the meantime, Mar Ivanius Episcopa appointed Philipose Kathanar, a native of Kayencolam who was attached to his suite, and Matthen Kathanar, the Metropolitan's *Anandraven* as Rambans, and on the 7th Madom 1794—959 M. E, the day previous to Passover died and was buried at Chengannor. Subsequenlty,

on the 24th Medom 1796—971 M. E, Mar Dionysius Metropolitan appointed Matthen Ramban as Episcopa, at Chengannur.

[*From para* 1 *page* 152 *to the beginning of para* 1 *page* 155.]

(For first para of this Extract. *Vide ante*—whole of the last para in page 127.)

(*Foot-note to page* 152. At this time, there were two classes of people in Malayalam, besides the Puthencoor Syrians. They were the Roman Catholics called Playacoor people, and the Latins, a section of that class who had seceded from the Syrians. A brief account of them appears to be called for here.

From Quilon northwards, the Putbencoor Syrians had 72½ churches and one Metropolitan to govern them, with about 70,000 people subject to him. Though the Palayacoor people who had seceded from the Syrians followed the Roman creed and practices, they continue to say Mass &c. in the Syriac language without giving it up. There were 52 churches under an Archbishop in the See of Cranganore, 38 churches under a Vicar-Apostolic in the Verapolay See and 7 churches under a Bishop in the Quilon See (Diocese). There are three classes of people in the world who believe that there is but one God, Jehovah the Almighty. They are the Jews, the Mahomedons and the Christians. Of these, the Christian Church is divided into three sections. (i) The Latins. They hold that the Pope is their head and the Mother of the Faith. (ii) The English Protestants. They hold that the Holy Bible is the basis of the Faith and the authority for all rites. (iii) The Syrians. They believe in the Unity in the Father, Son and the Holy Ghost and live subject to the holy Patriarch of Antioch. The Church in Turkey and the *Yavana* Church are almost of the Syrian persuasion. Besides these, there are numerous other Christian sects.)

In page 134, we have spoken of Kattumangat Mar Kurilos' having received consecration and domiciled in Anjoor in the north. We shall now briefly give an account of the Metrans that succeeded him and, after showing the connection of the histories, proceed to the history of Mar Thoma Episcopa, the successor of Mar Dionysius Metropolitan who died at Niranom, and others.

After consecrating Geverghese Ramban, the younger brother of this Kurilos Metran as Metran with the designation of Kurilos II, in 1794 A. D., he went over to Mulanthuruthu, his own parish and, falling ill, died in 1802 at that place. In the meantime, a member of the Panaveli family in Cottayom who had become notorius on account of his loose conduct and who, fearing punishment, fled the country and took service under the Metran had been gradually raised to Holy Orders and allowed to remain in his suite. Owing to the illfeeling which the Anjoor Metran even formerly harboured against Mar Dionysius Metropolitan of Malankarai and with a view to raise a little fun and to insult Mar Dionysius, Kurilos II conferred on this man of Panaveli the designation of Ivanius and making him assume Metran's garments sent him to the Southern parts. But on reaching Chakkarakadavu, he had an attack of flatulency, a disease which he had been suffering from even before and therefore returned to Anjoor where he died. Thus, the intent to mock was frustrated.

(For the next two paras, *Vide ante*-page 128 Paras 1 & 2.)

On seeing that Mar Thoma Episcopa's disease was rather dangerous, some of those assembled there thought that, as a temporary head was required, it would be advisable to get down Thoma Kathanar and have him consecrated and have the same perfected afterwards by getting down a Bava from Antioch. All did not agree to this, while Chakkara-akatthoot Kathanar of Ankamali and others of that party got Thoma Kathanar down and prepared to have him consecrated. Then, Konat Malpan and others protested against this. Then, a voice was heard crying, "The Bishop is about to die. Come all". When all proceeded to the spot, the aforesaid Thoma Kathanar was found dressed in Metran's garments and kneeling by

the sick Metran's side. The said Ittoop Kathanar took the Metran's hand and placed it on Thoma Kathanar's head and some gave the staff, mitre and crosier and, repeating some words, called him Mar Thoma Episcopa. The next day, Ittoop Kathanar and company saw the Resident Col: Macaulay and represented the facts; and the sick Metran died in the morning of Tuesday, the 22nd and was buried in the Kolancheri church as there was no space in the Kantanad church. The Pallikkar who assembled at Kantanad in obedience to the Sadhanom received inviting them to meet there on the 40th day of the late Metran's demise, were made to execute and sign a Padyola on the 1st Chingom 985; and, taking it, the Metran began exercise his powers.

[*From the beginning of para* 2 *page* 159 *to the end of page* 162].

(For the 1st para of this extract—*Vide ante*—Page 128, the whole of the 2nd Extract.)

"To be read unto the Venerable Mar Thoma Metran of the Puthencoor Syrian churches: Written under order of *Maharajasri* Col. Macaulay *Sahib Avergal*:—

As, for the annual interest of 240 Star-Pagodas on the amount of 3000 Star-Pagodas invested with the Company on interest for the beneficial purposes of the churches under you, you should give receipt and draw the 240 Star-Pagodas from the Resident in Travancore, you should receive the interest as above giving the two receipts forwarded herewith, signed by you, to Dasa Py, the Treasurer in Cochin. As the date in the church-accounts, of the investment of the money with the Company is 1st Dhanu, the same date is given. You will write to (me) about the receipt of the interest of 240 Star-pagodas on sending the receipts, and with respect to other necessary matters.

To this effect: Written by writer *Ganchi Thuppasi Anandapadmanabhen.*

20th Vrischigom 1809—985 M. E.

.....Received the paper and the two receipts sent through Joseph Kathanar and others. Sends Surat Rupees 840 for the Star-Pagodas 240 entered in the receipt, under *Maharajasri* Col. Macaulay *Sahib Avergal's* order. Requests for intimation regarding receipt of the said Rupees eight hundred and forty and as to what else I should do.

These particulars, to be read unto the Metran by the Syrian Mar Thoma Metran *Avergal's* writer.

To this effect, written at Cochin.

Dasa Py Ananden—Treasurer—2nd Dhanu 1809.

The Metropolitan received only one year's interest, in the manner above described. He was not able to receive the interest for any other year owing to the opposition and disputes of Pulikote Ittoop Ramban and others.

The people fell out with the Metran as he failed to draw up a memorial on behalf of the Malankarai Pallikkar and deliver it to the Resident, for the purpose of getting down a prelate from Antioch, and because he altered some of the existing practices. For, Pothen Werkey of Ponvani and others of the Kantanad parish, Kurien of Chalil called also Thalakulom in Mulanthuruthu, Palanthinkel Matthai of Karingasra and others, Kalappurakkel Kochitten, Moonnupeedikakkel Itthappiri and others of Kolancheri and Vayppil Avira Chakko of Maluvancheri and others had represented to the Metran on the 1st Kumbhom that, certain faults are found on the Metran's part, and asking him what the means were for building a Seminary which was badly wanting, and what arrangements were to be made to remove the difficulties occasioned by the incapacity of the existing Kathanars to conduct the church-rites; and in reply to this, the Metran said, "Whatever you decide that I should do shall be done without failure. As for building a Seminary in the north and one in the south, I have got in hand some money (the interest for one year) and I am ready to spend it as all may decide" and so forth. And as, afterwards, letter was sent that there was ready 1000 Rs for building the Seminary and

that the Ramban should go there soon, Ittoop Ramban went to Kantanad. But the Metran only said that he should wait until Col. Munro arrives from the south; and there was no further consultation or any interview. As he found it inconvenient and that he was hard of cash for expenses, he thought it better to go home and return, rather than wait till Col. Munro comes from the south and the *Yogakkar* from the north, and sent a letter to the Metran. The purport of the letter was that Sadhanom should be issued to the Pallikkar to meet at some place, and that with the Pallikkar and Malpans that assemble he should draw up a memorial to Antioch and make them sign same; that it be got signed by those not present by sending same to them; that the same be delivered, after the above steps, to the Resident; that the school-house should be built and Philipose Ramban appointed thereto; that education should be begun there getting down at least one Kathanar, one deacon and one boy from each church; that there should be no delay in getting the Andu-texa book written and circulated; that, if there was some money ready for building the school-house, the teaching could be begun in two or four months, finishing the work; that 'rather than my suffering difficulties without doing anything, it is better to seek the refuge of the Church at Chattukulangarai of the Lord's Mother' and that 'I am suffering much owing to the inability to walk and the want of means to take a conveyance.'

Hearing that in the meantime the Resident had come to Alwye, the Ramban and some others at once went there and, in representing grievances, stated that up to that, it was Metrans of the Kuravalangat-Powlomattom family who were governing the Syrian churches and people, that the present Metran did not belong to that family: that he was not entitled to the dignity though he was descended from a person adopted from the Powlomattom family to one at Kadamattom; that he assumed the vestments of a Metran at the instigation of some of his adherents; that he has without any right appropriated the assets of the previous Mar Dionysius Metropolitan and his successor, Mar Thoma Metran; that his dignity itself was not perfect; that, therefore, 'the present Metran should be prohibited from exercising episcopal functions, ordaining people for pecuniary consideration, pardoning guilty clergymen, on receipt of bribes, chaining up people who refuse to give money and doing such other outrageous deeds, and from his obstructing the practices of baptising and converting കലശൽ, obtaining in all churches.' After this, the Metran and *Yogam* came and represented that Ittoop Ramban and others were insubordinate to the Metran and so forth, as given below.

[*From the beginning of para* 3 *page* 175 *to the beginning of para* 1 *page* 185.]

As, in the meantime, the Madras Government called for answers to 17 questions relating to the origin of the Church in Travancore and the customs and usages of the Syrians, the Resident sent those questions to the Metran on the 8th Meenom 988.

The Metran's reply thereto.

To be informed in the august presence of *Maharajamanyarajasri* the Respectable Munro *Sahib Avergal*:

Received the order sent under letter (to) Mar Thoma Metran of the Malankarai Edavagay which is subject to the rule of Mar Ignatius Patriarch of Antioch, with the 17th questions enclosed therein, and understood the matter. Detailed answers to those matters are herewith submitted. We very much request that *Sahib Avergal* (you) will render Us and the Syrian Church-people all necessary assistance and thus protect us.

To this effect: 20th Medom 1813—988 M. E.

1st Question. When was it that the Syrian practices and Church first introduced into that country? Under what circumstances? By whom? How confirmed and widened afterwards?

Answer. After Our Lord, Jesus Messiah's Ascencion, the Apostles assembled in the Mansion of Zion, according to His compact; and then, the Holy Ghost descended upon them like a flame (lit: tongue) of fire, and dwelt in them, and they began to preach the creed in the four quarters of the earth and convert numberless people to Christianity. In those times, Apostle Mar Thoma did, as promised, come to this Malayalam in 52 A. D. and preach the religion, and established crosses and churches at the seven places called Palur, Pattamana, Paravur, Pallippurom, Niranom, Chayal and Kurakkeni—Quilon, and, of the several *Gramakkar* who believed, conferred holy orders in the two families called *Sankupuri* and *Pakalomattom*. It was from that time that the Christian religion and Church came to exist in Malayalam. But Mar Thomas met with death at the hands of heathens on his way to Pandy to preach the religion, and was buried at Mylapore. Again, in 352, Thoma of Canae together with numerous men and women and one Episcopa and Kathanars, came from Syria by ship and joined the Syrians of Malayalam. From that time, the religion became established here firmly.

2nd Question. As subject to the authority of what Superior have the Syrians been obeying (their) laws and rules? (The rest of the question runs thus: "മെത്രാന്മാരും സ്ഥാനക്കാരും ആരുടെ ഇടത്തിൽ നിന്നു എന്നും കത്തനാരുമായിട്ടു കണ്ടവരുന്നതും ഒക്കെയിപ്പിച്ചു കഴിയുന്നതും കത്തനാരു തനിനാട്ടത്ത മുട്ടിടിച്ചുതികൾക്ക കണ്ടവരുന്നതും ആരെ ആകുന്നു.'

Answer. In Malayalam, it is as subject to the authority of Mar Ignatius Patriarch of Antioch that the ordinances are recognised. Metrans come from Antioch and consecrate members of the family which has derived Ordination from Apostle Mar Thoma, and these conduct all routine (ദിനുതി) affairs, and important affairs are conducted informing the Patriarch of Antioch thereof.

3rd Question. What kind of authority has the Patriarch of Antioch exercised over the Syrian churches?

Answer. While for about 293 years after the time of those ordained by Apostle Mar Thoma, much grievance and hardship were being endured, by Divine Grace, Mar Ignatius Patriarch of Antioch sent by ship the Metran called Joseph of Uraha and Kathanars and deacons and numerous laymen, with Thoma of Canae, a merchant who was residing in Jerusalem, to Malayalam. They landed here in 345 A. D. and saw King Cheraman Perumaul, gave presents, received privileges, and established their abodes at Cranganore. Subsequently, Joseph Metran conferred, under authority of the Patriarch, the title of Arch-deacon on a member of the family in which Holy Order had been bestowed by Apostle Mar Thoma, and thus all the people of Malayalam were governed. During all that time, the Metrans that came to Malayalam by command of the Patriarch of Antioch used to confer the supreme authority in Malayalam on the Arch-deacons. Affairs thus continued for 480 years. But when the Portuguese arrived in the Cochin Fort, the coming of Metrans from Antioch ceased. Again, in 825, two Metrans called Mar Sabor and Mar Abrotha came with Theodorius, a merchant. It was thus that Antioch used to exercise authority over the Syrian churches in Malayalam.

4th. Question. What is the rule as to the succession of Metropolitans in the Syrian churches, and what all are done on one's death?

Answer. In 1653, a Mar Ignatius Patriarch was arrested at Mylapore by the Portuguese on his way to Malayalam, from Antioch. At that time, two deacons had gone to Mylapore. Fearing that the Portuguese might kill the Patriarch, he sent patent of consecration through the aforesaid deacons to consecrate the Arch-deacon as Metran. The Portuguese then brought the Patriarch to Cochin and drowned him in the sea. Thereon, the Arch-deacon and people met at Muttonchery and swore holding the cross, that the Portuguese shall not to the end of their

race be obeyed. And then, all met in the Alengad Church and consecrated the Arch-deacon as Metran in pursuance to the warrant of office sent by the Patriarch through the deacons; and thus the Metran's functions were exercised. Subsequently, in 1665, Mar Gregorius Patriarch of Jerusalem came to Malayalam and made perfect the ordination of the then Metran and gave him the books, Morone and Sythe that had been sent from Antioch. In those days, the *Anandraven* of Arch-deacon Thoma was made Metran and empowered to exercise the functions thereto appertaining. Towards the close of his career, his *Anandraven* was consecrated as Metran. It is thus that the office of Metran has been vested in succession in members of this family.

5th Question. What is the authority on which the measures for the propagation of the Creed is now based, in the Syrian churches? What are the Orders of the clergy, the number of priests, their offices, their emoluments and the number of Syrians therein?

Answer. A *Padyola* was executed before us in '85 by all the Pallikkar so as to regulate the conduct of the Church properly, and affairs are conducted and caused to be conducted accordingly. Under Our jurisdiction, there are at present 55 churches. The duties of priests are, saying Mass on Sundays and festival days, conducting baptism, marriage, confirmation, confession and other righteous rites for Christians, receiving the dues from them and holding prayers at both times in the churches. When Christians die, priests may be made to say Mass on their behalf; and the priest will get a *Calien* for every such rite. For baptising, they get one to four *Caliens*. For marriages, a due called *pasarom* is given in proportion to the means of the donor; and one half of this goes to the priest and the other half is credited to the church. We thus conduct affairs having empowered the priests to perform all services for the people and to teach them all righteous deeds.

6th Question. What are the powers exercised by the Metropolitan over the clergy? How are affairs conducted when his government of the Church ceases? How are priests appointed to high offices? What are the laws and orders relating to priests, and the usage thereon, and the authorities relating thereto, the punishments, and the punishments for offending laity?

Answer. Priests learned in the holy books and the Andu-texa relating to the usage of churches will be appointed as vicars of churches, and, when he goes out of office, another priest will be appointed to that office. Christians who default to attend Services or to observe fasts or to attend for the annual confession, or, who, being averse to baptism, join the heathens and perform or get performed any devilish rites, will be made to attend church and excommunicated from there according to the nature of their offence, and punished according to the canons; or, steps will be taken to prevent the repitition of such deeds, and they will be admitted into the the church. Priests who conduct themselves contrary to authority with respect to the usage of the church will be divested of their ecclesiastical functions, and excommunicated and dealt with according to the Canons.

7th Question. What arrangements are there for the education and instruction of priests and laymen? Are there any places for education? If there are, how many? What are taught there? What books are studied? What arrangements are there for the supervision of these?

Answer. There is no special arrangement for the education of Christians except the arrangement subsisting from ancient times, by which the priests are charged with the duty of teaching. For the education of the clergy, there is Konat Verghese Kathanar-Malpan in the north, and Philipose Kathanar of Pallippad and Geverghese Kathanar of Palakkunnom in the south, who instruct priests in the four holy books

tolerably well. Among them, there are both good and fair scholars. Beyond this, there is no special place for education.

8th Question. What books are there among the Syrians for the imparting of (religious) knowledge? Is the holy Bible generally understood?

Answer. For obtaining religious knowledge, there are the Old and New Testaments. Some priests study them. The four new Gospels are tolearbly well understood. When, in 982, Dr. Buchanan came to visit the churches and to see the Metropolitan, Our Karanaven, he desired to have the Old and New Testaments, an ancient book was given him also, besides the one given to Col: Macaulay. Again when Col: Macaulay and Dr. Buchanan visited our Karanaven, the Metropolitan, at Kantanad church, four other books were given him and a request was made that the four Gospels should be given him translated which, he said, he would have printed in foreign parts, and send a large supply of copies of for the churches, and that every effort should be put forth therefor. In six months the translation was finished and sent in obedience to order received. Afterwards, because Col: Macaulay's order was received to sent the Syrian book of rites for the full year and David's Psalms, Ourself sent same in 985.

9th Question. What properties do the Syrian churches own? What income is derived from the people? What is the usual expense in the churches? What are the means therefor?

Answer. The Syrian churches have no other properties except the vestments &c. Even these, all churches have not got. The income from the people are burial fees and 75 chks for *100 panamidais* of gold for every marriage, of which one half goes to the priest and the other half is for the church. But nowadays, most people are married gratis. There is no other income for churches. There are churches which cannot be maintained with their income. There are also churches which are in a dilapidated condition for want of funds. There are also churches whose trustees appropriate their income and do not account for same.

10th Question. Are there any schools and any fund for the education of children? If there are not, what aid is required?

Answer. There are no schools for the instruction of children, nor any fund either. Any help rendered will be a matter of charity.

11th Question. Do the Sirkar officals and others oppress the Syrians in any way? Do they do anything obstructive to the performance of religious rites?

Answer. The Sircar servants do oppress the Syrians. There is not much obstruction in the case of religious matters.

12th Question. What orders or arrangements are required for the good of the Syrian churches?

Answer. Prays that all arrangements be made and assistance be rendered for the good of the Syrian churches.

13th Question. Do heathens join the Syrian persuasion? Do Syrians go off to the heathen religion?

Answer. There are not many from the heathens joining the Syrian religion. No Syrians go over to the heathens.

14th Question. What are the articles of Creed which the Syrians follow and believe? What are the differences from the heretical doctrines of the Greek Church?

Answer. Syrians maintain and follow the commandments of the Apostles and of Jesus Messiah and the doctrines laid down by the 318 praise-worthy Fathers of Nice and the rules laid down by them.

15th Question. What are the forms of worship of the Syrians? Are priests allowed to marry?

Answer. The Jacobite Syrians observe the practices mentioned in the books sent by Mar Ignatius Patriarch of Antioch. Priests are not prohibited from marrying.

16th Question. Give an account of the union that subsisted between the Syrians and the Latins. Is there any new correspondence between the basis of the faith and usages & practices of the Syrians, and the practices of the Roman Catholics?

Answer. In 1599, Alexius, the Portuguese Metran came to Malayalam. He called a Synod at Udyamperur. Because then the Archdeacon and people of Malayalam refused to join the Portuguese, they represented the matter to the Cochin Rajah and had the Archdeacon and people pressed in several ways, and thus had the Syrian practices removed and the Portuguese practices introduced. At that time, they forcibly stopped the marriage of priests. After this, the Syrians and Latins formed a united body for 55 years. During this time, the Portuguese brought Mar Ignatius Patriarch from Mylapore and drowned him at Cochin. The Syrians thereon declared that the Roman Catholics were enemies of the true faith and swore and parted and from them. Under the authority of the aforesaid Patriarch, a Metran was appointed; and affairs are being conducted according to the Syrian tenets. There was no connection with the Romans beyond the above. In 1685, Mar Basilius Catholica and Mar Ivanius Metran came from foreign parts. Of these, Mar Basilius survived his arrival here only 3 days. Mar Ivanius then consecrated the Anandraven of the then ruling Metran, Mar Thoma III of the Powlomattom family as Metran. The Metran who came to the diginity after Mar Ivanius' time appointed his successor who appointed one before his death. In 1748, one Mar Ivanius Metropolitan came. As he worked mischiefs in the churches and beat priests, Thoma, the then Archdeacon of Malayalam and the Pallikkar wrote to foreign parts to send another Metran, showing the above facts. The Patriarch thereon sent Mar Basilius Catholica, Mar Gregorius Metropolitan and Mar Ivanius Metran and others with Morone, Sythe and books and with Staticon mitre, staff and crosier and authority to consecrate Mar Thoma as Mar Dionysius Metropolitan. They reached Malayalam in 1751. Some disputes ensued; but they ceased; and giving the staticon, staff, mitre and crosier, they consecrated Mar Thoma with the titular designation of Mar Dionysius. And he consecrated his successor.

17th Question. How long has the dignity of Metropolitan been vested in the present family? How was ordination had when the connection with the Patriarch of Antioch broke up?

Answer. For 1308 years from 345 aforesaid to 1653 when Mar Ignatius came to Malayalam, people of the Powlomattom family used to be appointed as Archdeacons, and they were managing the religious affairs. From the time that Mar Ignatius came, down to 1813 A.D., the Metrans that came down from Antioch used to confer the dignity of Metran in this very family; and those that received such dignity were governing the Church and used to give every support to the foreigners that came. Up to this day, besides the Archdeacons, there were 6 Metrans and one Metropolitan in this family.

To this effect: 20th Medom 1812.—From the Niranom church.

[*From the beginning of the last para in page* 195 *to the end of that para in page* 196.]

Punnatharai Mar Dionysius Metropolitan desired to get down a prelate from Antioch to Malayalam to have his dignity made perfect, and sent one or two letters to His Holiness Maran Mar Ignatius Patriarch, and tried very much. But it happened that none arrived during his rule After ably governing the Malankarai Edavagay for about 8 years, he died at the Cheriapalli at Cottayom on the 8th Idavom 1827—1000 M. E.

[*From the beginning of para* 2 *page* 267 *to the beginning of the last para, page* 271.]

The Syrian natives of Cottayom employed in Cochin held a meeting on the 12th Kumbhom 1858—1033 M. E. and resolved that "As the education in the

Seminary which is our principal school has entirely fallen through and since Mar Athanasius, Metropolitan of the Malankarai Edavagay endeavoured to revive it, but failed through some reason or other, it is necessary that the required fund should be raised for appointing paid masters possessing ability and knowledge to teach Syriac, English, Malayalam and other languages in the Seminary, for educating our people in future so that the grace of God and renown may be secured" and subscribed 300 Rs. and intimated the particulars to Mar Athanasius Metropolitan forwarding a list (of the subscriptions). His Grace was pleased at this and subscribed 1,000 Rs., and Mar Kurilos of Anjoor subscribed for the time 300 Rs. On the whole, above 2,000 Rs. were subscribed. His Grace issued a circular printed at the Cottayom Seminary Press, giving the above particulars, and circulated it in all the churches, copy of which circular is appended below.

Copy of the *Sadhanom*.

Mar Athanasius Metropolitan of the Edavagay of Malankarai writes :—

Seal.

To the Vicars, priests, trustees and other people of Our Syrian churches. Benediction to you.

The Syrians employed in the Cochin State held a meeting at the residence of Ittoop Writer, one of them, on the 22nd February 1858—12th Kumbhom 1033, and after consultation came to certain resolutions for the promotion of the weal of the Syrians. Their purport is :

(1.) That since nothing has been considered hitherto for the promotion of the benefits of education among our own people, the Syrians, the necessary measures be concerted.

(2.) That since the education in the Seminary, our principal school has fallen through and since the endeavours of the Venerable Mar Athanasius Metropolitan did not secure any satisfactory results through divers reasons, it is necessary that, for appointing able and learned teachers on salary to teach Syriac, English, Malayalam and other languages in the Seminary, so that our people may earn learning and knowledge and thereby secure the grace of God and renown, a fund must be raised, and that lists should be opened and circulated among Syrians and other friends inviting donations or monthly or annual contributions according as the subscribers may please.

(3.) That four persons whom the Metropolitan may appoint should by turns discharge the duties of clerk and cash-keeper each year.

(4.) That Mar Athanasius Metropolitan of the Malankarai Edavagay and the Metran of Anjoor be informed of these resolutions and that Mar Athanasius be requested to write to our Pallikkar and the principal Pallikkar of each parish, soliciting their aid, and that our friends, the Munsiff of Chowghat, the Writers of the Trivandrum Observatory, Mr. Kuruvila employed at Madras, Mr. John employed at Calicut and others be communicated with seeking their assistance.

(5.) And that since the Syrians in general will reap the benefits of the commencement of education as early as possible, all present should as above do what lies in their power and induce their friends to do the same and that the very Reverend Metropolitan and the rich and the poor among the Syrians should be required to render what help they can to realize the aims aforesaid easily.

The desire and will of Us, your superior by the grace of God, in this matter is as follows :—

Our dear sons employed in Cochin have been moved to think thus. All of us should thank God that we have been enabled to work for the realization thereof.

There may be numerous people [illegible] would raise objections saying that this is all foolish or impractiable, that its general utility is questionable, that this is devised simply to raise money and misappropriate it and so forth, so as to prevent

willing persons from subscribing. But as We are convinced that the work these people have taken on hand is good, acceptable to God and beneficial to the Syrians generally, We take part in it with Our fullest accord and have resolved in God to assist by words, with money and the necessary efforts. We request that those who love God and desire the common good and are willing to follow Us in a good work to take part in this and render all possible help and get the scheme worked, and write to Us about any opinions or ways they may have to suggest in the matter, and sink all personal quarrels and envy so that this matter of common good may not be impeded or obstructed.

On the very day that the aforesaid meeting was held, 208 Rs were subscribed by 25 people, and they have sent an account of same. Beyond this, Ittoop Writer and others have written a letter on the 15th Kumbhom that they expect assistance from Europeans and other friends. If our people would only work with a will, there will be no difficulty to raise a fund and to carry out good and useful measures. It is known to all that it is with the small contributions by the people that two Catholic Kathanars have been able to build a convent at Mannanom and to start a school and printing office &c. Likewise, the Missionaries carry out so many beneficial schemes with the help received from people. Thus, as you have experience of the results arising from slight aids, you should, for the carrying out of the beneficial movement which Our dear sons, throwing themselves on the support of God, have set afoot, willingly subscribe whatever amount each one may be able to give and raise funds through the Vicars and Kathanars, appointing in each locality, the chief villagers to undertake the duty, and forward to Us the amount collected with account of same. The amounts will be delivered to the treasurer appointed by the aforesaid body, and his receipt will be got down and forwarded, and all business conducted by the body and the particulars of the collections with the names of the subscribers will be communicated to all churches. Further, a printed list of the money collected hitherto for the purpose, with the names of the donors, is herewith sent.

Further, when people of our Edavagay may want to borrow money on interest, the members of the association may be made to lend money at a low rate of interest, on good security.

To this effect : 24th Meenom 1858. From the Cottayom Seminary.

EXTRACTS FROM WW2—FOR RESPONDENT

[The Notice published by Mr. G. A. Ballard and the adjudication by H. H. Kerala Varma, Mar Athanasius and Mr. Henry Baker, published in pages 1 to 7.]

NOTICE.

With a view in some degree to stimulate thought and elicit expression of opinion on a subject of great importance to the States, the British Resident in Travancore & Cochin has offered a prize of Rupees 250 for the best essay on "The Syrian Church and Community in Malayalam."

The following are the conditions to be observed.

1. The essay is to be written in Malayalam. It must give a succinct review of the history of the Syrian Church and Community in Malayalam from their early existence to the present time, with references to authorities relied on for facts advanced.

It is not tradition that is so much required as practical information regarding the Syrians since the arrival of the Portuguese in Hindustan.

2. The following points should be specially noticed.

(*a*) The social and political relations which the Syrian Christians have occupied with respect to their Hindu countrymen and the native sovereigns &c. at different successive periods.

(*b*) It is almost generally admitted now that the Syrian Community in former days took a higher position in the social scale and that they have now deteriorated. What are the main reasons for the absence of progressive vitality in its body?

(*c*) What polity should be pursued as most conducive to the religious and social advancement of this Community?

3. It is desired that controversial doctrinal questions should be avoided; and it must be noted that the expression of any acrimonious personality will, *ipso facto*, exclude any essay from consideration for the prize.

4. Each essay should contain not less than 50 foolscap size pages of matter.

5. The prize will be given in the shape of money, books, or an honorary testimonial at the option of the prize essayist.

6. The Valia Coil Thampuran *Avergal*, Mar Athanasius Metropolitan and Rev. Mr. Henry Baker have kindly consented to act as Judges. The prize will be awarded to the essay that in the Judges' opinion treats the subject proposed most thoughtfully and judiciously and conveys the largest amount of information and most practical ideas in the best Malayalam style. The Judges reserve the right of declining to award any prize, or of determining to give portion thereof only, should none of the essays sent in attain, in the Judges' opinion, a sufficient positive standard of merit.

7. Each essay should be distinguished by a motto. The real name and address of the writer with copy of the motto his essay bears should be written on a slip of paper and sent in a separate sealed cover along with the essay. These sealed covers will not be opened till after the Judges have given their award.

8. The essays must be sent prepaid, registered and marked on the outer cover "Essay" to the address of the Valia Coil Thampuran-Trivandrum, between the 1st and 30th November, 1870. The Judges will not receive any submitted after the latter date.

G. A. Ballard.

Decision.

With a view in some degree to stimulate thought and elicit expression of opinion on a subject of great importance to the Travancore and Cochin States, the British Resident in Travancore and Cochin had in 1870 offered a prize of 250 Rupees for the best essay on "The Syrian Church and Community in Malayalam." Conditions were proposed and the Valia Coil Thampuran, Mar Athanasius Metropolitan and Rev. Mr. Henry Baker were appointed Judges for adjudicating the prize. It was notified that the prize would be awarded for the essay that in the Judge's opinion treats the subject most thoughtfully and judiciously and conveys the largest amount of information and most practical ideas in the best Malayalam style.

Six essays, in accordance with the rules, were sent in and have been carefully considered by the arbitrators. The several recorded opinions have been collected and on opening the sealed covers, it was discovered that the essay which was unanimously adjudged as the best, was written by the Rev. Ittyerah Eappen of Thiruvella, and those which were considered worthy of honourable mention, by the Rev. George Kurien of Pallom, Cottayom, the Rev. Kuruvilla Kuruvilla of Cochin and the Rev. Joseph Kathanar of Kottur, Chengannur.

The arbitrators therefore, under the powers delegated to them by the Resident G. A. Ballard Esquire in his notice of 2nd January 1870, do now award a prize of 150 Rupees to the Rev. I. Eappen, and, with the permission of Mr. Ballard,

an honorarium of 100 Rupees to be equally divided between the Revs. G. Kurien, K. Kuruvilla and Kathanar Joseph of Kottur with honourable mention for their compositions.

Kerala Varma.
Mar Athanasius.
Henry Baker.

[The translation of the above notice and award are adapted from the Travancore Government Gazette.]

[*From the beginning of page* 5 *to the end of page* 6.]

The next accurate information that we have of the Syrians is the coming of Thoma of Canan a famous merchant of their community from foreign parts, and the prosperity that it attained thereby. The date of the arrival of this Armenian in Malayalam is an open question among historians. The Syrians positively assert the year to be 345 A. D., while some European writers give the middle of the 5th century, others, the 7th century and others still, the 8th century. Thus opinion on this point differs. It is said in Dr. Day's "Land of the Perumauls" that he thought the period of Cheraman Perumaul who was ruling over Kerala at the time of Thoma's coming could be ascertained, and made enquiries in the Trichur Bramhin Seminary, and that, from the reply received therefrom, it appeared that this sovereign came the throne on the 24th March, 341 A. D. This tallies with the version of the Syrians and the date believed to be given in the copper-plate given them by Cheraman. Still, as the opinion of those who carry the date of Thoma's arrival to a century back (?) has to be given preference, we infer that this event took place about 450. This famous person, who first came to Malankarai on trading enterprise, saw the native Christians, and pitying their condition, returned to his native land and made a report of the same. In his next voyage, he took with him some priests and people who were willing to accompany him, together with a Metran called Mar Joseph, and landed at the Cranganore harbour, and resided there with the Maharajah's consent. Cranganore was at this time the Capital of the Perumaul Kings. It is known also as *Mahadevarpatnom*. Subsequently, on account of the kindly feelings which Cheraman Perumaul Maharajah entertained towards Thomas of Canan, he bestowed several high privileges and honours upon the Syrians under copper-plate title-deeds bearing sign manual. They still have these copper-plates on which are engrossed the grant of these honours, in Malayalam. The facsimiles which Dr. Buchanan took of them are preserved in the Cambridge University as objects of antiquarian curiosity. The witnesses in these plates were four respectable Jews. The Jews also obtained most of the privileges like the Syrians. I have heard that the copper-plates held by both communities are of the same date. As, when the Portuguese came, the Metropolitan of Ankamalikarai had the plates of the Syrians kept in the Cochin Fort for safe custody, there was some uncertainty in the intermediate days as to their whereabouts. Dr. Buchanan says that, in spite of the uncertainty, Col: Macaulay had them sought out, and that they were six in number, and questions if there are to be seen in the world documents more ancient than, and in such perfect state as, these.

Coming of Thoma of Canan.

The privileges and copper-plates given to the Syrians by Cheraman Perumaul.

[*From the beginning of page* 8 *to the end of that para.*]

For, the belief of the Syrians has been that they have always been subject to the Jacobite Patriarch of Antioch. But, besides the letter of this Cosmos, there are several unsuspicious documents and evidences to show that, before and at the time of the coming of the Portuguese, it was Nestorean Metrans subject to the Patriarch of Babel (*Babylon*) that were governing Malankarai. If the statement in the histories of European

The Prelatial Office in Malayalam

Churches, that Thoma of Canan who raised the condition of the Church in Malankarai was a Nestorean, is correct, this testimony obtains greater strength. Some hold, therefore, that in former days the Syrian Church was subject to the Patriarch of Babylon and that, subsequently having been from the beginning of the 16th century, for a period of 55 years, totally subjugated by Rome, and owing to the disorder and distress of that period, the allegiance to Babylon fell through and that it might have begun to acknowledge the supremacy of Antioch. But as this subject will have to be taken up again in treating of the history of that period, the question will be resumed there.

[*Pages* 51 *and* 52.]

In 1617, on the death of Francisco Roz, another Jesuit came to the office. Other Jesuits succeeded in order after his time. They perpetrated such outrages as rendered their rule intolerable to the Syrians. For they discontinued the use of Syriac services which even Prelate Alexius had allowed, placed images in churches, oppressed those who were unwilling to adopt the Latin service wholly and did other things. As no response proceeded from Rome on the Syrians representing thereto, for redress of these grievances, they became disgusted. They chose Archdeacon Thoma, the successor of Archdeacon Geverghese as their leader and wrote severally to the Patriarchs of Babylon, Egypt and Antioch to send down a prelate for them. In response to this, a Prelate called, in *Yavana* language Theodore, in Arabic Abdalla, and by the Syrians Ignatius, came down in 1653. But this person fell into the hands of the Jesuits, and the Syrians, on coming to know of this, held a meeting at Udyamperur and resolved to invite the Jesuit Prelate on the pretence of desiring to proffer allegiance to him and to detain him as a hostage for the security of their Metran. It is not at all surprising that this trick was of no avail as against the Jesuits who were professors in craft. Finally, Mar Ignatius Metran was, under arrest, brought to Cochin, and the Syrians, with their Archdeacon and priests, prepared themselves for war and proceeded to Muttonchery. The Portuguese on seeing this armed multitude at once closed the fortgates and loaded their cannon mounted on the battlements. The Queen of Cochin took the side of the Syrians; and, even though she pressed that their Metran should be released, the Portuguese did not comply with the demand. Some writers say that he was sent off at night by ship to Goa and confined and burnt in the Inquisitorial fire at that place; but the Syrians hold that he was drowned in the sea at Cochin. Either way, it is certain that he was brutally killed. The hatred of the Syrians against the Jesuits became so much inflamed by this that that they resolved to appoint their Archdeacon as Metran, to obey him and never to ally themselves with the Portuguese, and, attaching a large cable to the Koonen Cross at Muttonchery, all held it and swore, and parted. One or two meetings were held subsequently, and of these, at the one at Alangad, twelve Kathanars together consecrated the Archdeacon as Metran. This Metran, beyond bringing the Syrian erroneous practices and the government of the Church to a proper order appointed Kadavil Chandy Kathanar of Kaduthuruthi, Venjur Geverghese Kathanar of Ankamalikarai, Chandy Kathanar of Kuravalangat church and Itti Thomman Kathanar of Kalloosseri as his counsellors and, along with them, ordained one Diaz, a Portuguese man and appointed him as his interpreter and clerk.

The outrages of the Jesuits.

Mar Ignatius' coming and his fall.

The Syrians break the alliance with Rome.

[*Pages* 63 *and* 64.]

The disconnection with Rome proved beneficial to the Syrians in several ways. But the results that would linger by a single contact affected them. Their former spirit of independence and social status were destroyed by the growth under the severe rule of the Portuguese for about 100 and odd years. Their glory

The evils which befel the Puthencoor people by their connection with Rome.

became faded as their Kathanars became illiterate and their people ignorant, because the numerous books they had were burnt. In these circumstances, the example of the Romans tended to alter the original faith and practices to a very great extent. This needs no special mention. The prelates of foreign parts subject to the rule of the Patriarch of Antioch and those of Malayalam who strove hard to resuscitate the Church from this miserable condition found the task hard.

Coming of Jacobite Prelates subject to Antioch.

There is ground to suppose that the Syrian Church in Malayalam began to owe allegiance to the aforesaid Patriarch in 1663. For, it is found that, in this year, Mar Geverghese, a Jacobite prelate and a native of Jerusalem, came down as the Metropolitan of the Syrian Church. Though some suppose that before this, in 696, a Jacobite prelate came down from Alexandria and that, since that time, there have existed Jacobites in India, others contend with good authority that this hypothesis is unsupported. Therefore, the first Jacobite prelate that came to Malayalam must have been the aforesaid Mar Geverghese Metropolitan. After him came in quick succession, the prelates Mar Andrews, Mar Basilus Malprian, Mar Ivanius and Mar Thomas. Of these, Mar Ivanius was the foremost to endeavour to remove the Romish practices from the Church. Mar Thomas was no way less illustrious. It is found that he counted his order from Mar Geverghese and designated himself as the fifth Metropolitan, in writings. As, if before Mar Geverghese there were Jacobite Metrans governing the Syrian Churches here, Mar Thomas would not have designated himself thus as the fifth Metran, this is advanced as an evidence to fix the date of the first arrival of Jacobite Metrans. Dr. Buchanan's account of the Syrians agrees with this view. For that writer says that, though formerly the Syrians had Nestorean prelates, their then Liturgies were what originated in the primeval Antiochian Church and which are reputed to be St. James'; and that though they are generally called Jacobites, yet, considering their Services &c., they vary from the Jacobite Churches in Syria and from all other Churches in the world; and that therefore the name Jacobites should have come to be applied to them latterly.

[*From para* 2, *page* 65 *to the beginning of para* 1, *page* 67.]

Meanwhile, when in 1747 a prelate named Mar Ivanius came from Bussorah, the people became opposed to him as he began to break the images in churches. After four years, this prelate was sent back.

The dispute as to the ship-fare.

In 1751, the year in which the above prelate took ship, three other prelates named Mar Basilius, Mar Gregorius and Mar Ivanius and two priests arrived in a Dutch ship. The Dutch claimed 12000 ₹s for their passage. As the Syrians objected to pay on the ground that the charge was excessive, the Dutch complained to the Travancore Sirkar, and after a protracted litigation, the Syrians had to pay the amount.

After the aforesaid Antiochians, the coming of foreign Metrans ceased for some time. During this time, native Metrans used to govern the churches and to appoint their successors. The persons so appointed were mostly the ablest of Malpans and persons recognized as competent by the people. When there were more than one people recognized as competent by the community, the selection from among them used to be made by casting lots. Of the natives appointed to govern Malankarai, the first famous Metropolitan was Mar Dionysius. He was nominated and appointed by Mar Gregorius and Mar Ivanius conjointly. Mar Basilius died in 1764. One Kattumangat Ramban of Mulanthuruthu who had been appointed as such by Mar Basilius was, without consulting the other Metrans and the community, appointed by Mar Gregorius alone as Metran with the designation, Mar Kurilos, and further was made heir to his

Native Metrans.

assets under a will. And shortly after that, Mar Gregorius died. Mar Dionysius gaining over Mar Ivanius to his side complained about this first to the Travancore Sirkar and next to the Dutch Company. The decision was favourable to Mar Dionysius Metropolitan. Thereon, Mar Kurilos fled to Anjoor with the property obtained under the testament. At that place, after consulting with the Syrians of Tholyur and two or four other places, he obtained some land on *Jenmom* from the Punnathur Rajah, built a church there in 1774 and assumed the position of Metran.

The first Metran of Anjoor.

With the view that there should ever be a Metran at that place and that that Metran should be maintained by the income from the church-gardens, the lands were registered in the name of the aforesaid Metran. It was thus that a Metran came to exist in Anjoor. As, by this arrangement, there came to exist one more native Metran at Anjoor, besides the common Metropolitan of Malankarai, it served to prevent the collapse of prelacy in Malayalam.

[*Page* 70.]

(*Vide ante*-page 138 last para to line 8 page 139.)

[*Para* 1 *page* 78 *to the end of the page.*]

Subsequently, when in 1835 Daniel Wilson, Lord Bishop of Calcutta visited Travancore, he consulted with the Metropolitan and the Kathanars about reforming the Church removing the improper practices introduced into the Syrian Church during later days. He lectured before the people at Kottayom and Kantanad dwelling upon six points on which he thought reform was needed. Though this mostly depended upon the directions of the Resident, Col. Munro, a meeting of the Missionaries and the Syrians was held in the Puthiyakavu church in Mavelikarai, after the Bishop left, to consult about the adoption of the reforms suggested. The Metropolitan and others did not approve of them, and the Metropolitan further directed the Kathanars not to work in unison with the Missionaries, and the Deacons not to study in the Seminary. By this, the assimilation of the Missionaries and the Syrians became impossible.

The opinion of Lord Bishop Daniel Wilson.

Separation of the Missionaries and Syrians.

[*From the beginning of para* 1, *page* 80 *to the end of page* 81.]

Even subsequent to the separation of the Syrians and the Missionaries in 1838, some Syrian families adhered to the Missionaries and formed the nucleus of a native Syrio-Anglican Church. Most of the native clergymen of the Anglican Church are such as were under the tuition of the Missionaries. Of those that adhered to the Syrian Church, the learned and pious Abraham Malpan and others desired that the beneficial arrangements of Col. Munro should not be shaken. But as this failed, 12 Kathanars including this Malpan drew up a petition shewing 27 irregular observances extant in the Syrian Church and presented same to the Resident praying for his assistance to remove them. But the Kathanars withdrew from the attempt without exerting themselves as far as it lay in their power for the accomplishment of their object. Nevertheless, Abraham persisted in carrying out the movement he initiated and began the work of reformation in his own parish. Two priests and some of the leading members of the parish opposed the alteration of any existing practices. And the neighbouring parishioners did what they could to throw obstacles in the way. Further, the Metropolitan issued *Sadhanoms* to the churches informing that Abraham Malpan of Maramannu and his followers were absolutely dismissed from the Church. Consequently, the name of this good man became an object of hatred and ridicule to the rest of the Syrians. But this high-minded priest, undaunted by any of the difficulties that stood in his way, introduced into his parish the changes and reforms

The Syro-Anglicans.

The Malpan of Palakkunnom.

suggested in the aforesaid petition. Gradually, there arose in other parishes also people who were desirous to make Maramannu their model. According to the divine promise that 'Those who honour Me, them will I honour,' several who first ridiculed the name of Abraham Malpan of Palakkunnom, began to honour it subsequently. For, his *Anandraven*, the Senior Mar Athanasius Metropolitan was sent down consecrated, to govern the churches in Malankarai, by the Patriarch of Antioch in 1843.

The Pallikkar of Maramannu.

While he was studying in the Cottayom Seminary as Deacon Matthai, he went to Madras in 1837 to prosecute his studies, with the aid of the Missionaries. Another Syrian Deacon also was sent after him.

Mar Athanasius Metropolitan.

[*Last para in page* 92.]

10th. It is highly desirable, if a remedy can be secured to avert the apparent evils that arise to this Church from the existence as at present of more than one Metran as heads of this Church without recognizing any as Superior. It would be impossible to remove totally the evils of having too many masters, so long as the relation with Antioch continues. For, on account of his distant situation, he is unable to understand the true condition of the people here and the real state of affairs; and, therefore, he believes all complaints received against the Metrans of Malankarai and the false rumours which frequently reach him, and, according to his pleasure, now and then consecrates and sends out people to Malayalam. And by the coming of such people, quarrels arise and parties multiply. Therefore, some eminent men possessing discretion are of opinion that a settlement by which one of the present Metrans is made the head and the others, managers of the Church under his directions, will be conducive to its prosperity. It is mentioned here as a matter requiring the calm consideration of the Syrian Community and their superiors. If by whatever means this arrangement and union are secured, the hearts of all well-wishers of the Syrians will rejoice and the God of love and peace will shower His blessings upon them.

Union.

The benefits of union.

"Behold, how good and how pleasant it is for brethren to dwell together in unity!

"It is like the precious ointment upon the head, that ran down upon the beard, even Aaron's beard: that went down to the skirts of his garments.

"As the dew of Hermon, and as the dew that descended upon the mountains of Zion: for there the Lord commanded the blessing, even life for evermore."—Psalms 133.

EXTRACTS FROM WW_3—FOR RESPONDENT.

Extracts For Respondent Extracts from WW_3

[*Para* 1, *Page* 7.]

Further, the warrants of office issued to the foreign Metrans that used to be sent out, were, up to some time back, addressed as to 'China, Mecca, Malacca and Mylapore,' places which Mar Thoma is said to have visited. Besides this, the day of Mar Thomas' demise is observed on two different days in Malayalam and foreign parts. The reason for this is that the day of demise is observed here, while that on which his holy remains were carried to and interred in the *Edasa* at Uraha is observed there. There is documentary evidence to show that the Russians disinterred and examined his holy remains at Uraha in 371 A. D.

[*Para* 2 *page* 10, *to the end of the page.*]

Next, we take up our subsequent history. Till the expiry of the time of the aforesaid two priests, the ecclesiastical affairs used to be conducted properly, from Palur to Kurakkeni. As St. Thomas had not appointed here the High Priest

who was competent to confer this order, there came to exist no priests at all. Owing to emergency, elders began to conduct the religious rites of baptism and marriage. On this account, our Church began to deteriorate. As these people were formerly Hindus and because their daily intercourse was with them, it was natural that they might have reverted to their former customs and practices.

[*From the beginning of para* 1 *page* 12 *to the end of para* 1 *page* 14.]

The Syrians passed 290 years in prosperity and adversity as above shewn. At that time, the merchant usually known as Thoma of Canan, an Armenian (i.e. Syrian) arrived at Cranganore for carrying on trade. Seeing some persons wearing the cross about the neck, he wondered if there were his co-religionists among the Hindus, and called them; and on enquiry, he learned that there was a large number of them and that they were in great distress in temporal as well as in spiritual affairs. Resolving to render them as much help as lay in his power, he returned to his land and told the 'Catholica of Bagdad'* all that he had seen and heard. Thereon, he sent Joseph Episcopa of Uraha (i.e. Edasa), some *Kahanas*, and deacons and 72 families, 7 *Illakkar*, from Jerusalem, Persia and Chaldea, comprising in all about 400 people, in three ships, and under charge of merchant Thoma. Early one morning in 345 A. D., they reached Cranganore. The then Captain of the fort at that place was one Venki. There was also the Rajah of Chempakasseri. They went and took merchant Thoma by the hand and had him carried in a palanquin.

The suzerain of Malayalam at the time was Cherakone Perumaul. His palace was there. Thoma the merchant saw the Perumaul and gave certain presents and represented his particulars; whereon, the king said "We, the lord of the of the country would do for you all that you require of Us." And the ruling Sovereign did grant the 72 previleges held only by *Alvancheri Thamprakkel* and other high-castes and 244 *koles* of land measured by the *Anakole* , being land in *Cranganore* Desom comprised within an area of land demarcated by the casting of a *parah* of paddy round it, under copper-plate writs, and evidenced by the rite of dropping flower and water, and to be enjoyed as long as the sun and moon shall exist; and the foreign Christian Thoma did receive same.

After obtaining the privileges and the gift of land, they exerted themselves to build a town and a church at Mahadevarpatnom. Foundation thereof was laid at the conjuction of *Karkadagom Rasi*, *Sapthami*, *Ayillyom* and Saturday, the 29th Kumbhom 345. The Astronomical year was *Sovala*. They went and saw the people of Kottakkavu, the *Tharisakkel* of the 64 families of Kurakkeni and the Metran and his followers, and they entered into terms of friendship.

[*From the words* "സുറിയാനിക്കാരൻ തൊമ്മായുടെയും അവന്റെ കൂട്ടരുടെയും വരവുകൊണ്ടാകുന്ന ഇവിടെയുണ്ടായിരുന്ന നസ്രാണി മാപ്പിളമാക്ക് ആകപ്പാടെ സുറിയാനിക്കാർ എന്ന പെരുണ്ടാകുവാൻ ഇടയായത" *in page* 16 *to the end of the page.*]

(*Vide Ante* Page 140, 1st Extract-line 19 to line 29.)

[*Page* 33 *up to the beginning of para* 1.]

On Alexius Metran's entering the church, he saw the people armed with muskets, swords and bayonets, and said he was not afraid to die. He said some words depreciatingly, of the Archdeacon. Thereon, he laid hold of five or eight boys and presented them for Confirmation, and said that he could find only these.

* The 35rd Canon of Nice says:—"Likewise, let the Edavagay of Silucia which is one of the eastern towns have similar honour and Catholica. Let the Metropolitan of the eastern Christians subject to alien people appoint a Bishop, like any other prelate, lest by waiting for the Patriarch or going unto him, they should encounter difficulty. As, on the Synod's requesting the Patriarch of Antioch to allow this, he has allowed it to be so done, he would not consider such act grieveous to him

From there, the Metran proceeded the next day to Mangat (Alengad.) The people of that place had taken refuge in the church with their women and things, for fear of the feud between Mangat Achen and the Rajah of Paravur. There a Kathanar turned to the wrong side of 84 bluntly asked the Metran to tell him the truth as to whether the Pope was really the head (lit:) of the Roman Catholic church. Hearing that some Pannikkers of Paravur were coming in search of him, the Archbishop proceeded to the Chovarai church. Though none went to receive him, he went there for vespers. The Arch-deacon kept aloof in his room in the vicinity. Still he sent him a polite letter. Attended by the people, he went to the boat and saw him. He was afraid that he might be carried off, but as the boat was only partly launched, he took heart and said that the people did not welcome him because it was said at Vaypicode that they should desert the Patriarch whom they had been obeying for over 1000 years. They entered into a mutual understanding that no Divine Services should be held until a Synod meets and settles affairs.

[*From the beginning of para* 3 *page* 46 *to the beginning of para* 1 *page* 49.]

The Syrians wrote several times to Rome to send them down a Metran of their own race. But no reply was received; and they, therefore, wrote to their own Patriarch, the Coptic Patriarch in Egypt and the Jacobite Patriarch at Merdeen. Thereon, the Coptic Patriarch sent down a Metran in 1653. He is known by two or three names. He appears to be spoken of as Mar Abdallaha, Attila and Matthai. The Syrians believe that he was Ignatius Patriarch and call him so. He went to Mossul, and from the Chaldaic Patriarch, got his dignity confirmed, and through Surat arrived at Mylapore in the disguise of a *Sanyasi*. At that time, Deacon Itti of Chenka in Chengannur and Deacon Kurien of Kilakkedath in Kuravalangat had gone there to worship at the shrine of St. Thomas. They saw the Metran and informed him of the particulars in Malayalam. Thereon, the suspicion of the Portuguese was awakened, and they prevented their further seeing each other. Somehow, there is writing to show that the deacons brought a letter to Thoma, Arch-deacon. They informed the Arch-deacon of the events that transpired.

In the meantime, the Portuguese laid hold of the Metran and sent him in chains to Cochin. The Syrians requested the Rani of Cochin to intercede and secure the release of their Metran. That Royal Family sent for the Commander of the Cochin Fort and insisted that the great sage, the master of their Syrian subjects in Malayalam, whom they had in confinement should be released. The Portuguese largely bribed the Rani and she inclined to their side. Thereon, the Syrians held a meeting at Udyamperur and consulted, and about 5000 people marched against the Cochin Fort to effect the release of the Metran. Those within the fort, strengthened it and by the back-door conveyed the Metran to a ship and had him removed to Goa. It is also said that he was burnt alive for heresy. This would appear to be a measure adopted to act as a scare to those who might venture to come down to these unfortunate people for the administering of their holy Services.

Thereafter, the Syrians met in the Muttoncherry church and resolved as follows:—"We should never again join the Portuguese as they have thus acted towards our Metran. There should no further be any friendship or union with them. The ruling Francisco Roz is no Metran of ours. Nor are we their subjects. We will never hereafter obey their Metrans. Our Archdeacon Thoma should rule as Metran". They passed a writing to the effect and all together swore to the effect holding a rope attached to the Kooner Cross, on Friday, the 3rd Magarom 1653. Subsequently, they held a meeting at Edappalli in connection with the same matter.

On the 22nd May of the same year, all the leading people, assembled at Alengad. On the pretence that there was the written authority of Ahattalla Metran,

twelve Kathanars consecrated the Archdeacon as Mar Thoma Metran. The Portuguese call this Metran "Thomas de Campo". Four counsellors were appointed to conduct affairs. They were Kadavil Chandy Kathanar of Kaduthuruthi, Palliveettil Chandy Kathanar of Kuravalangat, Vengur Geverghese Kathanar of Ankamalikarai and Anjilimoottil Itti Thoman Kathanar, a parishioner of Kalloosseri. It was also settled that on the expiry of three years, a re-election should be made. One Diaz, a Eurasian Kathanar was appointed as clerk.

[*From the beginning of page* 56 *to the beginning of the last para in page* 57.]

The Puthencoor people were not very mindful about converting the others to their party and to secure their own people from seceding. For, they had no people to help or encourage them. The others had the Europeans to do both. As the Powlomattom Tarwad joined the Palayacoor, a member of that family used to be adopted to this party and made Metran. But Mar Gregorius, the Metran of Jerusalem, called also the Fifth Patriarch* came down to Malayalam in 1665 by command of Mar Ignatius Patriarch of Antioch, who holds his seat at Merdeen. It was from this time that the Syrians became Jacobites † subject to the direct supremacy of the Patriarch of Antioch. But Renodaut fixes the date at 696. Before this, Persians, Chaldeans and, sometimes, the Jacobites of Egypt had come down as Metrans to these people. It was usual to accept those that came down during the time that there were no prelates, without deeply scrutinizing their doctrines. But after the Antiochian Jacobites came down and spread their doctrines, the Syrians began to suspect the Nestoreans, as will be seen from the sequel. This will be apparent from the letters they addressed to several (Churches), with a desire to have a Metran of any but the Roman Catholic persuasion which they deeply hated.

Mar Gregorius confirmed the dignity of Mar Thoma Metran. The Syrians were at this time having Mass said with unleavened bread called *Patheera*, in conformity with the Roman Catholic practice. Gregorius altered that and had Mass held with leavened bread called *Hameera*, in conformity with the Syrian usage. In 1669, Mar Thoma I died in the Cheriapalli at Ankamalikarai after consecrating Mar Thoma II, and was buried there.

In 1673, one Matthews Joseph, a Metran came down for the propagation of the Popish Creed, and established a Mission at Varapolay. In 1678, Andrews, a foreign Syrian came down. Nothing is known of him besides that he resided in Malayalam for 7 years and that he was addicted to stimulants. He missed his footing while bathing in the Kalladay river and was drowned. It is doubted if he was a divine at all. In 1685, Mar Gregorius died at Pattamana-Paravur.

In the above year, Mar Basilius Catholica, Mar Ivanius Episcopa and some other ecclesiastics came down from foreign parts. The Catholica died in the Cheriapalli at Kothamangalom on the 12th day after his arrival. Mar Ivanius (then) began to rule the church. As Mar Thoma II died by a thunderstroke at Niranom, Mar Thoma III was appointed and several practices were altered to the Jacobite form. Two or three years after that, Mar Thoma III nominated Mar Thoma IV and died at Mulanthuruthu.

[*From the beginning of para* 2, *page* 58 *to the end of page* 59.]

Mar Thoma V sent two letters in 1709 and 1720 respectively to Merdeen. They appear to have passed to other hands and to have been translated into other language(s).

*The Metran of Jerusalem is usually called by the names, the Fifth Patriarch and Gregorius. The Malprian is rightly or wrongly called Catholica and Basilius. The Eastern Ch...

† The Jacobite sect came to exist thus :—In the 5th century, Jacob Bourdana, a Friar became the leader of the Monophysites, a modified from of Entychian heresy. It is after this person that the Jacobites are so called. They spread that doctrine in the Sees of Antioch and Alexandria, and, further, in Nubia and Abyssinia.

On the Syrians' requesting the Dutch to get down a Metran for them, Deacon Antonius brought down Mar Ivanius Malprian from Bussorah in a Dutch ship, through the influence of a merchant called Ezekkiel Rabbi. As, on his coming, he saw images in churches, he began to break and burn them. The people thereon assumed a hostile attitude. After his remaining here three or four years, he was sent back on the 23rd April 1751. He appears to have made several people and Kathanars wear the round cap.

As Antonius was again requested to get them down another Metran,a host of foreigners landed at Cochin in 1751. They were Mar Gregorius, Sakrallah *alias* Basilius Catholica, of Verva in Haleb, Ivanius Episcopa from the town of Azor in Mossul, one Kori-Episcopa and some priests and deacons. As 12000 Rupees were demanded of Mar Thoma Metran for the ship-fare &c of these people, nineteen years of confusion ensued in the Edavagay of Malayalam. In 1761, Mar Thoma V nominated Mar Thoma VI and died in "65". Afterwards, the foreign Metrans became reconciled to Mar Thoma VI who was re-consecrated at Niranom in 1770, with the designation of Mar Dionysius. And the staff, crosier and ring sent from foreign parts to be given to the native Metran were presented. The foreign Metrans cancelled the decision passed at Udyamperur Synod, by which the clergy were prohibited from marrying, and made four people, viz : Kompan of Kantanad, Konaten of Mamalasseri, Chanthinen of Mulanthuruthu and Chatthannur Kathanar marry. Even after this, it cannot be said that peace was restored in this Edavagay. For, in 1772, Kattumangat Metran represented to the Cochin State that he had received the dignity of Metran as Mar Kurilos from the bed-ridden Mar Gregorius and, obtaining from there a *Theettoorom* evidencing the fact, began to visit the churches in those parts.

[*From para* 1 *page* 66 *to the end of page* 68.]

How Mar Dionysius got Kattumangaden divested of his diginity has already been described. After that, Kattumangaden went to Anjoor in British Territory, acquired a little land, built a church, resumed the diginity of Metran, lived in retirement and appointed his younger brother as Kurilos Metran. He appointed Cheeren Kathanar as his successor with the designation of Philixinos, in 1807. He appointed the person called Kidangen as Philixinos II in 1811. I have briefly mentioned these events, as these names occur in our history of the future.

In the meantime, Mar Ivanius Episcopa appointed Philipose Kathanar who was attached to his suite and Matthen Kathanar, the Anandraven of Mar Dionysius, as Rambans, and died at Chengannur in 1794.

On the 20th October 1796, the English captured the Cochin Fort from the Dutch.

In 1796, Mar Dionysius consecrated his *Anandraven* Matthen Ramban as Mar Thoma VII.

It was the aforesaid old Mar Dionysius whom Rev. Dr. Kerr saw on being deputed in 1806 by the Madras Government to enquire into and report on the condition of the Syrians, and Rev : Dr. Clodius Buchanan in the same year, on coming down from Calcutta to see the Syrians and ascertain their condition, to give them the Bible in their vernacular and to render them other benefical services. He was then 78 years of age. He had 55 churches under him.

The benefits that the Syrians have derived by the coming of Dr. Buchanan are lasting ones. We have not sufficient space to review them. They are such as deserve to be ever gratefully remembered by the Syrians. He took an ancient Manuscript Bible containing the Old and New Testaments and written on parchment, and above 1000 years old, from Dionysius Metran at the Kantanad church, and had same printed and sent to the Syrians. Further, he likewise got printed and sent down copies of the four Gospels translated into Malayalam by Philipose Ramban. Himself and the Resident, Col : Macaulay promised that they would

move the Church Missionary Society to send down Missionaries to promote education and religious knowledge among the Syrians.

In 1807, a foreign Metran called Dionysius came. He was generous but proud. He used to appropriate even the church-funds if he found hinself short of money. On this account, the native Metran and people fell out with him, made a representation to the Sirkar and had him arrested, confined for some time at Alleppey and latterly deported.

Mar Dionysius lived some time more. He died at Niranom in 1808 and was, as he had desired, taken to and buried in the Puthencavu church which he had got built in 1793.

Mar Thoma Episcopa VII did not survive his predecessor long. Just before the time of his death, those that stood near him, thinking that a successor was required, took his hand and placed it on the head of a Kathanar who was a relative of his and called hin by the name of Mar Thoma Episcopa VIII.

This led to serious quarrels and litigations in the future. Yet he continued to hold his dignity until his death. It was in this Metropolitan's name that Resident Col: Macaulay had the amount of 3000 Star-Pagodas invested for the common benefit, at 8 per cent interest, and had the bond executed. The copy of the letter sent him by the Resident in connection with the matter is appended:—

(For the letter, *vide ante*. Page 156—lines 14 to 26.)

[*From the beginning of the last para in page 72 to the end of page 73.*]

(*Vide Ante*–Page 144—last para to the end of that extract in Page 145.)

[*From the beginning of the last para, page 90 to the beginning af para 1 page 92.*]

As I think that this essay which treats of the Syrian Church and community will be incomplete without saying something about their doctrines of belief, worship, rites and Holy Orders, and their customs and laws and past and present condition, a brief review of these is given in this appendix. Like the other early Christians, the Syrians believe in the Unity in Trinity of the Father, Son and Holy Ghost. They recognize and believe in the Biblical tenets conformable to the Canons. They recognize the three Councils called the ancient Synods, and their decrees. They hold that after the incarnation of the Son, the second Person of the Trinity, there is in Him a single Nature being the combination of His divine and human Natures. Further, they believe that the Holy Ghost, the third Person of the Trinity proceeds from the Father. They have settled Liturgies and Services. They celebrate Mass, the Lord's Supper, on all Sundays and other holy days. They are all in the Syriac language. Some perform according to translations. They believe that these will benefit the living and the dead. The Syrian Creed does not enjoin belief in Transubstantiation. They are administered to the people in both kinds or in one kind. They have several specified Fasts. There is daily worship in the church. That is, in the mornings and evenings; and also at noon on Fastdays. Their chief rites are baptism, marriage, confession, Lord's Supper and Extreme Unction. Properly speaking, these people too have only prelates, priests and servitors, of priestly orders, like all other early Christians. But there are various distinctions in these very classes. The Supreme Pontiff is called "Ignatius Patriarch." He resides at Merdeen with the designation, "Patriarch of Antioch." For Metrans, there are twelve names, by one of which, and not by his original name, he has to be called. These names are:—Severus, Dioscorus, Athanasius, Dionysius, Timothius, Eustathius, Julius, Philixinos, Antimos, Clemens, Kurilos and Ivanius. Besides these, the clergy use several other denominations. They are:—Malprian, Catholica, Metropolitan, Episcopa, Kori-Episcopa, Kassisa, Deacon, Archdeacon, Ramban (Monk), Caroya and Ehup-deacon. Marriage is not prohibited except for prelates and Rambans. But it has to be performed at the stage of servitor.

Churches are built extending east to west, whether the site is suited or not. They are all of the same model. Each church has three parts. Services are held only in churches. The Cross will be placed in the altar. At some places, there are crosses outside also. During worship in the church or at home, it is usual to touch the forehead, the breast and the shoulder as a sign of the cross. It is usual to pray to the Saints. It is usual also to pray on behalf of the dead. At Divine Service, it is usual to have candles, to burn incense, and to ring bells to call attention to special parts of the Service, and to have the curtain and remove it at times. Lights are kept burning day and night in churches. It is necessary on the part of officiating priests to wear several vestments at Mass. Mass is performed fasting. People receive Sacrament at most three times a year. These may generally be called religious people. They observe Sabbath and holy days and fasts strictly. They pay high respect to clergymen.

No. 230.

No. 230.
Ext. ZZ.
Copy of the Sadr Judgment in A. S. 154 of 1044.
Filed on the 28th Meenom 1059.

EXHIBIT ZZ.

[Certified copy of the Malayalam translation of the Judgment in A. S. 154 of 1044 of the Sadr Court. Filed on the 28th Medom 1059.]

Seal

IN THE SADR COURT OF TRAVANCORE.

APPEAL SUIT No. 154 OF 1044.

Original Suit No. 210 *of* 1042—*Alleppey Zilla Court.*

Plaintiffs—OOLAGANNEN CHANDY and another.
Defendants—PHILIPS KOCHU MATTHOO and another.

Appellant—1st Plaintiff—by Vakil Runga Chariar.
Respondents—Defendants and 2nd Plaintiff—Mr. Walker, Vakil for the 1st Respondent.

This is an appeal from the following Judgment of the Zillah Court of Alleppey in O. S. No. 210 of 1042.

"The Plaintiffs have instituted this suit as *kaysthanom* of the Valiapalli "at Cottayom to recover 38–6¼ parahs of land belonging to the said church from "the Defts. who, they say, have been removed from office by their Meteropolitan "Mar Athanasius.

"The Defts. among other things contend that *Mar Athanasius* has no autho"rity to remove them and prefer their allegiance to *Mar Dionysius* who they say "has been consecrated by the Patriarch of Antioch in supersession of the excom"municated *Mar Athanasius*. In support of their contention, they have filed Ext. "25 which is stated by them to be the *Staticon* or Bull of Excommunication issued "by the *Patriarch*. This is sworn to by the 1st, 2nd and 3rd Witnesses for the "Defts. as having his seal. All these witnesses are priests who acknowledge Mar "Dionysius as their head. Making every allowance for their zeal as partisans of "Dionysius and for their affection for the 1st Deft., as his near relative, I am of "opinion that they speak to the best of their belief when they swear that the docu"ment in question is a Bull issued by the Patriarch.

"Both the parties, the adherents of *Mar Athanasius* and *Mar Dionysius* "declare that their local head derives his authority from the Patriarch. If that is "the case, the question becomes one between the two *bishops* and not one between "the parties to the present suit. It is clear that the real question at issue is "whether Mar Athanasius or Mar Dionysius is the legitimate Metropolitan of Mala- "bar. A question of such magnitude cannot be determined in the present suit "where the property sought to be recovered is so ridiculously small, when com- "pared with the actual amount which is really at stake. If it were an ordinary "case, I should have allowed both the parties to appear and represent their interest. "But considering the value of the property which is at stake, it is proper that a "fresh suit should be instituted by Mar Athanasius against Mar Dionysius inclu- "ding the Patriarch, if necessary, as a Deft., or by Dionysius against Athanasius, "if he thinks, he has valid reasons to turn him out. Both pretend to derive their "authority from the Patriarch. But both cannot be recognized by him and it will "not be difficult to decide who is the legitimately consecrated bishop. The whole "of the property belonging to the Syrian Church must be taken to vest in the "Patriarch as its supreme head. If a portion of the Church do not choose to "recognize the delegate sent by him, the portion who do not chose so to recognize "him ought be considered *schismatic*, but not those who adhere to their ancient "allegiance. The rights of the *schismatics* to any portion of the property which "had vested in the Supreme Pontiff ceased the moment they separated from "him. (Broom's Constitutional Law—Page 35.)

"With these remarks I dismiss the Plff.'s claim with costs, without entering "into the other questions."

JUDGMENT.

After hearing the Vakils on both sides, we resolve to remand the suit for a decision on the merits, as, from the admissions or concessions made on behalf of the 1st Deft. before us, the necessity for a new suit, such as the Judge thinks ought to be instituted, is altogether obviated. His Vakil, Mr. Walker, admits and properly so, that Mar Athanasius is, and may be treated, as the Metropolitan de-facto in so far that he remains the head of the Church by the recognition of the Travancore Sirkar, and he has no objection to the suit being proceeded with, upon that footing. Indeed we may go further and say that inasmuch as the Syrian Church in Travancore is altogether local that no Metropolitan claiming to be such, can be recognized by the Courts unless he has been so recognized by the State. And we must act on the principle that Mar Athsnasius is in law as well as in fact, the Metropolitan till the nomination of his rival has been stamped with the the sanction and authority of the Travancore State.

3. Again the position that the whole of the property "belonging to the Syrian Church in Travancore must be taken to vest in the Patriarch at Antioch as its supreme head" is one for which neither of the parties seems to contend. While it finds no favour with the Plff.'s party who is interested in disputing and does so dispute it, his opponent's pleader is even more distinct and emphatic in his denunciation of it. And there is no doubt that the Judge below is seriously in error in laying down such a proposition in regard to a Church, which is so purely local with a history of its own, as the Syrian Church in Travancore.

4. Under this view then, the question is not as the Judge puts it "one between the two Bishops." It is one between the recognized Bishop Mar Athanasius and those who claim through him in this suit on one side, and the Defts. on the other. If so, there is no difficulty in making Mar Athanasius a co-Plff. with those who have already brought the suit under his legal authority. This, the Lower Court will be now directed to do, and of course this would not involve the necessity of a suit representing in value the whole of the Syrian

Church property in Travancore. And the suit as to value as already brought, will be quite sufficient. The questions then which the lower Court has already recorded as issues for trial, but upon which they have passed no decision, must now he gone into, and a Judgment pronounced on the merits. These questions as recorded in the paper of points are :—

(1.) Whether 1st Deft. has been removed from his trusteeship (கைம்தானம்) of the Valia Palli at Cottayom.

(2.) If so, whether Mar Athanasius is competent to do so.

(3.) Whether the property in dispute is that of the Valia Palli, or of the 1st Deft.

5. These no doubt are substantially the points to be decided. But they might be made clearer with reference to the distinct allegations of the 1st Deft. in his written statement. From this and from what has been orally contended before us by the Deft.'s Vakil, what is urged on his side is this.

6. That Deft.'s ancestors having been the original founders and endowers of this Church, have had the right in their own family of being the Kysthanakkars transmitting the office hereditarily to the members thereof.

7. That the Metropolitan has no right to interfere with such right or the management of the property for such purposes as are mentioned in the written statement except (as the Vakil adds before us) for proved and demonstrated fraud and misappropriation.

8. We find that evidence both oral and documentary has already been given in the Lower Court by the parties, though in the view taken by it, no opinion has been passed upon it. It is however urged on Deft.'s side that they would be prepared and ought to be allowed to give further and more conclusive evidence of the rights contended for by clearly showing that there are other churches in the country situated similarly to the one in regard to which the Deft. claims exemption from the Metropolitan's interference ; in other words, churches in regard to which the Metropolitan himself disclaims or does not exercise such right. The Deft. may be allowed to adduce this additional evidence, opportunity being of course allowed to the opposite party to rebut it by facts or arguments.

9. Suit will be remanded accordingly for a fresh decision, the Judgment of the Lower Court on the preliminary ground being reversed.

10. The costs of this Appeal will be dependent on the result of the fresh decision.

Declared in open Court this 14th day of Avani 1049.

(Signed) M. Sadasivan Pillai, *1st Judge.*
(„) C. F. Kohlhoff, *2nd Judge.*
(„) T. Vedadrisadasa Moodalear, *3rd Judge.*
(„) T. Krishna Iyen, *4th Judge.*

(True copy of true translation.)

Copy applied for—18th Magarom 1058.
Applicant—Madhava Aiyan, Vakil for Plff. in O. S. No. 439 of 1054 of the Alleppey Zilla Court (with certificate.)
Ready—24th Thye 1058.
Granted—29th Thye.
No. of Sheets—3.

Copying fees	Fanams $3\frac{3}{4}$
Comparing fees	Fanams $1\frac{1}{2}$
Total	Fanams $5\frac{1}{4}$

(Signed) C. S. Maragatha Velu Moodalear,
Ag. Registrar.

RECORD.

PART II.

Exhibits &c.

No. 230.
Ext. ZZ.
Copy of the Sadr Judgment in A. S. 154 of 1044.
Filed on the 28th Meenom 1059.
—*Concluded.*

Copyist—M. Paramu Pillai.
Compared—Krishna Pillai. Fanams 5¼.

Docket.—Document—Copy of Judgment in A. S. No. 1054 of 1044 of the Sadr Court.

Presented in Court on the 13th Kunni 1059.
P. J. Punnan, Vakil for Plff. in O. S. 439 of 1054.
ZZ
28/9/59. (Itld.) T. C. K. M.

[The copy in record is a Malayalam Translation of the Sadr Court's Judgment. The body of this Exhibit is a copy of the Judgment.]

No. 231.

No. 231.
Ext. BBB.
The Patriarchs's letter to Cheppat Dionysius dated 28th Meenom 1848.

EXHIBIT BBB.

[Patriarch's letter to Cheppat Dionysius, dated 28th Meenom 1848. The original letter is in Syriac and is filed with a Malayalam translation.]

(From) Jacob II, Ignatius Patriarch of the Apostolic See of Antioch: by the holy name of the Eternal Being, who is the Lord of the Universe and full of Essence and has no beginning or end;

Seal

May Divine Mercy and Apostolic blessing dwell on Our spiritual son, Mar Dionysius, Our spiritually beloved, and who is zealous in heart and tongue about the faith of the true worship confirmed by the three holy Synods and who is obedient to the Apostolic See of Antioch. Further, may the blessing and peace of that Saviour of ours, Jesus Messiah the Lord who, through the Holy Ghost whom he caused to dwell in his holy Apostles on the heights (lit:—upstairs) of *Zion*, gave them all gifts in full, whereby, they became perfect with every kind of *know*ledge and spoke divers languages, dwell on you and on everything you possess. And that by the prayers of Mary the Mother of God, and of all the saints. Amen.

But, beloved son, We enquiring as to your health, pray always that you may live for ever in health and happiness both in soul and body. If you solicit to know about the health of Out weak self; glory and praise be to God: by his mercy We are now living in health and ease and always send praise to God for your sake that God may support your old age in order to gain complete success over all enemies, secret and open, and in order to stand with grace of countenance, profited by the trade of the Gospel-Pagodas that have been entrusted to your charge. Amen.

But dear son, our father, the holy soul, Mar Ignatius Patriarch called Elias has according to the sacred pleasure of God, and by His mercy, left this world and has returned to the holy presence of his master. Thereafter, the venerable prelates, priests and the chiefs af all our Syrian community assembled in Synod in the Dayara of the throne (See), and on the 8th Edavom 1847 A. D., the fortieth day after the demise of the afore-written Father, Our weakness was annointed as the Patriarch of the Apostolic See of Antioch. And then, in accordance with the authority that God has vested in Our weakness, We regulated and settled the general rules relating to the Churches (Sabhas) of our community and the prelates &c. But as We were sorry in mind about the case of you, Our sons of Malayalam, even while We were a Metropolitan, I was considering and thinking what I should do concerning

RECORD.

PART II.

Exhibits &c.

No. 231.
Ext. BBB.
The Patriarch's letter to Cheppat Dionysius dated 28th Meenom 1848.
—*Continued.*

you; and while thus, I got letters from Our son Mar Kurilos and the ecclesiastics, Epithropas &c. of the churches, by which they requested Us to send Episcopas and *Dayarayakkar* for the help of yourself, Our son Mar Kurilos and the churches of Our sons, the Syrian christians, who are under the protection of the exalted Maha Rajah of Travancore, and accordingly, We assembled, and consulted with, all the Metrans, priests, Epithropas &c. of the towns near the Dayara of the throne (See) and sent Our spiriual son Mar Athanasius Stephanos Episcopa as an Apostolic representative and faithful Epithropa, and, with him, Ramban Simon, Our disciple and Our foster son. And We (have given them orders) to come there and see you and the Syrians, our people living in all towns and cities and to visit all churches and to command and regulate in all places according to the Apostolic canons of our Syrian Church, &c. But, as We have sent them as the agents of Our weakness, as is stated in the *Soostaticon* and those general letters (credentials), none of you should stand against them. Moreover, We have sent by them books of Church Services that you may by Divine zeal write out (copy) the Service-books for all the churches and thereby get good recompense and eternal name, and holy Morone. But, Our spiritual son, be it known to you that We have sent our afore-named spiritual sons in pursuance to the opinion of Ourself, and the other prelates, priests, Episcopas &c. also to receive and collect the Rassisas that are due to the chief Preceptor of the Apostolic See, and tithes, charity collections, offerings, and presents and offerings to our church in Jerusalem which is the mother of all churches. God's mercies be inereased unto you in every way.

Further, as you are all obedient people, it is not necessary that I should specially give command unto you as regards your obeying them with pleasure contentment, respect and good heart, in matters private or public, along with the priests, chiefs &c. of Our people, the Syrian Christians of Malayalam, and as to any personal assistance that you may have to render them before the Governor, rulers &c. of your country. But you should also tell Mar Kurilos, Our spiritual son, that he should, as We have written, visit all churches along with them and honour them in all the above-mentioned ways. What reaches the hands of Our above-mentionel sons will, without fail, reach Us and will be expended in the building of the Dayara of the See (lit:—throne). For they are Our Epithropas and agents in all the ways enjoined by the Apostolic ordinances contained in the Staticons in their possession and the common letters (credentials). Therefore, let them rule with you and with Mar Kurilos, Our spiritual son. We also command unto you as is said in the Gospel, "A new command I give unto you: That ye love one another, as I have loved you. By this, let all men know that ye are my disciples, if ye have love one to another"; & as is said in the Epistle of Apostle John, "He that loveth his brother walketh in the light and he that loveth not his brother walketh in darkness"; and as is said in the Epistle of Mar Paulos, the doctor of the holy Church, "Though (one) may do many good things and even speak the language of the Angels, if he hath not love, his is of no use". Therefore, let it be understood by you that if there is no love and obedience, neither the diginities of the Sabha (Church) nor royal dignity will endure or be abiding, and that all dignities and disputes are, without these, vain and will vanish away. Therefore, what We command unto you is that you should have divine love towards one another so long as they are with you, in their teaching, in their management, in the regulation of the churches by appointing Epithropa &c. there, and in drawing the interest from the Company and conducting the tuition in the school, &c., in consultation with yourselves and Our son Mar Kurilos, for the well-being of your Syrian community. Whosoever respects and obeys them respects and obeys Us. Whosoever disputes against them and stands opposed to them, and makes their labour fruitless, disputes against Us and stands as an opponent and enemy of Ourself and of the Apostolic See. Because you are obedient sons and because your love and zeal in matters of the Dayara of

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The Patriarch's letter to Cheppat Dionysius dated 28th Meenom 1848.
—*Concluded.*

the See, from olden times, is clearly known to Us, that would not become you. May the mercy of Jesus the Messiah, our Lord be with you and in your midst. But, We have also commanded unto our spiritual sons, Mar Athanasius Stephanos Episcopa and Ramban Simon to inform in person unto your loving zeal that you should collect for us as much Rassisa as God may realize through you, for the construction of the Dayara of the See, and that it will be a treasure that neither will perish nor can be plundered, and that it will prove a heavenly reward and a good name unto you. And what you send by them will reach Us. As we hear that you are very old, We have entered your name in the book (of Commemoration) of the Dayara. But, in your old age, it is proper that you should earn this good name and heavenly treasure. And that will be a memorial for yourself and your dead who were believers, in this world and in the other world which is the Kingdom of Heaven. It is not necessary that We should say unto your love at more length. We give you blessing, mercy, order and peace a second and a third time. All the venerable Episcopas, *Dayara-yakar*, priests, Superiors, Episcopas &c and deacons and the others who dwell with Us in the Dayara of the See wish you countless peace and order. Fail not at any time to send Us letters, without any break, and to inform Us of your particulars without delay. May you pass your life in good old age and in order and peace, Amen! Written at the Kurkmadayara of the See on the 28th Meenom 1848 A. D.

A Syriac Signature.

Compared by Pattasseri Geverghese Kathanar (Signed.)

No. 232.

No. 232.
Ext. CCC.
Staticon given by the Patriarch to Dioscorus Catholica.

EXHIBIT CCC.

[Staticon (Syriac) given by Matthews Patriarh to Dioscorus Catholica,—dated 25th Meenom 2117—Yavana's Era. The following is a translation from the Malayalam translation on record.]

Seal

Seal.

In the holy name of the Cause who is the mother of *Nalvaroms* (good gifts) and the Cause of causes: Matthews *Pappa* of the Jacobite Syrians, Ignatius *Patriarcha* ocupying the important throne of Peter at Antioch, which possesseth the supreme authority over the lands comprised under Syria, Besanaharim, Thurabdien and Malabar which is also on the shores of India: writeth by the grace of God, the Almighty, the Lord of the Universe and the sole Lord of everything.

All good gifts and perfect gifts descend from above from the Father of lights. That (is) not in the hands of him who desireth, nor in the hands of him who laboureth; but in the holy hands of the merciful God. May there be thanksgiving (lit. gratitude) and all kinds of praises unto Him, from the beginning unto everlasting, in the holy name of God who hath life and doth live, and is the Creator of everything and by whose holy hand everything is chosen and by whom the protection of everything and beginning of everything taketh place and unto whom goeth the end of everything.

Soostaticon.

According to the Word of God, there is the heavenly key in the hands of him who is the chief priestly authority and occupieth the throne of preceptorship. He is the God and the Giver of God-head, that maketh everything Divine through

No. 232.
Ext. CCC.
Staticon given by the Patriarch to Dioscorus Catholica.
—*Continued.*

those makers of godliness who have been made divine by the Divinity that maketh everything Divine.

In the holy name of the self-existent Being, the unbeginning and the endless, and who is full of essence and is the Lord of the Universe: Matthews the weak, Ignatius *Patriarcha* by the grace of God, of the exalted throne (See) of Peter, which hath the supreme authority over the lands comprised under Syria, Messopotamia, Thurabdien and Malayalam which are subject to the authority of Antioch.

In the holy name of God, the pith, the unbeginning and endless, and who is full with essence and is almighty: Matthews the powerless, Ignatius *Patriarcha* of Antioch.

Believers! Attend and mark what Maran Mar Ignatius Patriarch Bava the eminent, the venerable, the righteous, the illustrious and holy and who is Patriarch Peter occupying the exalted throne of Antioch says. May his prayers and benedictions be with all of you. Amen.

By the abundance of His blessings upon everything, Ignatius Patriarch, occupying the exalted throne of Antioch, and who is powerless and is the servant of Jesus Messiah, our Lord who is His holy Word hidden from all mankind, His indescribable Mercy, and the Word of God the Creator, offereth divine peace and biddeth thus:—May the Lord of peace send holy peace and make our beloved and dear children heirs to heaven. Firstly—Unto the decent priests, pure deacons, independent vicars, great chiefs, powerful noblemen, clever doctors (in learning), able sages, good merchants, famous rich men, good and worthy artisans, diligent labourers, honourable elders, fair and beautiful young people, fair youths, women and children and the great and the small, being all the true believers, Our Sons, forming Our Jacobite Syrian Christian Community of Malayalam and its adjacent countries in India, may there be the blessings of the Lord. And may the Lord's solicitude guard (them) from all sorrows and dangers, and by means of all messengers who are near unto (Him). After the special peace We have granted unto you, and the great pleasure and unremitted prayers and loving benedictions, We further bid unto you that—May God publish your true love and your exalted faith—And may no disrepute be caused to befal you. For, the Apostle, the preceptor in divine secrets sedulously commands unto us that, as there is among mankind he who unjustly causes enmity, we should not unnecessarily cause enmity. As all good gifts and perfect gifts proceed from the Holy Ghost, the prime cause of all consecrations, they are not in the hands of him who desireth nor in the hands of him who striveth, but verily in the hands of the merciful God: thus hath the chosen Apostle Paul written. The Holy Ghost perceived the weakness of Our intellect being wafted by the waves of (Our) thoughts as to wherefrom We might chose one to be sent as shepherd and governor of Malayalam in India, to confirm the faith of the believers in Malayalam and to stimulate them to follow the holy laws and the ordinances of the Gospels. By this, the desires to have it accomplished through none but the right way and that occasion should not be given for mockery by fools were moved. And that We may not be wrecked on the rock of opposition even as some have been, as we have seen with our eyes and heard with our ears, We set not Our mind on doing this important deed in a hurry, and without examination and sufficient scrutiny. While We were thus amidst all perplexity, it appeared to the vision of Our intellect that Our beloved Yohannan Ramban who was under Our tuition was fit to become shepherd and spiritual father. And a secret something arose towards him, even as the horn of anointment welled forth in the hands of the Prophet Samuel towards King David. Though you were inclined in his favour before, he did not give his assent thereto up to this. Even as it is said that everything will happen in the proper time and that there is time for all acts and work and selling and purchasing, this delay and impediment arose only by the work of God

and not by anything else. We and the governors of the Church and its managers consulted up to the very time that God called and chose the exalted person who has been chosen, and, thereon, the great mysterious Mystery of the Divine Mysteries became revealed unto Us and those who were with Us. Furthermore, this matter is clear to all as being wonderful. All mouths and tongues, far and near, proclaim admitting that this is from the One God. The Holy Ghost being pleased, and the sole Lord of the Universe being pleased at what man desired, We were strengthened in wisdom, knowledge and soul: and by truth sufficient, the sign has come to happen which according to the truth of the faith is akin to vision (*The sentence is not very clear*). The pleasure of God was attracted unto Our Son, the beloved and the clever preceptor. Yohannan Ramban is a learned man, a person of high position, one who observes fasts and possesses knowledge and is an illustrious servant, and known by the good deeds of fathers as perfect and single, and is firm in the Faith of true worship, and lays down just laws for its permanence and who, at the intercession of Our feeble self and on the consent of Our brethren, the Episcopas, has been called by the Holy Ghost. This Mar Dioscorus is one who, by the Holy Ghost and by (his) good deeds and by (his) teachings, has become perfect and famous. Ramban Yohannan is a holy, blessed and fortunate person, and is a spiritual son and the fruit of blessings. This is a result of Divine work, and is wonderful to our eyes. May there be perfection in your midst and in yourselves so that you may give this matter full effect. The election of your spiritual father has taken place according to the Divine ordinances, and according to the canons of the Apostles and according to the commands of the Gospels. When We examined how, above Us and above those with us, We found this great person just and discreet in all affairs, We said that this call of man cannot but be from God and not from man or by man, and, therefore, We shouted that this was the pleasure of God. The loud voices declaring that his call was from the Holy Ghost multiplied and resounded within Us. He is fit to be called Maran Dioscorus, so that he is fit for this call. Along with that voice, Ourself and the holy Episcopas and the righteous priests who were present with Us at that time shouted and declared 'Axios! Axios! Axios! The Father, the Catholica who is the Holy Mar Dioscorus Metropolitan, is fit and able to be the shepherd of blessed Malayalam in India and to be the head of the priests, Episcopas and Metropolitans in that country. Furthermore, at the consecration of this chosen person who was chosen by God while in his mother's womb, even as Prophet Jeremiah was chosen, the legions of the angels shouted with Us on account of their pleasure, satisfaction and happiness. If the repentance of a sinner can give great pleasure to all angels and mankind, how much pleasure should have been generated by the consecration of this just and holy man chosen by God to be His abode! Should this Mar Dioscorus Catholica Metropolitan upon whom, through Our weakness and from the Holy Ghost, has now been conferred, even as it was conferred on the Apostles by Our Lord Jesus Messiah, full authority to bind and and to loosen, to give decrees, to lay down canons and laws, to ordain Episcopas, Metrans, priests and deacons, to consecrate sanctuaries and churches, to perform for people of his creed all lawful and proper services and to make all returns befitting himself, curse any body, he shall be cursed also of God: should be loosen any body, he shall be loosened of God also: and so will it be, be that person Episcopa, Metran, *Kassisa*, deacon or layman, great or small, or old or young, or man or woman. Should the aforesaid Catholica, Dioscorus Bava bless anybody, he shall have blessing from God and benedictions from Us. And likewise, his departed forefathers. We request of your true love that: You should prepare yourself for spiritual rejoicing and fill your mouths with kindness and praise and, with intellectual satisfaction and joy, and bearing in your arms the Hossanna branches indicative of spiritual importance, set out for the reception of this your Father, the good shepherd and in one uninterrupted voice shout before him proclaiming "Axios! Axios!

Axios! Mar Dionysius Catholica, the holy Father is fit and able." Proclaim ye also in these spiritual terms even as We and the Episcopas who were with Us shouted at the consecration of this person, the consecration by the Holy Ghost. You should now shout in high voice to make your spiritual and temporal joy perfect so that you may be executors of the will of God at the time. O Our beloved and dear Sons! Mark ye what We now say unto you. For We have placed Our word in his mouth. And sufficient (or-full) authority has been given him that everything may be delivered unto his charge that he may be come unto you like unto a father and a shepherd and a ruler, even as was conferred upon His Holy Apostles by our Lord Jesus Messiah. And you should all honour him, depend on him and love him and obey him and his commands. All who acknowledge him will be blessed by God and by Ourself. And he who stands opposed to him will be severed from God and from Us. Our weak and powerless self beg of God that your fruits may multiply through him, that your crops and paddy and garden lands may be blessed through his prayers, and that by his supplications your faults and sins may be cancelled, your children grow in good growth, and the sick and the unhealthy among you may secure a kind glance from God and be cured, so that through him your happiness may be made perfect. May He bless you with all bessings and multiply all felicities. May you be saved from all sorrows and be rescused from all dangerous trials. May all punishments and the rods of wrath be averted from you and may He protect you with his powerful right hand. And May He cause you and your dead to dwell in the Kingdom of Heaven with Our Fathers Abraham, Isaac and Jacob and may you and they be made to hear the joyous voice proclaiming to those of the right, "Blessed of My Father! enter ye in and enjoy the Kingdom of Heaven which no eye hath seen, nor ear hath heard of, nor human heart conceived of, and which hath been prepared for ye before the beginning of the world, in the abodes of radiance". And that by the prayers of the modest (lit: clean), pure and holy Martha Mary, the Mother of the angels and ourselves, and of Mar Yohannan Madonna, and of Mar Peter, Mar Paul and Mar Thomas, the holy and chosen Apostles, and of all the chosen, the holy, the Confessors, the Martyrs, the Just and the Saints. Amen. Our Father which art in Heaven &c.—25th Meenom 2117. Yovana Era.

In the holy name of God, Our Lord and Disposer, We have sealed this *Sustaticon*. At the time that this *Sustaticon* was written, there were assembled the Bavas called Elias Metran, Jacob Metran, Yohannan Episcopa, Moses Metran, Said Metran, Abdan Aziz Episcopa and Abdallahad Metropolitan.

Ramban Hende—Signed.
(A Signature).

Compared by Geverghese Kathanar of Pattasseri. (Signed).

No. 233.

EXHIBIT DDD.

No. 233.
Ext. DDD.
Copy of Cheppat Dionysius' letter to the British Resident. dated 5th Idavom 1013.

[Certified copy of Cheppat Dionysius' letter (Malayalam) to the British Resident—dated 5th Idavom 1013.]

To The honorable presence of *Maharaja Mannia Rajasri*
Colonel Fraser *Avergal*, Resident.

Mar Dionysius Metropolitan of the Edavagay
of Malankarai writes and submits.

That, when in pursuance to the order received by Us from the Huzur, We went to Cottayom and saw the Police Sheristadar on the 2nd Instant and spoke to

him in connection with the selling of the Seminary properties according to the order given him from the Huzur, it was said that, though it is a pity (lit:—grievance) that the properties presented by His Highness and given by others as charity should be sold, yet he may do as required in the order received, that the documents and accounts relating to same and some of Our own properties are with the Missionaries and that we would meet the next day at the Seminary. But that very day, the Sheristadar went to the Bungalow and commenced the sale and received money executing some deeds. The next day, when all of us met in the Seminary, (I) said that for selling as directed by the order, it must be ascertained by examining the accounts what the endowments in charity of the Seminary are, what the balance thereof deducting expenses is, and, the residence of Metrans being the Seminary, what the assets are of Our Karanavers (predecessors), the Metrans, both natives of Malayalam and foreigners, the Sheristadar without doing so, went to the Bungalow on that day too and began to receive sums granting deeds, in pursuance to the order. In the course of this, on the 4th, the Sheristadar, having gone to the Seminary and having called together merchants and other persons, prepared a list of prices of the metal vessels of the Seminary, of the personal properties used by Our predecessors and which were kept there, and of Our cot, bed &c., and, including them in the endowments, began to sell them. And when We caused it to be told the Sheristadar that it was grievous to Us, he, without paying any attention to it, has misrepresented matters to the Huzur. This and such acts are grievous and causes much inconvenience to Us. We therefore request that *Sahib Avergal* (you) will be pleased to ascertain the truth and secure redress for Our grievance. To this effect:—The 5th Idavom 1013: From the Cottayom Cheriapalli.

Compd. (Itld.) M. I. P. True copy. (Signed.)
(Itld.) ——

(Signed) Woulfe Hay—Lt. Col.,
Asst. Resident.

Docket—DDD.

Copy of letter addressed to the British Resident by Mar Dionysius Metropolitan of the Edavagay of Malankarai, on the 5th Idavom 1013.
Filed on the 27th Vrischigom '58 at the request of the Plff's Vakil in O. S. 439 of '54 of the Alleppey Court, from among the records previously produced on behalf of that party.

(Itld) T. C. K. M.

(Notes by the High court)

The original agrees with this copy. It bears water-mark "1834." The date of receipt is marked as the 22nd May 1838.

(Itld) T. R. N. P.
(„) G. S. A. P.
15-7-60.

The signature in Syriac is "Mar Dionysius Metropolitan of Malabar."

(Itld) T. R. N. P.
(„) G. S. A. P.
15-7-60.

No. 234.

EXTRACTS FROM EXHIBIT EEE.

[The Syriac Canon produced by Plff's 35th witness. Both parties have put in translations of Extracts.]

Necessary Extracts from book Ext. EEE translated.

CHAPTER I. SECTION 1.

Of Gengara (?). If one attempts to conduct affairs of the church outside the church, he will be cursed. Likewise, those that abuse (lit:—find fault with) the congregations of their brethren or the services performed at their tombs will be cursed.

SECTION 2.

Of the Apostles. The Episcopa will have authority over all affairs relating to churches and he shall bear the responsibility of managing all their affairs. He has no power to appropriate anything therefrom for himself or to give anything to his relatives. But he may support such if they are poor. But he shall not waste the church-properties on their account.

Of the Apostles. If a priest or layman appropriates candle or oil from the church, such people shall stand dismissed until a return is made of five times the quantity appropriated.

Patriarch Kuriacos. He who sells any part of the church lands and appropriates the proceeds to himself, shall stand cursed until he returns same.

SECTION 3.

Of the Apostles. Rassisa shall be paid for the maintenance of the Episcopa, the priests and deacons, and tithes for that of the other orders of the clergy, as they are the claimants to the Services enjoined by the proper authorities, and of virgins, widows and the poor.

Of Nice. All Rassisa shall be subject to the disposal (lit:—authority) of the Patriarch. All subject to him shall send same on annually to him.

Hudaya. The Patriarch shall divide same among the people entitled to be maintained thereby. If any one but the Patriarch tampers with Rassisa, he shall stand dismissed until he makes a return of quadruple the amount. All first fruits shall be sent to the Episcopa's abode. The deacons shall divide and distribute the remnants of the *Burksas* of the Mysteries, under orders of the Episcopa or the priest.

Of Gengara. If anybody gives or receives anything from the charities collected, without the sanction of the Episcopa or the person appointed to superintend such collections, the giver and receiver shall both be cursed.

Of Laodicea. The giving of treats, the taking of meals and the laying of tables therefor are not allowed in the house of God.

Patriarch Kuriacos. All that go to the churches and *Dayaras* of heretics and present *Burksas* and offerings shall repent. If they do not, they stand severed.

Jacob of Uraha. Priests will not become defaulters if they sell the crumbs remaining at Mass to priests who are their friends.

Hudaya. All the flour brought to the church by believers shall be mixed together, and out of a part of the mixture, bread shall be made. I decree that rather than sell the remainder, it will be better to make use of same for the food of priests.

SECTION 5.

Jacob of Uraha. Altar-cloth shall not be made of cloths on which are painted the fabulous doings of Gods and Goddesses. Such as are made of this kind of cloth shall be torn.

Hudaga. Copes and curtains shall not be made (of them). Cloths on which are drawn the praise of the.....(?) are also forbidden for same.

CHAPTER III. SECTION 1.

Cupprianos. A heretic cannot consecrate the holy oil as he has neither altar nor church. For, "The oil of the wicked cannot perfect my head."

Jacob of Uraha. No canon prohibits the consecration of Morone at any time that it is required. But (as there is the saying) 'She hath done this as if for my burial,' and that it may be close upon the Passion and that it may serve the purpose of those that get baptized during Lent, it is consecrated on Maundy-Thursday.

Patriarch Yohannan. Neither Patriarch nor Catholica has power from God to consecrate Morone at any places where it has not been usual to consecrate Morone and which do not come under the places specified from formes times, for the purpose. But it may be consecrated at any place prepared for the purpose, if an emergency arises. Yet, it must be done secretly.

Hudaya. It is clear from these that only the Patriarch and the Malprian who is the Catholica, have power to consecrate Morone. Metropolitans and Episcopas may prepare the oil for Extreme Unction and baptisms. They can consecrate Morone also, if owing to extreme necessity, the Patriarch gives them power.

SECTION 2.

Episcopa Yohannan. If the vessel holding Morone used by heretics is made of silver or tin, it shall be emptied and cleansed and made use of for keeping the oil used at prayers in.

Jacob of Uraha. If Morone vessels or bottles made of silver or gold are broken, they must be melted. And if an addition is required, it is allowed. They must be re-employed for the same purpose. If made of shells, they must be buried in the ground. If they stink, they must be washed in the baptismal font with clean water. When Morone is about to be exhausted, the prelate alone has power to add Sythe (lit: the oil for prayer) to thus multiply it. The priests have not. They have not power to change it from one vessel to another, nor to administer it to one another. But, he who wants it receives it from the Episcopa. If he is not close by, it may be sent from one church to another in the original vessel. It cannot be poured into another vessel and sent. The priest who gives it to be applied for ear- disease must be divested of his office.

Geverghe. The priest who gives Morone to the sick must be cursed.

CHAPTER IV. SECTION 2.

Persians. It is not lawful for the priest or Deacon who has not performed the night prayers to enter the chancel. But, he must be communicated at the entrance. It is not lawful for a priest in office to perform the Service of mass without a deacon. It is not lawful for priests or deacons to enter the chancel without shoes on: and except with clean shoes on. It is best if shoes can be made specially for the chancel. None has right to speak with heathens or Jews before Mass is said.

SECTION 5.

Of Nice. A deacon has no power to administer Sacrament to a priest, nor to receive it before the Episcopa. But when an Episcopa or priest administers it to them, the deacon must receive it after the priest.

Hudaya. They shall drink of the cup and cause one another, as between themselves, and the laymen to drink. The priest has no power to administer the Body alone without the cup. But, if possible, when he administers the Body, the deacon shall administer the cup. But if that be impossible, the priest shall dip the Body in the cup borne in the deacon's right hand and administer it as it is done in the west. If owing to the multitude of people, this too is impossible, the priest shall before breaking the breads used at Mass, into particles, and at the time of cutting them, dip them in the cup and, thereafter, administer them as those of the east subject to the throne of Antioch do. It is good to administer Body [illegible] Blood together like those of the east, to avoid any fall on the earth or other accident which might make the priest a defaulter. As for the time of administering the Sacrament, we decree that, henceforth, the Sacrament shall be administered after

the *Salone Basilama* at the close. For, in our times, when the priest administered it while carrying the Sacrament westwards, an incident happened owing to the multitude of people. But, the Episcopa, and likewise a priest, shall communicate priests and deacons with the spoon. If when a priest performs Mass, the Episcopa desires to partake, the priest shall without communicating him get down, and the Episcopa himself should ascend the steps and partake. But *Res-Dayarakar* (superiors of Monasteries) and Res-Kassisas shall partake from the officating priest.

Jacob of Uraha. He is a faulty person who treats the Mass performed on Easter-Saturday (അനിയിട്ടിൻറെ ശനിയാഴ്ച) and Maundy Thursday (രഹസ്യങ്ങളുടെ വ്യാഴാഴ്ച)as different from those of other days. For they and those held daily are equal. There is no difference of greater or less importance as between them. The Service is the same in all. Therefore, it is not necessary to preserve (the Sacrament) of one year up to the next year. Likewise, in the case of Mass said on the Virgn's Fast-day. That is, the believer who asks for (Sacrament) before the officiating priest communicates himself is also a defaulter. It is not lawful to administer to such. A priest who so administers must be divested of his office

CHAPTER V. SECTION 1.

The Apostles. If one of the clergy should fast on Sunday or Saturday except on Easter-Saturday, he shall be divested of his office. If an Episcopa, Kassisa, Ehup-Deacon, Caroya or Psalmodist should fail to observe fast during Lent, or, on Friday or Wednesday, he must be divested of his office. A layman that does not fast should also be cast off. And that, if the failure is not caused by disease.

Of Laodicea. It shall not be lawful to violate (lit: disgrace) the whole of fast by violating the fast of the last Saturday and Maundy-Thursday in Lent. It is lawful to fast during the whole period of Fast, eating dry substance (fruits and roots &c.) It shall not be lawful to perform Mass on any days except Sunday and Saturday, during Lent. It shall not be lawful to celebrate marriages and birthdays during Lent. Beyond performing commemoration of the Martyrs on Sundays and Saturdays, it shall not be lawful to celebrate birthdays during Lent.

Hudaya. The Easter (അനിയിട്ടിൻറെ) Festival is celebrated by the Church on the day it took place. Likewise do we perform Mass on Wednesday during half-fast.

Kuriacos Patriarch. No priest or deacon or man or woman being a believer and above twenty years of age has the power to violate the fast on Wednesday and Friday, except such as those during the 50 days' fast. Provided that a person confined to bed, or in great distress or held in a confinement, and a woman in pregnancy or in nursing state may do so. No believer, be he man or woman, has right, without necessity, to fast on Saturdays and Sundays excepting on Easter-Saturday. All above 20 years of age, who fail to observe the 40 days' fast, and likewise all believers, men or women, who take wine or the like must be dismissed from the Church

Yohannan Patriarch's. It shall not be lawful to celebrate the commemoration and the ceremonies on behalf of the dead except on Sundays and Saturdays during the 40 days' fast. He who eats meat on Friday or Wednesday or takes wine during the great fast must be excommunicated.

Hudaya. Eggs, milk and cheese are not taken on Wednesdays and Fridays. But believers are prohibited from the use of wine and fish during the great fast alone. But those observing fast avoid the use of oil also. During the intermediate days in the great fast, it is not lawful for Christians to break fast before 9 o'Clock. On Saturdays, Sundays and during all other fasts, they may do so at noon. It is not lawful for believers to eat meat &c. on Saturdays and Fridays, before sunset. As according to the books on which we (our faith) are based, God

began creation not with darkness but with light, it will be very right if one breaks not his fast at evening, but continues it till dawn.

SECTION 2.

Hudaya. We have five fasts in the year, besides the fast which we observe on Wednesdays and Fridays; viz. the great fast, the fast of the Apostles, the fast of the death of the mother of God, the fast of the Nativity of the Saviour and the fast of Nineveh.

SECTION 3.

Apostle Adai, one of the 70. On the 4th day of Mithunom in the year 339 of the Yavuna Era, on the last day of Pentecost, when the Apostles were praising God in the upper room where they kept the Passover, the Holy Ghost rested on them, and taught them the customs and laws, and they have enjoined them on those who follow their teachings.

Apostles. As the appearing of Messiah at the end of time will take place on a Sunday, Divine Worship, the reading of the Holy Scriptures and the Mass Service shall be performed on the Sunday. Again they commanded that the feast of Denaha (Epiphany) should be observed on the 6th day of Magarom, and that after the forty days' fast, the Passion, the Resurrection and, on the fortieth day after the Resurrection, the Ascension of Our Lord should be commemorated.

Of the Apostles again. If an Episcopa or a priest or any other in holy orders fast with the Jews or feast with them, or admit the honours of their feasts, he shall be dismissed from office.

Synod. 965. Should an Episcopa or priest or deacon observe the holy day of the Passover with the Jews, he shall be dismissed from office.

Of Laodicea. 29. It is not lawful for believers to rest on Saturday according to the Jewish custom, but to work on that day, and duly reverence the Sunday, and rest on it if possible as becomes a Christian.

34. It shall not be lawful for a believer to desert his true brethren in Christ and to go over to false brethren among heretics.

35. It shall not be lawful for Christians to neglect the churches of God, and to raise building in the name of Angels, and to hold forbidden meetings there. For, that is secret idolatry.

37. It shall not be lawful to purchase anything during festivals from Jews or heretics, and to observe the Festival with them.

38. It shall not be lawful to purchase *Patheera* from Jews.

39. It shall not be lawful to celebrate festivals together with heathens and to take part in their ungodliness.

Of Antioch. All those that entertain any doubt as to the festival of the Passion of the Saviour holy beyond all, and raises question regarding it & joins the Jews & celebrates Passover, and thus alters the scope of the Synod of Nice should be cursed.

Jacob of Uraha. It was at 3 o'clock that the Holy Gost rested on the Apostles. But we celebrate the festival of ശ്ലൂഹന്മാർ at 9 o' clock. For, it not possible for us to perform Mass, the service of ശ്ലൂഹന്മാർ and the sermon relating thereto together. But, we perform mass at 3 o' clock, and then the people disperse. They return to church at 9 o' clock and listen to the sermon fitted for the occasion.

The same person's. The festivals of Our Lord's entry into the temple during the accomplishment of the 40 days of his Nativity is not known in all towns. But, it is good that those knowing it observe same. For, many do not know how to perform the service of ശ്ലൂഹന്മാർ.

The same person's. With regard to the observances on Friday, we have only the instructions that there should be [illegible] prayer, Divine Service, reading of the holy scriptures and not anything as to the cessation of work, from the holy Apostles. Likewise, in the case of Wednesday.

23. It shall not be lawful for believers to sell or to purchase or to do ordinary work or to walk on holy Sunday and on holy Festival days unless they are in a forest, or are travelling in the company of many or engaged in some emergent work or restrained by authority or detained by other incidents.

28. It is not lawful for any one to permit a stranger who will not observe the Sunday and the feast days to dwell in his house.

SECTION 5.

Hudaya. From Resurrection Sunday to the last Sunday in Thulam, the services of (ശൂനോ) are performed in the holy church. If the month of Vrischigom should begin on a Wednesday, Thursday, Friday, Saturday or Sunday, we perform *Koodesittha* (കൂദശിത്താ) on the first Sunday in Vrischigom and after that, *Hoodesittha* (ഹൂദശിത്താ). After that, the announcement to Iscariot, and next the announcement to the Lord's Mother; and next the *Mesaltha*; and next the birth of John; and next the revelation of Joseph; and next the service before Nativity; and next the Nativity; and next the praises of Mary, the Mother of God; and next the murder of the infants; and next Denaha, up to the beginning of the fast of Nineveh; and next (the service) of the priests: and next (that) for the dead in general; and next (that) of *Cothina*; (that) of the miracles, on all Sundays during the fast; (that) of Repentance in the intermediate days, every night and day, on Mondays and Tuesdays; (that) of God's Mother on Wednesday; (that) of Repentance and the Malpans on Thursday; and (that) of the Cross and Martyrs on Friday and (that) of the dead on Saturday (are performed). The prayer of 3 o'clock is adapted for that of the morning. That of the noon every day is what is common, that of 9 o'clock is what refer to the dead, and the Sedra is of repentance. (.....The rest of the para is too technical. The part translated itself appears to me not satisfactorily translated. The part not translated runs thus:—
"ഞായറാഴ്ചയുടെ രാഗങ്ങൾ പുതുഞായറാഴ്ചമുതൽ നാം തുടങ്ങുമ്പോൾ ഒന്നാമതെത്തിനു രണ്ടാമതെത്തും രണ്ടാമതെത്തിനു മൂന്നാമതെത്തും ഇത്യാദിചെയ്യുന്നു. സാധാരണ ദിവസങ്ങളിൽ ഒന്നാമതെത്തിനു അഞ്ചാമതെത്തും രണ്ടാമതെത്തിനു ആറാമതെത്തും മൂന്നാമതെത്തിനു ഏഴാമതെത്തും നാലാമതെത്തിനു എട്ടാമതെത്തും അങ്ങിനെതന്നെ നെരെ മറിച്ചും ചെയ്യുന്നു.)"

CHAPTER VI. SECTION 1.

Dionysius of Atinous. If the deceased belongs to the order of priests, the Res-kahana gathers the holy congregation and places the body before the chancel. If he is a monk or a layman, the body is placed near the honourable *Eerathion.* Thereafter, the prayer of thanksgiving is performed. Afterwards, scriptural parts are read and psalms sung. Thereafter, the Res-deacon disperses the *Methurthiones* and recites the *Korusoosa.* Afterwards, the Res-Kahana prays for the dead person, and he and those assembled near him wish him peace. After that, he pours Sythe over his body, and prays for all generally, and inters the body with those of his fellows.

Paulos. It being on the third day that He (Messiah) rose again, the third day after a person's death should be observed with Psalms and prayers—the ninth, for the commemoration of both the living and the dead—likewise the thirtieth; for thus the people mourned for Moses; and the day twelve months that, in memory of the deceased, alms may be given to the poor out of his property, if he had been a righteous man: but if he had been wicked, he cannot be benefited by this even though all the things of this world be given in charity for him. Nevertheless, we are bound to make commemoration of all believers.

Hudaya. It is not right for a believer to be buried by a heretic. Even if necessity arises and there is no priest available pursuing the faith of true worship, he must be buried by believers alone.

Jacob of Uraha. It is usual for the relatives of the dead to go to the church on the 2nd and 3rd days after demise, to have Mass said and to do honour to the priest who officiated at burial. For heretics, their funeral procession should be escorted, and burial performed, by their own priests. If they have no priests, we escort them. If they require sacrament, it should be given them. For human love, Our priests and monks may accompany the funeral procession of heretics along with the laymen. But (we) never recite the Psalms.

Hudaya. When the time of death has arrived, the face of the dying person being turned to the east, and his arms folded on his breast and tied, he shall be exhorted frequently to confess that he believes in the One God, the Father Son, and the Holy Ghost. When dead, his eyes must be closed by them. If it be a *Resformed* for him, and, at the conclusion, lessons of the Old and New Testaments, Psalms and lights (i. e. wax-candles), and services of Psalm-singing shall be per- and the Gospels shall be read. Thereafter, he shall be carried into the chancel and honoured thrice saying, "O holy altar, abide in peace, O church and all the company of priests, abide ye in peace, and let union reign in the church in which I have administered." Afterwards, the prayer on Sythe is performed and the Oil is poured on his body three times symbolically of the cross, repeating, "for rest from miseries, for comfort form sorrows and for joy with the saints, in the name of the Father, and of the Son, and of the Holy Ghost." Then, without taking off the under dress, he is wrapped in linen cloth, dressed in his sacerdotal vestments and let down into the sepulchre with his face towards the east. If he is a layman, the services for him being performed in the house or at the church, he is carried to the burying-place and interred; and instead of Sythe, earth is thrown upon the linen cloth, at the face, the breast, and the feet.

SECTION 2.

Jacob of Uraha. If believing children of heretics desire to perform the commemoration of their fathers, they have no right to do so if they (the fathers) were leaders of heretics. If they belonged to the true people, they can do as they please. The opinion of holy Dionysius and Ivanius, that commemoration by believers is not proper, refers not to heretics but to heathens. God alone knows if Mass will benefit such people. But the Maccabees performed Mass for their brothers who had been forced into heathenism and the holy *Paldeesa* Episcopa, for the deceased girl while among the heathens (?) (പൊതുമധ്യൻ).

CHAPTER VII. SECTION 1.

Of Nice. As there are four quarters of the world, there shall be four Patriarchs. They are:—That of Rome, and with that, that of Alexandria, and with that, that of Constantinople, called the New Rome which obtained the Patriarchate from Ephesus, and with that, that of Antioch which has authority over all east. As for the Episcopate of Jerusalem which is under the jurisdiction of the Metropolitan of Cæsaria Philippi, that shall henceforth have the honour of a fifth Patriarchate. As the Metropolitan of Cæsaria exercises authority over him, the great Metropolitan of the east will henceforth be called Catholica, and is henceforth authorized, as a Patriarch, to consecrate Metropolitans for the East. And when he enters the Synod of the people of the west, his throne shall be arranged with that of the Patriarch of Jerusalem and above that of other Metropolitans. He shall be subject to the Patriarch of Antioch. He shall not act freely as against his Superior. The *Habsayakar—Koosukar* (Abyssinians) have no authority to have a Patriarch consecrated for themselves. But the Patriarch of Alexandria shall consecrate a Metropolitan for them. He shall take the precedency of all Metropolitans and be seated next to the Catholica of the East, at Synods. Likewise, the people of India who are subject to the jurisdiction of Antioch have no power to consecrate a

Patriarch for themselves. But their Patriarch or the Catholica of the east who is subject to him shall consecrate a Metropolitan for them. If the Res-Episcopa of Cyprus die in the monsoon, all the Metropolitans of that island may out of necessity and according to the command of the Patriarch of Antioch, assemble together and appoint another Metropolitan, on account of the raging of the sea. Likewise may the people of India do with the sanction of the Patriarch of Antioch. And the Patriarch has no right to oppose them, lest several parishes should become widowed (destitute).

Yohannan Patriarch. The Episcopas and monks who are *Matthewites* (Resident in Mar Matthew's monastery) shall acknowledge the Malprian of the Throne of Tigris which is subject to the jurisdiction of Antioch. Malpriana means Catholica and Catholica means Malpriana. When the Malprian of the east enters with the Patriarch of Antioch, his superior, he shall have his seat on the latter's right and shall be announced after him and shall receive communion after him. When the Malprian is alive, a Patriarch shall not be consecrated without his consent. The people of the east have no right to discard the Patriarch of Antioch and to have a Malpriana or a Metropolitan or an Episcopa consecrated for themselves. Metropolitans and Episcopas excommunicated by the Malpriana shall be excommunicated by the Patriarch also.

SECTION 2.

Of the Apostles. 28. The Episcopa who brings the Church of Messiah subject to hereditary succession or consecrates (or-ordains) a brother, son or other relative shall be dismissed and that consecration (or—ordination) will be void.

Of Antioch. If a dismissed Episcopa, discarding same, performs service, his desire to return or the possibility of a reversion by another Synod, shall not be.

Hudaya. A Metropolitan, Episcopa or Kassisa who does so will be dismissed along with those who knowing his interdict, have service performed for them by him. If a Metropolitan or an Episcopa does, without the Patriarch's consent, visit a King or the Governor of a town and does thus affect his reputation, he shall be disgraced and shall be refused his honour and his position. Metropolitans and Episcopas have no right to appoint successors even at the close of their lives. But after their death, the Patriarch shall consecrate the person chosen by the Synod and himself.

SECTION 3.

Of Nice. As our Lord Jesus Messiah was baptized by his servant John, the Patriarch shall be consecrated by the Catholica, Metropolitans, Episcopas, Kassisas, and the assembly of other orders of the clergy and all people, who are subject to him, and not by Patriarchs of other Sees. The Malprian is consecrated by the Patriarch. The Malprian has power to consecrate Metropolitans and Episcopas. If there is not the Malpriana, the Metropolitans have no power to consecrate one another. But, the Patriarch should consecrate them. If emergency requires it and if there is any obstruction to going to the Patriarch, three Metropolitans may, by his command, together consecrate Metropolitans and Episcopas. If the Patriarch has empowered a Metropolitan under his staticon, he may consecrate Episcopas. A Metropolitan will not be given power to consecrate another Metropolitan.

Hudaya. If a Metropolitan receives consecration from another Metropolitan, or an Episcopa from another Episcopa, contrary to the powers of the Patriarch, the consecrator and the person consecrated will both stand divested of their offices.

Of Antioch. A Metropolitan or an Episcopa shall not receive consecration without assembling a Synod and without the presence of another Metropolitan. But the Patriarch shall invite them, under letters, to grace the occasion along with himself. If it is not possible for all to be present at the appointed place, deeds of consent should be sent.

Of Laodicea. A Metropolitan or an Episcopa shall be consecrated after examination by the Synod, as to whether he has stood the test for a long time in the faith and in righteous conduct.

Dionysius of Atinous. The Deacons shall hold the Words delivered by God (the Gospel) over the head of the prelate consecrated and the Patriarch shall place his hand and the seal of the cross on his head; and with the holy Gospels over his head, he kneels on both his knees before the altar.

Hudaya. It is not the deacons that hold the Gospels over the heads of those called in our days. It is the Episcopa.

Yohannan Scholasticus. Announcement. For Episcopa, the form is "For *such a person*, our Father"; for Kassisas, "For *such a Kassisa*" and for deacons "For *such a deacon*, our brother" or "For *the deacon*, our son." Further, the announcement will consist of the words "Divine Mercy ordains *such a person* to *such a dignity*." (The para is not clear to me).

Hudaya. It is a Kassisa that is called to be a Metropolitan, or Catholica or Patriarch. But the whole Synod should kneel before him and say, "the Holy Ghost calls you to *such an* office." He should bow and say "I join and receive" and kneel on both knees; and the whole of the service for Episcopas will be performed on him. In the place of the word 'Episcopa,' the word 'Metropolitan,' 'Catholica,' or 'Patriarch' will be expressed. After the words 'May the believers Abraham, Moses, Aaron, Eliazar and Phinehas favour you' repeated holding the Gospel above the Patriarch's head, the prayer in the fifth Chapter in the book of Clemens, therein, beginning with "O Thou who didst show unto the Patriarchs (principal fathers)", will be specially repeated on his behalf. If it is an Episcopa that becomes a Metropolitan, fresh imposition of hands is not required; but he becomes so by the writings in the Staticon and by the deed of consent of the Synod. If an Episcopa becomes a Catholica or Patriarch, or if a Catholica becomes a Patriarch, he need not kneel. But after the Synod has knelt and called him, he shall enter dressed in his official vestment and stand before the chancel. The head of the Synod then performs the private prayer for purification from impurities and the public prayer "Receive the Patriarch." Thereafter, one of the Episcopas will say, 'the Grace of God,' and then, they must raise him in the throne three times shouting 'Axios!'. Next, they read the Gospel relating to the good shepherd. Next, the head of the Synod should perform the private prayer of thanksgiving and turn to the west, and then, he and the person chosen and the Episcopas, should each one hold his staff according to the order of his dignity. Thereafter, they should make him hold his hand above him, and the head of the Synod should shout "The strong rod &c." If it is a Catholica that is consecrated, the Patriarch performs the entire service for him. For, the Catholica is subject to his authority.

SECTION 4.

Hudaya. Those ordained by Metropolitans or Episcopas cursed and excommunicated by the Patriarch or Catholica should not be accepted for the performance of Service in the holy church. But such must be cursed. If he repents, he must be re-ordained and thereafter received.

Of Nice. A Kassisa who while in that office marries, falls away from that office. And more so, if (he) has connection with a harlot, or commits adultery.

SECTION 5.

Of the Apostles. 5. A priest who after baptism marries twice or keeps a concubine cannot become a Kassisa or a deacon. 16. He who marries a widow or a cast-off woman or an adulterous woman, or a dancing-girl (or maid-servant) or a woman who follows camps can by no means enter the orders of the clergy.

73. One may if fit become Episcopa even though he may be limping in his walk, or blind in one eye, or lame. For, it is only spiritual defect and not any physical defect that forms impurity.

Hudaya. Therefore, if he is competent, he may become a Kassisa or a deacon.

Of the Apostles. 74. A deaf or blind man cannot become an Episcopa. Not that he is unholy, but that the management of the Church may not suffer.

Hudaya. Therefore, he cannot become even a Kassisa or a deacon.

Hudaya. One admitted should first be ordained as deacon and next as Kassisa. But after the celebration of the mysteries, he kneels on both his knees before the chancel as (മാനസ്സമെനായി), and the Res-Kahana performs the secret prayer and the public prayers of '*Kabel*' and '*La Kassiso*.' Thus, it is performed respectively according to the order of each. And the *Hamneeha* should be put on his head, and likewise the other vestments and the cope should be raised and blessed and caused to be worn by him; and he should be granted peace and then communicated. After the celebration of the mysteries and before the commencement of the rest of the service, the candidate for ordination states truly his faith before the prelate and the people. Thereafter, the prelate reads the Amalogia. The Amalogia is same for all orders of the clergy.

SECTION 8.

Of Laodicea. 59. One's own songs and books not sanctioned by the Canons should not be used in churches.

SECTION 10.

Of Lysus. A layman who plights his troth to ബ്രഹ്മചാരൻ shall be cursed.

Hudaya. The Patriarch, Catholica, Metropolitan and Episcopa shall avoid meat. That is, they shall not eat it.

CHAPTER VIII. SECTION 1.

Hudaya. These are the steps before betrothal. As a man requires only one woman, the woman shall not be one betrothed to another, and the man shall not be one pledged to another woman. For the spiritual Word says, 'a man shall be of his woman, next to his father and mother' and not 'his *women*' Marriages shall not take place during the 40 days' fast, the other fasts, and during Pentecost when in memory of the descent of the Holy Ghost all have to observe perfect purity. There is no objection to marriage being celebrated on First Sunday after Lent. All marriages, i. e. blessing of rings and crowns shall be on Sunday. But, they shall take place only on days sanctioned by the Fathers. Likewise, in the case of widows and widowers. Some celebrate on Sunday night. We do not prohibit that. The betrothed man-or-woman-elect shall not be a servant,—for such person's betrothal can take place only with the consent of their master. There shall be no marriage with kinsmen, foster-mother or god-father among them. (not sure). She shall not be a cast-off woman either. For, whosoever marries a cast-off woman commits adultery. She shall be neither below 12 years of age or physically defective.

(True Translation.)

Translated by Joseph Geverghese Kathanar of Pattasseri. (Signed.)

(Sd.) P. J. Punnan, Plff.'s Vakil.

EXTRACTS FROM EXT. EEE.—FOR DEFENCE.

From Section 8 of Chapter 4 of Canon, Ext. EEE filed for Plff.

Severus. When the priest having said the Sedra offers the incense, the people shall say "We believe." Thereafter, (he) stands erect and prays and gives

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Ext. EEE.
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peace, and seals the people with three crosses saying, "May there be the blessings of God." Thereafter, he takes the coal of fire and unites same and sanctifies it and signs the cup with the sign of the cross three times saying, "May the mixture in this cup be changed into the propitiatory blood of Messiah, Our God, for the remission of sins &c." Then, prays, "Our Father which art in Heaven." Prays again. Gives peace. Then prayer for the people. Thereafter, peace. Seals the people with "Let there be Grace." Thereafter, the deacon says, "Let us attend with fear." *Priest.* "The holy things are sanctified for holy people." He elevates the mysteries. *People.* "The One Father." Thereafter, he partakes and administers to intending communicants if any. He returns and offers the prayer of thanksgiving. Thereafter, the prayer on behalf of the people "Bend our necks" is repeated.

True translation.

Translated by Ulasseri Joseph Kathanar Joseph Kathanar (Signed.)

No. 235.

No. 235.
Extracts from Ext. FFF.

EXTRACTS FROM EXHIBIT FFF.

[The Syriac Andu-texa produced on the 28th Thye '56 to compare with FF. It contains prayers to the Mother of God, directions to go round the church with cross and flag and incense and candle and consecrated water, directions for consecrating tender shoots of the cocoanut tree, and also prayers for the dead. No separate Extracts are to be found in the records, for this document.]

No. 236.

No. 236.
Ext. KKK.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 26th May 1846.
—
Filed on the 28th Medom 1058.

EXHIBIT KKK.

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—dated 26th May 1846.]

To

MAJOR-GENERAL W. CULLEN,
BRITISH RESIDENT OF TRAVANCORE AND COCHIN.
&c. &c. &c.

SIR,

I beg leave once more to bring to your kind notice that I am still waiting at this place depending on your promise that you will bring my business to a settlement. Indeed Sir, this procrastination which to me appears unaccountable, has only tended to augment my anxiety, and increase my pecuniary difficulties, while the consideration that a duly constituted prelate like me who holds unquestionable credentials from his Lawful Superior should be thus left to experience distress and disappointment in the very coast to which he is appointed afford me no inconsiderable uneasiness.

I have been positively informed that your kind letter recommending my recognition in Travancore, has been submitted for the favorable consideration of His Highness the Rajah accompanied by a Draft of the proposed Proclamation for His Highness's Signature; and that these communications were allowed to lay aside owing to the intrigues of the late Palace Peishcar Cochu Shangra Pillay—but

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Certified copy of the late Mar Athanasius' letter to the Resident.—dated 26th May 1846.
—
Filed on the 28th Medom 1059.
—*Concluded.*

as this Functionary is now no more, and as I doubt not that His Highness will be pleased readily to attend to your kind requisition if only the subject is once more submitted to His Highness's notice, may I beg of you Sir as the only alternative that now presents itself, to be pleased to remind the Head Dewan Peishcar on the subject in order that the same may be laid before His Highness and with a view of the Proclamation in question being issued without further delay, and need I add Sir this act of favor will ever bind me in the utmost gratitude to pray for a continuance of your valuable health and happiness.

I have &c.
(Signed) Athanasius Malabar.

Trevandrum,
26th May 1846.

(True copy.)
(Signed) W. Logan,
Resident.

Compd.
T. S.

Produced on the 12th Kunni 1059.
Filed on the 28th Medom 1059.

[Note made by the High Court.]

This agrees with the original. The paper bears no water-mark. Date of receipt '26th May 1846' is noted in a clerk's hand.

Initialled T. R. N. P.
(„) G. S. A. P.

15/7/60.

No. 237.

No. 237.
Ext. LLL.
Certified copy of the late Mar Athanasius' letter to the Resident.—dated 10th June 1847.
—
Filed on the 28th Medom 1059.

EXHIBIT LLL.

[Certified copy of letter (English) from the late Mar Athanrsius to the Resident—Dated 10th June 1847.]

To

Major-General W. Cullen,
British Resident of Travancore and Cochin
&c. &c. &c.

Sir,

With due deference I beg to address you again on the subect of my claim as Metropolitan duly consecrated and appointed to the See of Malabar, in the humble hope that what I have hereunder taken the liberty of representing will merit your attention and consideration.

Just complaints by the Syrian clergy and laity against the then acting Metran Dionysius having been forwarded to his Grace the Patriarch and received a few months before my arrival at Mardin, he was plased to consecrate and appoint me; the legality and validity of which the said Dionysius being fully convinced and the same being in disappointment of the hopes he had formed of being confirmed in the authority he was then exercising in pursuance to his application which instead of producing the desired result, drawing upon him the severe censure of the Patriarch and the issue of a writ prohibiting his further exercise of functions, disposed him to resort to means to prevent my superceding him, and availing himself of the delay on the part of the Travancore Sircar in issuing the usual proclamation towards my installation, by combination with the Catanars Abraham and Philipos, persons notorious as ringleaders in causing strife and dissensions among the Syrians (for which they were once punished by the said Sircar and bound down to future peace) agreeably to their natural propensity wrote to the Patriarch and the

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Certified copy of the late Mar Athanasius' letter to the Resident—dated 10th June 1847.
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—*Continued.*

Sircar accompained by surreptitious letters in the names of the Syrians, accusing me most falsely of charges which malice and envy would alone suggest.

Yourself and the Sirkar as you are aware being satisfied of the falsity of those charges dropped the matter; but the Patriarch in consequence of his station at Mardin being far remote from Malabar not being able to ascertain the truth has sent Mar Coorilos as is usual in matters of such a nature in cases both ecclesiastical & secular, to investigate the charges against me and communicate the result to him.

Dionysius and his accomplices being aware that an investigation would inevitably lay open their machinations and lead to a frustration of their plans joined Mar Coorilos on his arrival and persuaded him that a fit opportunity offered for taking possession of the churches in Malabar in the crisis in which he found affairs, and to prevail on his doing so, having prejudiced him against me and representing it his duty to take possession of the churches and fearing that a delay would prove abbortive to their scheme precipitately made over to Mar Coorilos the churches &c. in this See; hence their reason for not obtaining the sanction of the ruling authorities according to the practice observed in such cases accompanying him to the several churches in contravention to the rules of Government and in disregard of the Staticon of appointment which I hold from the Patriarch and which they ought to have rendered void by the same or a similar power that gave it efficacy previous to their having commenced operations in the manner above stated

Should the necessity of Mar Coorilos falling into the views of Dionysius or following his suggestions whilst in possession of a Staticon from the Patriarch or the reason of Dionysius aiding the former in the manner abovementioned be questioned, I answer that Mar Coorilos' procedure is in itself a clear poof of his not being authorized by the Patriarch to supersede me, which had it been the case, there was no need of his resorting to such measures, as, on the other hand, Dionysius by his support of me, could not experience a continuance or exercise of his wonted authority and importance under my administration, as he could under that of Mar Coorilos a stranger who from his ignorance of the language and manners of a people on whom to exercise the duties of a Metropolitan and have due control, as he is every way ill-qualified, he needs the support and influence of Dionysius, and both of them to give the appearance of propriety to their conduct and prevent a failure of their scheme have forged letters &c. as if from the Patriarch, the contradictory nature and suspicious character of which I have had the honor of pointing out to you in my letter of the 2nd November 1846 and my remarks that accompanied it. I likewise observed in the abovementioned letter that it was an established maxim that obtained in the Syrian Church of Malabar to have a Metropolitan out of their own people and that the introduction of a foreigner in that capacity amongst them was an innovation that on one or two occasions when attempted was not submitted to, and in my humble opinion ought not to be tolerated in the case of Mar Coorilos, who instead of acting the part for which the Patriarch has sent him to Malabar, tries if possible to supersede me in furtherance of his own views by obtaining the sanction of the British Resident and the Sirkar. Wherefore I, Mar Athanasius, Metropolitan of the Syrian Christians in Malabar duly appointed by the Patriarch of Antioch do by these presents solemnly protest against the said Mar Coorilos for his having exercised episcopal jurisdiction over the churches within the Cochin territory in direct opposition of my Staticon of appointment as Metropolitan of Malabar, as well against the machinations and intrigues of Dionysius the late acting Metran in delivering over to the said Mar Coorilos the charge of the abovementioned churches and the property &c. thereunto appertaining as also against all other persons who may have been or may hereafter be instrumental or concerned in endeavouring to deprive me of my said appointment and likewise against permission being granted by the constituted authorities of Travancore and Cochin to the said Mar Coorilos to exercise jurisdiction or of visiting the churches in Travancore.

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PART II.

Exhibits &c.

No. 237.
Ext. LLL.
Certified copy of the late Mar Athanasius' letter to the Resident.—dated 10th June 1847.
Filed on the 28th Medom 1059.
—*Concluded.*

I beg to intimate that I intend submitting the whole case to his Grace the Patriarch for his consideration and redress of the wrong that is being done to me in his desire of affording justice to all parties, and that I shall await His Grace's reply.

I have &c.

(Signed) Athanasius Malabar.

Cochin,
10th June 1847.

(True copy.)

(Signed) W. Logan,
Resident.

Compd. T. S.

Produced on the 12th Kunni 1059.
Filed on the 28th Medom 1059.

(Note made by the High Court.)

This copy agrees with the original which bears water-mark "1840". Date of receipt "10th June 1847" is noted in a clerk's hand.

Itld. T. R. N. P.
„ G. S. A. P.

15/7/60.

No. 238.

EXHIBIT MMM.

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—Dated 30th November 1843.]

No. 238.
Ext. MMM.
Certified copy of the late Mar Athanasius' letter to the Resident.—dated 30th Nov. 1843.
Filed on the 28th Medom 1059.

To

GENERAL W. CULLEN,
Resident of Travancore & Cochin.

&c. &c. &c.

SIR,

I have the honor to acknowledge the receipt of your letter dated 20th Instant. In reply, I beg to state that, according to my appointment as Metropolitan direct from the Patriarch of Antioch it is my intention to exercise only the lawful and ordinary authority of my Office, for the improvement in the education and principles of the Syrian population and for the advancement of the Kingdom of Christ amongst them, and that no appointment or measure of my prececessor will be interfered with. I shall make known this my intention, by a circular, to the Syrian clergy and community immediately after the issuing of the Proclamation.

I have &c.

(Signed) Athanasius Malabar.

Mavelicara,
30th November 1843.

(True copy.)

(Signed) W. Logan,
Resident.

Compd.
T. S.

Produced on the 13th Kunni 1059.
Filed on the 28th Medom 1059.

(Note made by the High Court.)

This agrees with the original which bears water-mark "1840." The date of receipt "5th December 1843" is noted in a clerk's hand.

(Itld.) T. R. N. P.
(„) G. S. A. P.

15/7/60.

RECORD.

PART II.

Exhibits &c.

No. 239.
Ext. NNN.
Certified Copy of the late Mar Athanasius' letter to the Resident—dated 7th May 1844.

Filed on the 28th Medom 1059.

No. 239.

EXHIBIT NNN.

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—Dated 7th May 1844.]

To

GENERAL W. CULLEN,
British Resident of Travancore.
&c. &c. &c.

RESPECTED SIR,

I have the honor to acquaint Your Excellency that the Dewan Peishkar Kashava Pillay after a stay of about seventeen days at Mavalikara has returned to Trevandrum. Mar Dionysius refused as I have intimated to you in my last to proceed hither as he was desired by the Dewan. I remain in this place anxiously waiting to hear from Your Excellency as to what I am to do. The people are discouraged on account of the delay of my installation by the publishing of the Proclamation necessary to my appointment. They are perplexed in my not ordaining priests, consecrating churches and performing many other of the Episcopal functions. It is now nearly a full year since I reached Malabar and have not hitherto performed any of the peculiar functions of my Office. It was and is my determination not to do anything without your sanction. I therefore humbly solicit your advice and assistance to enter upon the duties to which I am appointed by His Grace the Patriarch of Antioch.

Mavelicara,
7th May 1844,

I have &c.
(Signed) Athanasius Malabar.

Compd.
T. S.

(True copy.)

(Signed) W. Logan,
Ag. Resident.

Produced on the 13th Kunni 1059.
Filed on the 28th Medom 1059.

(Note made by the High Court.)

This agrees with the original. The paper bears water-mark "1840."
Date of receipt "18th June 1844" is noted in a clerk's hand.

15/7/60.

(Itld.) T. R. N. P.
(„) G. S. A. P.

No. 240.
Ext. OOO.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 15th January 1844.

Filed on the 28th Medom 1059.

No. 240.

EXHIBIT OOO.

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—dated 15th January 1844.]

To

GENDRAL W. CULLEN.
RESIDENT OF TRAVANCORE AND COCHIN.
&c. &c. &c.

RESPECTED SIR,

As I am permitted to offer explanation on what Mar Dionysius and his Kathanars have written I beg to state.

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Exhibits &c.

No. 240.
Ext. OOO.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 15th January 1844.

Filed on the 28th Medom 1059.
—*Continued.*

I. That all the churches whose names are in the petition, have neither signed it nor is it sent by their knowledge and consent which can be proved if you will have the goodness to institute an enquiry with some of the churches proximate to Cochin.

II. That most of the churches who are said to have signed the petition are the very persons who have written to his Grace the Patriarch in the year 1839 against Mar Dionysius and had him suspended. A copy of the letter I enclose for your Excellency's perusal. The original I have in my possession, having been given to me by his Grace the Patriarch to use it in case of necessity.

III. That I have not joined with any sect or party nor have I deviated from any of the principles of the Syrian churches. It is said merely as a cloak for their ill designs. It is true that I went up to Madras and remained there three years and a half to finish my education.

IV. That I have not spoken (as they would have you to believe) any thing unbecoming and unchristian to any when at Candenat, nor have I causelessly refused to show them the Staticon. One thing I said which was that as all the church people are assembled to hear the Staticon read publicly, it would be proper and right that it should be seen and read publicly and not privately. Mar Dionysius and two of his Kathanars at present adhering to him said that they would not read it if it not be first shown them privately, to which I sent them word that as I being the bearer of the Staticon from Antioch I myself would deliver it to them if they insisted to see it privately. This also was refused, and I was in great apprehension of my Staticon being damaged if it be sent to be seen privately. The truth of my assertion can easily be known on enquiry from those who were then present at Candenat.

V. That I consider it fit to bring to your notice a matter relating to the two priests I have above mentioned and which is that they are the disturbers and peace breakers of our poor and ignorant community. And that they, when Mar Dionysius was suspended by the Patriarch and transgressed by ordaining priests are the very persons who represented his unbecoming conduct to the Resident and begged him to depose him if possible. The petition addressed by them and an endorsement from the Resident is now in the possession of a Kathanar and can be produced if necessary.

VI. Mar Dionysius says that I went to the Patriarch representing myself to be a Kathanar whilst I had only attained the order of sub-deacon. I deny his assertion. For in the Staticon itself the Patriarch says that he ordained me first a Deacon next as a Kathanar, then Ramban and lastly a Metropolitan. His assertion also that there are in the Staticon deviations from the usual wordings is unfounded, as one of the above-mentioned priests Conat Malpan called on me on my first arrival at Cochin, had a perusal, in the presence of several other priests, of my Staticon rumoured that it was a true one and which I can also prove.

VII. That it is always necessary at the consecration of a Metropolitan (either a native of Antioch or of Malabar) that he should give to the Patriarch a writing under his signature containing his confession of faith and his submission to the Patriarchal See, which I did previous to obtaining his ordination. So that what is said in the petition under reference of the Patriarch's ignorance of my deviation from the Syrian faith is untrue.

VIII. That in regard to your intimation that you "consider it reasonable I should satisfy Mar Dionysius and his Cathanars on the several points adverted to by them in the abovementioned petition before any order can be issued by the Sirkar on the subject", I beg leave to observe that having made them acquainted with all what I have above stated in relation to my appointment, I have done sufficient to convince and satisfy persons of unprejudiced minds, in which however having failed it is a circumstance very natural to be the result when it is considered that my auth-

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Exhibits &c.

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Certified copy of the late Mar Athanasius' letter to the Resident—dated 15th January 1844.

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—*Concluded.*

ority should it be established as it will tend to the deposal of Mar Dionysius and from an Ecclesiastic of such a high authority as that of Metropolitan, reduce him (in regard to Episcopal function) to a level with the private clergy, in order to prevent which, having procured the aid of a few disaffected persons and raised a faction against me to prevent the issuing of the Proclamation necessary for my establishment, I trust you will perceive it is not possible I could assemble a Synod and hope the explanation I have afforded will be considered a sufficient reply to the points adverted to in Mar Dionysius' letter and the petition from his Cathanars.

IX. That in respect to Mar Dionysius' desire to write to the Patriarch and obtain his reply previous to his recognizing my appointment, I beg to say, it is a contrivance he wishes to avail himself of by the delay it will unavoidably occasion to my installation, owing to there being no regular channel of communication by Post from the parties on this coast and the Patriarch. Even could this obstacle be surmounted and a reply be received within a reasonable period when Mar Dionysius refactory and rebellious conduct, by disregarding his suspension by the Patriarch and his disbelieve of my appointment is considered, it affords no proof that should even the reply he is desirous of obtaining from the Patriarch be received and all doubt with respect to myself be removed that he will submit to it.

I have &c.

Cochin,
15th January 1844.

(Signed) Athanasius Malabar

(True Copy.)

(Signed) W. Logan,
Resident.

Compd.
T. S.

Produced on the 13th Kunni 1059.
Filed on the 28th Medom 1059.

(Note made by the High Court).

This agrees with the original which bears water-mark "1840". Upon a paper accompanying it also signed "Athanasius Malabar," the date of receipt "14th February 1844" is noted in a clerk's hand.

15/7/60.

(Itld) T. R. N. P.
(„) G. S. A. P.

No. 241.

No. 241.
Ext. PPP.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 21st March 1846.

Filed on the 28th Medom 1059.

EXHIBIT PPP.

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—dated 21st March 1846.]

To

MAJOR-GENERAL W. CULLEN,
British Resident of Travancore and Cochin.
&c. &c. &c.

SIR,

I have the honor to inform you that having been appointed by His Grace the Patriarch of Antioch, as Metropolitan of the Syrians in Malabar, and the usual Diploma granted me, I accordingly came to Travancore in 1843 and waited upon you with a view of obtaining the Proclamation of His Highness the Rajah to enable me in conformity with my appointment, to enter upon the duties of my sacred office.

After being fully satisfied with the authenticity of my Documentary Credentials, and the legality of the appointment they were intended to confer, you were kindly pleased to obtain for me an interview with His Highness, and subsequently recommended through the proper channel, my solicitation, that the Proclamation of His Highness may be issued in order that the Syrians in this country, may recognize me as their duly constituted Metropolitan.

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PART II.

Exhibits &c.

No. 241.
Ext. PPP.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 21st March 1846.

Filed on the 28th Medom 1059.
—*Concluded.*

His Highness upon a deliberate consideration of the subject, was pleased to accede to your recommendation, and ordered the Proclamation in question to be prepared and submitted for his Royal Signature, but before this would (could) have been done the late Peishkar Cochu Sungra Pillay artfully endeavoured by misrepresentations to prevent the Proclamation being signed by His Highness, the motive that induced him to adopt this course, was, as I am credibly informed the effect of bribery, having previously received from Mar Dionysius the sum of 3,000 Rs. for the purpose of retaining his own usurped position and rejecting my just and lawful appointment.

How far these improper proceedings have been allowed to interfere in the case, it is not for me to enquire, but experience has sufficiently proved to me that they have not been altogether ineffectual, inasmuch as the Proclamation of His Highness remains to be signed, and I am in the meanwhile subjected to considerable inconvenience and distress, and now for a period of nearly three years waiting at this place in continual anxiety and suspense as to the ultimate tendency of the object that concerns me.

As such results are derogatory to the appointment I hold, and extremely reproachful to my character as Prelate, I beg that you will be pleased once more to recommend my case for the favourable consideration of His Highness; and obtain for me the Proclamation of His Highness to enable me to enter upon the exercise of my sacred functions in this country, and thus be relieved at once of the distress, doubt and disappointment I am labouring under at present.

I have &c.,

Trevandrum,
21st March 1846.

(Signed.) Athanasius Malabar.

(True copy.)

(Sd.) W. Logan,
Ag. Resident.

Compd.
(Itld.) T. S.

{ Produced on the 13th Kunni 1059. }
{ Filed on the 28th Medom 1059. }

(Note made by the High Court.)

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15/7/60.

(Itld.) T. R. N. P.
(„) G. S. A. P.

No. 242.

No. 242.
Ext. QQQ.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 12th July 1845.

Filed on the 28th Medom 1059.

EXHIBIT QQQ.

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—dated 12th July 1845.]

To

MAJOR-GENERAL W. CULLEN,
Resident of Travancore and Cochin,
&c. &c. &c.

SIR,

I beg leave to bring to your kind notice that it is now two years since I am waiting with the hope of seeing a Proclamation issued by the Travancore Government in enforcement of the Staticon granted by His Grace the Patriarch of Antioch appointing me the Syrian Metropolitan of Malabar. I need not say that in implicit reliance on your kind and powerful interference, I have been anxiously looking up

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PART II.

Exhibits &c.

No. 242.
Ext. QQQ.
Certified copy of the late Mar Athanasius' letter to the Resident—dated 12th July 1845.

Filed on the 28th Medom 1059.

—*Concluded.*

to you for the final settlement of my business—and while I am perfectly convinced that nothing is wanting on your part to promote any object that may be consistent with justice, it is difficutt for me to conceive why such delay should occur to defer my installation and the exercise of my Episcopal functions for the Spiritual welfare of the Syrian Community in Malabar—a delay which you will be pleased to allow is seriously prejudicial to my prospects inasmuch as it tends to afford ample opportunities to Mar Dionysius and his adherents for carrying on their intrigues against me by fictitious and forged representations evidently with the view of dishonoring my person and degrading the sacred office vested in me.

Further had Mar Dionysius been a duly consecrated Metropolitan and the Petitions forwarded by him and his adherents against me founded on truth, or were the Majority indeed on his side, he should have come forward to establish his right before the Synod which agreeably to your kind suggestion, was to be convened by the Sirkar a year ago; but instead of doing so, he treated with absolute indifference the object for which the Synod in question was ordered to be held and contumaciously persisted in his usurped authority of Metropolitan. Supposing however, that no charge of illegality can be ascribed to Mar Dionysius on that head, yet when a Writ suspending him from Office has been issued by His Grace the Patriarch, it should unquestionably be carried into effect, and prompt attention paid to it by the Syrian Community in general.

Moreover the above-mentioned Writ of suspension was originally presented by two priests of Connamcolum Church in the province of Cochin to the Dewan of Cochin and by that authority communicated to you, so that little or no room could have been left to doubt its validity when so Mar Dionysius should not be allowed any longer to excrcise the functions of his assumed Office or any procrastination permitted in carrying my Staticon into operation from the date on which I had the honor of presenting to His Highness the Rajah of Travancore a letter from the Patriarch relative to my Mission.

It is therefore very grievous to me to remain unnoticed in the manner I am while in possession of lawful Credentials from my Ecclesiastical Head and Superior—and as I must look to you alone amidst every discouragement for the fulfilment of my sacred object fully assured as the British representative, you will protect the right and privileges of the prelates and people of every class and denomination, I most earnestly solicit once more—that you will be kindly pleased to take my case into your serious consideration and cause the long-expected Proclamation to be issued in recognition of my appointment as Metropolitan of Malabar by virtue of the Staticon granted me as above stated—and need I add, Sir, that in gratitude for such an act of justice, shall always remember you before the Throne of Grace for the continual outpouring of every temporal and spiritual blessing through the merits of our ever blessed Lord and Saviour.

I have &c.,

Trevandrum,
12th July 1845.

(Signed.) Athanasius Malabar.

Compd.
T. S.

(True copy.)

(Signed.) W. Logan,
Resident.

{ Produced on the 13th Kunni 1059. }
{ Filed on the 28th Medom 1059. }

(Note made by the High Court.)

This agrees with the original. Paper bears water-mark "1840"—Date of receipt "15th July 1845" is noted in a clerk's hand.

15/7/60.

(Itd.) T. R. N. P.
(„) G. S. A. P.

RECORD.

PART II.

Exhibits &c.

No. 243.
Ext. RRR.
Certified Copy of the late Mar Athanasius' letter to the Resident—dated 4th Dec. 1844.

Filed on the 28th Medom 1059.

No. 243.

EXHIBIT RRR

[Certified copy of letter (English) from the late Mar Athanasius to the Resident—dated 4th December 1844.]

To

MAJOR-GENERAL W. CULLEN,
Resident of Travancore and Cochin.

&c. &c. &c.

SIR,

I have the honour to forward herewith copies of an order from the Dewan of Travancore to the Tannah Naick of Cottaracaray, and of a letter to my address from a Syrian priest of the same place. From the perusal of these you will find how Mar Dionisius uses means to frighten away Syrians from me: Though the Syrian community are inwardly attached to me, in submission to the Staticon of the blessed Patriarch of Antioch, yet they are deterred to come forward by the force of the proclamation in behalf of Mar Dionisius. He desired the Dewan to compel the priest to go to him, and the Dewan in compliance with his request sent the order to the Naig to enquire and report to him the reason why the priest refuses to go to Mar Dionisius. This priest being one that hath already come forward on my behalf, Dionisius wishes to annoy him, that others may not follow me but I would earnestly beg that you will be pleased to inform Mar Dionisius that the Sircar will not interfere to prevent any from accepting me.

Our community repeatedly importune me to acquaint you that they are perplexed between hope and despair; they have a strong hope that I will be proclaimed by Sircar according to the request of our blessed Patriarch, but they fear Mar Dionisius's under-hand dealings will occasion unnecessary delay. As I look for a convenient opportunity to wait upon you, I beg to conclude here.

I have &c.

Mavelicarah,
4th Decr. 1844.

(True copy.)

(Signed) W. Logan,
Resident.

Compd. (Itld.) T. S.

{ Presented on the 13th Kunni 1059. }
{ Filed on the 28th Medom 1059. }

(Note made by the High Court)

This agrees with the original which bears water-mark "1840." Date of receipt "4th December 1044" is noted, which the clerk says is in General Cullen's hand.

15-7-60.

(Itld.) G. S. A. P.

NO. 244.

No. 244.
Ext. SSS.
Judgment in O. S. 186 of 1044 of the Alleppey Zilla Court.

EXHIBIT SSS.

[Certified copy of the Judgment (Malayalam) in O. S. 186 of 1044 of the Alleppey Zilla Court, dated 13th Ani 1048.]

RECORD.

PART II.

Exhibits &c.

No. 244.
Ext SSS.
Judgment in O. S. 186 of 1044 of the Alleppey Zilla Court. Dated 13th Ani 1048.
—*Continued.*

Seal

IN THE ALLEPPEY ZILLA COURT.

No. 186 of 1044.

Plaintiff. Markose Kathanar.
Defendants. Athanasius Metropolitan and others.

The suit is for recovery of the amount of 2047 fanams, the perquisites due from the Cottayom Cheriapalli and its chapel, the Puthen Angadi church, to Plff. and his father, Markose Kathanar, according to the periods of their (service), and which is alleged to have been appropriated by Defts. 2 and the rest.

2. The plaintiff alleges that with respect to the emoluments which used to be received according to the terms of office by Defts. 2 and the others, and by Plff. and his father in pursuance to the enjoyment of the priests of Plff's family from generation to generation, the 4th and 5th Defts, at the instigation of the 1st Deft. encroached upon the right and began to conduct the services and made representation to the Police authorities who have passed a decision against the Plff.; that though Plff's. father died on the 4th Madom 1043, the emoluments which used to be paid during his lifetime are due for one year more from the date of death, in accordance with the rule extant in the Syrian Church; that he has objection to obey the 1st Deft. who has been divested of his dignity by the Patriarch of Antioch, the Supreme Head of the Syrian Church; and that because he has not so done, the 1st Deft. has set up the other Defts. and caused the perquisites to be appropriated.

The 1st Deft. contends that the Plff. was interdicted from the discharge of his share of offices and put out of the church, because he appropriated the funds of the church(es)mentioned in plaint, and quarrelled with the other priests and committed several misdeeds: that Plff's suit is against the Royal Proclamation issued on the 17th Karkadagom 1027 and several other decisions: and that therefore there is no ground to order payment of anything to Plff.

4. The 3rd and 4th Defts. urge that since the Plff. himself has admitted that the discharge of the Services which he alleges that he was conducting in the church was hindered by the opposition of 1st Deft., he has no right to sue for an emolument which he was receiving for work done in obedience to a Superior's orders, without having done any work: and that Plff.'s allegation regarding 1st Deft.'s dignity amounts to an act of insubordination.

2nd and 5th Defts. are ex-parte.

5. Schedule of the documents for both parties will be appended at the end herein.

Examined 7 witnesses for Plff. and 6 witnesses for Defence.

JUDGMENT.

6. The questions to be decided in this case are:—1. Whether the right and office which Plff. alleges to belong to him, in the plaint-church, are hereditary and such as cannot be withdrawn from him? 2. Whether 1st Deft. has authority to remove the Plff. from the church, at his pleasure? 3. Whether a Civil Court has jurisdiction in this case which involves a religious question. 4. Whether the amount claimed in plaint is payable by Defts. 3 and 4 to the Plff.?—The Plff. has no document to show that his alleged right and office are such as can never be withdrawn from him. Some witnesses simply say that they are hereditary in the Plff.'s Tharawad. But it is clear from the depositions that the meaning attached to the word 'hereditary' by the witnesses, is on the whole, only that several of the

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PART II.

Exhibits &c.

No. 244.
Ext SSS.
Judgment in O. S. 186 of 1044 of the Alleppey Zilla Court. Dated 13th Ani 1048.
—*Continued.*

Plff.'s Tharawad were Kathanars formerly. It does not appear from those depositions that they meant anything else. The use of the word 'hereditary' does not convey the meaning that it is a permanently vested right. The Plff.'s witnesses say that it is the Metropolitan that appoints and removes all Kathanars. And the Plff. corroborates this. The aforesaid witnesses for Plff. and the Plff. himself admit that one cannot become a Kathanar unless nominated by the Metran. It has therefore to be found that it does not come under permanently vested rights or *Sthanoms* (titles or dignities), and that, if it should be called a permanently vested right, it should be one created by oneself or by some special contract. In this case, in no way can anything he said to be in Plff.'s favour. It has also to be observed that though there were several Kathanar's in Plff.'s family, it is clear that Plff.'s allegations have no basis, when the facts are remembered, that each of those Kathanars were such by the (Orders) severally conferred by the Metran, and that they would not have been Kathanars but that the (Orders) were conferred by those who are said to be the persons having power to do it. Therefore, my finding on the 1st issue is that Plff. has no permanently vested right.

7. The next point to be considered si whether the 1st Deft has authority to remove Plff. As the question as to whether a Metran has authority to remove a Kathanar has been discussed before, it is enough to consider the subject with reference to the special case of 1st Deft. The chief contention of the Plff. is that he was appointed by Kurilos Metran and that 1st Deft. is one put of the community (excommunicated). It has to be observed that the right of Kurilos Metran who is said to have appointed the Plff. is itself in question, and that the 1st Deft's right has been recognized throughout by this Sirkar. For, it appears to have been decided on the 9th Mithunom 1023, by a committee appointed under Royal Command, that Kurilos Metran's contention and certain letters brought by him were not genuine and that the 1st Deft. should be recognized as the Metropolitan of the Syrian Church. (Vide Ext. 9). A Royal Proclamation appears to have been issued under date the 15th Karkadagom 1027 to the effect that 'as Athanasius is the Metropolitan of the Syrian Church in the state, the said person should be obeyed.' There is no doubt therefore that the 1st Deft. should be regarded as the Metropolitan of the said Syrian Church. The 1st Deft. is the person resposible to conduct suits in courts with respect to properties of the Syrian Church, to deal with the properties and to exercise all functions vested in the Office. It is certain that likewise all rights and powers relating to the Cottayom Cheriapali are vested in the 1st Deft., and that he can appoint Kathanars to that church also, or remove them as he pleases. The relation between 1st Deft. and Plff. is analogous to that between a superior and a paid servant subordinate to him. As it is apparent by the very suit of Plff. that he is one insubordinate to 1st Deft. and one who calumniates him, it can be observed that the Plff. is not worthy to be under the 1st Deft. Further, the 7th witness for the Plff. himself says that he (Plff.) was removed because he misappropriated the funds of the church.

8. On the whole, the right alleged by Plff. appears to be of the nature of a consideration for certain services performed by Kathanars in churches and not of any permanent right claimable by even such as are not Kathanars in the church. The Plff. cannot claim it if he is not a Kathanar in the church. The Plff. has been removed from the church. The office of Kathanar of the church, which the Plff. speaks of, does not seem to be such as should be re-conferred by a court. The court has legally no right to interfere in this case where the 1st Deft. has, in his religious capacity, acted in conformity with the full right vested in him to remove one subordinate to him, and to say that Plff. has any right in the church or that any emoluments are due to Plff. and his father for a period during which they discharged no duty in the church. Such being the finding, the other issues require no opinions to be recorded regarding them.

No. 244.
Ext. SSS.
Judgment in O. S. 186 of 1044 of the Alleppey Zilla Court. Dated 13th Ani 1048.
—*Concluded.*

9. As, on the aforesaid grounds, the Plff's suit appears not to be sustainable in law, this suit will be dismissed and each party will bear his own costs.

Declared in open Court this day the 13th Mithunom 1048.

(Signed) Ramen Menon, Acting 3rd Judge.

P. J, Punnan, Vakil for Plff. in O. S. No. 439 of 1054 of the Alleppey Zilla Court applied for this copy on the 1st Meenom (?) 1055. Granted on the 13th Inst.

Copying fee ... ...Fanams 3.
Comparing fee ... ...Fanam 1.
Total ... ...Fanams 4.

Copyist—Padmanabha Pillai. Gumastah—(Sd.)

(Sd.) Judge.

{ Presented on the 12th Kunni 1059. }
{ Filed on the 28th Madom 1059. }

No. 245.

No. 245.
Ext. TTT.
Sadr Court's Judgment in A. S. 350 of 1044.

EXHIBIT TTT.

[Attested copy of Malayalam Translation of the Sadr Court's Judgment in A. S. 350 of 1049, on appeal from SSS.]

Seal.

IN THE SADR COURT OF TRAVANCORE.

A. S. No. 350 OF 1049.

O. S. No. 186 *of* 1044, *Alleppey Zilla Court.*

Plaintiff—Makkose Kathanar.
Defendants—Mar Athanasius Metropolitan of Malabar and 4 others.
Appellant.—Plaintiff, by Vakil V. Soobboo Iyen.
Respondents.—Defendants—Venkettarama Iyengar Vakil for 1st and 2nd Respondents.

This suit is brought to recover from the Syrian Metropolitan (Mar Athanasius) and the Kathanars of the Cheriapully and Kooracheepully churches 2047 Fanams as due to the Plaintiff, a Kathanar of that church for customary dues which accrued to him after his father's death and for loss consequent upon Plaintiff's removal from his office.

It appears to us that this suit has really arisen out of the unfortunate dispute now existing between Mar Athanasius and Mar Dionysius who has been appointed to succeed him by the Syrian Patriarch. An attempt was made to argue that as Mar Dionysius is now recognised by the Patriarch as the true Metran, Mar Athanasius must be regarded as an usurper and his official acts as null and void. We think we are entirely precluded from considering the merits of this question, Mar Athanasius having been and still being regarded as the rightful Metropolitan by the Travancore Government.

No. 245.
Ext. TTT.
Sadr Court's Judgment in A. S. 350 of 1044.
—*Concluded.*

The Plaintiff complains that he has been unjustly deprived of the Office of a Kathanar and the advantages incident thereto. The Defendants allege that he has been guilty of misconduct and therefore justly removed by the Metropolitan. We of course express no opinion as to the sufficiency or otherwise af the charges laid against him. We have simply to consider whether we can interfere with the acts of the Metropolitan as such in the appointment or removal of officers who are subject to his authority. It has been attempted to show that a Kathanar is not liable to removal, but we fail to see that this view is supported by the evidence. No authorities whatever have been quoted: and even if the oral evidence had been more favorable to the Plff., we should hesitate to interfere with what we cannot but regard as the spiritual power of the Metran. The question as to whether or not the office of a Kathanar is hereditary in the Churches Cheriapally and Koorachiapally has also been brought prominently before us. But we fail to see that it really goes to the merits of the case. The office of a Kathanar might be hereditary in the Plff's family and yet it might be quite within the power of the Metran to remove the Plff.

Next as regards the claim for one year's dues for perquisites due to the heir of Plaintiff's father. We think a custom of granting one year's emoluments has been made out and no reason has been shown why it should not be adhered to in the present case. The Plaintiff's father seems to have been in the execution of his office at the time of his death and we consider the Plaintiff, as his heir, is entitled to this money. The exact sum which these dues would amount to seems not very certain from the evidence. But taking the statements of all the witnesses together, we think we cannot be much astray in estimating it at 840 (eight hundred and forty) Fanams.

The Defendants must pay the Plff.'s costs calculated on the above amount in both Courts.

Declared in open Court this 28th day of Alpasy 1050.

(Signed) W. E. Ormsby, 2nd Judge.
(„) T. Krishna Iyen, 4th Judge.

(True copy of true translation.)

Date of application—18th Makarom 1058.

Applicant—Plff.'s Vakil Madhava Iyen, in O. S. No. 439 of 1054 on the file of the Alleppey Zilla Court,—with certificate.

Copy ready—28th Tai 1058.
Granted—Do. Do. Do.

Copying fee... ... ...Fs. 2
Comparing fee ... ...Fm. $\frac{3}{4}$

Total Fs. $2\frac{3}{4}$

(Signed) C. S. Maragathavelu Mudaliar,
Ag. Registrar.

Copyist—Kumaraswamy Pillay.
Compared by—Krishna Pillay.

{ Produced on the 12th Kunni 1059. }
{ Filed on the 28th Medom 1059. }

[The body of the translation of this Exhibit is the Sadr Court's Original Judgment.]

RECORD.

PART II.

Exhibits &c.

No. 246.
Ext. UUU.
Memorial addressed to the Madras Government by Mar Dionysius. Filed in the High Court on the 1st Vycasi 1060.

No. 246.

EXHIBIT UUU.

[Memorial addressed to the Madras Government by Mar Dionysius, dated 3rd February, 1869. This document was filed in the High Court on the 1st Vycasi 1060.]

To

His Excellency the Right Honorable Francis, Lord Napier, K. G., Governor in Council,

Fort Saint George.

The Humble Petition of the Right Reverend Mar Dionysius, Bishop and Metropolitan of the Syrian Christans of Travancore, Cochin, Malabar and all other parts of Southern India.

Sheweth,

That in 1865, the Patriarch of Antioch appointed and consecrated your Petitioner as Bishop and Metropolitan of the Syrian Christians of Travancore, Cochin, Malabar &c. and on his arrival from Antioch, all the Syrian Christians have acknowledged, and do still acknowledge, him as such. But, on the 3rd Koombhom 1038, (1862) the Dewan of Travancore, by a Circular No. 2,455 issued by him to all the Tahsildars, subject to the Travancore State, has created some difficulties in the way of your Petitioner's exercising his jurisdiction, and of his community, who recognize him as their Metropolitan, openly professing their adherence to him. On the subject, your Petitioner presented two Petitions to the Dewan of Travancore, who, without affording him any relief, simply made a reference to the Resident, to whom, then, your Petitioner presented a Petition. The Resident also not having made any investigation into the subject matter of your Petitioner's representations or afforded him any relief, he (Petitioner) has been compelled now to come to Madras and submit the whole case to your Lordship in Council.

2. That one Mar Athanasius was, it is true, appointed Bishop of the Syrian Christians in Travancore by the Patriarch of Antioch, and he arrived at Malabar in 1843, but in consequence of certain malpractices and doctrinal irregularities of that Bishop, the Syrian community of Travancore and other parts of Malabar represented the matter to the Patriarch who, after due consideration and upon being satisfied that the charges were not groundless, deposed Mar Athanasius from his episcopal office, and appointed, consecrated and sent to Malabar, the Right Revd Mar Coorilos, who arrived at Malabar in 1846. As he was found not quite equal to the responsibilities and difficulties of his new position with reference to the antagonism of the deposed Mar Athanasius, the said Pariarch of Antioch appointed and sent to Travancore one Mar Stephanos in 1849 as the Coadjutor of Mar Coorilos.

3. That, thereupon, either through the undue influence of Mar Athanasius or under cover of the rules of the country or State, the late Resident of Travancore, Lieutenant General Cullen issued an order to the effect that the said Mar Stephanos and Mar Coorilos could not remain in Travancore and Cochin; that they were foreigners, and hence that the said Mar Stephanos and Mar Coorilos could not exercise their jurisdiction in the Syrian Churches in Travancore and Cochin. This having been the state of affairs, the then Maharajah of Travancore, without either consulting the wishes of the Patriarch of Antioch or those of the Syrian Community, but apparently only attending to the overtures of Mar Athanasius, issued a Proclamation dated 15th Karkidagom 1027 (1851,) in which it is stated that the Patriarch of Antioch had appointed the said Mar Athanasius as Metropolitan and that all Syrian Christians should subject themselves to him as such Metropolitan.

4. That at such a Proclamation, which required the Syrian Christians to acknowledge the Metropolitanship of one who was deposed from that office by the

RECORD.

PART II.

Exhibits &c.

No. 246.
Ext UUU.
Memorial addressed to the Madras Government by Mar Dionysius. Filed in the High Court on the 1st Vycasi 1060.
—*Continued.*

Patriarch of Antioch, the Syrian Christians felt naturally aggrieved, and they presented several Petitions on the subject. No notice was taken of them nor redress afforded them. On the contrary, those who presented such Petitions were, at that time, imprisoned.

5. That in consequence of the Proclamation above referred to, and his restraint, thereby, from exercising his jurisdiction in his Churches at Travancore and Cochin, Mar Stephanos presented Petitions to several authorities and, eventually, personally moved the late Honorable Court of Directors at London on the subject, whereupon that Honorable Court passed the order they did under date the 13th May 1857. Since then, the Travancore Government, without at all interfering in opposition to the wishes of the community, have, up to the period in question, sanctioned the exercise of the authority and jurisdiction of such Metropolitan as the community had chosen to subject themselves to. The order of the late Court of Directors is herein enclosed.

6. That while matters were in this stage and when there were no particular section of the community adhering to him, the said Mar Athanasius, by a mere stratagem, made some representation or other to the Dewan of Travancore, who, without instituting any enquiry or investigation, at once ordered the issue of the Circular Order now complained of. (C. O. enclosed).

7. That in this Circular it is set forth that Mar Coorilos was claiming a rival authority to Mar Athanasius ; that the State did not desire to interfere in religious matters, and only wished to prevent the breaches of the peace. The Dewan, therefore, in that Circular, directed that any persons, who were unwilling to follow Mar Athanasius, should build Churches of their own, or if they had any lawful claims on the Church buildings under the control of Mar Athanasius, should have recourse to civil suits. He concluded by saying " that if either the Metropolitan or any members of the community report that, notwithstanding these orders, any persons prove disobedient, and, entering the Churches, act in a way contrary to previous possession, such persons should be immediately sent for and tried by the Police Officers and duly punished, if guilty ".

8. That your Petitioner, who was appointed by the Patriarch of Antioch as Bishop and Metropolitan in supercession of Mar Athanasius, should, as soon as your Petitioner produced his seal of appointment by the Patriarch before the Travancore Government, and as a matter of right, thereunder, have been entitled to all help and protection from that State. But far from the Travancore Government affording such help and protection, your Petitioner has only found, and finds, it impossible to exercise his legitimate spiritual jurisdiction so long as the order above referred to, in favor of Mar Athanasius, remain in force, inasmuch as those who would otherwise have openly subjected themselves to him, under the authority given by the Patriarch, considered that, by so doing, they would be violating the orders of the Travancore Government and exposing themselves to criminal penalties.

9. That, in reference to the above hardships and injustice, your Petitioner presented several Petitions to the Dewan of Travancore and to the Resident, and have, in vain, for the last three years waited for any redress in the matter. Your Petitioner has therefore, now been compelled to come to Madras and have resort to Your Excellency in Council.

10. That your Memorialist, while appealing against the proceedings of the Dewan and the Resident, and praying Your Excellency in Council to use the influence of the British Government in support of your Petitioner, wishes it to be distinctly understood that he does not desire any infringement of religious neutrality in his favor. He merely asks that a strict neutrality may be observed between both parties and that the weight of the Travancore Government, which is now thrown into the scale in behalf of Mar Athanasius, may be withdrawn.

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PART II.

Exhibits &c.

No. 246.
Ext. UUU.
Memorial addressed to the Madras Government by Mar Dionysius. Filed in the High Court on the 1st Vycasi 1060.
—*Continued.*

11. That the Circular issued by the Dewan in 1038, although no doubt intended to be impartial, really places your Petitioner in a position of the greatest possible disadvantage, and the community, who would subject themselves to him, in a still worse position. It assumes throughout that Mar Athanasius is in possession of all the Churches. It is evident that a Bishop has no possession of any Church. He only acts upon the Churches through his authority over the clergy who officiate in each. If that authority rested soley upon the voluntary submission of the clergy and congregations, your Petitioner would have nothing to complain of. But under the Proclamation of 1027, all Syrian Christians have been directed to obey Mar Athanasius, and by the Circular of 1038, those who act contrary to previous possession, i. e., who disobey him, are warned that they will be criminally punishable. *Voluntary submission cannot exist where disobedience is made penal.* It is true the Circular offers two alternatives to those who object to Mar Athanasius' rule. They may abandon their Churches and build others, or they may bring suits in the Civil Courts. It is submitted that the first alternative ought not, in justice, to be forced upon any one. The Churches represent the accumulation of funds subscribed by the present Syrian Christians or their forefathers. To inform them that they may abandon their churches and build others is like informing a man, who complains of a trespass on his property, that he is welcome to leave it and buy another. His second alternative is equally illusory.

12. That though the Circular order may have been issued with the view of preventing any breaches of the peace, it has certainly tended to intimidate a great many people and to coerce them into subjecting themselves to the jurisdiction of a Bishop who has been superseded by your Petitioner under the unchallenged and unchallengeable Bull of appointment of the Patriarch of Antioch. This certainly is not only a flagrant infringement of the laws of neutrality in religious matters, but the Travancore Goverment has gone beyond that, and arrogated to itself, as it were, the paramount right, in ecclesiastical matters, of dictating as to who shall, and who shall not, exercise spiritual jurisdiction in the Travancore state.

13. That with reference to the coercive influence of Mar Athanasius' rule, your Petitioner submits that already several respectabe people of the community, who had attempted openly to profess their conscientious adherence to your Petitioner, have incurred the sentence of the so-called "excommunication" and have already been deprived of the right to participate in the rites and Sacraments of the Church. And, furthermore, upon the report of Mar Athanasius to the Travancore State, several, among such people, who were either church-wardens or leading members of the community, have also, under the letter of the Circular Order complained of, come under the displeasure of the Travancore State, and are now, as it were, in a state of despair—a result which must follow in the case of all those who attempt to follow their honest convictions.

14. That, further, your Petitioner begs to bring to the notice of your Excellency in Council that he has the solemn consciousness that almost all the Syrian Christians, as a matter of conscience, lean towards him as their present legally constituted superior and Metropolitan, but that they fear, if they were openly to subject themselves to him, that they would be taken up and punished penally by the Travancore Government, with reference to the Circular Order in question, and it is a fact that the wishes, in this respect, of the majority of the Syrian Christians are actually ignored by the Travancore Government.

15. That in regard to this matter your Petitioner presented a Petition, through his Vakeel, and, in the reply thereto of the Dewan, dated September 1866, that Officer admitted the reasonableness and justice of his prayer, but observed that it was very difficult to interfere and ascertain the wishes of the community on the point. Your Petitioner submits that it is by no means so. Without actual voting,

RECORD.

PART II.

Exhibits &c.

No. 246.
Ext. UUU.
Memorial addressed to the Madras Government by Mar Dionysius. Filed in the High Court on the 1st Vycasi 1060.
—*Concluded.*

Commissioners might be appointed to report in each District whether the whole or the majority of the Syrian Christians were willing to accept your Petitioner as their legitimate Bishop and Metropolitan.

16. That in a recent case before the High Court of Madras, well known as the Royapooram Church case, where the congregation were divided, some adhering to the Vicar Apostolic and some to the Goanese jurisdiction, the High Court directed that the wishes of the community should be ascertained by voting; the votes were taken by Sir Adam Bittleston, and, in conformity with the views of the majority, the funds and the Church were handed over to the Vicar Apostolic party.

17. That in two of the Syrian Churches within the Cochin State, where a similar difference of opinion existed in 1860, the then Resident of Travancore, Mr. F. N. Maltby, and the Dewan Shangunni Menon, adopted the same measure as that referred to in the immediately preceding paragraph (16) for an adjustment of such difference, as will be seen from the last communication appended to the enclosure; and, be it noted, such a measure met all objects to be desired.

18. That when it be considered that in Native Cochin as well as British Cochin, where there is no Circular Order in force, the Syrian Christians have hitherto *for years if not centuries, past*, openly submitted themselves to the Bishop of their choice and otherwise conducted themselves in spiritual matters in an orderly manner; and when too it be considered that for a long period antecedent to the issue of the Circular Order, the Syrian Christians of Travancore itself have also so conducted themselves in spiritual matters as not to have led to any breach of the peace; coupled with the fact that, in no other country or nation whatsoever, has there ever been heard of such a Circular Order as that now complained of, in reference to religious matters, the order of the Travancore Dewan seems to be a peculiarly extraordinary one, subjecting your Petitioner and the Syrian Christians to great hardships and grievances.

19. Your Petitioner, therefore, prays that the time-honored wisdom and policy of the British Government in preserving the strictest neutrality in religious matters may be caused to be exercised through the British Resident, in the present case, viz., by causing the Circular Order complained of, with its coercive and penal clauses, to be cancelled, and, with reference to the order of the late Honorable Court of Directors, in the Ecclesiastical Department, dated 13th May 1867 (communicated to the British Resident of Travancore by Min: Con: No. 282 dated 14th July 1857), having another Proclamation issued in lieu thereof, simply declaring that each and every one of the Syrian Christians are at liberty to openly profess their adherence to, and subject themselves to the jurisdiction of, the Bishop of their own choice, without any lay restraint upon their moral obligations, and adding that, if there be any division of opinion as to such choice, Commissioners be appointed to ascertain the wishes of the majority of the Syrian Christians attached to each Church, and the Church and funds placed under the control of the Bishop who has such majority on his side—for which your Petitioner shall

Ever Pray.

Madras,
3rd February 1869.

(True Copy.)

(Sd.) R. Ramanatha Row,
Respt's. Vakil.

Filed as EXHIBIT UUU on the 1st Vycasi 1060.

(Itld.) T. R. N. P.
(„) G. S. A. P.

RECORD.

PART II.

Exhibits &c.

No. 247.
Ext. VVV.
Copy of the Resolutions of Mulan-thuruthu. Filed in the High Court.

Names of the Signatories.

No. 247.

EXHIBIT VVV.

[This is a copy of Ext. GG, filed in the High Court. The names of the signatories are alone translated and printed as required by the Vakil for Appellant in the Royal Court of Final Appeal, under list presented by him under date the 10th Avani 1062.]

Mar Dionysius Metropolitan

(Signed)

Ankamali-Akaparampu church.

Seal

Thalathuveettil Itti Matthu Kathanar.
Chukkayanathoot David Kathanar.
Kooren Jacob Kathanar.
Pyliparampil Matthu Ittoop
Ampat Thariyathu
Thelappallil Verghese Matthai.

(Signed)
(,,)
(,,)
(,,)
(,,)
(,,)

Niranom church.

Mattakkel Behanan Kathanar.
Panakkel Mattath Matthai Kathanar.
Kanyantharai Ninan Kathanar.
Karikote Mattakkel Thannyil Kathanar.
Elenjikkel Matthu Chakko.
Mattakkaveetil Perumal Chakko Vydien.
Pallikkadavil Chakko Kuncheria.
Varuthara-pallom Mammen Matthai.
Puthupallil Varkki Kochuvarkki.

(Signed)
(,,)
(,,)
(,,)
(,,)
(,,)
(,,)
(,,)
(,,)

Arthat, Kunnankolum and other churches.

Panakkel Jacob Kathanar.
Do. Patthappen Eipuru
Do. Iyakku Tharu.
Do. Varid Ittyerah.
Kakkasseri Iyakku Eapen.

(Signed)
(,,)
(,,)
(,,)
(,,)

Pallikarai church.

Kocheril Paulos Kathanar.
Kallurparai Pathrose Kathanar.
Pavarai Matthu Mappula.

(Signed)
(,,)
(,,)

Manjappra church.

Arakkaparampil Abraham Kathanar.
Do. Ittyachen Werkey.

(Signed)
(,,)

Mamalasseri church.

Manamankote Paulose Kathanar.
Edayatthu Werkey Cheria.
Thurutthikkat Korothe Matthu.

(Signed)
(,,)
(,,)

Piravom church.

Karimel Abraham Kathanar.
Puthenpurakkel Deacon Thomas.

(Signed)
(,,)

Cherlayom church.

Karumankuli Paulos Kuthanar.
Cheruvathur Deacon Mathai.

(Signed)
(,,)

Makkankunnu church.

Thengumtharai Geverghese Kori.

(Signed)

RECORD.

PART II.

Exhibits &c.

No. 247.
Ext. VVV.
Copy of the Resolutions of Mulan-thuruthu. Filed in the High Court

Names of the Signatories.
—*Continued.*

Kunnankulom Puthenpalli.

Koladi Matthu Kathanar. (Signed)
Pannakel Ittyerah Cheru. (,,)

Kilavallur church.

Peedikayil Geverghese Kori, Vicar. (Signed)

Kuntara church.

Kilakkevilayil Matthai Kathanar (Signed)
Kuriesu, Trustee. (,,)

Onakkur church.

Palur Nadayil Yohannan Kathanar, Vicar. (Signed)

Vengur church.

Poykattil Geverghese Kathanar, Vicar. (Signed)

Kuntara Puthenpalli.

Thengumvilayil Esau Kathanar. (Signed)
Muthalkote Naduvila Vilayil Geverghese. (,,)
Thaliyatharai Deacon David. (,,)
Karimel Ittyavira Ulahannen. (,,)

Pothalikat church.

Chettyankudiyil Geverghese Kathanar- (Signed)
Do. Pyli Cheria. (,,)

Mulakulom church

Muromthookkil Paulos Kathanar. (Signed)
Do. Ousep Chandi. (,,)
Chandiyadath Chandi Paulos. (,,)

Sourthern Paravur church.

Palatthinkel Thoma Kathanar. (Signed)
Kochupalathinkel Matthai Kathanar. (,,)
Thopil Lukos Kathanar. (,,)
Velayangat Deacon Geverghese (,,)
Kochupalatthinkel Paulo. (,,)
Kottur Ulahannan. (,,)

Puttumanur church.

Kannayth Simon Kathanar. (Signed)
Palyal Kuriaku Kuriaku. (,,)
Kannayth Itten Werkey. (,,)

Vadakara church.

Chelaparampath David Kathanar. (Signed)

Kurinji church.

Thukalen Matthai Kathanar, Vicar. (Signed)
Nadutbudyil Itten Kochuru. (,,)
Palal Werkey Ittoop. (,,)

Kottur Nasras church.

Chennakat Paulos Kathanar. (Signed)
Murimattathil Paulos Kathanar (,,)
Chennakat Yohannan Kathanar. (,,)
Kochupurakkel Kurien Eipu of Murimattom. (,,)
Mangatvettil Werkkey Chakko. (,,)

Kolancheri church.

Kallalikal Paulos Kathanar. (Signed)
Kunnath Pathrose Kathanar. (,,)
Thenungkel Yowsep Kathanar. (,,)
Palayil Ittoop Matthu. (,,)
Kallunkel Kurien Thomman. (,,)
Etheri Werkkey Mathula. (,,)

Kannyatnerappel church.
Perumpara Puthenveettil Matthai Kathanar. (Signed)
Edangalli Mattathil Deacon Philipose. (,,)
Mureekkel Deacon Matthai. (,,)
Perumpara Puthenveettil Paulo Cheria. (,,)

Srayi Cheriapalli.
Valavarancheriparampath Jacob Kathanar. (Signed)

Pariyarom church.
Thengumtharai Geverghese Kori, Vicar. (Signed)

Nadamel church.
Vadayara Geverghese Kathanar. (Signed)
Kalarikkel Iscariot Kathanar. (Signed)
Mookkencheril Cheriathu Cheria. (,,)
Mangali Werkey Pyli. (,,)
Chadayadi Werkey Matthu (,,)
Vattusseri Werkey Werkey. (,,)
Manet Porothu Thomman. (,,)

Maratti church.
Kuttipulai Paulos Kathanar. (,,)

Chathannur church.
Koipurath Chakko, Trustee. (Signed)

Rakkat church.
Onat Thottathil Kuruvila Kathanar. (Signed)

Panthalom church.
Kilakkeveetil Thoman Kathanar, Vicar. (Signed)

Pampakudai church.
Konat Yohannan Malpan. (Signed)
Konat Puthenpurakkel Matthen Kora. (Signed)

Palanji church.
Earalla Ittoop Kathanar. (,,)

Kantanad church.
Karote Simon Koshi. (Signed)
Padathukaren Abraham Kathanar. (Signed)
Punnappalil Geverghese Kathanar. (,,)
Karumankulom Yohannan Do. (,,)
Tholuppaden Paulos Do. (,,)
Thukalen Matthu Paulos Do. (,,)
Karuvattu Korathu Kora. (,,)
Thukalen Chummaru Paulos. (,,)
Pallivathukkel Werkey Werkey. (,,)

Manthuruthil church.
Cheruthottil Geverghese Kathanar. (,,)
Kadapurath Paulos Kathanar. (,,)
Varikkacheril Deacon Kuriakos. (Signed)
Arikupurom Porotha. (,,)

Cochin Fort church.
Mattammel Matthai Kathanar, Vicar. (,,)
Palliparampil Chummaru Vanien. (,,)

Kunnakurudi church.
Puliyanad Ittbappuri Kathaiar. (Signed)
Vettikolikkel Cheriathu Werkey. (,,)
Vengacheri Matthai Pyli. (,,)

Ramamangalom church.
Mangachalil Geverghese Kathanar. (,,)
(Signed)

Ranni church.
Vicar Thalath Matthu Kathanar. (Signed)

Thiruvella church.
Kovur Geverghese Kathanar. (Signed)
Kodykat Jacob Kathanar. (,,)
Kodykat Geverghese Geverghese. (,,)
Thekke Pynummoottil Koshi Werkey. (,,)
Puthenpurakkel Matthu Kochittty. (,,)
Kongkarai Ittha Ummen. (,,)
Peedikkel Itty Kuruvilla Werkey. (,,)

Kurichi church.
Kolathukalathil Kuruvilla Kathanar. (Signed)
Edathikunnel Thommi Matthen. (,,)

Nellikkel church.
Sukathil Yacob Kathanar. (Signed)
Malayathu Verghese. (,,)

Ayroor church.
Mavelil Geverghese Kathanar. (Signed)
Kuttikandathil Chakko Thomma. (,,)

Kattur church.
Vattaparampil Deacon Abraham. (Signed)
Vadasseriakathu Idichandi Eipa. (,,)

Mallappalli church.
Payampalli Verghese Avira. (Signed)
Kyyalathu Chakko Potha. (,,)
Valakulikkel Eipu Verghese. (,,)

Kallisseri church.
Pullimoottil Abraham Kathanar. (Signed)
Thuntiyil Thoma Kathanar. (,,)
Palaparampil Matthula Ittiavira. (,,)
Pachankulathu Ittiavira Chakko. (,,)

Pampadi church.
Kadavumbhagathu Thommen Thommen. (Signed)
Kuringalilmatathil Kurian Chakko. (,,)
Karote Kurian Itty. (,,)

Nalumnakkel church,
Puthuparampil Geverghese Kathanar. (Signed)

Kypattur church.
Vicar Peedikayil Abraham Kathanar. (Signed)
Neduvelil Chakko Geverghese. (,,)

Omallur church.
Peedikayil Abraham Kathanar. (,,)

Kadamattom church.
Thekkalakat Geverghese Kathanar. (Signed)
Muntenchira Thomman Werkey. (,,)
Chennal Itthappiri Itthaku. (,,)

Thumpamon church.
Karingattil Iscariot Kathanar. (Signed)
Kanicheril Korathu Kiriapilla. (,,)

Kodassanad church.
Vicar Thekkedath Yohanan Kathanar. (Signed)
Valiaveettil Kurula Koshi. (,,)
Keeppallil Mammen Mammen. (,,)

Channanappalli church.	
Karingattil Iscariot Kathanar.	(Signed)
Puthuppalli church.	
Padinjarekoottil Jacob Kathanar.	(Signed)
Parakkel Mani Easu.	(,,)
Elamalai Mani Mani.	(,,)
Cottayom Valiapalli.	
Edavalikkel Geverghese Kathanar	(Signed)
Ottathiekkel Thommen Mani	(,,)
Chelakka church.	
Vicar Koladi Matthu Kathanar	(Signed)
Thuruthikat church.	
Natharikote Thaliyil Kathanar.	(Signed)
Konnakkel Matthula Cherian.	(Signed)
Chettupallil Pothan Chandy.	(,,)
Peechanikat church.	(,,)
Kooren Paulos Kathanar.	
Theluppallil Ittiavira Verghese.	(Signed)
Poonthra Werkey Yowsep.	(,,)
Malavannur church.	(,,)
Kulangattil Yowsep Kathanar.	
Madaparampil Verghese Matthu.	(Signed)
Chempil church.	(,,)
Manipurom Thomma Kathanar.	
Maliekkel Ulahannan Thomman.	(Signed)
Neelamperur church.	(,,)
Malitharai Elias Kathanar.	
Panachitharai Thomman Kurula.	(Signed)
Nasrani Thuntiyil Kurien Kurien.	(,,)
Puthenkavu church.	(,,)
Alummoottil Pathros Kathanar.	
Puthenpurakkel Mammen Eapen.	(Signed)
Kollamparampil Koonayil Eapen.	(,,)
Kuruppompadi church.	(,,)
Veliath Geverghese Kori Epithropa.	
Thottathil Matthu Thomachen.	(Signed)
Thompra Deacon Geverghese.	(,,)
Kallarakkel Kora Werkey	(,,)
Thiruthivila Matthai Werkey.	(,,)
Mangammaradi Matthu Pyli.	(,,)
Chennithala church.	(,,)
Koruthuvilayil Geverghese Kathanar.	
Chengannur church.	(Signed)
Kadanthottil Mammen, Trustee.	
Kothamangalom Valiapalli.	(Signed)
Irumalai Yowsep Kathanar.	
Srampikudi Werkey Werkey.	(Signed)
Thalarikkel Werkey Pavu.	(,,)
Kumarakom church.	(,,)
Ummacheril Abraham Kathanar.	
Muripurakkel Pothan Kurula.	(Signed)
Kalathiparampil Kurien Itty.	(,,)
Kottappadi church.	(,,)
Irumalai Yowseph Kathanar.	(Signed)

Manjammakudi Matthu Pyli.	(Signed)
Srampikal Do. Werkey Werkey.	(,,)
Kallurparai church.	
Kallur Philipose Kathanar.	(Signed)
Pannikote Eapen Potha.	(,,)
Kalluntharai church.	
Muppathiyil Iscariot Kathanar.	(Signed)
Kyppurakkel Chakko Cheria.	(,,)
Puthenkalathil Ulahannan Chakko.	(,,)
Mavelikarai church.	
Thalakara Vadakkethalakkel Idichandi Kathanar	(Signed)
Polachirakkel Puthenveettil Ummamen Ittichandi.	(,,)
Vadakkeveettil Eipu Geverghese.	(,,)
Palakkulai church.	
Kulirinkel Thoma Kathanar.	(Signed)
Venat Kurula Matthai.	(,,)
Cheppat church.	
Puthenveettil Matthen Kathanar.	(Signed)
Puthenveettil Philipose Kathanar.	(,,)
Kochu Koshi.	(,,)
Tharayil Ittoop Itty.	(,,)
Karingachira church.	
Kuttikat Geverghese Kathanar.	(Signed)
Kurunthedath Philipose Kathanar.	(,,)
Kuliyanjal Geverghese Kathanar.	(,,)
Cheruthottil Kurien Werkey.	(,,)
Pallippad church.	
Kyveettil Matthen Kathanar.	(Signed)
Vengalil Matthen Geverghese.	(,,)
Arakulangarai Matthen Matthen.	(,,)
Karichena church.	
Puthenveettil Matthen Kathanar.	(Signed)
Kulangarai Kilakkethil Matthen Koshi.	(,,)
Kaniyare Vadakkethil Chakko Chakko.	(,,)
Mulamoottil Matthunni Matthai.	(,,)
Veliyat church.	
Kannothe Abraham Kathanar.	(Signed)
Puthenpurakkel Uthuppan Thomma.	(,,)
Valayil Uthuppan Thomma.	(,,)
Thuruthippalli church.	
Thuruthiyil Abraham Kathanar.	(Signed)
Parumalai church.	
Vicar Karikote Daniel Kathanar.	(Signed)
Vakathanom church.	
Vallikat Paulos Kathanar.	(Signed)
Puthusseri church.	
Vicar Elanthuruthil Philipose Kathanar.	(Signed)
Pallom church.	
Edathumpadikkel Thomman Kurien	(Signed)
Parapurom Kurien Ulahannan.	(,,)
Cottayom Cheriapalli.	
Venkidath Alexandrios Kathanar.	(Signed)
Do. Deacon Alexandrios.	(,,)
Kunnumpurath Kora Kurien.	(,,)

RECORD.
PART II.
Exhibits &c.
No. 247.
Ext. VVV.
Copy of the Resolutions of Mulan-thuruthu. Filed in the High Court
Names of the Signatories.
—Continued.

RECORD.

PART II.

Exhibits &c.

No. 247.
Ext VVV.
Copy of the Resolutions of Mulan-thuruthu. Filed in the High Court

Names of the Signatories.
—*Continued.*

Kangirath Ittyavira Cherian.
Vanchithara Chakko Chandi.
Komadathaseri Avira Verghese. (Signed)
Kothamangalom Cheriapalli.
Pallimali Verghese Kathanar. (,,)
Chelat Geverghese Kathanar. (,,)
Puthukkyil Kurula Matthu. (Signed)
Melat Auseph Werkey. (,,)
Kakakudi Thoma Kathanar Werkey. (,,)
Manarkat church. (,,)
Venkidath Alexandrios Kathanar.
Do. Eipu Matthu. (Signed)
Parampukarai Eipu Cherian. (,,)
Mavelikarai Puthiyakavu church. (,,)
Vicar Panikker Yacob Kathanar.
Vilanilath Geverghese Kathanar. (Signed)
Kangirathummoottil Perumal Philipose. (,,)
Mulanthuruthu Church. (,,)
Thoppil Iscariot Kathanar.
Palakkat Geverghese Kathanar. (Signed)
Chalapurom Jacob Kora Epithropa. (,,)
Chalil Cheria Kunji Kora. (,,)
Edampadom Kuruvila Ittyavira. (,,)
Roppi church. (,,)
Malavancheriparampath Korathu Kunjipyli.
Cottayom Puthenpalli.
Kunnumpurom Yacob Kathanar. (Signed)
Rothikkel Iscariot Kathanar.
Nettasseril Mani Ittyavira. (Signed)
Eruthikkel Kunju Thomman Chandi. (,,)
Elengithara Kurien Kurien. (,,)
Karikkel church. (,,)
Vicar Kadavil Abraham Kathanar.
Puthenpurakkel Kurien Kochu Kurien. (Signed)
Thalavadi Kilakkekarai church. (,,)
Vicar Kanyanthara Yownan Kathanar.
Attumali Puthenpurakkel Chandi. (Signed)
Adimapurath Kodikal Matthu Matthu. (,,)
Thiruvella Puthenpalli. (Signed)
Kodykat Yacob Kathanar.
Kolluparampu Idikkula Matthu. (Signed)
Kattanom church. (,,)
Valielathu Matthunni Matthen.
Kottyil Thommi Koshi. (Signed)
Viyapuram church (,,)
Purakkel Matthai Kathanar.
Theveril Ummaman Varid. (Signed)
Karuvatta church. (,,)
Manachirakkel Deacon Geverghese.
Manachirakkel Puthenpurakkel Idikkala Werkey. (Signed)
Netungote Koshi Idikkula. (,,)
Anaprampal church. (,,)
Varakulathil Matthen Matthen.
Puthenpurakkel Mammen Mammen. (Signed)
(,,)

Thalavadikuli church.
Pynummoottil Geverghese Kathanar, Vicar. (Signed)
Chekkalayil Chandi Kochandi. (,,)
Kumpanthanom Ittyavira Chakko. (,,)
Nechur church.
Cholatthil Abraham Kathanar. (Signed)
Chalisseri church.
Vicar, Keeran Ittoop Kathanar. (Signed)
Thomatta Pathrose. (,,)
Chengalom church.
Vicar Jacob Kathanar. (Signed)
Chuntayida Eipu Eipu. (,,)
Kayenkulom church.
Pallithottathil Idicheria Kunju Thommi. (Signed)
Alummoottil Yohannan Mammen. (,,)
Paramel Idichandi Koshi. (,,)
Kannenkode church.
Kallot Kunji Koshi, Trustee. (Signed)

(Signed) Judge.

O. S. 76 of '55—Tri.—Zil.—

Filed for Defence on the 30th Kanni '56.

(Copy) (Initialled) Judge.
Judge.

(7)

True copy.

(Sd.) T. Kumara Pillai, (Sd.) Mahalinga Iyer,
Gumastah. Registrar.

Vakil Kuruvilla Thomman, on behalf of Mar Dionysius Metropolitan, Respondent in A. S. No. 137 of 1059 on the file of the High Court of Travancore, applied, with diary of the said Court, for this copy, on the 26th Mithunom 1060.

Copy ready on the 9th Karkadagom 1060.

Granted on the 10th Karkadagom 1060.

Levied Rs 5 for 40 pages. (Initialled)—

Filed by Respondent's Vakil in A. S. 137 of 1060 *(sic)* on the file of the High Court.

16/12/60. (Sd.) R. Ramanatha Row, Pleader.

Docket.—Filed as Ext. VVV according to order dated 20th Adi 1060, on the petition presented on the 16th of the same month.

(Itld.) T. R. N. P.
(,,) G. S. A. P.

RECORD.

PART II.

Exhibits &c.

No. 247.
Ext. VVV.
Copy of the Resolutions of Mulan-thuruthu. Filed in the High Court.

Names of the Signatories.
—*Concluded.*

No. 248.

EXHIBIT 1.

[Diaticon (Malayalam) of the late Mar Athanasius, in favour of 1st Deft. Filed on the 11th Chingom 1055.]

No. 248.
Ext. 1.
Diaticon of the late Mar Athanasius in favour of 1st Deft. Filed on the 4th Chingom 1055.

Fee—Fanams 35.
Commission for the Registrar's proceeding to party's residence. } Fanams 49.

Seal

Praise be to Him in the name of the true Trinity of the Father, the Son and the Holy Ghost.

RECORD.

PART II.

Exhibits &c.

No. 248.
Ext. 1.
Diaticon of the late Mar Athanasius in favour of 1st Deft. Filed on the 4th Chingom 1055.
—*Continued.*

Diaticon executed on the 7th Edavom 1052 M. E. corresponding with 1877 A. D., by Us, Mar Athanasius Metropolitan of the Apostolic throne (See) of St. Thomas, of the Edavagay of Malankarai, to Mar Thomas Athanasius Metropolitan who has been appointed as the successor to Our throne. I believe in the Trinity as has been confirmed in the articles of faith, of Nice. I praise the God that guarded me against, and comforted me in, all the misfortunes and sorrows that befel me. Depending on the Salvation of the Messiah, I entrust my soul to the hands of God and my body to earth, with the faith in resurrection, to be dealt with in a manner becoming the true prelate of God. As We have consecrated you on the 20th Edavom 1043 M. E. corresponding with 1868 A. D., according to the ancient rules of the Malabar Church which We now govern, to rule after Our demise as Our successor, and as, Our work, having become heavy on account of the diocesan visits, you have been conducting all the business up to date, in accordance with the deed executed by Us on the 23rd Meenom 1048 and registered as No. 9 in book No. 3 of the District Registrar's Office at Cottayam, empowering you to conduct, instead of Us, all business connected with the Cottayam Seminary, Our chief seat, and, now, as We have become old and weak and attacked by a disease which makes the longevity of our life uncertain, We bequeath, by this deed, all Our powers, all the rights appertaining to Our office and all Our private property, to you whom We have appointed to succeed Us in our throne, You should exercise properly all the powers that We have been exercising over the Malankarai Edavagay in connection with religious matters, and affairs relating to the property of the Church. The manner in which they should be conducted is detailed below. 1stly. You should rule without alienating or annihilating the independence of the Malabar Church which was founded in the 1st century, by Apostle Mar Thomas, one of the Apostles of the Lord, and is as old as any of the ancient Churches of foreign countries. 2ndly. You should exercise full authority over the Cottayam Seminary and all the moveable and immoveable property belonging thereto, and receive the proceeds from these, and also the interest on the Star Pagodas, which we annually get from the British Government, and conduct, without any default, all matters connected with the Seminary. 3rdly. You should hold the neccessary correspondence and get the grants in-aid kindly given to our schools by His Highness the Maharaja, from the Travancore Government and do all the things that We were doing concerning the said schools and keep the schools in a flourishing condition. 4thly. You should conduct properly the following business: visiting of all the churches in our possession; getting the reports of the Church finished and preserving same; consecrating Metrolitans to succed, when necessary, and Rambans, &c.; and the collecting of the charity collections such as *Rasesa*, *Gebiyasa*, *Nedara* &c. that have to be collected annually. 5thly. The translation into the mother tongue of the Pallikramoms for the reformation of the churches, a task which We commenced but did not complete, enforcing the use of these in the churches, giving religious instruction to boys, appointing as vicars, priests who have knowledge and prudence: these and such other affairs you should take on hand immediately and conduct properly. We empower you by this deed, with the knowledge of the undersigned witnesses, to act according to these rules, and according to all rules according to which We were acting in connection with our Office and the property of the Church, in so far as they conform to these rules. May the God of our fathers who guarded and protected Us even from Our childhood, who, in the midst of the various dangers that overtook Us, lifted Us upon His shoulders, and who is My mercy and fort and high tower and shield, and upon whom I depend, be with you, bless you, give you all knowledge neccessary for the tending of His flock and fold you under His wing. Amen.

Witnesses.–Kuruvila Kuruvila Kathanar, of Thevarthundiyil in the Nedumprayar Muri of the Aranmolay Proverthy, (Signed) K. Kuruvella.

RECORD.

PART II.

Exhibits &c.

No. 248.
Ext. 1.
Diaticon of the late Mar Athanasius in favour of 1st Deft. Filed on the 4th Chingom 1055.
—*Concluded.*

Kovur Eippu Thomma Kathanar of Kavumbhagom Muri in the Thiruvalla Proverty, (Signed)

Kottooreth Mamman Yousep Kathanar of Lakasseri Muri in the Vadakkekkarai Proverthy in Chengannur. (Signed) M. Joseph.

Maruthookkadavil Cheriyathu Skuria Kathanar of Mallappilasseri Muri in the Ayrur Proverthy. (Signed)

(Signed) Athanasius Malabar, Metropolitan.

Produced on the 12th Edavam 1052 at 11. A M. at the Maramannu church, in the Maramannu Muri of the Aranmolay Proverthy, by the undersigned. Mar Athanasius Metropolitan of the Malankarai Edavagay, (Signed) Athanasius Malabar.

At the aforesaid church, the undersigned party has admitted the execution on this document. Mar Athanasius Metropolitan of the Malankarai Edavagay. (Signed) Athanasius Malabar. Private life—Aranmolay.

Examined at the aforesaid church the undersigned witnesses in connection with this document.

Thevarthundiyil Rev. Kuruvila Kuruvila Kathanar—(Signed) K. Kuruvilla. Syrian priest—Aranmolay.

Kovur Eippu Thomma Kathanar. (Signed) Syrian priest—Thiruvella.

Kottooreth Mamman Yousep Kathanar, (Signed) M. Joseph—Syrian priest—Vadakkekkarai.

Maruthookkadavil Cheriyathu Skuria Kathanar, (Signed)—Syrian priest—Ayrur.

12th Idavam 1052. Kochunni Karthavu, District Registrar. } (Signed)

Registered as No. 23 on the 45th page of the 1st Volume of Book No. 3.

15th Idavom, 1052. } Lekshminaryana Prabhu,—1st Gumastah. Acting for the District Registrar, Thiruvalla—(Signed)

Seal

Docket (263.) Filed by 1st Deft's Vakil, in O. S. 439 of 1054, on the 11th Chingom 1055.

No. 1.

No. 249.

No. 249.
Ext. 2.
Otti deed relating to the Nenthraveli paddy-land.

EXHIBIT **2.**

[Otti deed (copy of—Malayalam) on the Nenthraveli paddy-land.]

(Fee—Fanams 63.)

Registered in No. 1531, on the 119th page in the 6th volume of Book No. 1. 24th Mithunam 1052.

(Signed) Chuppu Pillai, District Registrar of Chengannur. (Seal.)

Otti deed executed by Mar Athanasius Metropolitan of the Edavagay of Malankarai to Ittiavira Chakko, aged 48, farmer, Syrian, of Thalathillathu house in the Vadasserikarai Muri, in Ranni Proverthy, in the Chengannur District, on the 2nd Idavom 1052 M. E.—1877 A. D.

Whereas, as charged upon the property registered in the name of our Cottayam Seminary and which we enjoy and pay tax on, and which—number uncertain,—is situated in the Padinjattumpuram Puncha tract of lands in the Thripperumtharai Muri in the Chennithalai Proverthy in the Chengannur District, west of the canal, north of the canal, east of the Puthenchalu paddy land belonging to the Koikaletthu house and of the canal, and south of the paddy-land belonging to Puthenpurayil *Elaven*, and which is of the *Pandara Pattom* tenure, and is called the Nenthraveli Punja paddy-land, and which is 700 Parahs in extent, We have received from the said Ittiavira Chakko 6860 Rs equal to 19,551 Rasis being the amount borrowed in diverse items, for the expenses of improving and levelling the said paddy-land, and in ready cash for clearing the debts incurred in the prosecution of the cases between the Patriarch of Antioch and Ourself in the Travancore and British Governments; We execute in favour of the said Ittiavira Chakko this Otti deed whereby, for the aforesaid amount, ninteenthousand and five-hundred and fiftyone Rasis, it is agreed that the said Ittiavira Chakko may enter into possession of and enjoy the aforesaid seven-hundred parahs of paddy-land up to 1061, paying the Sirkar tax on the prior registree's account & giving a Michavarom of 350 parahs of paddy by the Kallurkaden parah, in the two seasons every year during which no part of the land is left fallow, and 150 Parahs, allowing a remission of 200 parahs when, as is necessary every third year, 400 parahs' extent of paddy-land out of the above is left uncultivated, and taking receipts therefor, and surrender the property on payment of the mortgage amount after the expiry of the term fixed.

Witnesses.

Mamman Yowsep Kathanar of Kottoreth in the Lakasserimuri in Chengannur Vadakkekarai. (Signature)

Valia Puthusseri Werkey Chandi of Muntenkavu Muri. (Signature)

Valia Puthusseri Werkey Chandi, writer of this document. (Signature)

Presented at the Chengannur District Registrar's office at 4 o'clock on the 23rd Mithunom 1052, by the undersigned Agent authorized by the special power of attorney attested by the Registrar of Thiruvella on the 24th Idavom 1052.

Kottur Eipu Thoma Kathanar, Agent of Mar Athanasius Metropolitan of Malankarai. (Signature)

The undersigned, the Agent who has been authorized by the special power of attorney attested by the Registrar of Thiruvella on the 24th Idavom 1052, has admitted the execution of the deed.

Kottur Eippu Thoma Kathanar, Agent of Mar Athanasius Metropolitan of the Malankarai Edavagay. (Signature).

The undersigned witnesses have been examined with reference to this deed.

Mammen Yowsep Kathanar of Kottoreth. (Signature)

The Preceptor executed this. Valia Puthusseri Werkey Chandy. (Signature)—writer—Muntorkavu.

23rd Mithunom 1052. District Registrar Subbu Pillai (Signature.)

(Signature)

Seal

True copy.

Vakil Narayana Menon.
(Itld.)

No. 250.

EXHIBIT 3.

[Certified copy of the decision (English) of the Committee appointed to settle the disputes between the Syrian Metropolitan and the Church Missionary Society.—Filed on the 11th Chingom 1055.]

Certain controversies having arisen between the Metropolitan of the Syrian Church and the Corresponding Committee of the Church Missionary Society in regard to their rights in certain property connected with the College at Cottayom and the parties having agreed to submit their differences by arbitration, we, Conrad Baron Albedyhll, John Scipio Vernede and William Henry Horsley having been nominated and appointed by the the Corresponding Committee of the Church Missionary Society, the Metropolitan of the Syrian Church and the Travancore Government respectively as Arbiters to enquire into and decide upon the points at issue; we have accordingly examined all the documents produced before us connected with the subjects in dispute; have heard what both parties have adduced in support of their respective claims and after a mature consideration of the whole case, have arrived at the following decision on the several Items submitted to our arbitration.

Star Pagodas 3,000.

This sum was vested in the Honorable Company's funds in the year 1808 through the then Resident Colonel Macaulay, by the Reverend Mar Thoma the then Bishop of the ancient Syrian Church of Malabar, as a loan in perpetuity for charitable purposes solely, at the usual rate of interest for such loans, viz. 8 per cent. per annum. This sum being indisputably the property of the Syrian Community, we are of opinion that the Church Missionary Society have no claim or right whatever to any future interference in the management. We therefore award that Colonel Macaulay's Bond or Receipt for the said sum be returned to the Metropolitan of the Syrian Church, and that the purposes for which the high interest of 8 per cent. has been heretofore given by the Madras Government may be fully carried into effect; we further award that the disposal of the said Interest shall in future be under the management of the Metropolitan for the time being of the Syrian Church conjointly with two others, an Ecclesiastic and a respectable Syrian of the same persuasion to be selected by the Syrian Community itself.

Rupees 8,000.

This sum was a Donation from the Travancore Government in 1816 in consequence of an application from the Syrians belonging to the Church of Tiruvellah for assistance to enable them "to prosecute the study of the Holy Scriptures according to the custom of their sect" as the grant expresses it. It was paid over for that purpose to the then Metropolitan as the Head of the whole Syrian Community. The means by which this object was to be attained are ascertainable from an autograph letter of Colonel Munro to the address of the Reverend Marmaduke Thompson dated 5th January 1816 in which he states "the principal object of the establishment of a College in Travancore was to instruct the Catanars and Officiating Priests among the Syrians in a complete knowledge of the Syrian language in which they are at present too generally deficient. With the study of the Syrian language would of course be combined that of the Sriptures and other religious Books written in that language." Another object was to procure copies of the Scriptures in the Syriac language; and it was intended that the students in the course of their education should transcribe the Bible to the greatest possible extent. "Many I may say most of the churches" says Colonel Munro, "are destitute of the Bible either in Syriac or Malayalam language." The plan of the College was also intended to

comprehend a system of instruction in Malayalam to the Priests and the Laity, and translating the Scriptures and religious Books into that language for general circulation and use." It further appears from the extracts from Col. Munro's letter given in the Church Missionary Register of 1816 that previously to the arrival of English Missionaries at Cottayom the translation of the Scriptures into Malayalam was in progress under the supervision of the then Bishop of the Syrians. It is in our opinion therefore evident that the intention of the Donor was that the prosecution of the study of the Scriptures was to be carried on through the instrumentality of their own Bishop and Priests, and the grant was given not only irrespectively of the Missionaries but previous to their arrival at Cottayom. We therefore award that the said sum of 8,000 Rupees be delivered to the present Metran to be held in trust by him and his successors, jointly with two others, an Ecclesiastic and a respectable Layman of the Syrian persuasion to be selected by the Syrian Community itself and to be appropriated solely to the purposes for which it was granted—"The prosecution of the study of the Holy Scriptures by means of the dissemination of the Bible and other religious works in vernacular tongue amongst the Syrians in general"—and we further award that the Trustees shall be required to furnish to the Sircar an annual statement showing the means in which the said sum of 8,000 Rupees is laid out or expended.

Rupees 20,000.

The sum was granted in the year 1818 by the Travancore Government as an endowment for the support of the college at Cottayom with directions from Colonel Munro the then British Resident to the Revd. B. Baily to invest it in lands and to assume the direction and management of this and all the other Funds belonging to the college, employing with him a Committee of the Principal authorities attached to it. The money was accordingly laid out in lands and the Title Deeds drawn out in the joint names of the then Metran and the Revd. B. Baily. Circumstances have however occurred which render it impossible for the Trustees to continue to fulfil the duties of their trust jointly; and it is therefore for us to determine which of the parties is entitled to a continuance of the Trust; and to enable us to do so, we must refer to the objects of the endowment, the grand object contemplated by Colonel Munro through whose influence solely this money was obtained, was the political, moral and religious renovation of the whole of the Syrian people through the instruction of English Missionaries, and there is not the shadow of a reason to suppose that the benefactions then and subsequently granted by the liberality of the Travancore Government and of private individuals for a specific purpose to be attained by specific means, would ever have been conferred on the Syrians irrespectively of those means, viz., the instruction to be afforded by the English Missionaries; and in this opinion we are fully borne out by the whole tenor of Colonel Munro's antograph letters which have been produced before us. The Metran having, in Synod assembled, positively determined on having no further intercourse with the English Missionaries and having thus refused to execute the duties of the trust jointly with them, we have no alternative but to substitute a Trustee in his stead. We therefore award that the future management of the said sum of Rupees 20,000, be entrusted to the Reverend the Missionaries at Cottayam and their successors, the Secretary Protempore to the corresponding Committee of the Church Missionary Society and the British Resident for the time being or such person as the latter may authorize to act on his behalf, to be held by them in trust for the exclusive benefit of the Syrians.

Rupees 14,035-1-6.

This sum having been raised by subscriptions from Europeans solely on the representation and through the instrumentality of the Reverend the Missionaries at Cottayam, we award that it be held in joint trust by them and their successors, the Secretary Protempore to the

Corresponding Committee of the church Missionary Society and the British Resident for the time being or such person as the latter may authorize to act on his behalf to be appropriated exclusively to the purposes for which it was originally subscribed viz,

1st. The circulation of useful works and especially of the Holy Scriptures.
2nd. The instruction of youth.
3rd. The instruction of the clergy.
4th. The erection and enlargement of churches.

The Cadamattom Estate and money at Interest thereon.

This estate having been the property of a former Metran we award that it and its Title deeds shall be made over to the present Metran to be held in trust by him and his successors for the benefit of the Syrian community in conformity to the custom which prevails in the Syrian Church in regard to the property of deceased Metrans.

The land on which the college stands.

The Neet or grant of this land being in the name of Joseph Ramban and his successors in Office to be enjoyed in Anubogum tenure, we award that it shall be given to the present Metran to be held in joint trust by him and two others, an Ecclesiastic and a Layman of the Syrian persuasion to be selected by that community itself for the exclusive benefit of the Syrians.

The college at Cottayam.

This building having been erected principally from the Interest of the 3000 Star Pagodas vested in the Honorable Company's funds which is the undoubted property of the Syrian community, we award that it be made over to the Metran and held in Trust by him and two others an Ecclesiastic and a respectable Layman of the Syrian persuasion for the exclusive benefit of the Syrian community.

The college chapel.

The chapel was built by a donation from the Travancore Government of Rupees 500 granted on the representation of the Revd. B. Baily and through the influence of Colonel Munro, and has ever since been entirely under the control and management of the former agreeably to the instructions of the latter. The presentation to it appears to have rested enterely with the Revd. the Missionaries, the officiating Priest having always been selected from amongst the Teachers in the college, and it does not seem to have been competent for the Metropolitan to have nominated any one to it without the sanction of the Missionaries, as is the case with all the other Syrian churches over which he exerts unlimited control. It is therefore to all intents and purposes a Benefice of the college as then established and the money expended in its erection belongs to the general funds of the college: but as the latter building has been adjudged for reasons then stated to be held in trust by the Metran &c. we are of opinion that it would not be advisable to place the chapel attached to it under a separate trust. We therefore award that this building also be held in trust by the Metran in the same manner as the college itself and that the money expended in the erection viz. Rupees 500 be paid to the Missionaries from the general funds of the college for the purpose of building a chapel for the new college which has been lately constructed by the Church Missionary Society solely at their own expense for the purpose of continuing Religious instructions to the Syrians by means of their own Missionaries and in fact with the view of carrying out into complete effect in as far as [in] them lies the objects contemplated by Colonel Munro both in obtaining the endowment for the college and funds for the erection of the chapel. The chapel so constructed to be held in trust by the Revd. the Missionaries at Cottayam, the Secretary pro tempore of the Corresponding Committee of the Church Missionary Society and the

British Resident for the time being or such person as the latter may authorize to act in his behalf for the exclusive benefit of the Syrian community and their successors.

Dining room and Granary attached to the college.

These buildings being attached tothe college which has already been adjudged to be held in trust by the Metran &c. we award that they also shall be considered as belonging to the same trust.

Rs. 4,134-,,-3. The produce of jewels the property of deceased Metran.

Of this sum Rupees 1,173-14-,, were expended by Ramban Joseph the then Head of the Syrian Church towards the erection of the College which has been already adjudged to be held in trust by the Metran. The balance or Rupees 2,960-2-3, We view in the light of church property it being the produce of jewels which belonged to former Metrans and as such inalienable; we therefore award that it be repaid out of the general funds of the College to the present Metran to be held in trust by him and his successors in conformity to the custom which prevails in the Syrian Church in regard to the property of deceased Metrans.

Munro Island or Culladay.

The Neet or Grant of this Island being in the name of the Revd. Joeph Fenn and his successers to be enjoyed in Anubogum Tenure, we award that it shall be held in joint Trust for the exclusive benifit of the Syrian Community, of the Revd. the Missionaries at Cottayam and their successors; the Secretary protempore of the Corresponding Committee of the Church Missionary Society and the British Resident for the time being or such persons as the latter may authorize to act in his behalf. We would here remark that the circumstance of this property having been committed to the sole trust of the Reverened Joseph Fenn and his successors without any reference whatever to the Metropolitan, is a strong presumption, nay a proof, if further were requisite as to the intentions of the Rane in regard to her former donation of 20,000 Rupees.

The 3 years Interest on the 3000 Star Pagodas amounting to Rs. 2520 for the years 1835, 36 and 37.

This sum is arrears of income due to the college and not drawn in consequence of the Metran's refusal to sign the necessary receipts. As the functions of the College were never suspended notwithstanding the differences that had arisen between the Metran and the Corresponding Committee of the Church Missionary Society we are of opinion that as the interest of the 3000 Star Pagodas has always constituted a portion of the Income of the College ever since its establishment, the interest for these years is due to the funds of that College up to the time of the sale of the College property by the Government Commissioner; and we therefore award that the sum in question, viz., 2520 Rupees shall be paid into the general funds of the College. The Metran in his English Statement delivered in to the Committee alleges that the interest of the 3000 Star Pagodas was drawn by former Metrans for their subsistence. This however is evidently incorrect. The Metrans had no fixed income from the College till the Reverend Mr. Baily proposed and Colonel Munro sanctioned the appropriation for that purpose, as the autograph letter from Colonel Munro expresses it, from the College funds, of the sum of 50 Rupees per mensem which was subsequently increased to 70 Rupees. That the latter amount is the same as the interest of the aobve money (viz. 3000 Star Pagodas) is merely an accidental coincidence.

The interest of the 3000 Star Pagodas subsequent to the arrival of the Government Commissioner.

The separation of the Metran and the Missionary Society having virtually taken place on the arrival of the Government Commissioner, we are of opinion that all the College expences incurred subsequently to that event, must be defrayed from the funds derived from the bounty of the Travancore Government and from other sources for that express purpose but not from the bona fide

property of the Syrian Community. We therefore award that the interest of the 3000 Star Pagodas from the period of sale of the College lands up to the present period be received by the Metran, to be held in trust by him and two others an Ecclesiastic and a respectable Laymen of the Syrian persuasion, to be selected by the Syrians themselves, for the exclusive benifit of the whole of the Syrian Community.

Rupees 1000.

This was a donation to the College from the Reverend Joseph Fenn on his leaving Cottayam. This sum having been expended for the building of a church in common with other College moneys by the Donor himself whilst he was in charge of the College funds we award that the church in question shall remain with the Community for whom it was built and who now hold possession of it.

Amount of salaries due to the servants of the College, viz., chuckrums 5170-4 cash.

It appears that these servants were continued in employ till November 1838 after the arrival of the Government Commissioner, by that offiicer himself their services having been required by him. We therefore award that the sum in question be given to Reverend B. Baily from the general funds of the College for the purpose of its being paid to the servants to whom it belongs.

Expenses of the College from the 14th May to the 30th September 1838	Rs	668-12-0.
Do. Do. From the 1st October to 31st December 1839	,,	2290-7-11¾.
		2959-3-11¾.
Deduct Revenue of Munro Island for the whole of the above period which has been received by the Missionaries	,,	679-10-0.
	Rs	2279-9-11¾.

It appears from the College accounts & also from the evidence taken by the Committee that the operations of the College as before stated were never for a moment suspended, & that when the Government Commissioner arrived with powers to dispose of all the College property (with the sanction of both the Metran and the Missionaries as is proved from the letters of both parties the former objecting only to the sale of property belonging to former Metrans) it became necessary to remove the boys to other buildings to which the Syrian Malpan and the Syrian Teachers together with some of the College property were also transferred. The tuition of the boys therefore was never for a moment interrupted though necessity required a change in the locality of the place of instruction. On the sales of the property, however, no funds were available with the exception of the revenue of Munro Island (which was not disposed of) the proceeds of the College property having been deposited in the Resident's Treasury. The Missionaries considering themselves bound to continue the duties imposed on them by Colonel Munro, till formally relieved of the Trust, were under the necessity of applying for assistance, to enable them to defray the current expenses of the College, to the Corresponding Committee of the Church Missionary Society who advanced the money as a loan. Under the above circumstances we are of opinion that the Corresponding Committee of the Church Missionary Society are fully and justly entitled to repayment of the same, and we therefore award that the sum so lent viz., Rupees 2279-9-11¾ be repaid to them from the general funds of the College.

Rupees 1000, a gift from the Sirkar which preceded the donation of 20,000 Rupees and which is included in the receipt of 21000 Rs

Of this sum Rupees 500 have already been accounted for under the head of the College chapel. The remainder was appropriated by the directions of Colonel Munro to the completion of the College itself which latter has been awarded to be held in Trust by the Metran for the benefit of the Syrian Community.

Surplus in the Treasury after the settlement of all demands on original grants and loans including the value of paddy in store as well as arrears of rent &c. due to the College of Cottayom up to the 31st December 1839, amounts to ..... Rs 15245—0—0

Surplus in cash in the Treasury	,,	6746—7—3¼
Arrears of rent &c. about	,,	8223—14—0
Value of paddy in store	,,	274—10—8¾
	Rs	15245—0—0

The surplus in the Treasury was derived from the disposal of the College lands which realized a large sum than their original cost in consequence of their improved condition at the time of the sale. As this improvement is to be ascribed to the good management of the Revd. the Missionaries and of the Committee of Syrians associated with them and acting under their directions we can see no more equitable mode of disposing of it as well as of the amount of arrears of rent and of the value of the paddy in store, than to divide the whole sum (Rs 15245-0-0) into shares proportioned respectively to the capital vested by the Metropolitans and to the property of the College itself derived from the liberality of the Travancore Government and other sources.

The shares are as follow :—

To the Metropolitan on Rs 22634	Rs 6088-15-5
To the Corresponding Committee of the Church Missionary Society for the College on Rs 34035	,, 9156—0-7
	Rs 15245—0-0

and we award that they be added respectively to the former amounts adjudged to the parties, to held in trust by them in the same manner and under the same conditions as the principal sums already entrusted to their respective management.

Grants on Copper Plates conferring privileges on the Syrians as well as ordination papers &c.

The Metropolitan as Head of the Syrian Church is of course entitled to the possession of these documents which have reference to periods long antecedent to the foundation of the College and to the arrival of the Missionaries. We award therefore that they be returned to the present Metropolitan.

Though aware that the complaint of the Metropolitan concerning the abstraction of certain title-deeds &c. from his custody by the Reverend Joseph Peet was not cognizable by us we considered it necessary both for the ends of justice and for the satisfaction of all parties to make such enquiries into the circumstance as might enable us to ascertain if the abstraction above adverted to had been followed by any loss of Papers or Documents which might have thrown light on the subjects submitted to our arbitration. We have accordingly examined the Reverend B. Baily on this point and from his evidence it appears that after his return from England on receiving charge from the Reverend J. Peet, of the box containing the documents in question, he found that they corresponded with a List drawn up in Triplicate by the Reverend H. Baker previous to the latter's departure for England, one copy of which was deposited in the box containing the documents another was given to the Metropolitan and the third presented by Mr. Baker himself to the then British Resident.

As the realization of the arrears of rent to the College would in our opinion be attended with great difficulties to any private individual, we beg to suggest the expediency of the appointment of a commissioner by the Sircar for the purpose, and with regard to Munro Island, as the management of landed property is quite foreign to the office of Missionary tending as it must unavoidably do to divert his mind from the high duties of his calling, and as the Missionaries themselves are

very desirous of being relieved of the trouble necessarily attending it, we beg to recommend that this island be resumed by the Sirkar and that a pecuniary equivalent be granted in compensation, as proposed on a former occasion by Genl. Munro and acceded to by His Highness the Rajah of Travancore ; the amount of such equivalent to be held in trust by the Reverend the Missionaries at Cottayam and their successors the Secretary pro tempore of the Corresponding Committee of the Church Missionary Society and the British Resident for the time being or such person as the latter may authorize to act in his behalf, for the exclusive benefit of the Syrian Community.

We think it necessary in conclusion to state that the claims of either party not disposed of in the above award have been rejected as invalid.

Not having been sufficiently explicit in regard to the manner in which the interest of the 3,000 Star Pagodas viz., Rupees 2,520 for the years 1835, 36 and 37 is to be disposed of, we further award that this sum on being realized shall be divided between the parties in the same proportions as has already been adjuged under the head of the surplus in the Resident's Treasury, and to be held in trust by them in like manner and under the same conditions as the principal sums already entrusted to their respective management.

Done at Cochin this fourth day of April in the Year of our Lord one thousand and eight hundred and forty.

(Signed) D'Albedyhll.
(,,) J. S. Vernede.
(,,) W. H. Horsely.

Compd. M. I. P.

(A True Copy.)
Bouham Faunce Major
Ag. Assistant Resident.

No. 251.
Ext. 4.
Decison in Case No. 152 of 1051 of the Cottayom Sub-Magistrate's Court. Filed on the 29th Kunni 1057.

No. 251.

EXHIBIT 4.

[Copy of decision (Malayalam) of the Cottayom Sub-magistrate in Case No. 152 of 1051. Filed on the 29th Kunni 1057.]

IN THE COTTAYOM SUB-MAGISTRATE'S COURT.

JUDGMENT DELIVERED ON THE 31ST ANI 1051.

Case No. 152 *of the above year.*

Complainant—Thalathu Chakko Chandapilla Kathanar of Cottayom Kara in the Cottayom Proverthy; trustee of the Cottayom Cheriapalli.

Accuseds—1. Pulikote Metran.
2. Eruthikkel Daniel Kathanar.
3. Velloor Mekattu Punnatharai Chakko *Puthachese* Kathanar.
4. Uppoottil *Deduph* Jacob Kathanar.
5. Eruthikkel Kunju Thomman Iscariot Kathanar.
6. Mattakkel Cherian Thomman.
7. Kochu Veettil Punnan Verghese.
8. Thyparampil Thommi Chakko.
9. Palluparampil Ausep.

Prosecution witnesses—1. Palapurakkel Kora Thoma of Cottayom Karai.
2. Manalala Cherian Oonnoontan.

3rd accused's witnesses—1. Velloor Illikal Itti Eippu Chakko.
2. Vattakkat Chandi Matthu.

4th accused's witnesses—1. Kanjirathil Itti Avira Cherian.
2. Padinjare Parampil Kurien Pothen.

RECORD.

PART II.

Exhibits &c.

No. 251.
Ext. 4.
Decision in Case No. 152 of 1051 of the Cottayom Sub-Magistrate's Court.
Filed on the 29th Kunni 1057.
—*Continued.*

7th accused's witnesses—1. Pullikathil Parampil Govinda Prabhu Shashta Prabhu—a Konkan man.
2. Kottakkel Kora Thomman.

8th accused's witnesses—1. Chirayil Chakko Kora.
2. Kochate Werkey Ulahannan.

Petty charge of a miscellaneous nature.

Particulars of offence.—That, on the 12th Vrischigom, the Patriarch and the 1st accused with a large gathering of people forcibly entered into the Cheriapalli of which complainant is Trustee, and that, while staying there, the 1st accused did, on the 19th idem, being himself present on the occasion, cause the 2nd accused and others to break down during day-time the Altar that had been erected by complainant's ancestors in the chancel of the church,

JUDGMENT.

Accuseds 2 to 8 have been put upon their trial. The complainant, and accuseds 3, 4, 7 and 8, have examined two witnesses each. A Yadhast has been drawn up on inspection of the place. The accuseds plead not guilty and state that they have heard of the Altar having been broken down by some others under the commands of the Patriarch. Accuseds 2, 3, 4, 7 and 8 further set up *alibi*, the 4th as having been absent in his house, the 8th at Kumaragom and the others at Cochin, on the day the offence is alleged to have been committed. The 1st witness for the complainant has deposed that Dionysius Metran, the first accused, got accuseds 6 to 8 and Pulluparampil Ausep, the 9th accused, to break down first the Altar erected in the chancel of the church close to the southern wall and that accuseds 2 to 5 carried out the stones &c. pulled down; and that the *Thorontos* near the northern wall was subsequently destroyed. The complainant's 2nd witness has stated that accuseds 1 to 5, being themselves present, got acouseds 6 to 9 to destroy both the Altars. That both the Altars have been destroyed is also clear from the Yadhast prepared. Though the witness examined by the accuseds have deposed in support of the defence, the discrepancies in their depositions and the inconsistency beween their and the accuseds' statements incline me to regard them as untrustworthy. Even supposing that the Altars were, as contended by the accuseds, destroyed with the sanction of the Patriarch and though the question whether an act done in obedience to the commands of the Patriarch, the head of the Church, would be criminal, has been formerly doubted and referred for orders, still it is now contended on behalf of the prosecution that even the Patriarch could not enter a church without the consent of its holders. The Royal Proclamation of the 23rd Kumbhom clearly provides that an occupant can be ousted only through a Civil Court and not in such a manner as is likely to cause breach of the peace. The records of case No, 151 show that complainant is trustee, and as such in possession, of the church in dispute and that its supervision is vested in Athanasius Metran. Having regard to these circumstances, I am unable to think that the cover of authority from the Patriarch can in any way alter the criminality of the Defts' act. The 2nd accused and some others were on a former occasion convicted of trespass &c. in respect of this church and punished by this Court. They were also required to find security for good conduct by the Magistrate. These having had no effect on them and considering the nature of this case and the fact that case No. 151 has been referred to the Magistrate for disposal, I thought that the accuseds deserved enhanced punishment awardable by the Magistrate and accordingly submitted the records to him. The records have been returned to me to be disposed of in due course of law. Accuseds 1 to 5 apear to have been the prime movers in the case and the other accuseds, mere tools in their hands. The 2nd and 3rd accused having been on a former occasion punished for having interfered with this church, their present action deserves enhanced punishment. I therefore impose a fine of 10 Rs on each of the

2nd and 3rd accuseds, 7 Rs on each of the 4th and 5th accuseds and 5 Rs on accuseds 6 to 8. In default of payment of the fine, the 2nd and 3rd accuseds with suffer 30 days', the 4th and 5th accuseds 21 days', and accuseds 6 to 8, 15 days' imprisonment, each. The case against the 1st and the 9th accuseds will be revived as a fresh case.

(Signed) Piravi Perumal Pillay,
Sub-Magistrate.

(True Copy)

Sealed (G. S. A.)

Copy granted to the complainant's Vakil on the 21st Purattasi 1053.

RECORD.

PART II.

Exhibits &c.

No. 251.
Ext. 4.
Decision in Case No. 152 of 1051 of the Cottayom Sub-Magistrate's Court.
Filed on the 29th Kunni 1057.
—*Concluded.*

NO. 252.

EXHIBIT 5.

[Notice (copy of-Malayalam) issued by the Cottayom Submagistrate to Kunnumpurath Kurien and others to quit the Seminary—dated 26th Kunni 1051.]

No. 252.
Ext. 5.
Notice issued by the Cottayom Sub-Magistrate to Kunnumpurath Kurien and others to quit the Seminary—dated 26th Kunni 1051.

From. No. 100. Police.

The Cottayom Sub-Magistratie's Office.

Notice to Kunnumpurath Kurien, Uppukoottil Chakko Kathanar, Eruthikkel Cherian Kathanar, Do. Chandi, Parakkel Thomman, Kanjirakkel Cherian, Vellapellathil Thomma, Erikattu Matthu, Kuttiyil Matthen, Kavalapra Ulahannan, Thattunkal Kochukunju, Thekkepunnatharai Chakko and Uppukoottil Itti.

From a letter from Athanasius Metropolitan received at 9 P. M., it appears that yourselves and many others in a body made forcible entry into the Seminary where the Metropolitan resides, and that this may occasion serious disturbances.

It will be found from the records that this Seminary and other places are in the possession of the Metropolitan. And this has been confirmed by the Proclamation. As, therefore, your entry thereinto, without the Metropolitan's consent, and the formation of an unlawful assembly, are criminal, you are hereby required that you and all that belong to that company should quit the Seminary forthwith on seeing this notice.

26th Kunni 1051—9. P. M.

Piravi Perumal Pillai—Sub-Magistrate.
(Signature.)

The Notice was not accepted as it was not issued on the petitioner's representing to or informing the Court that (we) went there to decorate the room in the Seminary for the reception of the Patriarch Bava of Antioch, according to (his) command.

26th Kunni/51.

Kunnumpurath Kurian. (Signed)
Uppukootil Yacob Kathanar. (,,)
Eruthikkel Cherian Kathanar. (,,)
Parakkel Thomman. (,,)
Kangirathil Cherian. (,,)
Erikat Matthu. (,,)
Kavalappra Ulahannan. (,,)
Thattunkel Kochukunju. (,,)

(True copy.)

Magistrate (Itld) T. R. R.

RECORD.

PART II.

Exhibits &c.

No. 253.
Ext. 6_{1-3}
Copies of Royal Proclamations dated '92, '93 and 1004. Filed on the 11th Chingom 1055.

No. 253.

EXHIBIT 6_{1-3}

[Copies of Royal Proclamations (Malayalam) dated '92, '93 and 1004—Filed on the 11th Chingom 1055.]

EXHIBIT 6_1.

Copy of the Proclamation dated 26th Dhanu '92.

Whereas Mar Dionysius Metropolitan is dead and Philox Jeynox Metran living at Chowghat has been appointed instead, it is hereby notified :—

That all Syrians comprising the Puthencoor Christians of the Malankarai Edavagai, should, as they are to obey the said Philox Jeynox, accordingly obey the commands and orders of Philox Jeynox Metran.

EXHIBIT 6_2.

Copy of the Royal Proclamation dated 18th Danu '93.

Whereas Mar Philixinos Metropolitan is ill and indisposed, & Mar Dionysius Metropolitan has been consecrated by Mar Philixinos as his successor to govern the Syrians and the Syrian churches, this is to inform all the Syrians in Our country that they should obey Mar Dionysius Metropolitan.

EXHIBIT 6_3.

Copy of the Royal Proclamation of the 30th Kumbhom 1004.

As Mar Philixinos Metropolitan who was living at Cottayam is dead and as Mar Dionysius Motropolitan has been appointed instead, Proclamation is hereby issued that, as all Puthencoor Syrian Christians of the Malankarai Edavagay ought to obey the aforesaid Mar Dionysius Metran, they should obey the orders and commands of Mar Dionysius Metran.

On the petition presented with the certificate of the court, by Mr. Regel Vakil for 1st Deft, that a copy of this Proclamation should be given to be tendered as evidence on the 1st Deft's side in O. S. No. 439 of this year of the Zillah Court of Alleppey, the records were examined and a copy of this was seen in the old book in which copies of the Proclamations are entered in the Rayasom Dept., and this copy of same was taken therefrom and given on the 31st Anny 1054. *

Compared by Mannathu Neelacunda Pillai—Huzoor Rayasam.

True copy.

(Signed.) Matheven Pillai,
Head Rayasom.

No. 254.

No. 254.
Ext. 7.
Endorsement given by the Dewan relating to grant of the copies of the Proclamations Exts. 6_{1-3}. Filed on the 11th Chingom 1055.

EXHIBIT 7

[Endorsement (English) given by the Dewan, relating to grant of the copies of the Proclamations, Exts. 6_{1-3}—Filed on the 11th Chingom 1055].

No. 4054
P. 111.

Endorsement on Petition No. 325 of 1879 from Mr. W Regel, Vakeel of T. Athanasius of the Syrian Churches—Malabar.

Attested copies of papers noted at foot are sent herewith. Further search is being made and copies of any more public papers that may be found will also

* This endorsement is given at the foot of each of the above proclamations.

RECORD.

PART II.

Exhibits &c.

No. 254.
Ext. 7.
Endorsement given by the Dewan relating to grant of the copies of the Proclamations Exts. 6_{1-3}. Filed on the 11th Chingom 1055.
—*Concluded.*

be supplied. But the Dewan declines to grant copies of official correspondence and other State papers which are not of the nature of published records.

(Signed) N. Nanoo Pillay Dewan.

Mr. W. Regel.
Vakeel for T. Athanasius.

Huzzoor Cutcherry
Trivandrum, 14th July 1879.

Proclamation given to Mar Philixius in... ... $\frac{992}{1817}$ M.E.
Do. Do. Mar Dionisius in... ... $\frac{993}{1818}$,,
Do. Do. Mar Dionisius Chepad... $\frac{1001}{1826}$,,

(Itld) P. T. (Initialled) N. N.
(Itld) —

No. 255.

No. 255.
Ext. 8.
Staticon given to Mar Kurilos Metropolitan of Tholyur by Philipose Dionysius.

EXHIBIT 8.

[Staticon (Syriac—filed with Malayalam translation) given by Philipose Dionysius to Mar Kurilos Metropolitan of the Tholyur church–Dated 15th Meenom 1829.]

Praise be to God in the holy name of the true God who is the Father, the Son and the Holy Ghost. May His blessings and mercy be on us for ever. Amen.

Seal

Dionysius Metropolitan who is Philipose, by Divine Grace, the Father of the Jacobite Syrian Christian Community and the tender of Christ's lambs and she-goats that live in Malayalam, the extremity of India, the throne of the holy and fortunate Apostle Mar Thomas, writeth that : I, Dionysius Metropolitan, who is weak, and the servant of servants of Our Saviour Jesus Messiah, Our God and Our Lord, have consecrated you as Kurilos Metropolitan of the Tholyur church, according to the covenant promised unto Us by Mar Philixinos Our Bava, and according to the sacred writing given unto you by him on the 28th Dhanu 1004 M.E., and according to the request of this Church. We give you authority to consecrate priests, deacons, bishops and Metropolitans and to consecrate churches, chancels, Morone and Oils and to do everything that is just on the part of Metropolitans, just in the same way as was given by Our Lord Jesus to his disciples. We again enjoin on you that you should not deviate from the laws of the three holy Synods, that you should be perfect in prayers and fastings and in cleanliness, holiness and the love of the poor, and that you should not be negligent about consecrating a Metropolitan in this church according to the usage of Our Bava, the holy, clean and exalted Mar Kurilos Metropolitan, Our head, and of the holy Bavas who were consecrated by him and who died and obtained grace at this church. You should be very diligent and careful about the acquisitions and works of this church. You should complete your life in all good deeds, without a stain, that you may rejoice in salvation with the just, the holy, and perfected prelates.

Our Father which art in heaven &c.

To this effect : 15th Meenom 1829 A.D.

(Signature.)

RECORD.

PART II.

Exhibits &c.

No. 255.
Ext. 8.
Staticon given to Mar Kurilos Metropolitan of Tholyur by Philipose Dionysius.
—*Concluded.*

True translation.

Translated by Ulasseri Joseph Kathanar Joseph Kathanar. (Signed)

On the back of the original document appears the following.

(In Malayalam) Received—24th January '62.
(In English) No. 1.

Recd. O. S. No. 1 of 1857.

Doct presented by 2nd Deft.'s Vakil. Filed—10th March 1882.

(A Signature.)
Civil Judge.

(In Malayalam) 82.

Miscellaneous No. 2309 of 1867.

This doct. was returned to Kannen Menon, Vakil for petitioners in pursuance to the order on the petition.—28th October 1868.

270 (Signed) J. C. Hannyngton.
Ag. Civil Judge.

Filed by 1st Deft.'s Vakil in O. S. 439 of '54, on the 11th Chingom '55.

EXT. VIII (Itld.) T. C. K. M.

No. 256.

No. 256.
Ext. 9.
Resident's letter to the late Mar Athanasius. Dated 20th July 1877. Filed on the 11th Chingom 1055.

EXHIBIT **9.**

[Resident's letter (English) to the late Mar Athanasius—Dated 20th July 1877. Filed on the 11th Chingom 1055.]

Courtallum 20th July 1877.

Most Reverend Sir,

It was with much pain I learned from your letter dated 14th Instant (this morning received) that failing health had compelled you to withdraw from the duties of your high office and to delegate the care of the churches of the See of St. Thomas to your Suffragan the Right Revd. Mar Thomas Athanasius. The transfer of charge has been noted and your request that the interest on the bond for Star-Pagodas 3000 hitherto paid to you should henceforth be made payable to him will receive due attention.

In conclusion permit me to express the hope that your life may yet be spared for a while although you have found it necessary to retire from the active duties of your office and with the assurances of my high consideration and esteem to subscribe myself.

Yours most obediently,
(Signed) H. E. Sullivan
Ag. Resident.

To

The Most Revd. Mar Athanasius Metropolitan,
Cottayom.

RECORD.

PART II.

Exhibits &c.

No. 257.
Ext. 10.
Certified copy of Plff.'s Petition and Reply to the Resident, dated 28th Dec. 1877, and 8th January 1878. Filed on the 11th Chingom 1055.

No. 257.

EXHIBIT **10.**

[Certified copy of Plff's Petition and Reply (English) to the Resident dated 28th December 1877 and 8th January 1878 respectively.—Filed on the 11th Chingom 1055.]

To

H. E. SULLIVAN ESQUIRE
BRITISH RESIDENT OF
Travancore and Cochin.
&c. &c. &c.
Trevandrum.

From

The Most Revd. Mar Dionysius,
Syrian Metropolitan of Malabar.

Sir

We beg to intimate to your Honor that the late Mar Athanasius and we were rival claimants to the Metropolitanship of Malabar, that the views of the Travancore Government on the subject of our dispute were forwarded to the Secretary of State for India, and that a Proclamation was issued on the subject by His Highness the Maha Rajah of Travancore.

And now as the said Mar Athanasius is dead and we are the lawful Metropolitan of the Syrian church in Malabar we advance our claims on the interest of 3000 Star Pagodas deposited in the British Treasury at Trevandrum; and we pray that your Honor will be pleased to give us the interest of the said 3000 Star Pagodas that we may use it for the benefit of the Syrian community.

I also beg to add that the desire and earnest wish of the majority of the Syrian Comumuity and people are in co-operation with my above representation, to prove which fact if your Honor deems it necessary they will gladly present an address to your honor stating their wishes.

Quilon.
28th December 1877.

(Signature) Seal

Mar Dionysius.

Compd. M. I. P.

(True copy)
(Signed) Bonham Faunce-Major, Ag. Ast. Resident.

No. 7.

Resident's Office on Circuit
Trichoor 8th January 1878.

To

THE MOST REVD. MAR DIONYSIUS
claiming to be Syrian Mteropolitan
of Malabar.

Sir

In reply to your letter of the 28th Instant I have the honor to inform you that the interest on the bond for 3000 Star Pagodas can be paid only to the person in whose lawful custody it is.

I have &c.
(Signed) H. E. Sullivan,
Acting Resident.

(True copy)
(Signed) Bonham Faunce-Major, Ag. Ast Resident.

Compd. M. I. P.

RECORD.

PART II.

Exhibits &c.

No. 258.

EXHIBIT 11.

No. 258.
Ext. 11.
Resident's letter to the 1st Deft. dated 9th Feb. 1878. Filed on the 11th Chingom 1055.

[The Resident's letter (English, to the 1st Deft, dated 9th February 1878—Filed on the 11th Chingom 1055.]

Account Department.

No. 215.

Resident's Office
Trevandrum, 8th Feburary 1878.

To

The Most Revd.
Mar Thomas Athanasius
Metropolitan—Malabar
Trevandrum.

Most Revd. Sir,

In returning the receipt in duplicate which accompanied your letter of 8th instant, I have the honor to inform you that the subject of payment of interest on the bond for S. Pagodas 3000 has been referred for the orders of Government.

I have the honor to be,
Most Revd. Sir,
Your Most Obt. Servant.

(Signed) Bonham Faunce, Captain.
Ag. Assistant Resident.

No. 259.

EXHIBIT 12.

No. 259.
Ext. 12.
Resident's letter to the 1st Deft., dated 15th March 1878. Filed on the 11th Chingom 1055.

[The Resident's letter (English) to the 1st Deft, dated 15th March 1878—Filed on the 11th Chingom 1055.]

No. 256.

Resident's Office, on circuit.
Pirmerd, 15th March 1878.

To

The Most Reverend Mar Thomas Athanasius
Metropolitan—Malabar
Trevandrum.

Most Reverend Sir,

With reference to my letter dated 9th February last, I have the honor to request you will be good enough to forward to me your receipt in duplicate for the payment of interest on the Bond No. 215 for Star-Pagodas 3000.

I have the honor to be,
Sir,
Your Most obdient Servant.

(Signed) BonhamFaunce, Captain,
Ag. Assistant Resident.

RECORD.

PART II.

Exhibits &c.

No. 260.

EXHIBIT 13.

No. 260.
Ext. 13.
Staticon of Mar Gregorius. Dated 23rd Medom 1877.

[Staticon (Syriac) of Mar Gregorius. Dated 23rd Medom 1877.]

(First heading partly destroyed.)

From him that sits upon the Throne of the Chief Priesthood and having authority over the Priesthood and in whom was vested the Keys of the Kingdom of Heaven by Divine and Holy Word.

All the good and perfect gifts come from on High and descend from the Father of Lights.

Not by him that desireth: nor by him that runneth: but by the Almighty God.

The God of gods, emanating from the Divinity which converteth everything into the divinely, is the True God who hath converted into the divinely and who would convert into the divinely. He is the High Priest, who ordained the Priesthood and ordaineth it.

In the sacred name of the living and self-existent God, who is without beginning and end, who enliveneth everything, who is the Creator of all things, who is all in all, and the salvation of all, from whom is the beginning of all things, and in whom is the end of all things: Praise unto Him from everything: By all and in all, thanksgiving unto Him: Now, at all times, for ever and eternally: Amen.

Seal Seal Seal

In the name of the Eternal Being who is Almighty, full of Essence and without beginning and end: Praise be unto Him. Peter III Ignatius Patriarch reigning upon the Apostolic Throne of Antioch, having jurisdiction over the Syrian people in Syria and in all the countries of the East. * * * * *

May divine grace and heavenly blessings come and dwell upon the heads of Our dear, beloved, blessed and favoured spiritual children, the well-behaved priests, deacons, chieftains, trustees, and of all Our blessed people; of the holy Edavagay comprised of the church of the Mother of God of the exalted city of Niranom and the churches surrounding the same, namely, the Cherukole church, Vivapurom church, Thalavady church, Venga church, Edathuva church, Thiruvella church, Kadapurath church, Thiruvella Kavil church, Kallurparai church, Mallappalli church, Thuruthikkat church, Karthikappalli church, Chennithalai church, Parumalai church, *Mannenthotevali* church, Thalavadykuli church, Mepral church, Karakkel church, Vennikulam church, Kaviyur church and Karuvatta church. And may the blessing of the Lord God come and dwell upon them, their habitations, their children and their all, by the prayers of the Mother of God, and of all holy men and women. Amen.

May the Lord God therefore make you understand with all distinction what We announce unto you. Be it known that the reason of Our addressing unto you this Epistle of benediction is simply that, because you are the dearly beloved children of the Edavagay favoured by our Lord Jesus Christ, our Praiseworthy High Priest and the True principal Shepherd, and are the guileless lambs of the Messiah, We are anxious and desirous of seeing you. But We are praying for, and entreating of, His Mercy before His dread and exalted throne to obtain favour

unto Us and you. You, Our dear spiritual children! What We do further announce unto you is that when We, having arrived in Malabar in India, examined with Our understanding the quarrels and dissensions existing among you, much has been Our sorrow. For We sojourned in the churches for a year and eleven months, and examined the spiritual matters. What We found therein were quarrels, differences and faithlessness. But We distinctly understood that such a thing, repugnant to God and to our faith alike, has befallen Our people by reason of the indolence of your Pastors and Priests. For they have no concern about spiritual matters. They are neither spirited in preaching nor interested in instructing. They have not also school-houses wherein to receive instruction so that the understanding of children may shine spiritually and comprehend the foundation of the True faith, as all races of people do. Whereas, your thoughts are centred in eating and drinking, in avarice and pride, and conceit which threw down Satan from his high position. (You) do not know the Canons and rules relative to spiritual matters, whereby to sift and comprehend spiritual things. Then, there not only arise mutual squabbles, difference, enmities and competitions, but also mutual complaints are preferred in law Courts from envy. Neither do you comprehend the words spoken by St. Paul the Apostle that, should you have quarrels, you should assemble the whole Church and mutually investigate and determine the same, and going to strangers for investigation is a shame unto you. Wherefore, We have conceived in our mind that if the four lacs of the people of Malayalam have but one or two Metrans, they would become spiritually blind, proud, pretentious and conceited. The former Patriarchs who have gone to the other world have not, from distance, realized the wants of the Indian people. When a man came from Malabar to receive consecration, according to the practice of the See, it considered him as a man of truth. For, no one would venture there to obtain consecration to prelatial dignity by stratagem. Without looking into such a fact so deeply and without being satisfied whether he was an impostor or who had no connection with the flock of Messiah, they used to be credited as represented by themselves to them. When by the will of God We reached Malayalam, and when We well examined and considered the affairs of the Metrans, there is nothing but conceit and avarice in them. Neither have they drawn a line of demarcation between dioceses. Each Metran enters within the diocese of his friend, stirs up the understanding of the people and gets possession of money; and bestows ordination for the sake of bribe. When he goes away, another steps in and perpetrates greater iniquity. This is very wonderful and contrary to our Faith. This despicable conduct is not extant at the Throne. But, all Metropolitans look after the management of the diocese of each of them and carry on the spiritual matters. One Metran does not enter the diocese of his friend and ordain, or bless churches or tablets. Whereas according to the Canons and Rules given us by the Holy Apostles and the three Holy Councils, the dioceses are separated, and should a Metran, beyond his own diocese, enter into another of his friend and there ordain any one, both the ordainor and the ordained would, it is enjoined, be accursed and excommunicated. Both of them will be divested of their offices. If they are truthful and honest men, let them point out one such instance in the book called *Hudaya* and in the Canons of the Apostles and the Council of Nice. If they are ignorant of this let them look at the Sircar practice. Our dear children, in Our places, there are twenty dioceses. Every Metran would rule but over his own diocese. They would listen to and obey the voice of the Patriarch their Head. They would not do anything without his command. And would always collect and remit Rasisa to the throne. If one of them be disobedient or heretic and defy the command of the Patriarch, he would be removed by one letter. Should any one, taking shelter under the *aegis* of kings, rulers of countries, judges or the nobility among the people, mislead the Patriarch, he would according to the ordinances of the Fathers be accursed and divested of dignity. We saw no such practice in the

churches in Malayalam. Because the primitive practices and rules have departed from them, and because they have joined with other religionists, they are not at all stable. But should We abandon them to their old state, it has occured to Us in Our understanding that they would soon perish, their Faith would be extinguished and the churches would undergo variations and fall into heresy. But now some have sprung up who ostensibly assume the names of Metrans and Kathanars, and becoming influential, have sought refuge under the Sircar; some have joined the false Messiah; some have remarried; some have married widows; some have married after having received Holy orders; some say that they have no need for Metrans; some flagrantly perform religions ceremonies without being accompained with prayers; some act in defiance of the commandments of God and of the mandates of the Patriarch; and heresy has increased among them: according to which also you have yourselves converted spiritral matters into temporal litigation: and these are facts well-known to all. Owing to this, We have divided the churches of our people into seven dioceses. Our Lord sent twelve Apostles into the four parts saying that the harvest is great and the labourers few and that they should ask unto the owner of the harvest to send labourers unto his harvest and We, likewise, should have divided the same into twelve; but Our understanding has been enlightened that, committing Our powerlessness unto the owner of the harvest, We should divide the same into seven dioceses. The first diocese is that of the church of St. Thomas the Apostle at Quilon and the surrounding churches: the second diocese, the church at Thumpone and the surrounding churches: the third diocese, the church at Niranom and the surrounding churches; the fourth diocese, the church at Cottayom and the surrounding churches: the fifth diocese, the church at Arthat and the surrounding churches up to Cochin: the sixth diocese the church at Kantanad and the surrounding churches: and the seventh diocese, the church at Ankamali and surrounding churches. But their division has been accomplished in the divine presence, and rules and regulations have been passed that the same do continue down to the day of Ressurrection. No one has authority from God to vary this division, in the church of the Messiah. No Metran has the right to go out of his own diocese and, stepping into another diocese, to cause breach in the church of Messiah and to violate the canons of the Fathers. Such an one is a miscreant and one who by God's word is divested of his dignity. After We had reduced all this to a system, We had a divine inspiration that We should inspect the dioceses and that We should consecrate, as Metran unto you, a person fit to manage the property of the Church, and one who possesses knowledge, is compent, having the divine spirit in him, and is a preacher and would instruct in the faith of the true worship. "But all the good and perfect gifts being formed from on high, would descend from the Father of Lights." "Not by him that disireth: nor by him that runneth: but by the gracious God who is almighty." * * * * * * * * * *

The God of Gods emanating from the Supreme Godhead which rendered the everything Godly and who renders it Godly. He is the High Priest who hath ordained and doth ordain the Priesthood.

Therefore having seen, with Ghostl eyes, our spiritual son Geverghese Dayaraya of Chatturuthil in Mulanthuruthu who possesses the divine spirit, who is an instructor and who can appreciate spiritual matters; he has been chosen, and We have consecrated him as Metran on Sunday the 28th Vrichigom and the name Gregorius has been given him. At the juncture of the consecration and imposition of hands, the Divine spirit manifestly dwelt upon Our divine son. Ourself, all the clergy and all people shouted forth "Axios! Axios! Axios!" and said, "Mar Gregorius Bava who is Geveghese Metropolitan is fit and competent to be Pastor over the Diocese of the holy churches of Malayalam, and the chief priest and Spiritual Father. Further as, because he is the Metropolitan of the Diocese of Your Holy churches and a true Pastor, he would remain such unto you and render you interested in obeying the commandments of

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God and the ordinances of the Fathers; would preach to you and instruct you; sow among you love and union; and be unto you like a father who constantly desires the weal of his children and is desirous of never occasioning any grief to them: We have chosen him that he may pray for you incessantly to God and that He may make you walk in the right path without opposition. Have you not heard that it is said in the Holy Gospels that "When a son asketh his father for bread, would he give him a stone; if he asketh for fish, would we give him a serpent; if he asketh for an egg would he give him a scorpion?"—such, you know would never happen. In like manner, this person would always be unto you a Father who would pray for you that you be rendered children of the heavenly Father always to rejoice alike in the Kingdom of Heaven. For that reason, having regarded with Our spiritual eyes Our Ghostly son Gregorius Metropolitan who is an instructor possessing divine spirit and who has a knowledge of spiritual matters, We have chosen him as the true shepherd over your holy dioceses, and invested him with authority to bind and loose, to decide lawfully, to appoint spiritual rules and Canons, to bless churches, sanctuaries and tablets, to ordain priests, deacons, monks and Koriepiscopas impartially and without receiving bribes for ordaining and for imposition of hands. But he shall not ordain in haste nor ordain persons who are not married, as Kathanars, to rule over the laity. Neither shall he, as prohibited in the Canons, ordain persons below the age of 30 years as Kathanars. Again, We have given him authority over the churches, over their gardens and fields, over the income of the churches, over their tibes and over everything belonging to the churches. By his command they should be collected and expended. He shall appoint honest Trustees to the churches to collect the income arising from the gardens, fields and topes and so forth, and offerings, tithes and everything else and to gather the same in the coffers of the churches. At the close of the year they should render accounts unto him. To remove those who misbehave and contumeliously withold rendering of trust accounts: and to appoint another man in his place so that the church funds may not be misapplied: he shall have power. Should he dismiss any one, that pesson becomes so dismissed; should he curse any one, he becomes accursed accordingly. Be he Kori, priest, deacon, trustee, chieftain, layman, man, woman, youth, child, virgin or married person—be they who they may be—all would become so. For We have placed Our tongue in his mouth. Neither has he jurisdiction from God over any diocese other than that which he has been given charge over by the Holy Ghost, to exercise any of these powers in. Should he show defiance, and infringe the Canons of the Fathers and the True faith, he would not only render himself, in terms of the written deed of consent passed by him at his consecration, excommunicated and accursed; but he would also be tried in terms of the temporal registered document he has passed, and declared to have forfeited his dignity. Nevertheless, We hope in God that he would not violate his covenant. Again, We have also given him sanction to receive from you all the dues and emoluments due to the Church according to the canons of the three holy councils. They are those for vow-offerings, Masses, Marriages, betrothals, burials, and visiting and blessing dwellings. Neither have the priests power to propose or celebrate, without his commands, marriages that are not free from all doubts. We have enjoined upon him to take interest in the education of young children and to educate them, and to instruct in, and preach upon, spiritual matters. We have commanded him that he should be obedient unto the commands of the Patriarch, that he shall not create burden and liability on the churches, that, according to the Canons and rules of our church, he should collect the Rasisa annually due to the Patriarch, that, for a remenbrance of the throne of the Patriarch, a plate should be placed in every church for all people to drop therein contributions according to thir means, appointing trustees for the same, and all that is thus raised being annually remitted to the throne for a commemoration of yourselves and your dead, together with the

Rasisa. When *Hassya* Gregorius, Our spiritual son and your spiritual Father reaches you, it is incumbent upon you to set out to meet and receive him, bearing in your hands tender palm leaves of praise, and to welcome him with pleasure and satisfaction. But he is one planted by Our feeble self. His ghostly mandates you should obey. He that receiveth him receiveth Us. He that rejecteth him rejecteth Us. He that angereth him angereth Us. And he that angereth Us angereth the Head of our glory, Our Lord Jesus the Messiah. Let not this befall you. For We have heard it of you that you are a people who hearkeneth unto, and obeyeth, the ordinances of the Fathers, and are such as would not deviate to the right or to the left from the true and holy faith. You should not any further listen to the words of those who talk deception, and the envious. Yo do know of course that the Father loveth his children and that he would never contemplate afflicting them. And you are Our spiritual children and like unto Our eyes. Would, perhaps, any one suffer his own eyes to contract malady. Have you not heard of what Nibya said that "Thou, Jerusalem, should I forget thee, let my right hand forget me; and let my tongue cleave to the roof of my mouth." This would suffice for your understanding. We beseech, pray and supplicate unto God in his mercy that He, the Almighty and merciful God may still turn His eyes of pity and compassion upon you and vouchsafe to show mercy unto you and your children, to accept your prayers, supplications, fastings, gifts, alms-deeds, Masses, offerings, tithes, and Rassisas, and to grant you expiation of your guilt and remission of your sins, and that, holding you by your right arms, He may bear you up and help you unto the salvation of your souls. May He sow in your hearts and among you divine love, frustrate the strength of your enemey, and opening before you His portals of grace, shower down upon you His mercies and blessings, and prosper you, your habitations, your children, your handicrafts, your agriculture, your crops and your gardens and compounds and all your acquisitions. May He grant you favourable ages, gladsome months, and lonely (?) years, and avert from you all punishments and the rods of wrath. May He, according to His faithful promise, be present with you and among you, and with His sublime arms uphold the aged, guard the young, rear up children and shield the women with the veil of compassion; and, favouring the souls of your departed, make them sit on the laps of our Fathers, Abraham, Isaac and Jacob, in the company of all those just men and Saints who have loved Our Lord and kept His commandments. And may He cause you to hear the gladdening voice "Come in, ye blessed of my Father, and possess as of inheritance the kingdom of heaven prepared for ye from before the beginning of the world," which he would address to those on His right-hand-side. And that by the prayers of Mary, the mother of God, of all the Saints and holy women, and of St. Thomas the Apostle, the Patron and Preacher of India. And, may the love of God the Father, the mercy of the only Son, and the fellowship and communion of the Holy Ghost, remain with all of you for ever. Amen.

Our Father which art in heaven &c. Dated 23rd Medom 1877.

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RECORD.

PART II.

Exhibits &c.

No. 260.

Ext. 13.

Staticon of Mar Gregorius. Dated 23rd Medom 1877. —*Concluded.*

(Signature.)

Ignatius Patriarch of Antioch.

Seal of the Cochin Taluk Magistrate Malabar Zilla.

(Signature of witness.) I, the infirm Athanasius Paulos Metropolitan was also present at the consecration of our Bava MarGregorius Geverghese Metropolitan & have exclaimed thrice with all the Bavas that our Bava, Mar Gregorius is a fit and worthy person.

Seal

Signed and sealed in my presence this 7th day of May 1877.

(Signed) M. A. Platel, 1st Class Magistrate, Cochin.

(Signature of witness.) I, the infirm. Julius Geverghese Metropolitan have exclaimed thrice with all the Bavas that our Bava Mar Gregorius is a fit and worthy person.

(Signature.)

No. 261.

No. 261.

Ext. 14.

Certified copy of Plff.'s Petition to the Resident, dated 8th October 1869. Filed on the 11th Chingom 1055.

EXHIBIT 14.

[Certified copy of Plff.'s Petition (English) to the Resident, dated 8th October 1869—Filed on the 11th Chingom 1055.]

To

G. A. BALLARD ESQRE, British Resident in Travancore & Cochin.

The Memorial of Mar Dionysius, Syrian Metropolitan of the Syrian Churches in Malabar.

Humbly Sheweth,

That your Memorialist having heard of the endeavours of Mar Athanasius, one of the Syrian Bishops in Malabar to obtain from the Travancore Government the funds in trust for the common benefit of the Syrian Christians, feels it your Memorialist's bounden duty to protest respectfully against the placing of the said funds in the hands of Mar Athanasius for reasons, which your Memorialist with great submission begs to place before your honor :—

1. The funds now lying in the Government Treasury, and which were intended to be applied to the "Common benefit of the Syrian Christians in Travancore," were originally placed in trust for a specific purpose namely, the educational advancement of the Syrian Christians; and, unless the Sircar can be certain that they will be so applied, if confided to the hands of Mar Athanasius, it would be a breach of trust your Memorialist begs respectfully to state, to take a step, which would defeat the object of the donors.

2. Your Memorialist begs to point out that there are more than three Syrian Bishops in Malabar and that the diocese of each is entirely independent of, and separate from that of the other. Mar Athanasius represents but a portion, and your Memorialist begs to say but a small portion of the Syrian Christians; and any funds entrusted to him alone would be naturally used in an exclusive way for the benefit of his supporters and of the numbers of his diocese; and such a step, your Memorialist respectfully but no less emphatically states, would be in direct opposition to the wishes of the benevolent donors.

RECORD.

PART II.

Exhibits &c.

No. 261.

Ext. 14.

Certified copy of Plff.'s Petition to the Resident, dated 8th October 1869. Filed on the 11th Chingom 1055. —*Concluded.*

3. Again your Memorialist would indicate that Mar Athanasius has for theological causes and ecclesiastical offences, been formally deprived of his episcopal powers by our common superior, the Patriarch of Antioch; and that he can be any longer accepted as the Spiritual representative of any body of Syrian Christians, is denied by the very canons of the church, under which he once held office. His position, at present, your Memorialist begs to say, is perfectly gratuitous and self-assumed, for he could no longer, when once deposed by the Patriarch of Antioch, arrogate to himself powers, which he only possessed under the authorization of that dignitary. To entrust the extensive endowments now in the custody of the Government Treasury to such a man would be tantamount to entrusting them to a simple layman, who could furnish no valid or legal guarantee for the performance of the terms of the important trust.

4. Your Memorialist also begs respectfully to point out that the teachings of Mar Athanasius have not been, and are not, in consonance, with the articles of the Antiochian Church; that they are not approved of by the Patriarch; and that they are not recognized as the system binding as a matter of faith upon every Syrian Christian. The actual followers of Mar Athanasius are not therefore, Syrian Christians in anything but name, and to apply funds to their advancement, which were held in trust for the especial benefit of Syrian Christians, would consequently be a breach of the terms of the trust.

5. It is besides, your Memorialist feels bound to add, the common conviction that, if the funds were placed in the hands of Mar Athanasius, the wishes of the generous donors could not be carried out; and your Memorialis, thinks he is only representing popular sentiments, when he emphatically says that the greatest caution and solicitude should be employed, before a measure, fraught with the most dangerous results to the whole body of Syrian Christians in Malabar, is deliberately and finally adopted. The furnishing of security for the faithful performance of the trust is a very thin, unsafe, and insufficient provision against the abuse of the trust, which Your Memorialist feels apprehensive of; and Your Memorialist, therefore with the greatest submission, begs to press upon Your Honor's consideration that no amount of care should be spared in dealing with so large, and liberal an endowment as that in question.

6. In reference to the furnishing of security, Your Memorialist begs to state that where that sufficient safeguard against evil consequences, Your Memorialist himself and Mar Kurilos, another Syrian Bishop, would be equally ready to tender satisfactory guarantees of that description. Indeed, Your Memorialist thinks he will be borne out in his conviction that either he or Mar Kurilos would be a more proper person to ask to be placed in possession of the disputed funds. In conclusion, Your Memorialist hopes that this reasonable and emphatic protest against a measure which the Sirkar is likely to initiate in an incautious moment, will be sufficient to indicate to Your Honor the danger of a course, which is calculated to infringe the spirit and integrity of a generous and benevolent endowment. And Your Memorialist, as in duty bound, shall

Ever pray.

Seal

Signature in Syriac.

Syrian Church—Cochin, October 8th 1869.

(True copy.)

(Signed) Bonham Faunce—Major, Ag. Assistant Resident.

Compd. M. I. P.

RECORD.

PART II.

Exhibits &c.

No. 262.
Ext. 15.
Copy of the Plff's letter to the Resident, dated 15th June 1869. Filed on the 11th Chingom 1055.

No. 262.

EXHIBIT 15.

[Copy of Plff's letter (English) to the Resident, dated 15th June 1869. Filed on the 11th Chingom 1055].

To

G. A. Ballard Esquire. British Resident
Travancore and Cochin.

The Memorial of the Right Reverend Mar Dionysius, Syrian Metropolitan of Malabar, Cochin and Travancore and other places in India, if there be any, under orders, credentials and letters patent from His Grace the Patriarch of Antioch.

Sheweth;

That your Memorialist has duly obtained the Most Holy Orders of Bishop, and is duly consecrated as such, over all the Syrian Christians and Churches in India by His Grace the Patriarch, and in accordance with such an appointment and consecration, all the Syrian Christians are perfectly willing to acknowldge your Memorialist, as such and to submit all the management and affairs connected with the Syrian Seminary established at Cottyam to *his control only*.

That Mar Athanasius, the dismissed Bishop was appointed, it is true, Metropolitan, but he was totally deposed, from his Episcopal office in consequence of glaring malpractices and doctrinal irregularities, by His Grace the Patriarch of Antioch, who afterwards iuformed the fact to all the Syrian Christians in India by a general order—Vide Report of His Grace the Patriarch to the Travancore Government, during the administration of W. Cullen Esq.,—through whom the Report was sent to the Maha Rajah.

That it is mainly owing to the Circular Order, with its penal clauses issued by the Travancore Government, unlawfully on behalf of Mar Athanasius, that he (Mar Athanasius) exercises such religious malpractices and subjects a part of the people as a matter of course, to his control, who owe them submission through bodily fear and conviction as provided by the said Circular, but not through their solemn consciousness and belief.

That on account of the existence of the said Circular issued on the 3rd Coombum 1038 Mar Athanasius usurped and still usurps the church funds, besides malpractices, the doctrinal principles and view, as your Memorialist understands, has expressed his will to unfold his grand design—this design which he boldly clings to is to extort the fund, a property common to all the Syrians right round the territories under the British control in India, attached to the Cottyam Syrian Seminary, reserved in the British Treasury, and for which he is exacting the consent of those who oppose his design.

That your Memorialst believes it is utterly impossible to exact a legitmate concession from the Syrians, but he may produce some declaration or signature of those who subject themselves to his control through fear of being dealt with the penal clauses.

That he (Mar Athanasius) made several attempts ere this to get the fund, alluded to above in his possession, but all were in vain, for such was the commotion caused by such an application of his, among the Syrians

That your Memorialist openly declares that he is not at all willing to have the funds delivered over to Mar Athanasius, and believes that Your Honor will shortly receive a petition from the Syrian Christians, praying that Your Honor *will*

not deliver up the said funds to Mar Athanasius and will hear the groanings of the Syrian Christians who acknowledge His Grace the Patriarch of Antioch the paramount lord of the Syrian churches on the Globe as their paramount lord of their churches.

Your Memorialist begs to be excused for intruding on your valuable time and trusting this shall receive your favorable consideration, desired effect and justice done.

Shall ever pray.

Signature in Syriac.

Seal

Mar Dynosius

Armenian church
Madras 15th June 1869.
Compd.
M. I. P.

(True copy.)

(Signed) Bonham Faunce
Ag. Asst. Resident.

RECORD.

PART II.

Exhibits &c.

No. 262.
Ext. 15.
Copy of the Plff's letter to the Resident, dated 15th June 1869. Filed on the 11th Chingom 1055.
—*Concluded.*

No. 263.

EXHIBIT 16.

[Copy of the Petition (English) to the Resident addresssed by the members of the Arthat church, dated 11th October 1869.—Filed on the 11th Chingom 1055.]

No. 263.
Ext. 16.
Copy of the Petition to the Resident, addressed by the members of the Arthat church, dated 11th October 1869. Filed on the 11th Chingom 1055.

Petition No 1143 of 1869.

To

G. A. Ballard Esquire, British Resident in
Travancore and Cochin.

The humble Petition of the undersigned members of the Syrian Church at Arthaud near Kunangulangarai.

Humbly sheweth,

That the undersigned Petitioners have heard with great regret, of the attempts being made by Mar Athanasius, a Syrian Bishop, to obtain control of the funds in trust in the Government Treasury; and that they hasten to complain to Your Honor that if such a thing did happen, it would bring unhappiness, loss and injury upon the Syrian Christian Community, and this Petitioners feel sanguine Your Honor will not permit.

With Your Honor's kind permission Petitioners respectfully tender their reasons for begging that Your Honor may not permit the diversion and ruination of such large funds which must happen, if Mar Athanasius once becomes possessed of them, and Petitioners trust that after considering their reasons, Your Honor will be kindly pleased to refuse to aid Mar Athanasius in his unworthy motives and protect the Syrian Christian Community from the injury and loss he seems determined to bring upon them.

First, Petitioners beg humbly to point out that Mar Athanasius has been deprived of Episcopal powers by the Patriarch of Antioch for disgraceful and unwarrantable offences. He cannot therefore any longer lawfully act as the Spiritual Head of the Syrian Church in Malabar.

Second, the prodigal and profligate character of Mar Athanasius is too well known to the Syrian Christian Community for them to place the smallest reliance

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PART II.

Exhibits &c.

No. 263.
Ext. 16.
Copy of the Petition to the Resident addressed by the members of the Arthat church, dated 11th October 1869. Filed on the 11th Chingom 1055.
—*Concluded.*

in his present would-be religious resolutions. Mar Athanasius has too frequently preyed upon the income of our churches, wasted and ruined them for us ever more to entertain a hope that he will at any time use church funds for the common benefit of Syrian Christians. The reckless way in which he squandered the property of one of the Syrian churches is a proof of his mercenary, worldly and unrighteous habits.

Third, all the efforts of Mar Athanasius to educate Syrian Christians tend simply to spread schism among them and to deprive the Syrian Church of its distinctive character; and Petitioners humbly pray that Your Honor may not sanction such attempts to proselytize Christians who have a distinctive faith and separate Church. Mar Athanasius being an excommunicate, no longer cares to subscribe to the Articles and precepts of the Syrian Church; but endeavours by promising the European Missionaries to ultimately convert Syrian Christians to Protestantism, to obtain their countenance and support to his unlawful acts.

Fourth, Your Petitioners cannot, in the event of Mar Athanasius being charged with the disposal of their extensive funds, reconcile their minds to sending their children to be educated after a system based upon the most open violation of the Canons of the Syrian Church and conducted on the principles entirely antagonistic to the spirit of the Syrian faith.

Fifth, Your Petitioners beg to draw Your Honor's kind and careful attention to the fact that the adjudication of certain Arbitrators exists up to this day in regard to these funds; and their decision emphatically lays it down that the funds should not be placed in the hands of any Bishop without the consent of the majority of the Syrian Christians of Malabar. According to that decision Mar Athanasius would find it difficult to make out his right, as Your Petitioners are convinced that his supporters are in the minority by far.

Petitioners therefore trust that Your Honor may kindly give ear to their protest and prevent Mar Athanasius from carrying out his illicit and illegal claims. For which act of charity and clemency Your Petitioners shall

Ever pray

Arthaud church,
Kunangulangara,
October 11th 1869.

(3 Signatures in Syriac.)

(Names and marks of 36 individuals in Vernacular.
(True copy.)

Bonham Faunce—Major,
Ag. Assistant Resident.

Compd.
M. I. P.

No. 264.

EXHIBIT **17.**

No. 264.
Ext. 17.
Certified copy of the Resident's letter to Athanasius Stephanos, dated 1st March 1849. Filed on the 11th Chingom 1055.

[Certified copy of the Resident's letter (English) to Athanasius Stephanos, dated 1st March 1849—Filed on the 11th Chingom 1055.]

No. 328.

To.

Mar Athanasius Stephanos—Cochin.

Sir,

I have had an English translation made for me of your Malayalam copy of the letter which you presented to me from the Patriarch of Antioch.

RECORD.

PART II.

Exhibits &c.

No. 264.
Ext. 17.
Certified copy of the Resident's letter to Athanasius Stephanos, dated 1st March 1849. Filed on the 11th Chingom 1055.
—*Concluded.*

I have read and if I understand properly the contents of the Patriarch's letter, I should fear that it is not likely to have that conciliatory effect that is likely to heal the disputes that have so long existed in the Syrian Community.

From the Patriarch's letter I should conceive that very imperfect accounts have been conveyed to him of the real state of the discussions that have taken place. Neither the money intended for the Syrian College at Cottyam, nor any funds derived from the Syrian Community are at the disposal of the Patriarch. The College funds are controlled exclusively by the local authorities in Travancore, and no Foreign Pretate can have anything to say at them.

All these circumstances would seem to prove that the Patriarch has received most incorrect information and you will observe that the instructions laid down by him would be quite at variance with the orders of the Madras Government copy of which I now beg to send to you and which you will perceive expressly prohibits all interference with the wishes of the Syrian Community themselves or without the usual and necessary permission of the local authorities.

Under the above circumstances I deem it expedient to communicate with the Madras Government before any further steps are taken in the business but I shall also in the meantime transmit the Patriarch's letter to the Rajahs of Cochin and Travancore.

Resident's Office,
Cochin.
1st March 1849.

(Signed) W. Cullen,
Resident.

(True copy.)

(Signed) Bonham Faunce.—Major
Ag. Asst. Resident.

Compd (Itld) M. I. P.

No. 265.

EXHIBIT **18.**

No. 265.
Ext. 18.
Certified copy of Resident,s endorsement on Exts 14, 15 and other petitions, dated 29th Dec. 1869. Filed on the 11th Chingom 1055.

[Certified copy of Resident's endorsement on Exts 14, 15 and other petitions,—dated 29th December 1869—Filed on the 11th Chingom 1055.]

Resident's Office,
Cottayam 29th Decr. 1869.

Endorsement on Petition Nos. 1140 to 1145 of 1869, on the subject of the disposal of the funds belonging to the Syrian Church at Cottayam.

The Government of Madras have been pleased to sanction the payment to the Most Reverend Mar Athanasius and the Co-Trustees of the Syrian funds that have so long lain in the Resident's Treasury.

Katanar Poonathora Alexander-Layman Varedoo Coonjee Pylo.

The funds will accordingly be paid to the above-said Trustees for the benefit of the Syrian Community. The Resident trusts they will be judiciously administered, and that Petitioners as well as others will reap their due share of their benefit if they can wisely make up their minds to forego the dissentions that have prevailed too long already.

(Signed) G. A. Ballard
Resident

Comped
M. I. P.

(True copy)
(Signed) Bonham Faunce
Ag. Asst. Resident.

RECORD.

PART II.

Exhibits &c.

No. 266.
Ext. 19.
Copies of Letter from Mar Athanasius Stephanos to the Resident, dated 25th March 1850, and the Resident's reply of the same date.

No. 266.

EXHIBIT 19.

[Copies of Letter (Malayalam) from Mar Athanasius Stephanos to the Resident, dated 25th March 1850, and the Resident's reply (English) of the same date.]

(The orignial and Signature hereof are in Syriac. The Malayalam part is appended below.)

To

No. 65.

Maharaja Mannia Rajasri the Resident *Sahib Avergal*, of the two States, Travancore and Cochin.

From Mar Athanasius Stephanos, Archbishop.

We inform unto your honorable presence that: When several of Our people, the Syrians requested Us to go to, and preach in, their churches, We did not wish to do so without your knowledge. Further, We have become indisposed. Furthermore, there is in the Muttonchery church one who does not belong to Our own caste (or–community). As he does, beyond daily creating quarrels and mocking Us, repair the place, against Our wish and without Our sanction, for his residence, We pray that you may be kind enough to inform the Honorable the Dewan to have the insult removed from Us and the church. May the grace of God be ever with you. To this effect, written on the 25th March 1850.

(True copy)

Compd. (Itld) M. I. P.

(Signed) Bonham Faunce. Major.
Ag. Asst. Resident.

No. 448

To

Mar Athanasius Stephanos—Cochin.

Sir,

In reply to your note of today's date I have to remark that you have not yourself received authority to attend at or to preach in any of the churches under the Travancore or the Cochin Sircar.

I have the honor to be
Sir,
Your Most obedient servant
(Sigd.) W. Cullen
Resident.

Resident's Office.
Cochin
25th March 1850

Compd. (Itld.) M. I. P.

(The above letter follows in Malayalam also).

A true copy.

(Signed) Bonham Faunce, Major
Ag. Asst. Resident.

ORDER.

Rejected for the reason that there is none ready to assign, on oath, the cause of its not having been produced earlier. Vaicasi 24th 1057.

(Itld.) G. S. A. P.

ORDER.

The Plff having waived his objection to the admission of this document, it is admitted and numbered 19.

Vaicasi 25th 1057.

(Itld.) G. S. A. P.

RECORD.

PART II.

Exhibits &c.

No. 267.
Ext. 20.
Copy of Judgment of the Civil Court of Calicut in O.S. 1 of 1857. Filed on the 11th Chingom 1055.

NO. 267.

EXHIBIT 20.

[Copy of Judgment (English) of the Civil Court of Calicut in O. S. 1 of 1857.—Filed on the 11th Chingom 1055.]

(Eight-anna label) No. 424—Recd. 7-8-29.
(Itld.)
Sher—

JUDGMENT.

Revived Original Suit No. 1 *of* 1857.

IN THE CIVIL COURT OF CALICUT.

Present H. D. Cook, Esq.

Dated 21st March 1862.

The Plaint sets forth that Plaintiff is the sole Metropolitan of Syrian Churches in Malabar which rank he obtained from the Patriarch of Antioch that after the death of Coorilos Guiverguis (Bishop) who performed the ceremonies and managed the property pertaining to the Syrian Church of Thoyur according to Plaintiff's orders, the Defendants colluded together and took possession of the property belonging to the Church and contested Plaintiff's rights.

2. The Plaintiff therefore in this action seeks that the dispute regarding his rank may be settled, his right to the rank of Metropolitan established, the Defendants divested of their pretensions to management of the property of the Thoyur church yielding an annual produce of Rs. 553-8-0 and of the improvements valued at Rupees 1,946 and ornaments &c. belonging to the church valued at Rupees 20,304-7-9 restored to Plaintiff.

3. The 1st Defendant contended that he is the rightful Metropolitan of the Syrian Churches in Malabar that Plaintiff has no claim or right to the property sued for that he, 1st Defendant, in conformity with the will of the late Mar Coorilos Guiverguis, who was the sole Metropolitan of the Thoyur Church and in conformity with ancient usage of the Church and at the request of the Parishioners elected and appointed the 2nd Defendant to the rank of the aforesaid Metropolitan.

4. The 2nd, 4th, 5th, 6th, 7th and 8th Defendants in a joint answer supported the 1st Defendant's answer to the effect that Plaintiff has no right whatever to the property of the Thoyur Church nor is he recognized as the Metropolitan of that Church that 2nd Defendant is the sole Metropolitan of the Thoyur Church.

5. The 3rd Defendant pleaded that he is the Vicar of the Thoyur church and disputed the Plaintiff's pretensions.

6. The 2nd and 4th to 8th Defendant's Vakil produced copy of an extract from a despatch from the Honorable the Court of Directors dated the 13th of May, No. 6 of 1857, to the Resident of Travancore and Cochin and contended that with reference to this Despatch the case cannot be determined by a Judicial Tribunal. This document was filed and numbered 6.

7. The Civil Court dismissed the suit on the ground that it rested with the members of the Syrian Churches themselves to recognize and accept a Metropolitan.

8. The Sudder Court overruled this finding. They observed that it was not apparent whether the Defendants absolutely denied the authority of the Patriarch of Antoch to appoint a Metropolitan over the Syrian Churches in Malabar and elsewhere, and it is obvious that should the authority of the Patriarch be admitted

the question whether the Plaintiff has been properly apppointed by that personage and what civil rights accrue to him under such appointment forms a legitimate subject for adjudication. Furthermore the Plaintiff represents that he once had control over the property in issue and that the Defendants have taken wrongful possession and these are subjects clearly calling for Judicial decision.

9. Statements of the Plaintiffs Vakils—

That the Patriarch of Antioch has authority to appoint a Metropolitan to the Church in dispute in this case. The contentions of the Defendants that he has not, are unjust.

10. Statement of 1st Defendant's Vakil—

That it is left with the members of the Church and the Rajahs of the country to recognize any one as Metropolitan of the Thoyur Church in dispute—that he, 1st Defendant, has no claim to the Church—that he has excercised nothing in this matter besides ordaining 2nd Defendant as Metropolitan according to the Will left by Gueverguis the late Metropolitan of the Church. The power of Metropolitan vested in him, 1st Defendant, does not extend to Her Majesty's Territories.

11. Statement of the 2nd, 4th, 5th, 6th, 7th and 8th Defts. Vakil—

Supports the 1st Defendant's statement and adds that none of the Metropolitans appointed from Antioch has as yet exercised any right over the Thoyur Church.

12. Plaintiff filed 4 Documents.

13. Defendants filed 6 Documents.

14. Plaintiff's documents.

A. Letter addressed to Plaintiff by Mar Dionysius and others dated 26th Mithunom (June—July) 1846. In this the Patriarch of Antioch is acknowledged to be his superior.

B. A Petition forwarded by Mar Dionysius to Government in which Plaintiff's authority is acknowledged. Dated 21st December 1846.

C. Letter addressed to Plaintiff by Kurilos Geverghese acknowledging Plaintiff's authority. Dated 4th Vrischigom (Novr.—Decr.) 1846.

D. Letter addressed to the Metropolitan of Malabar by Geverghese Patriarch of Antioch in which his authority over the Churches in Malabar is set forth. Dated 29th Abba Month 1750.

15. Defendant's Documents.

No. 1. Sunnud granted by Dionysius to Geverghese appointing him Mar Kurilos Metropolitan of Thoyur. Dated 15th Meenom (March—April) 1829.

No. 2. Will of Geverghese. It declares that 1st Deft. should appoint a Metropolitan to the Thoyur church. Dated 15th Medom 1031.

No. 3. Letter to 1st Deft. from Geverghese regarding the appointment of 2nd Defendant. to the See of Metropolitan of the Thoyur church. Dated 1st Mithunom 1031.

No. 4. Jenm deed of the site on which the Thoyur Church is built purchased by Taroo a member of 2nd Deft.'s Tarawad from the Punator Rajah in Edavom 950.

Produced by 2nd Defendant's 23rd Witness.

No. 5. A letter sent by the Plaintiff to the Punatoor Rajah requesting him to give him a spot of ground to build a Church on. Dated 16th Medom 1851.

No. 6. Copy of an order from the Court of Directors. Dated 13th May 1857.

N B. This order was filed in the 1st Decree as No. 1.

16. The Plaintiff produced a list of 18 Witnesses—of these the following five were examined, namely

2. Joseph Mar Kurilos Metropolitan (2nd Deft.)
4. Phillipus Catanar.
5. Geverghese Catanar.
7. Simon Catanar.
10. Jacob Catanar.

17. The 2nd Deft. produced a list of 24 Witnesses—of these the following 8 were examined, namely,

1. Mar Kurilos Joakim Metropolitan (Plaintiff).
3. Mr. Matthew George.
7. Chemboli Pothen.
9. Alexander Catanar.
11. Koladi Vadakut Thavu.
15. Abraham Kathanar.
22. Keyekevittil Chapu Paniker.
23. Achasheath Pangasha Menon.

18. The Plaintiff contends that in virtue of his appointment by the Patriarch of Antioch he is the Metropolitan of the Syrian Churches in Malabar and as a sequence of this appointment he is entitled to exercise authority over and deal with the property of the Thoyur Church.

19. This claim on the property of the said Church is distinctly denied by the Defts. who contend that Patriarch of Antioch has no authority to appoint a Metropolitan to their Church and that they have never recognized the Plaintiff as the Metropolitan of the Thoyur Church nor has Plaintiff ever been in possession or had any ecclesiastical or Civil authority over the property or effects of the said Church that the 2nd Deft. is the Metropolitan of the Thoyur Church by the will and desire of the Parishioners and ordained in the said office by the 1st Deft. as desired in the will of the 2nd Deft.'s Predecessor.

20. The Defts. having thus denied the right of the Patriarch of Antioch to appoint a Metropolitan to the Thoyur Church it becomes necessary to decide on the pretentions set forth by the Plff. as regards the said Church and its property.

21. The Ext. No. 6 is copy of an order from the Court of Directors dated 13th May 1857. In this order it is stated "this is a matter the determination of which rests with the members of the Syrian Church *alone* and it is for them to *recognize or not* the pretensions of any ecclesiastic who may be hereafter sent into the country by the Patriarch of Antioch."

22. The Defts. do not recognize the Plff. as the Metropolitan of their Church but contend that the 2nd Deft. is the Metropolitan to which office he was nominated by the Will of his Predecessor and accepted by the members of the Church and duly ordained in his office by the 1st Deft. The documents Nos. 2 & 3 support this statement.

23. The 2nd Defendant is now in possession of the office and exercises all Civil and ecclesiastical authority over the Church and its property since the death of his predecessor. This has been clearly proved by the Defendant's evidence both oral and documentary.

24. Plaintiff therefore not being in possession and the authority of the Patriarch to appoint being denied the members of the Church refusing to recognize or accept the Plaintiff as their Metropolitan it is obvious from the clear and express term of the order of the Court above alluded to that this Court has no authority to put Plaintiff in the possession of the property of the Thoyur Church or to recognize him as the Metropolitan thereof.

25. The Court admits his appointment by the Patriarch of Antioch but that appointment gives him no authority whatever to interfere either with this Church

or any other Syrian Church in Malabar unless recognized by the members of the Syrian Church. This appointment gives him the Spiritual authority to preach and teach the doctrines of that Church but it confers no Civil Rights to Plaintiff over any Church nor does it entitle Plaintiff to interfere in any way with the property of any Church unless he is accepted by the members of that Church.

26. The Syrian Church in this respect in no way differs from the practice of the English or Roman Catholic Churches. This is clearly shown by the evidence of Defendant's 3rd Witness himself a member of the Church.

27. The Plaintiff's oral and documentary evidence entirely fails to prove that Plaintiff ever was in possession of the property of this Church, or in any way dealt with it, or that he has ever been recognized as its Metropolitan and there is none to shew that Defendants have taken wrongful possession of the Church and its property.

28. The 1st Defendant was cited as a Witness but the Court dispensed with him because on a perusal of the questions proposed by the Vakil these had no bearing on the points to be decided in this case.

29. The Decree of the Court is that the suit be dismissed with all costs against the Plaintiff.

(Signed) H. D. Cook.
Civil Judge.

[Malayalam translation of the above Judgment follows.]

(True copy on 20 rolls.)
(Signed) .....
Sheristadar,

Copy prepared for delivery—8th August–79.
(Itld.) .....
Sher

No. 268.

EXHIBIT 21.

[Copy of Judgment (English) of the High Court of Madras in R. A. No. 22 of 1862—Filed on the 11th Chingom 1055.]

Seal Seal Seal

In the High Court of Judicature at Madras.

* * *

JUDGMENT.

Suit brought by Plaintiff alleging hinself to be Metropolitan of all Syrian churches in Malabar, to have himself so declared and to recover property of the Toyur church alleged to have been wrongfully witheld from his possession by the Defendants.

First Defendant alleged that he was himself Metropolitan and that the 2nd Defendant was appointed Metropolitan of this church on the death of the late incumbent who held during his life quite independently of the Plaintiff.

Second Defendant sets up substantially the same case.

The Civil Judge dismissed the suit on the ground that Plaintiff's appointment by the Patriarch of Antioch gave no right to interfere with the temporalities of this or any other church and because there was no evidence, whatever, that the Plaintiff had ever had possession of the property of this church.

It is wholly unneccessary to determine the question whether an appointment by a foreign prelate of any person as Metropolitan would justify the Courts of this country in ejecting from a church a person in the situation of the 2nd defendant, because there is literally no evidence that the Patriarch of Antioch has professed to confer any such authority upon the Plaintiff. That he has been ordained by that priest, as the 1st defendant and others have been, appears probable, it that that he is commonly called Metropolitan is also probable, and it seems every priest of every separate church in Travancore and Cochin bears the same appellation. In truth, the evidence in the case on both sides, discloses a system of Church Government wholy unlike that administered at Canterbury and modern Rome but much more resembling those early days of Christianity, in which Bishops were not superintendents of groups of churches but of a particular church. It is conceded that the church in question has been filled by a succession of priests, each called a Metropolitan and each appointed by his immediate predecessor. There is not a scintilla of evidence on the side of the Plaintiff establishing the supremacy of any one of the incumbents of Syrian churches over any other. Certain witnesses have delivered opinions upon the question but have spoken to no single fact from which the existence of such supremacy can be reasonably deduced.

If, however, it was conceded that the power of appointing a Metropolitan lies with the Patriarch of Antioch and that he had actually appointed the Plaintiff, not a single step would have been taken to the establishment of the Plaintiff's claim, for it would be quite consistent with the evidence in this case that such nomination would render him a priest only. It only remains to consider whether the evidence that on the death of the last incumbent the church and (.....destroyed) as the Agent of the Plaintiff is to be believed. Two witnesses depose that they came over from a neighbouring church as agents of the Plaintiff, sealed up the property and delievered the key into thec ustody of the 2nd defendant, who has since fraudulently witheld the church and property from the Plaintiff. There can be no hesitation in declaring this evidence unentitled to the least attention. No reason appears for the interference of the neighbouring priests and, if sent to secure the Plaintiff against that resistance to his assumed authority which many of the (... ... ... destroyed) not have delivered this property into the hands of one known to be a rival claimant. There seems to exist no doubt that this nomination of this 2nd Defendant followed the custom which has long prevailed in this particular church and there being no reliable evidence whatever that the Plaintiff has ever had possession of this church or its property, or that his title to interfere with it has ever been acknowledged, either by the tenants of that property or those whom they represent, the result is that this appeal will be dismissed with costs.

28th May 1863.

(Signed) H. Frere
(„) W. Holloway } Judges.

(True copy.)

(Signed) Thomas Wilkins.
Deputy Registrar.

Exd. (Itld.) F. I. W.

No. 269.

EXHIBIT 22.

[Letter (Malayalam) from Dewan Vencut Row to the Syrian Metropolitan, dated 15th Ani 1001. Filed on the 11th Chingom 1055.]

No. 20511.

Rayasom.

ORDER addressed to Mar Philixinos Metropolitan to the effect that : Whereas it has been already reported that on the arrival of two persons, called Metran and Ramban respectively, from foreign parts, and while no Syrian Official visited them, the 2nd Judge of the Vycome Court visited them, kissed their hands, executed some writings and acknowledged them, and whereas no communication has been thereafter received with respect to the matter, reply hereto should be written and sent at the earliest possible date shewing what the Metropolitan's view in the matter is and what all the aforesaid 2nd Judge did then (or—on that day) in support of the foreigners.

To this effect written :

15th Ani 1001.

Hari Rao—(Signature.)
Huzur Rayasom.

Dewan Vencut Row—(Signature.)

[On the fourth page, there are the address, postal mark &c. thus :—
(In Malayalam.) To Mar Philixinos Metropolitan.
(In English.) P. Paid. To the Syrian Metropolitan—Cottayom.
(Post-Mark.) Quilon—Post Paid.
(On the reverse side of the address). The 28th June 1826.
(Docket of Court.) .....].

No. 270.

EXHIBIT 23.

[The Trevandrum Almanac of 1865.—Filed on the 11th Chingom 1055 Only one page is re-printed for the purpose of this record.]

Page (22.)

SYRIAN.

Metropolitan See of Malabar.

Stations.		No. of Churches.	No. of Priests in each Church.	No. of Baptized Christians.	No. of Schools of Private Institution. English.	No. of Schools of Private Institution. Malyalim.	No. of Boys in Schools.	No. of Girls in Schools.	No. of Students in the College.
Cottyam	The Most Rev. Mar Athanasius, Metropolitan of the Syrian Christians of Malabar.								College closed.
Calicut	The Right Rev. Mar Coorilos, Bishop of Anjoor.								
Pampacoody...	Rev. C. John, Mulpan, Rector of the Seminary.	121	7—8	190,000	8	700	20,000	9000	40]*
Kudenpanad ..	Rev. P. Joshua Cathanar, Mulpan, Rector of the Seminary.	[123	8—9	192,000	5	710	20,000	9000	
Uncamaly ...	Rev. M. Tharieth Cathanar, Mulpan, Rector of the Seminary.								
Iroor	Rev. J. PhilliposCathanar, V.Gen.								
Do.	Rev. V. J. Alexander Cath., Asst.								
Cottyam	Rev. A. Thomas Cathanar Maramannoo, Secy. to the Metropolitan.								

SYRIAN COLLEGE PRESS.

Superintendent—Rev. P. A. Thomas Cathanar.

* The 2nd line of figures is noted in pencil.

No. 271.
Ext. 25.
Copy of letter to the Cherthala Peishcar from Patrjarch Peter III, dated 1st Magarom 1876. Filed on the 11th Chingom 1055.

No. 271.

EXHIBIT 25.

[Copy of letter (Malayalam) to the Cherthala Pesihcar from Patriarch Peter III, dated 1st Magarom 1876. Filed on the 11th Chingom 1055.]

23rd Dhanu.

Pathros III; by the Grace of God, Ignatius Patriarch ruling upon the Apostolic throne of Antioch and of all the East.

To

R. Ry. Cherthala Peishcar Avergal: May the Lord God grant you long life. Amen.

We inform your greatness that: We have heard that you have issued notice to those who entered the Cottayam Seminary and that you are searching for them.

But it was not of their own will that they so entered. It was simply because We sent letter to them to prepare the Seminary for Us. We thought that that place belonged to Us and to Our people. This thought of Ours is no error: for it is known to you and to all other people that the Seminary is the common property of the Syrian people. But lo! now, strangers have become owners and owners, strangers. Beyond these people having entered under Our word, they have committed no offence. If there be any offence in this matter, We would Ourself come to your greatness. And decide you according to your pleasure. Six days from today, we have a festival. When that is over, We would at once come to you. Be it done according to your pleasure and purpose. Rest you in peace always.

1st Magarom 1876.

From the Cheriapalli at Cottayam. (Signature.)

(True copy)

Magistrate. (Itld.) T. R. R.

No. 272.
Ext. 26.
Copy of Kunnumpurath Kora Kurien's deposition before the Cherthala Magistrate, dated 9th Magarom 1051. Filed on the 11th Chingom 1055.

No. 272.

EXHIBIT 26.

[Copy of Kunnumpurath Kora Kurien's deposition (Malayalam) before the Cherthala Magistrate, dated 9th Magarom 1051—Filed on the 11th Chingom 1055.]

Statement of Kora Kurien, aged 46, Syrian, of Kunnumpurath house in Nettasseri Karai, Aymanom Proverthy: Deft: given before the Chertala Magistrate's Cutcherry, on the 9th Magarom 1051.

I have heard the letter sent by the person called Thoma Metran residing in the Cottayam Seminary, and the statement given by Vakil Chandapilla Kathanar, read. I have not forcibly entered into the Cottayom Seminary as therein stated. I was directed by the Patriarch of Antioch which is the Chief Seat of the Syrian religion that he, having arrived in the Travancore State, would be proceeding to Cottayam, and that I should go on in advance to Cottayam and prepare a place for him to stay in; and being sent thither with a letter to the Syrian *Yogakkar* of Cottayam, I proceeded to Cottayam; and on delivering the letter into the hands of Venkidath Mooppen Kathanar, one of the Syrian *Yogakkar*, they received

No. 272.
Ext. 26.
Copy of Kunnumpurath Kora Kurien's deposition before the Cherthala Magistrate, dated 9th Magarom 1051. Filed on the 11th Chingom 1055.
—*Continued.*

the letter with due courtesy, and not only made the necessary arrangements for receiving the Patriarch, but also proposed that, since the Patriarch intended to stay in the Seminary and in the Cheriapalli, the Syrians should there gather and welcome him in a body, making proper preparations there for the same; and application having been made to the Tahsildar to render the needful help and to remove such obstructions from the river as fallen trees lying therein and so forth, a *Cheetoo* was sent from there to the *Proverthicaren* for the same. When the date of the arrival of the Patriarch drew near,—the Patriarch himself had verbally directed me that I should previously ask the person called Metran residing there to point out a room in the Seminary to be prepared, and that I should prepare the very same room which he points out,—I mentioned this fact to the *Yogakkar*. While on the 26th Kunni last, at about 3 o'clock in the afternoon, myself, Uppoottil Chakko Kathanar, Eruthikkel Cherian Kathanar, Eruthikkel Chandi and Uppoottil Itty were going towards the Seminary, we met Kumara Pillay of Palayamattom, and took him also with us. All six of us went to the Seminary and went upstairs to the 2nd floor, where the person called Thoma Metran was staying. It is in a room at the western end of that story that Thoma Metran stays. And we sent word by a person who was there,—I do no know who—saying that we were come: that we wanted to see the Metran: and we wished to know if it was convenient to see him. The man returned and said, that the Metran told to say, that it was convenient: and that we should go into the room. We five went in together. We stood outside at the eastern entrance of the room in which the Metran sat. The person called Thoma Metran being but one appointed by Athanasius Metran, and not, according to the past practice, consecrated by the Head of the Syrian religion, from Antioch, and the Syrian priests and competent *Yogakkar* not having accepted him as Metran, and not being in the habit of doing homages to him, we did not then render much of homages. He asked why we came. I replied, "To see and inform particulars to the Metran: the Patriarch of Antioch is coming to Cottayam: and what the Patriarch has sent word to say is that a room in the Seminary should be prepared for him to stay in and that the Metran should be asked about this and the room pointed out by the Metran should be prepared." The Metran said it would not be sufficiently comfortable for the Patriarch to put up in the second story in which the Metran stays: that should the Patriarch remain there, the Metran would have to go to the third floor: that that would be derogatory to the Patriarch's dignity: and that room should be prepared for the Patriarch to stay in in the third story itself. Chandapilla Katnanar, the Seminary Cashkeeper Unicheria, and Karikkel Kuruvila were in the room wherein the Metran was. Those three persons, including the Kathanar, were sent along with us. The Metran sent word by them that the deacons under instruction in the 3rd floor should remove into the lower apartments, and that arrangements should be made for preparing the third story for the Patriarch to stay in. When we went up to that story and looked, there were four deacons and three boys there. There was no class at the time. There was none of the Malpans who teach there, in that floor. Chandapilla Kathanar told the deacons and students to go down-stairs. And they went down-stairs. Chandapilla Kathanar having given directions as to the various decorations to be put up at the various parts, he, and the cashkeeper also, went away downstairs. I sent Uppoottil Itty to the bazaar and, having through him bought the necessary cloth &c for decorating, and having also secured six persons experienced in decorating, we commenced to tie up coir yarns for decoration, &c. The Seminary servants and others also came up and was looking on at the rigging with coin yarn which we were doing. When it was about 5 *naligais* after sunset, the Revenue Moodelper of the Cottayam Taluq came to the Seminary with a summons to me from the Sub-magistrate. I received the summons and looked at it. I found it stated in the summons that I trespassed into the Seminary and impeded the education therein, and that I should at once attend the Cutcherry.

I returned the summons with the endorsement thereon that it being out of time in the night, I would attend in the morning next day. When, after the Moodelper left the place with the summons, we started for the purpose of going and taking our meals, I heard the door of the room containing the staircase by which we were to descend, being closed from without and locked with an *Odampel*, and I said aloud, "We did not know that you would deceive us. If you are against this, we shall go away at once. Do not persecute us by causing us to go without supper". Having locked up the door, every one went away from there. After that, not a stir was heard. At twelve o' clock in the night, the Tahsildar came and opened the door. Seeing that, I went down. And I told him "It is not unlawfully that we came here. We came here with the permission of the Metran, for preparing a place for the Patriarch. We were deceived and persecuted by being kept locked up within". The Tahsildar asked why the notice was not accepted. I answered that I did not know anything about the notice, that we did not see who brought the notice, and that we were locked up in the upstairs. The Tahsildar looked at the lock and found it smeared with cocoanut oil, &c. He came upstairs and, having seen the preparations we had made for decorating &c, drew up a *yadhast* about the same. He stayed there till it was about 3 *naligais* to day-dawn. And having caused us to quit the upstairs, and enjoined that we should attend the Cutcherry, the Tahsildar left the place. The next day we attended Cutcherry and the case was heard. I have there stated everything that happened. And the Tahsildar also has understood the same by sight. The fact that we entered the Seminary with the permission of the Metran and prepared place for the Patriarch, and that we were persecuted by being locked up in the upstairs and so forth would be proved, if Kumara Pillai of Palaymattom in Aymanom, aforesaid, Karikkel Kuruvilla, a man of that place, Elanjithara Kurien of Veloor in Cottayam, and the Police peons who brought us the summons be examined. Heard the deposition read. It is correct.

Signature of deponent.

(Signed) Ramen Shankaren—Magistrate.
(True copy)
(Signature of Magistrate.)

No. 273.

No. 273.
Ext. 27.
Agreement between Basilius Catholica and Mar Thoma, dated 18th Dhanu 1054.

EXHIBIT 27.

[Agreement (Syriac?) between Basilius Catholica and Mar Thoma, dated 18th Dhanu 1054—Filed by 1st Deft. at Plff's request. Both parties have put in Malayalam translations of the Exhibit. The translation put in for defence is translated.]

In the name of the selfcreated Being, the Lord of the Universe, the Unbegnining and the Endless and who is the embodiment of Essence: Basilius Catholica, a feeble servant of the Lord, Jesus Messiah. (Signature-or-writeth).

I, Basilius Catholica, give this command which is an agreement, unto my son, Mar Thoma. My son! I give you this agreement that, so long as you follow the Living Holy Ghost and *Aboon* Mar Ignatius Patriarch of Antioch, I shall not, without your consent, ordain any priest or deacon in Malayalam: and further: as to the usages, that priests who have shaved their beards and have adopted the wearing of caps shall continue to do so; that, henceforth, the faith and rituals made extant by Mar Thoma Metran who died at Kantanad, under orders of Mar Ivanius Metran, shall be maintained; that none shall be ordained without the paper

of Mar Thoma Episcopa and that vicars approved of by both parties alone shall be appointed to churches. And Mar Gregorius Metropolitan and Mar Ivanius Episcopa have consented accordingly.

Executed on the 18th Dhanu 1754, at St. Mary's church at Puthiyakavu. He who deviates from these terms is put out of the Edavagay.

Executed with the knowledge of the 19 churches of the south and the 4 churches beginning with Cottayam.

(A Syriac (?) Signature.)

Amen. Our father which art in heaven.

(True copy.)

Translated by Joseph Kathanar Joseph Kathanar of Ulasseri.
(Signature.)

No. 274.

EXHIBIT 28.

[Plain Cadjan bond executed by Porkattukulangarai Matthunni Tharaken, to Mar Thoma Metran. The Original is not found among the records. An English translation of it found therein is printed.]

The *Kycheet* passed by Porkattukulangurai Kuriesu Matthunni Tharaken of Adavur, on the 1st Medom 941, in the presence of Mar Thomas Metran.

I, Porkattukulangarai Kuriesu Matthunni Tharaken of Adavur do, by this *Kycheet* agree, that neither I nor any one connected with my family, will, hereafter follow the rites and ceremonies of foreigners, or cause any such rites to be performed in the churches; and I do herewith pay a fine of Rs 1200 for having my son ordained by foreign Metrans, without the consent and sanction of the congregation at Kadampanad and in direct violation of the existing customs of these churches; for refusing to present my son (the newly ordained deacon) to the Kadampanad congregation at their request; and for having the rites and ceremonies of foreigners performed by the said deacon in the church.

(Signature.)

No. 275.

EXHIBIT 29.

[Staticon given by Mar Geverghese Philixinos to Mar Geverghese Dionysius—dated 2nd Vrischigom 1817—Malayalam translation is filed with the original.]

Praise and worship be unto Jesus Messiah, the God and High Priest, in whose hands are the keys of heaven and hell and who occupies the throne of priesthood, and whose priestly office continues from generation to generation. May there be praise and thanks-givings unto Him for ever. Amen.

In the sacred name of the self-created Being, the unbeginning the endless: Mar Philixinos Metropolitan, having the name Geverghese, of the throne of Malankarai and the whole of India, which is the throne of Apostle Thomas.

Seal

May divine grace and heavenly blessing come and dwell upon the priests, deacons, trustees and all people who are believers, of the Edavagay of Malankarai, which is great and blessed and is protected by God.

O Our dear people, Our sons who are true believers in Messiah! Listen you carefully to the words We, Philixinos, the weak, the sinner and the servant of the servants Messiah address unto you. Apostle Jacob says that all good and perfect gifts come down from above from the Father of lights in whom there is neither any change nor even a shadow of any change. Therefore, it is not by the hands of him who wishes, nor by the hands of him who runs up; but by the hands of the blessing God: so says also Paulos, the chosen. Geverghese Kassisa has been consecrated by the Holy Ghost, at Our weakness' mediation, to the exalted dignity of prelate, to occupy the Apostolic throne of Malankarai aforesaid, and has been given the title, Mar Dionysius. And through Our weakness, the authority of God is given him to bind and to loose, to lay down laws and rules, to ordain Metropolitans, Episcopas, Kori-Episcopas, Kassisas and deacons, to consecrate churches and chancels and to do everything that is lawful for the prelates of Our Lord, as was conferred upon the chosen and pure Apostles. At the consecration of this person who was chosen by God for this dignity, We and all prelates who assembled with Us, shouted in one voice and declared, "Axios! Axios! Axios! Our Father, the exalted Mar Dionysius the prelate is fit and proper." You should love and honour and obey, and live subject to the authority, and obey the commands of this person who is the Metropolitan of the Apostolic throne of Malankarai. O Our dear and beloved brother, Mar Dionysius, who, at the mediation of Our weakness, has received the consecration of the Holy Ghost! We pray and command unto you that: you should, without altering anything from the gospel laws and the ordinances of the three holy Synods, devote yourself to fasts, prayers and the teaching and preaching of the holy books. You should love foreigners and the poor, and show interest in all that becomes a prelate of our Lord and follow the footsteps of the holy Fathers who pleased God and acted according to His pleasure. Our brother in Christ! Know and have it in mind that Aboon Mar Dionysius, called Joseph, a departed Metropolitan of Malankarai was called away from this world without having had the opportunity to consecrate a successer to his office. On the day he was consecrated, he was commanded to ordain four Rambans to be quartered in the Seminary after the bulding is completed, and to specially chose a learned meek, good-natured able and righteous man to succeed to the exaled prelatial office after his death. But he had no convenience on account of the trouble and difficulty he encountered in finishing the construction of the Seminary. We therefore entreat of, and command unto, you that you should, during your own life-time, consecrate a Metropolitan to succeed you after your demise. O Our sons who are believers! We again repeatedly bid unto you; you should receive with pleasure and love in body and soul, your exalted Father, the venerable Mar Dionysius Metropolitan. May the God of peace be ever with you and fold you under His wings as against the Evil one and his armies and avert punishments and the rods of wrath. May He watch you with His eyes that never yield to sleep, and cause you to dwell in the heavenly tents where sits Messiah, and where his chosen people are made to enjoy delight. Our Father which art in heaven &c.

This Staticon was written on the 2nd Vrischigom 1817. A. D.

True Translation.

Translated by Ulasseri Joseph Kathanar Joseph Kathanar (Signed.)

No. 276.

EPTRACTS FROM EXHIBIT 30.

['The Nature of the Syrian Church' a Malayalam book. Filed on 16th Virschigom 1058. The Extracts are those selected by Vakil for Appellant in the Royal Court of Final Appeal.]

[*Para* 1, *page* 1—*Preface.*]

Preface.

This little book entitled "The Nature of the Syrian Church" and briefly treating of the doctrines, liturgies and present history of the branch of the ancient Church, with scriptural authorities, is now published for the information of the masses. This book is a translation of the English book made by my brother, Philipose Kori-Episcopa, one recognized throughout as a famous doctor of the Syrian community in Malankarai; and edited in 1869, by the Rev: G. B. Howard, B. A., Vicar of the Protestant church of Mary, in London, the capital of the British Empire.

[*Queston* 42 *and its answer in page* 18.]

42—Q.—Can a Metran consecrate another Metran, with the Patriarch's sanction, as is allowed in the Roman Catholic Church?

A. Even if the consecrator is the Patriarch, it is done only in the presence of two or three Metrans. Therefore, even the Patriarch has no power to authorize one Metran to consecrate another Metran. But, under inevitable circumstances and on satisfactory grounds, three Metrans together may consecrate one with the Patriarch's sanction.

[*Question* 47 *and its answer in page* 19]

47—Q.—Do the Syrians hold that those who do not obey the Patriarch of Antioch will not obtain salvation, as is believed in the Roman Catholic Church?

A. They hold no such doctrine as the Roman Catholics do. But they believe that God, out of His mercy, will grant salvation to all who get baptized and and properly believe in the Trinity and observe the commands enjoined by verses 37, 38 and 39 of Chapter 22 of St Matthew's Gospel.

[*From Question* 69 *to the beginning of Question* 70 *in page* 28]

69—Q.—Are there any others, besides this person, bearing the designation, 'Patriarch of Antioch'?

A. In 1427, Marone, the Metran of the churches in Mount Lebanon, quarrelling with the Patriarch of Antioch and, seceding, with his churches, to the Pope, turned the liturgies upside down, accepted the Popish faith and began to call himself the Patriarch of Antioch. But, no others acknowledged such Metrans as Patriarch of Antioch. His successors are, to this day, called Metrans.

Again, two Metrans who, on account of their misdeeds and heresy, were excommunicated by the Patriarch of Antioch seceded to the Pope and accepted the Roman Catholic creed. This sect has recently grown in strength and exists in Bagdad and some neighbouring churches. Though the Pope has designated one of them as the Patriarch of Antioch, he is ashamed even to style himself as such in writings. These people have not as yet obtained a common name.

RECORD.

PART II.

Exhibits &c.

No. 277.
Extracts from Ext. 31.

No. 277.

EXTRACTS FROM EXHIBIT 31.

['The *Nadapadikramom*, of the Jacobite Syrians,' a Malayalam book filed on the 18th Vrischigom 1058. The Extracts are those selected by Vakil for Appellant in the Royal Court of Final Appeal].

[*From the beginning of page* 1 *to the end of para* 3, *page* 2, *ending with* "ത്തുകൊകയിൻ"].

Praise be unto Him in the sacred name of the Eternal Being, the Almighty Embodiment of Essence, and the Unbeginning and the Endless.

Pathros III, Ignatius Patriarch of the Apostolic throne of Antioch and of all East, ruling over the Syrian race.

Many divine grace and heavenly blessing come and dwell upon Our spiritual sons, the Jacobite Syrians of Malayalam.

May the blessing of the Lord come and dwell upon you, your houses, your children and your every thing.

And that by the prayers of the Mother that brought forth the Lord, and of all Saints.

We make known unto the love of you that are true that: We have sent command unto you to collect Rasisa from Our people, according to the Canon and the rules of the Church. And it is your duty to show divine zeal in the matter and to collect same soon.

But, you have no right from God to evade saying, 'presently' or 'tomorrow,' and thns to delay payment. Be it specially known that, when a priest comes to one's house to collect Rasisa, it no way becomes you to send him off without anything, and that you are debtors in so far as the Patriarch's Rasisa is concerned. Remember the words of the Prophet David, that the righteous man pays back with love what he has borrowed, but the wicked man never repays.

[*Page* 12, *lines* 1 *to* 6 *ending with* "തള്ളപ്പെട്ടവനാകുന്നു"].

We heard that you have two baptisms, one at home and another at the church. This is contrary to our faith. He who baptizes twice is divested of all ecclesiastical privileges.

[*Page* 13—*from line* 12 *beginning with* "ശ്ശരിശിസ്യാതൈവത്തിൽ" *to the end of the same para*: *ending with* "കടം നിങ്ങൾ യിടണം" *page* 14].

This Rasisa was provided for the Patriarch by God. All that fail to pay Rasisa are debtors to God and the Patriarch. None but the Patriarch has the power from God to consecrate Morone. Whosoever does it discarding this is dismissed from the Church of God. Further, another power, that of consecrating Metropolitans and Episcopas, was conferred upon the Patriarch. Whosoever, besides the Patriarch, usurps this right and consecrates a Metropolitan or an Episcopa; both the consecrator and the consecrated shall be cursed and excommunicated. Be this known unto you well. We further command unto your true love: You should soon collect Rasisa and satisfy the claim which the Patriarch has from God over you.

[*Page* 18 *para* 1—*to the words* "ചട്ടസ്സുചെയ്യും" *in line* 2 *page* 19].

We learn that there are some priests who, without knowing the secret of the holy Body and Blood, divide the united Body and Blood of Messiah and administer Body and Blood separately. They are but nominal priests, and shall not have the benefits of the priestly office.

RECORD.

PART II.

Exhibits &c.

No. 277.
Extracts from Ext. 31.
—*Continued.*

[*Page* 23, *para* 2 *beginning with* "എന്നാൽസെലൂൻ" *&c. to end*]

But after the recitation of the *Salone Basilama*, the people disperse and intending communicants stay and receive Sacrament. Henceforth, no priest has the right from God to communicate the laity before *Salone Basilama*. He who disobeys this command, shall be divested of his priestly office.

[*Page* 24, *para* 1 *from line* 1 *to* 17 *ending with* "കുമ്പാനം ഞണക്കാവു"].

Further, we learn that some perform Mass at the same altar twice on the same day. And they urge as an excuse that the tablet is changed. But they are ignorant of what the altar and the tablet are symbols of. The tablet is symbolic of Messiah's Cross and the altar, of his grave. As the Lord did but once die on the cross, and was but once buried in the grave, and did but once rise from the grave, we ought to perform Mass but once in a day on the tablet and altar which are the mystery of His Crucifixion and Resurrection respectively.

[*Page* 27, *para* 1, *from line* 1 *to* 8 *ending with* "നംകെട്ട"].

We have further heard that you bury your dead without the burial service, that, thereafter, you have no commemoration of them, that you perform no Mass on their behalf, that you do not remember them in your Services and prayers, and that you do not give alms for the benefit of their souls, and so forth.

[*Page* 33, *from para* 1 *to page* 35 *line* 5, *ending with* പള്ളിയകത്തുതടക്കുന്നത.]

We learn that you worship at the tombs of your dead. As it is not lawful for us to pray to or worship any but God, you have not the right, from God, henceforth, to worship at the tombs of your departed fathers. On the days of their commemoration, mass shall be got said and, thereafter, the priest shall proceed to the tomb and repeat the *Kukrione* "*Ahadmarahem Abo*" &c. and burn incense. When one is about to die, his face shall be turned to the east, and he shall be dressed in a robe, and the waist-band tied, as is said in the holy Canon. In repeating the Articles of Creed, instead of the plural "We believe," you should repeat "*I* believe". On one's death, you shall only pray and not, like people of other communities, cry out or cause others to do so. The dead bodies of laymen shall only be washed with water alone and dressed in neat clothes,and not washed rubbing oil or dressed in valuable clothes ;and their survivors shall not throw cloths on the bodies as is done in these parts. A *Kabar* shall be prepared for burial. Water shall not be sprinkled on the dead body or the *Kabar*. Insead of *Sythe* (holy oil,) sand shall be consecrated and thrown by the priest alone over the face, the breast and the knees of the dead body; and thus shall the burial be performed properly. If the *Kabar* (coffin) has not been made, the body shall be interred with planks placed around so as to prevent earth falling on the body. Beyond so doing, it shall not be right to throw a little earth in and then to level it with the the spade pouring water on it. We should not act like the heathens who can have no salvation. As there is in us the hope of resurrection, we must regard this as seed sown in the earth. If there are old bones in the grave, they shall be placed over the plank or stone placed over the grave, and thus shall the burial be performed properly. All familes shall have separate *Kabars*.* In the funeral procession, the cross, bell and censer shall be carried, and the priest shall wear the cope alone over his usual dress. The dead body shall be carried into the church, the face shall be uncovered and candles placed around lit, and, after performing everything properly, the face shall be covered and the body shall be carried to the burial ground and buried. If there is mass, the body shall be kept within the church and shall be buried in the proper manner after mass. The dead bodies of none comprising prelates, priests laymen and all, shall be buried inside the church.

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*The word '*Kabar*' appears to be used in various senses; i.e. tomb, grave, coffin, sepulchre &c.

[*Page* 36, *from line* 1 (4) *beginning with* ഒരിക്കലും *to line* 10 (13) *to the words* "കയറ്റിക്കുടിക്കരുതെന്നു."]

No meat shall be used at ceremonies in commemoration of the dead. Though meat is used at other ceremonies, the flesh of such forbidden animals as pig, boar &c. should not be eaten. Further, we hear that the upper part of the ears of your girls are bored and that the lobes are bored and grown. This practice is one copied rom the Hindus.

[*Page* 37, *para* 2 *line* 1 *to line* 4 *ending with* പാടുള്ളതല്ല.]

We learn that priests grow hear on the head calling it the tonsure. This is a Chaldaic practice. Our usage prohibits this.

[*Page* 38, *para* 1 *from line* 15 (20) *beginning with* "അതിനാൽതന്നെ" *to line* 16 (12) *in page* 40 *ending with* "അധികാരപ്പെടും."]

Therefore, as it would be violation of command, and sinful, not to wear the garments that God has ordained for us, it shall not be lawful henceforth for men to move about without trousers, long coat and cap, and for women, without the gown, trousers and veil (or—scarf). Further, We grieve that you turn the figure of man created after the image of God into woman's figure and walk about shamelessly with you beards and moustache given for the differentiation of man from woman, shaven off. As God commanded unto Moses that he should not disfigure his chin, it is the duty of man to grow his moustache and beard. Nevertheless, according to the practice extant among us, Syrians, old men should grow both beard and moustache and young men should wear the latter. Further, We hear that, during festivals, you hold feasts, like people of other religions, in the churches and go about in procession with drum and dancing and other bad accompaniments, calling that the celebration of the cross, and that you perform vows by treating people in churches on Sundays and festivals, to meat, liquor and other unrefined (lit: savage) articles of food. As our Lord has said, 'Is it not written that my house shall be called the house of prayer of all races? But you shall not make it a den of robbers,' he who makes the temple of God like unto the pagodas of heathens, by such unholy rites will be an enemy of God and shall be severed from His Grace. Therefore, it is in no way lawful for you to perform any such rites in the church. Be it specially known unto you that whosover acts contrary to this shall be dismissed from the holy church. We learn that in these parts, pecuniary compensation is given to priests for confession. As it wrong, henceforth, nobody has right to give or receive such compensation.

[*Page* 41, *para* 1 *beginning with* "അപ്രകാരംതന്നെ" *to ending with* "കൊടുക്കുന്നില്ലെന്നും."]

The practice extant here of smearing oil on the first Wednesday in Lent, calling it the signing of the cross, not being ours, it shall, henceforth, be avoided, and all shall assemble in the church on the Monday on which the fast begins and perform the rite call *Subakkana*.

We learn that on the night previous to Good Friday, certain rites are performed in the church, putting out all lights. But, being a Chaldaic practice, it shall henceforth be avoided, and all shall keep awake that night and hold the prayers and Service of the Passion.

On those who listen to and follow these, may the mercy and peace of God ever dwell in abundance. Amen.

Our Father which art in heaven &c.

To this effect: The 15th Magarom 1877.

From the Cochin Fort church.

No. 278.

EXHIBIT 32.

[Circular Orders about Police matters. Circular No. 2455—dated 3rd Kumbhom 1038—published in page 67, is alone printed, as required by Vakil for Appellant in the Royal Court, under list presented on the 3rd February 1887.]

To

The Police Officers from Quilon to Paravur.

In a letter dated 28th Magarom, addressed to Us, by Mar Athanasius, Metropolitan of the Malankarai Edavagay, it is found stated that, as one Kurilos, pretending to be a Metropolitan, secretly visits churches, stirs up discontent among the people and, taking part with people excommunicated from the churches for offences committed &c., causes disputes and outrages, it has become difficult to properly enforce the laws of the Church, and so forth. Though we cannot interfere in religious matters, it is very necessary to take steps to prevent the perpetration of any unlawful act. Therefore, if there are people who are unwilling to attend churches subject to the authority of the Metran, they should make the proper representation, have churches built, and conduct themselves without causing any disturbance; or, if they think that they possess any right to churches subject to the Metran, they should seek their remedy duly through Civil Courts. If however, contrary to the past practice, they are allowed to enter churches &c. and have their (rites) performed, it would tend to a breach of the peace and to prosecution and meet conviction of those that cause such breach. Therefore, the two disputant parties of the churches will be informed to conduct themselves conformably to Our afore-indicated views; and the Tashildars &c., keeping themselves informed thereof, will see to have matters conducted properly. If notwithstanding these arrangements, the Metran or Pallikkar should write and inform regarding refractory conduct and of any act contrary to past practice, committed in churches, the persons concerned shall be forthwith got down, prosecuted, tried and convicted, and the matter shall be reported to (Us).

No. 279.

EXHIBIT 33.

No. 279.

Ext. 33.

Petition presented by Mar Dionysius to be made a party in O. S. 134 of 1049 of the Alwye Zillah Court; dated 7th Idavom 1049. Filed on the 22nd Vrischigom 1058.

[Petition (Malayalam) presented by Mar Dionysius to be made a party in O. S. 134 of 1049 of the Alwye Zillah Court;—dated 7th Idavom 1049—Filed on the 22nd Vrischigom 1058.]

BEFORE THE ALWYE ZILLA CIVIL COURT.

Petition presented by Mar Dionysius, Metropolitan of the Syrians of Malayalam, under section 63 of the Civil Procedure Code, in O. S. 134 of 1049 on the file of the said Court.

1. The so-called Metropolitan, the Plff. herein, has been removed by the Patriarch of Antioch, the very authority that consecrated him.

2. To the said office, the aforesaid Patriarch has consecrated and comfirmed Us; and the Pallikkarai church, the church in dispute has been under Our control; and We have been exercising all powers therein.

3. The aforesaid church has never passed to Plff.'s possession.; and he is not competent to sue in respect of it.

4. There is a case of trespass into that church committed by Plff. on the 19th Dhanu last, pending trial in the Kunnattunad Sub-Magistrate's Court.

No. 279.
Ext. 33.
Petition presented by Mar Dionysius to be made a party in O. S. 134 of 1049 of the Alwye Zilla Court; dated 7th Idavom 1049. Filed on the 22nd Vrischigom 1058.
—*Concluded.*

5. In thsee circumstances, the Plff. has brought this suit without impleading Us, to fraudulently obtain a decree. Prays, on the aforesaid grounds, that We may be joined as a party herein and heard, and that a decision may be passed on the merits.

7th Idavom 1059.

(Seal.) Ramunni Menon, Vakil. (Signature).
Pitchu Aiyan, Vakil. (Signature .

True copy. (Signature).

Vakil Manu Aiyan applied for copy on the 30th Karkadagom '54—Tendered fee and paper on the 32nd. Copy made ready on the 22nd Chingom '55—Granted on the 25th.

Gumastah. Krishna Pillai. (Signed) T. R. Narayana Pillai—Judge.

No. 280.

EXHIBIT 34.

[Copy of the Dewan's letter (English) to Mar Dionysius, dated 4th July 1866. Filed on the 23rd Vrischigom 1058.]

No. 2530/P.157

Huzur Cutcherry,
Trevandrum, 4th July 1866.

To

Mar Dionysius,—Cochin.

Sir,

I have the honor to acknowledge receipt of your address dated the 25th Ultimo and to state in reply that with the most anxious desire to discover the means of allaying the unfortunate dissensions referred to, I confess I do not see what further action the Sircar can take in the matter beyond what has already been done. Your memorial does not adduce any new fact or argument such as would call for a reconsideration of the settlement arrived at. That settlement rests entirely on principles of perfect neutrality on the part of the Sircar in religious matters, consistent, with the preservation of the peace. And it is my belief that the course pursued by the Sircar is in perfect conformity with the spirit of religious neutrality on the part of the British Government and in keeping with the liberty of conscience on the part of the people which is permitted in all civilized countries.

The dissensions and their effects which you advert to in the memorial, are certainly not chargeable to the Sircar. So far from it that the actions of the Sirkar were in consequence of those dissensions.

It is superfluous for me to repeat the reasons which have influenced the Sirkar in adopting the course it has taken. But if you wish the matter to be discussed afresh, I shall be glad to see you in Trevandrum, so as to have an opportunity to convince you that I deplore the differences which have arisen as much as any friend of the Syrian Community.

The only satisfactory course however, for the dissentient parties to pursue would be to effect a compromise and failing that to go to law. If the case of one church be taken to court and there decided, the principle involved would be settled, and will apply to all similar cases.

I have &c.

(True copy) (Signed) T. Madava Row, Dewan.

(Itld.) (Signed) V. Ramiengar, Dewan.

No. 280.
Ext. 34.
Copy of the Dewan's letter to Mar Dionysius, dated 4th July 1866. Filed on the 23rd Vrischigom 1058.

No. 281.
Ext. 35.
Deposition of Mar Kurilos Joachim in O. S. 1 of 1857 in the Calicut Civil Court. Filed on the 29th Vrischigom 1058.

No. 281.

EXHIBIT 35.

[Deposition of Mar Kurilos Joachim in O. S. 1 of 1857 in the Calicut Civil Court. Filed on the 29th Vrischigom 1058].

O. S. No. 1 *of* '57.

Before the Calicut Civil Court.

Sworn deposition of the prelate of the Syrian churches in Malayalam, aged 46, son of Malko, Syrian, resident in the Puthuppalli church in Travancore, Plff., 1st Witness for 2nd Deft.—Given on the 29th January 1862.

In Examination by 2nd Deft.'s Vakil.

My name is Mar Kurilos Joachim Metropolitan. I am the Plff. in Suit No. 1 of '57. I know all the Defts. herein. I got this dignity in 1845—came to Malayalam in '46.—Cannot give the number. I have gone several times to the Tholyur church. When I came to Malayalam, there was in the Tholyur church the temporary Metran Geverghese who had been appointed to conduct affairs for the time being. I do not remember when he was appointed to that office. It was Dionysius who appointed Geverghese. Dionysius too was a Metran *pro tem.* He was appointed by Philixinos. Philixinos was appointed by a person called Cheeren. There are the reports written at the times these were appointed with the Patriarch. I have seen them. The aforesaid people also had power to manage the spiritual and temporal affairs of churches as I have at present, until my arrival. But such powers ceased the moment that I arrived. When I came and showed the Patriarch's command to Dionysius and Geverghese, they acknowledged same, and have surrendered their authority. Geverghese was managing the affairs of the Tholyur church, under my orders, up to 1031. Geverghese was managing the affairs of the Tholyur church after my arrival only in the capacity of Metran *pro tem.* The particulars of these powers are fully set forth in the Staticon given to 1st Deft. by the Patriarch. That order is with the 1st Deft. It was Dionysius himself that appointed Geverghese. Nothing has been taken from him to evidence the assignment of his powers to me. Such being the case, there was no necessity to have taken any writing to evidence his appointment by me to manage affairs. Therefore, none has been taken. Nor is the taking of such (writing) customary in our Church. The Tholyur church was got built through the Kattumangat Fathers, who were natives of Cochin, by Gregorius, the Fifth Patriarch of Jerusalem who came to Malayalam by command of the Patriarch of Antioch. They had also been consecrated. He got the church built, expending funds. I do know if any others helped therein. It was mainly their own money. There are to be seen in that church even today some articles, such as chalice, paten &c. presented by them. The whole of the properties alleged, in plaint, to belong to the Tholyur church did not then exist. Some were obtained latterly from some persons as endowments. Properties belonging to the Tholyur church are sometimes demised by the trustees and Kathanars. After the appointment by me of Geverghese, to do the duties of Metropolitan of that place, the aforesaid people conduct affairs under his orders. At the place called Tholyur, there are only 5—6 houses of this persuasion. It is the *Yogakkar* of Arthat that form the principal party concerned there. They have all acknowledged my authority. As the *Yogakkar* of Arthat wrote on Geverghese' demise, I came. Then, the 2nd Deft. colluded with 1st Deft. and gave the key of the church, which he had with him, to the latter, and misappropriated properties. A complaint was thereon

preferred to the Poloce. When I came down to Malayalam consecrated at Antioch, if the people of this place did not acknowledge my right, they would (have been) put out of the church. And as the church and properties came into existence through the agency of the Patriarch, I would have taken possession. No one that has not derived his power from the Patriarch can exercise the powers of Metropolitan over the churches. An order was passed by the Court of Directors on the 13th May '57 with respect to the office of Metropolitan. That is to the effect that those not willing to hear the Metran's preaching should not be compelled to do it. That order does not bar my entering into management of the church properties. Before my arrival, one Dioscorus had come to Malayalam empowered similarly from Antioch, and had resided here for about 3 years. His sojourn was not confined to the Tholyur church. No other person has come here from Antioch and exercised powers. I am not aware of Geverghese having done anything contrary to my orders, to the day of his demise. I exercise powers over all the other churches in Malayalam. In some churches, some stand opposed owing to the disputes raised by 1st Deft. That is of no consequence whatever. I may have admitted before some Sirkar authority that the property of the Tholyur church belongs to the Church. Such statement was meant to refer to the Patriarch, the head of the Church. The words 'the property of some people' used above have no meaning.

Heard read. Correct.

The whole of this deposition was taken down by questioning the witness in Syriac through a sworn interpreter, Joseph Kathanar of Pulikote.

A Signature.
(Signature.)

Kunnen, Defence Vakil. (Signature.)
Sekharen, Pleader. (Signed.)

Taken on oath before me in open Court this 29th January 1862.
(Signed) H. D. Cook—Civil Judge.

Compd.—..... Clerk. (True copy) on 4 rolls.
(Signed.) ——————
Head Clerk for Sheristadar.

Copy ready for delivery—9th August 79.
(Signed.) ——————
Hd. Clerk for Sher——

[The copy contains several other entries and labels connected with the application for, and preparation and delivery &c. of, the same].

No. 282.

EXHIBIT 36.

[Letter (Malayalam) dated 29th Chingom 1019 from Mar Dionysius Metropolitan to the Kottarakarai Vicar &c. Filed on the 16th Magarom (Tye) 1059.]

Mar Dionysius Metropolitan of the Malankarai Edavagay writeth:—

Seal.

To the Vicar, local priests, trustees of the church, and other people of our Kottarakarai church. Benediction unto you.

Beyond that Deacon Matthen of Palakkunnom, from the Maramannu church, went to foreign parts and has returned consecrated as prelate by one of the Patriarchs there, Matthews Metran further preaches that the present office of prelate in Malayalam is not perfect, that his dignity being received from where there is the Apostolic Imposition of hands is perfect and that, therefore, all should acknowledge him whose ordination is perfect. But the office of prelate in Malayalam is what is derived from the Imposition of hands of Mar Thomas; and it is a fact that certain defects did occur in the line of office that followed therefrom. But the prelate of a foreign Edavagay which has the Apostolic Imposition of hands has made the ordination perfect according to Our Canon; and on that account, Our office is perfect and valid (lit: perfect). But, an Episcopa named Athanasius arrived in 1000 from Antioch and declared that the ordinations of Ourself and Our predecessor, the late Mar Philixinos Metropolitan were not perfect, and, causing schisms, tried to gain over one party to his side. But it happened that several representations were made to the Sirkar with respect to that, and that a decision being passed that foreigners have no authority over this Edavagay, the Episcopa was deported. After that, the coming of foreign prelates ceased; and our Edavagay, without being disturbed by such turmoils, enjoys ease and repose. But We have become advanced in age, weak, and unable to discharge the duties of Our office. And though the dignity obtained by Matthews Metran is one derived from a foreign throne, there is no objection to his being acknowledged as Our successor, as he has the Apostolic Imposition of hands. But We suspect that it might give facilities for the visits of foreign Metrans during his rule and that it might raise questions fatal to the independence of the Edavagay in Malankarai. But considering the conduct of Matthews Metran hitherto, We make known unto you that until We shall have been convinced that his intention is to maintain the independence of this throne and that he will act conformably to past custom and the usages of Fathers and until We shall send an order with respect to that matter, none shall go to him or acknowledge him.

To this effect: 29th Chingom 1843—1019. M. E.

(Signature.)

(Produced by Defence 80th witness in O. S. 439 of 1054 on this the 16th Tye 1059. (Sd.) T. C. Krishna Menon.)

No. 283.

EXTRACTS FROM EXHIBIT 38.

[Syriac Canons produced from the C. M. S. library at Cottayom. The Malayalam Extracts put in for Defence are translated as requested by Vakil for Appellant in the Royal Court of Final Appeal.]

Chapter III in Ext. 38. Of Divine Morone. There are six sections in this (chapter).

Section I. As to who has not power to consecrate Morone, and where and when.

Kupriapos. A heretic who has neither church nor chancel cannot consecrate the oil.

For, the oil of wicked people perfecteth not My head.

Jacob of Uraha. No Canon prohibits the prepartion of Morone at any time that there is necessity for it. For I learn that an Episcopa met a deacon in a heathen town, that he did prepare Morone, one night, smear the chancel with the

oil, perform mass and ordain (that deacon) as Kassisa. But (since it was said) 'She did this for My burial," so that it may be close upon the Passion week and that it may be of service to those that get baptized during the fast, (Morone) is consecrated on Maundy Thurday.

Patriarch Yohannan. No prelate has power from God to consecrate Morone at any place or town where it is not usual to consecrate same and which are not among those specified from ancient times. But Morone may be consecrated secretly at (..... not clear.)

Hudaya. It is clear from these that only the Patriarch, Catholica and Metropolitan have power to consecrate Morone.

Chapter IV. Of Mass—There are 8 sections in this.

Section 5. Of the manner of receiving Sacrament.

Of Nice. A deacon has no right to communicate a Kassisa or to receive communion before an Episcopa. But when they are communicated by an Episcopa or Kassisa, the deacons shall receive after the Kassisa.

Hudaya. They shall drink the cup. They shall make, one the other, and the laymen, drink. A priest has no power to administer the Body alone, without the cup. If possible, when he administers Body, the deacon shall cause the cup to be drink. As the Lord said, "Eat ye my body; drink ye my blood," this is just and conformable to the Canon. If not possible, the priest shall dip the Body in the cup held by the deacon on his right side, and administer, as is done in the west. If owing to the multitude of the people, this too is impracticable, the priest shall, at the breaking of (the bread) and before dividing it into particles, dip the bread in the cup, and, thereafter, administer as the people of the east do. But the Episcopa, and likewise the priest, shall communicate Kassisas and deacons with the spoon. If, when a Kassisa performs Mass, an Episcopa desires to be communicated, the Kassisa shall get down, and he shall ascend the steps and communicate himself. The Kassisa shall not communicate him. But the heads of *Dayaras* and Kassisas shall be communicated by the priest who celebrates Mass.

Jacob of Uraha. He who regards Mass celebrated on Maundy-Thursday or Holy Saturday (അപ്പീൻശനിയാഴ്ച) as different from (the Mass) of other days and accordingly asks [to be communicated] is an offender. For they and (the Mass) said on all other days are equal. There is no difference as the services are the same for all. On this account, it is lawful to celebrate these annually (not clear). Likewise, believers who ask for sacrament at the early part, i. e. before the officiating priest partakes, are offenders. It is not right to give them. A priest who (so) gives will be dismissed from his office.

Chapter VII. Of holy orders.—There are 10 Sections in this.

Section 1. Of Edavagays and the confinement of each one's jurisdiction to his own Edavagay.

Of Nice. As there are four quarters of the globe, there shall be four Patriarchs. Of them, the great superior is the (Patriarch) of Rome, and with him, the (Patriarch) of Alexandria, and with him, the (Patriarch) of Constantinople called New Rome and to which the Patriarchate passed from Ephesus, and with that, the (Patriarch) of Antioch which has authority over all East. As the Episcopate of Jerusalem is subject to the authority of the Metropolitan of Cæsarea Philippi, that office shall henceforth have the honor of a Fifth Patriarchate. The Metropolitan of Cæsarea shall wield the powers thereof. Power is given from this day to the great Metropolitan of the East to ordain Metropolitans and Catholicas in the east, like unto the Patriarch. When he comes attired to a Synod of the western people, his throne shall be placed with that of the Patriarch of Jerusalem, but having precedence of all Metropolitans. No power is given unto the Abyssinians to consecrate a Patriarch for themselves. But the Patriarch of Antioch shall consecrate Metropolitan(s) for them. He shall consecrate Episcopas alone. At

Synod(s), he shall sit next to the (Metropolitan) of the east and have precedence of all Metropolitans. If the Res-Episcopa of the island of Cyprus die during the monsoon when the sea is furious, all the Episcopas of (that) island should meet and appoint a Metropolitan, by command of the Patriarch of Antioch. The Patriarch has no power to prevent them, lest Edavagays should be in a state of widow-hood for long periods.

True Translation.

Translated by Joseph Kathanar, Assistant Malpan of the Seminary. (Signature.)

EXHIBIT 38. From Section 1 in Chapter VII.

Patriarch Yohannan. At the Synod assembled at *Kuprasusa* in Kumbhom 1180 Yovana Era, eight points were settled.

1stly. Episcopas and *Dayarayakar* (monks) who are *Matthayakar* shall be subject to the Malprian of the throne of Tigris.

2ndly. The Patriarch of Antioch shall not intrude into the Edavagays of Tigris on the pretence of managing affairs. And the Malprian shall not (intrude) into the province of the Patriarch.

3rdly. When the Malprian attends (at any place) with the Patriarch, he shall be seated on his right side (destroyed), and shall be announced and communicated after him.

4thly. When a Malprian is living, a Patriarch shall not be consecrated without his consent. But the people of the east have the right to consecrate a Malprian. Therefore, if the Malprian should impose hands on a Patriarch or the head of a Synod, the people of the west should chose two Episcopas, and those of the east, two also. He who is chosen by these four should be granted the Imposition of hands by him.

5thly. The Edavagays of *Kurdu* and *Bessabda* shall belong to Tigris. Further, (likewise shall be) that of the *Nagadanayas* of *Madakakkar* (destroyed) the —*adayakkar* admit.

6thly. —(destroyed) settlement of the disputes that arose among the people of the west.

7thly. Particulars of three Episcopas ordained by the Malprian in the Edavagays of the Patriarch.

8thly. An Episcopa dismissed by a Malprian will be treated as dismissed by the Patriarch also.

True Translation.

Translated by Joseph Kathanar Joseph Kathanar of Ulasseri (Signature.)

No. 284.

EXHIBIT **39.**

No. 284. Ext. 39. Order from Mar Philixinos dated 9th Dhanu 991 to the Vicar &c. of Chengannur.

[Order (Malayalam) from Mar Philixinos dated 9th Dhanu 991 to the Vicar &c. of Chengannur.

Mar Philixinos Metropolitan of the Tholyur Edavagay writeth :—

Seal

To the Vicar, local priests, trustees of the church and other people of the Chengannur church in the Malankarai Edavagay.

No. 284.
Ext. 39.
Order from Mar Philixinos dated 9th Dhanu 991 to the Vicar &c. of Chengannur.
—*Concluded.*

The honorable Col: Munro *Sahib Avergal* has been recommending to Us that Ausep (Joseph) Ramban who was ordained as Ramban by the Pakalomattom family should be consecrated by Us as Metropolitan. The holy Apostle Mar Thomas, the founder of the Edavagay in Malankarai conferred the prelatial office for that Edavagay, on the Pakalomattom family; and the successive Mar Thoma Metrans of that family have been tending and governing the Edavagay. We learn that the Mar Thoma Metran who new holds the office is not one born in that family and thereby entitled to the office, but one who was a Roman Catholic Kathanar and a member of a Roman Catholic distant branch of the late Mar Thoma Metropolitan's family and got down by him and consecrated, and that some of the Pallikkar dislike this Metropolitan's rule as he is not a fit and competent person for the office. We think and fear whether the transfer of the Metropolitanship from this family in which holy Mar Thomas conferred the prelatial office which has remained therein for years past, from the beginning, and the consecration of Youseph (Joseph) Ramban who is no way related to the said family would be just, and whether it might not lead to move serious ruptures. Therefore, We think it proper to do it after ascertaining the view of the entire Edavagay in Malankarai. The *Sahib Avergal* (Resident) insists that Ausep (Joseph) Ramban should be appointed. We too know that Avusep (Joseph) Ramban is a man of some ability and zeal. The *Sahib Avergal* (Resident) desires the Ramban to be consecrated as he is acquainted with him. And, as it is found necessary to know your views and desire as to abolishing the prelatial office of the Pakalomattom family, as that family has become extinct, and to chosing one from another family and consecrating him to tend and govern the Edavagay, you should hold a Synod, consider this matter, come to a conclusion and forwith send to Us from that parish not less than two Kathanars and the required member of laymen to give *Desakuri* (local consent) to the person that may be chosen as Metran and to bear testimony before Us that the person chosen is a good and trustworthy person. As it is not contrary to our Canon to consecrate another fit person to tend and govern the Edavagay, since the Pakalomattom family has become extinct, We think that it is our duty and responsibility to consecrate one according to the *Sahib Avergal's* (Resident's) recommendation and your request.

To this effect—28th Dhanuvom 1816—991 M. E.

(Signature)

(Ext XXXIX in O. S. 439 of 54 produced by 85th witness on 27th Tye 1059—Itld. T. C. K M.)

NO. 285.

EXHIBIT **40**.

[No. 285.
Ext. 40.
The late Mar Athanasius' letter to the Vicar &c. of Chengannur—dated 3rd Kumbhom 1024.

[The late Mar Athanasius' letter (Malayalam) to the Vicar &c. of Chengannur—dated 3rd Kumbhom 1024].

Mar Athanasius Metropolitan of the Malankarai Edavagay writeth :—

Seal

To the Vicar, local priests, trustees of the church and other people of Our Chengannur church. Benediction unto you.

No. 285.
Ext. 40.
The late Mar Athanasius' letter to the Vicar &c. of Chengannur—dated 3rd Kumbhom 1024.
—*Concluded.*

You also are aware that the difficulties and troubles which have arisen since the getting down of a person called Mar Joachim Kurilos by Edavalikken and others who are always watching to create disputes in Our Church are great. Now, an Episcopa called Mar Athanasius Stephanos has also arrived. Though it is at present difficult to ascertain what the object of his coming is, I hear that the aforesaid Episcopa and Kurilos endeavour to obtain and carry off to foreign parts the amount remaining in the British Treasury, being the proceeds of the sale of the Seminary properties effected on the rupture with the Missionaries which was brought about before by Edavalikken and others, and the 3,000 Star-pagodas remaining invested, with interest in arrears; and that the Episcopa professes to be the bearer of the Patriarch's letters addressed to *Maharajasri* the British Resident *Avergal &c.* with respect to the matter, and that steps are being taken to present petitions to obtain the money.

It is clear that foreigners have no authority either over the money in deposit or Our Edavagay. We think that Edavalikken and others who are ever bent upon bringing ruin upon, and pilfering, the Seminary and church properties and thus passing their days must be giving evil counsel to the Episcopa. Formerly, several Episcopas came to our midst from divers foreign Churches; and the Metropolitans, our predecessors had lodged them in some churches giving them maintenance; and some of them died here. But not one of them ever ruled over the Edavagay in Malankarai nor exercised any sacerdotal function over the prelates of this Edavagay. In these circumstances, there came down one prelate called Athanasius Stephanos in 1000; and, on his endeavouring to subjugate the Church in Malankarai to foreign yoke, there ensued a dispute and litigation between the then ruling Metropolitan and the foreign Episcopa, which ended in a decision declaring that foreigners have no right in Malankarai and in the deportation of Mar Athanasius. Such being the case, we wonder at the desire of the foreigners to obtain this authority and their endeavour to get possession of the deposited funds. As, if the Episcopa carries on any correspondence relative to the funds, some petitions should be presented to counteract its effect, one Kathanar and two laymen should be deputed to Our presence from that church, forthwith, on receipt of this order, to consult about this subject.

To this effect: 3rd Kumbhom 1849—1024 M. E.

(Signed.) Athanasius Malabar, Metropolitan.

Docket.—Ext. XL in O. S. 439 of '54 produced by 85th Wit. on this the 27th Tye 1059.—Itld. T. C. K. M.

No. 286.

EXHIBIT **41.**

No. 286.
Ext. 41.
Registered Agreement from Geverghese Dayarayo to the Patriarch, dated 30th Chingom 1052. Produced on the 2nd Kumbhom 1059.

[Registered Agreement from Geverghese Dayarayo to the Patriarch, dated 30th Chingom 1052—Produced on the 2nd Kumbhom 1059.]

In the Sacred name of the one God who is the Father, Son and the living Holy Ghost: Agreement executed by me with my perfect assent, pleasure and satisfaction and with faith, binding myself, Konat Geverghese Dayarayo, a weak sinner and servant performing Divine Service in the Pampakudai church in the Memuri Karai in the Ramangalom Proverthy in the Moovattupulai District in the Travancore State: (1) I promise before the living Almighty God and before His holy Angels and before this holy church of the sanctity of God's Mysteries and

before His Holiness Pathros III *Maran Mar* Ignatius Patriarch Bava, who is God's prelate and our fortunate Father ruling on the Apostolic throne of Antioch and has been from ancient times the Superior of all Syrians in the East in India and Malabar and in the four quarters. (2) May the Lord God grant Your Holiness long life and protect Your Holiness' eminence. (3) I promise as hereinunder indicated, before these proper priests, before all races and before the glorified British, Travancore and Cochin Sirkars. (4) I, the infirm, announce the secret of our Faith. Furthermore, I confess before God that I acknowledge and revere all prophets, and and those holy Fathers who lived firm in their faith in the creed of the pure Apostles and of the three holy Synods, and preached to, and taught, Us the faith of true worship. (5) I acknowledge the early disciples of Our Lord Jesus Messiah, viz the 12 Apostles; and Matthai, Markos, Lukos and Yohannan, the announcers of the four Gospels; and the fortunate Mar Paulos, the founder and great builder of the holy Church. (6) I acknowledge Mar Ignatius Noronha, Dionysius, Athanasius, Julius, Kurilos, Basilius, Gregorius, Dioscorus, Severius, Timothius, Philixinos, and Antimous, and Mar Barsoma, the most exalted of the chosen, and all *Malpans* that have existed, or may exist in the holy Syrian Church of God like unto them. It is always lawful for me to be subject, as is my duty, to the prelatial dignity of the exalted Peter III, Maran Mar Ignatius Patriarch who occupies firmly the Apostolic throne of Antioch as the very ancient Patriarch of the Apostolic Faith, and of the Syrians of Antioch and of all East comprising India, Malayalam &c. I bind myself always to acknowledge and obey his commands. I shall never deviate to the right or to the left, slightly or largely, from his words, canonical-decrees, and established laws and customs. I acknowledge fully that this promise of mine is like unto the promise of our Father, Abraham, Isaac and Jacob. (7) I shall never ordain any but persons competent according to the canons, as it is said 'Take ye for nothing and give ye likewise;' nor ordain any for gain; nor give Sacramental Ordination to any that is not 30 years old; nor depute any but married priests to govern churches; nor ordain (as Kathanar) a deacon who has married a widow; nor acknowledge, nor sanction, nor allow, nor endeavour, nor abet the acknowledgement of, any as priest who has married, or marries, a widow, before or after the Sacramental Ordination; nor ordain any, but after sufficient enquiry and examination, and but such as present themselves with the writ of the *Yogam*, which is genuine and free of all fraud and deceit; nor, in any manner, acknowledge, sanction or allow the acknowledgment of, nor have any communion or associate with, any that have been cursed or excommunicated by the holy Fathers of Antioch; nor be partial to any; nor ordain or render any other services to any out of the province to which I may be given jurisdiction from time to time; nor admit into churches any coming from other provinces, on whatsoever grounds, except after sufficient enquiry and on finding just, proper and satisfactory cause; nor perform, nor allow &c. the performance of, any spritual or religious services for any persons of the said class, but not admitted; nor fail to bear with fortitude, for the sake of our faith, all troubles and oppressions and sorrows arising from alien religionists; nor fail to appear at any place where Maran Mar Ignatius Patriarch of Antioch may require my presence, be there whatsoever impediments such as old age, illness &c.; nor do such prohibited acts,—such as one Metran consecrating another Metran,—as are against the ecclesiastical privileges conferred, or which may hereafter be conferred, upon me; nor act, nor cause to act, nor behave, nor cause to behave, contrary to the provisions, rules and canonical decrees expressly recited in this agreement. But if I should violate these, I believe perfectly that I shall be cursed, anathematized, and excommunicated from that very moment, as those that do, and acknowledge, such acts, would be. As *Korah* and Abraham, and with them 150 priests burnt incense as against Moses, the wrath of God descended on them, and the earth opened its mouth and swallowed them, and they and their priests were

consumed in the fire that proceeded from the holy presence of God: this too I believe. And may God turn me away from such deed. 8. My feeble self shall not at any time either openly or indirecly conduct myself, or cause any to conduct themselves, or act or cause others to act, or say or cause others to say, or assist or cause assistance to be rendered, or assent or cause to be assented to, or exert or cause others to exert themselves towards so conducting, acting or saying, anything, contrary to, or differently from, or opposed to, the provisions, rules or canonical decrees set forth in this agreement, or the numerous other canonical decrees, injunctions and laws which, ought to have been specified but which, for brevity's sake, have been omitted herefrom, or the injunctions, laws, customs and rules which have obtained equal force as the canonical decrees, or any commands of the Patriarchs who may from time to time succeed to His Holiness' office; nor act in violation hereof, or discarding commands, or as against such, or seceding to idolatry (?); nor betake myself to other ways contrary to the Jacobite faith; nor do nor acknowledge anything opposed to the past usages of our Syrian Church; nor hold any belief contrary to the creed of the three holy Synods. If I should do so, beyond that I shall be cursed and anathematized, as Satan and Cain were by God, by Apostle St. Peter the head of the Apostles, by his eleven brethren the disciples of Jesus Messiah, by Mar Ignatius Noronha, by the holy Fathers that met in the three holy Synods, by all Malpans inspired by the Holy Ghost, and by the exalted Pathros III, Mar Ignatius Patriarch, the steward of Jesus Messiah, and the co-adjutor of Apostle St. Peter, & by all his successors who may occupy the Apostolic throne of Antioch, I shall also be dismissed from the holy Church of God; and dismissed and excluded from Holy Communion, from the *Nalvaroms* I have received, and from my office; and divested of the white robe of the prelatial office: and may the wrath of the Lord descend on me. (9). I am liable to be cursed and dismissed from my office by Your Holiness by virtue of the power vested in Your Holiness according to the Gospel text, " .....(not clear"). Furthermore, it is competent for Your Holiness to dismiss me from all churches and to publish that I am a liar so that I may not be believed anywhere, if I should violate, in any way, this agreement executed by me of my own free will and consent, or any of my promises given above, in any of the ways above indicated, or if I should fail to observe the covenant properly & justly. When such is done by Your Holiness or Your Holiness' successors, I bind myself to pay two thousand & eight hundred & fifty (2850) British Rupees to Your Holiness or successors, and recover this deed. (10). I pray unto God and Our Lord Jesus Messiah for their blessings that I may be enabled and strengthened to fulfil rightly the terms of this covenant and to meet Him with cheerfulness of face on the Judgment day. I pray that it may be granted that I would be reckoned among the righteous and not among the false. (11). I confess before God, before His sacred Altar, and before the Holy Sacrament, that the holy Angels, the living Cross, and the worshipped Gospels, and this priestly congregation and honorable people are witnesses unto my promise. *Een Amen Barkammor Al Subukkono.* To this effect. 30th Chingom 1876 A. D.—corresponding with 30th Chingom 1052.

Witnesses hereto—Kora Jacob Kathanar of Cheriamattom in the Alleppey Karai. (Signature). Deacon Eipu Alexandrios of Venkidath in the Cottayom Karai. (Signature). Cherian Thommi of Pattasseri in the Veloor Karai. (Signature). Thommi Chakko of Thekkethalakkel. (Signature). Executed before these witnesses by Geverghese Dayaraya. (Signature). [Entries &c. made in the Registration office follow.] Registered in No. 2 in page 2 of Vol I of Book No. 3 of the Cottayom District Registrar's office on the 11th Kunni 1052. Copy granted to Mar Athanasius on the 8th Medom 1054.

RECORD.

PART II.

Exhibits &c.

No. 287.

No. 287.
Ext. 52.

EXHIBIT **52.**

Exhibit 52 is a Staticon similar to Exhibit 13, granted by the Patriarch to Murimattath Ivanius Metropolitan, giving him authority over St Mary's church in Kantanad, and the churches of Southern Paravur, Chempil, Kurinji, Puttumanur, Kanyatnirappel, Nechur, Mamalasseri, Piravom, Onakkur, Kolancheri, Kottur, Pampakudai, Ramangalom, Mulakkulom, Mannathur, Vadakarai, Kulikkat-kunnel, Puthuveli, Palakkulai and Kadamattom, on the 7th Idavom 1877. A.D.

No. 288.

EXHIBIT **55.**

[No. 288.
Ext. 55.

Exhibit 55 is a Staticon similar to Exhibit 13, granted by the Patriarch to Paulos Athanasius Metropolitan, giving him authority over St Mary's church in Cottayom, and the churches surrounding, viz;—Cottayom Valiapalli, Cottayam Puthenpalli, the chapel at Cottayom, Chengalom church, Puthupalli church, Vakathanom church, Puthusseri church, Puthenpalli at Vakathanom, Pallom church, Puthenpalli at Pallom, Kurichi church, Velianad church, Kallumkatharai church, Kumarakom church, Manarkat church, Pampadi church, Nalumnakkel church, Thuthakattil church and Neelamperur church, on the 23rd Medom 1877. A. D.

No. 289.

EXHIBIT **56.**

No. 289.
Ext. 56.

Exhibit 56 is a Staticon similar to Exhibit 13, granted by the Patriarch to Geverghese Kurilos Metropolitan giving him authority over St. Mary's Church at Ankamali, St. Thomas' Church in Northern Paravur, and the surrounding churches, viz; Akapparampu church, Kuruppompadi church, Cheriapalli at Kothamangalom, Pallikkarai church, Valiapalli at Kothamangalom and the churches at Kunnikurudi, Thuruthippalli, Rakkat, Manjapra, Peechanikat, Kottapadi, Vengola, Myvannur, Karakunnom, Pothanikat, Chelom, Vengur, Kathayi, Alappra and Marati, on the 23rd Medom 1877 A. D.

No. 290.

EXHIBIT **57.**

No. 290.
Ext. 57.
Copy of Deposition of Mar Kurilos in O. S. 202 of 1058 of the Ernacolum Munsiff's Court. Filed on the 29th Kumbhom 1059.

[Copy of Deposition (Malayalam) of Mar Kurilos in O. S. 202 of 1058 of the Ernacolum Munsiff's Court. Filed on the 29th Kumbhom 1059.]

Seal.

In No. 202 of 1058 on the file of the Ernacolum Munsiff's Court in the Cochin State.

Paper of Interrogatories submitted for the examination, by Commission, of Mar Kurilos Metropolitan of the churches of Ankamali &c.; resident in the

RECORD.

PART II.

Exhibits &c.

No. 290.
Ext. 57.
Copy of Deposition of Mar Kurilos in O. S. 202 of 1058 of the Ernacolum Munsiff's Court. Filed on the 29th Kumbhom 1059.
—*Continued.*

Puthencoor Syrian Church at Akaparampu in the Mekkavu Karai in the Chengamanad Proverthy in the Alengad District in the jurisdiction of the Paravur Zilla in the Travancore State; 2nd witness for Plaintiff.

1. Do you know Simon Mar Dionysius Metropolitan, the Plff., and Joseph Mar Dionysius Metropolitan, the Deft?————Yes.

2. Look into Staticon Ext. A. For what purpose, where and in whose favour was this executed? Does this bear witness' seal and Signature?———— It was granted to Plff at the Chalasseri Church in the Britisb Territory. Bears my seal and signature. It is (granted) so that the Pallikkar subject to the Edavagay of a Metropolitan may obey him, that the Pallikkar may make certain concessions and that the Metropolitan may govern them.

3. Is there the Patriarch's seal affixed herein? If there is, who affixed it? Did you witness the affixing of the seal and the granting of the Staticon? ————There are seals affixed. I have seen. His Holiness Pathros III, Mar Ignatius Patriarch of the holy Apostolic throne of Antioch, the chief seat of all Syrians of the holy Church of the Lord Jesus.

4. Did the Patriarch grant a similar Staticon to any other person at the time that Staticon A was granted, or before that?————He did.

5. If he did, state to whom all and on what grounds, if you know?———— To Mar Julius Metropolitan of the Thumpone Edavagay, to Mar Gregorius Metropolitan of the Niranom Edavagay, to Mar Athanasius Paulos Metropolitan of the Cottayom Edavagay, to Mar Ivanius Metropolitan of the Kantanad Edavagay and to Ourself. His Holiness the Patriarch divided the Churches in Malayalam into seven Edavagays and appointed a Metropolitan to each; and, therefore, the limits of churches, and their jurisdiction are set forth in the Staticons so that their jurisdiction may be defined.

6. If any of the Metropolitans so appointed are ruling, name them, and the respective Edavagays.————Mar Julius Metropolitan rules over the Thumpone and other churches; Mar Ivanius (?) Metropolitan over the Niranom and other churches; Mar Athanasius Paulos Metropolitan over the Cottayom and other churches; Mar Ivanius Metropolitan over the Kantanad and other churches; and Weover the Paravur, Ankamali and other churches.

7. Say who consecrated the witness as Metropolitan and to what church; and if he exercises the powers thereof.————The aforesaid Patriarch consecrated me. I exercise powers over the Edavagay of Ankamali-Paravur also.

8. Do you know of a Synod having met at the Parumalai Seminary? If you do, did witness take part therein?————I know of the meeting having taken place. We did not take part therein.

9. If so has this Plff been acknowledged?————I know of (people) having joined and acknowledged.

10. Did 1st Deft take part in that Synod or in the deliberations, or pass any resolution that day?————1st Deft did take part. I was not present at the deliberations and the passing of resolutions.

11. If he has, which other Metropolitans have joined in the resolutions? ————What I have heard is that all but Ourself were present.

12. To which diocese has the Patriarch appointed 1st Deft as Metropolitan?————To Quilon and other churches *and the affairs relating to the Seminary* (or-such affairs as those relating to the Seminary &c.).

(Signature).

4th Thulam 1058. (Sd.) Annathurai Aiyan, Plff's Vakil.

Received. 22nd Thulam '58. (Signed) Munsiff. Attended the Akaparamu church on the 4th Virschiigom 1058 and took the witness' deposition. (Signed) Narayana Pillai, Gumastah.

RECORD.

PART II.

Exhibits &c.

No. 290.
Ext. 57.
Copy of Deposition of Mar Kurilos in O. S. 202 of 1058 of the Ernacolum Munsiff's Court. Filed on the 29th Kumbhom 1059.
—*Continued.*

Deposition taken by the Paravur Zilla Court appointing a Commission.
(Signature)

(Signed)————————
Munsiff.

Note—This copy was prepared and granted according to order passed on Miscellaneous Petition No. 1689 of—59, presented with copy of diary by Vakil Kuruvila Thomman on behalf of Mar Thomas Athanasius Metropolitan, 1st Deft in O. S. 439 of 1054 on the file of the Alleppy Zilla Court.—27th Magarom 1059.

Seal

In Case No. 202 of 1058 of the Ernacolam Munsiff's Court.
Questions to be put in Cross-examination of 2nd witness for Plff.

1. Was it in the presence of the Patriarch or at some other place that witness affixed seal and signature in Saticon A?————It was at other place that the seal and signature were affixed.

2. Was it on the same date or on different dates that the Patriarch and witness affixed seals?————On different dates.

3. Are there the signature of the Patriarch and attestation by a Sirkar officer in Staticon A?————There is the Patriarch's seal. Not his signature. There is neither the attestation by a Sirkar officer.

4. Has witness got a Staticon? If he has, does it bear the Patriarch's signature, and attestation by a Sirkar officer?————Have got Staticon. It does not bear the Patriarch's signature. It is attested by a Sircar officer.

5. Were any others consecrated as Metrans on the same day as witness? If any, who?————Yes. Mar Gregorius Metropolitan of the Niranom Edavagay.

6. If any have been consecrated, has witness seen their Staticons? If he has, do they bear the Patriarch's signature, and attestation by a Sirkar officer.? ———— —We have seen. They are attested by Sirkar official, but do not bear the Patriarch's signature.

7. Where and to what place was 1st Deft. consecrated as Metropolitan? Does the Staticon he has got bear the Patriarch's signature, and attestation by a Sirkar officer?————At Merdeen. To what places, I do not know. I am not aware of the Staticon bearing seal and signature?

8. Was Plaintiff sojourning and travelling with the Patriarch for a long time?————Was sojourning and travelling.

9. When a deacon or a Kathanar has to be ordained, is it usual for the *Yogakkar* to sent a writ to the Metran?————In some cases, it must be sent. In other cases, it need not be sent.

10. If one comes ordained without the *Yogakkar's* writ, will he be received, and his perquisites given him, by the Pallikkar?————If he comes ordained by the Superior of the *Yogam*, he will be received and his perquisites will be given.

11. Did the Pallikkar give any consent to the Patriarch to consecrate Plff?————We do not know.

12. Were the Pallikkar, mentioned in this Staticon, assembled, and was the same read in their presence, to show that the Plff. was Metran?————I have heard that the Pallikkar were written to and that the Staticon was read.

13. Does Plff. exercise authority in any of the churches named in the Staticon? If he does, in what all churches?————I have known of authority being exercised over some churches such as.....(not clear). * * * *

RECORD.

PART II.

Exhibits &c.

No. 290.
Ext. 57.
Copy of Deposition of Mar Kurilos in O. S. 202 of 1058 of the Ernacolum Munsiff's Court. Filed on the 29th Kumbhom 1059.
—*Concluded.*

14. Did the Patriarch form an Association Committee at Mulanthuruthu? If he did, who was nominated as its President?————He did form. Dionysius Metropolitan.

15. Will not the attendants of the Patriarch sometimes obtain possession of the Patriarch's seal?————Never.

We read (the deposition). Geverghese Mar Kurilos Metropolitan, Superior of the Ankamali, Paravur and other churches in Malankarai. (Signature).

Kuruvila Thomman, Vakil for Defence. (Signature).

Received 24th Thulam 1058. (Signed) Munsiff.

Attended the Akaparampu church on the 4th Vrischigom 1054 (?) and took the witness' deposition. (Signed). Narayana Pillai, Gumastah.

Deposition taken by the Paravur Zilla Court appointing a commision.

Initials.

Signed————————
Munsiff.

Note (As above).
Levied Rs. 2.

No. 291.

EXHIBIT 58.

No. 291.
Ext. 58.
Ampattu Korathu Kathanar and another's letter to the late Mar Athanasius, dated 27th Magarom 1046—Filed on the 29th Kumbhom 1059.

[Ampattu Korathu Kathanar and another's letter (Malayalam) to the late MarAthanasius, dated 27th Magarom 1046—Filed on the 29th Kumbhom 1059.]

To be read unto the Right Reverend Mar Athanasius Metropolitan, our worshipful and glorified Father, by the priests standing in His Holiness' sacred presence, after the kissing of hand: Ampat Korathu Kathanar and Thokalil Vareed jointly submit that:—

When the post peon brought the orders issued under date the 24th Dhanu, I was at my maternal junior aunt's house at Kallarakkel, as she was dangerously ill. On my return after her demise, we opened the orders and read them. As the people here did not understand the purport of this order which came by Sirkar post, they imagined it to be the endorsement on the petition presented by us regarding Pulikote Achen's visit here. The matter seems to have been at once communicated by somebody to Pulikote Achen; and we hear that the visit to this place has been postponed. As no dispute has hitherto arisen in any church regarding his case, and as it is feared that it would be dangerous to open the rupture at a church where he does not command much influence, he has proceeded to Kunnikurudi concealing the real cause, and urging other grounds. It is rumoured that he is to proceed to Cochin through Vettikkel, that the chief Chaplain (lit:—Secretary) to a Bishop is coming out on a visit to see the churches, that he desires to see the Book of Maccabees &c., and that (he) has written to Pulikote Achen to arrange for same. But he perhaps forgets that, even though he requested, he failed to obtain an interview with the Bishop that came before. As it is a fact that the visit has been postponed, the orders are preserved without being published, so that the matter might be reported to His Holiness and orders obtained as to whether they should be at once shown to the *Yogakkar* or only when he should again contemplate the foolish step of visiting this place. As the purport of the order is kept intact, several are afraid; and even those who bestirred themselves in connection with Pulikote Achen's visit have withdrawn themselves from the movement. Therefore, we request to obtain a gracious command in reply as to what should be done, what we should do, and how His Holiness fares in health. Of us, when Korathu Kathanar, was at Kallarakkel in connection with the illness, he saw Pulikote Achen. Though the

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PART II.

Exhibits &c.

No. 291.
Ext. 58.
Ampattu Korathu Kathanar and another's letter to the late Mar Athanasius, dated 27th Magarom 1046—Filed on the 29th Kumbhom 1059.
—*Concluded.*

conversation turned on indifferent matters, what little he said is hereunder submitted. After saying that the proverb, "If you see an evil in incipiency, watch and you will see it everlong," is true, he said, "When, on my starting for foreign parts, I visited the Ankamali and Akaparampu churches, I got no help whatever from the churches, or the people or the clergy. Still, I thought that that disappointment would be atoned for. And now, I am perfectly satisfied. We have attained this stage through nobody's help. There was but the help of God. And that is sufficient for Us in future also." These are said with special care. To this effect. 27th Magarom 1046. (Two Signatures.)

(Address on the 4th page.)—To His Holiness, care of R. Ry. Punnan, *Asan* in the Seminary—Cottayom—Cottayom District.

(On page 4, there are also the *Unjel* and Court entries.)

No. 292.

EXHIBIT 59.

[Copy of Plaint (Malayalam) presented by Simon Mar Dionysius in O. S. 147 of 1056 of the Anjikymal Zilla Court.—Filed on the 28th Medom 1059.]

No. 292.
Ext. 59.
Cop of Plaint presented by Simon Mar Dionysius in O. S. 147 of 1056 of the Anjikymal Zilla Court.—Filed on the 28th Medom 1059.

Received 18th Vrischigom 1056.

Court Fee No. 2226. *Court fees—fanams* 35.

(Initialled) Ag. 1st Judge.

BEFORE THE ZILLA COURT OF ANJIKYMAL—COCHIN.

Mar Simon Dionysius, aged 46, residing in Erameesh Church, in Muttoncherry Muri, in Cochin Proverthy: Metropolitan of the Malankarai Syrian Churches in Cochin and British India. } Plff.

Mar Joseph Dionysius, aged 49, residing in the Syrian Seminary at Parumalai, in Kadappra Proverthy, Thiruvella Taluq, Quilon Zilla ..... } 1st Deft.

Geverghese Kathanar of Kuttikat, aged about 62, of Thiruvankulom Muri in Kanayannur Proverthy ..... } 2nd Deft.

Kuriala, aged 55, farmer, of the Thuruthyil house in the Kadungamangalom Muri in the said Proverthy ..... } 3rd Deft.

Werkey, aged 52, farmer, of Edappad house in the said Muri..... } 4th Deft.

Matthula, aged 45, farmer, Kavarai house, in the Irimpanom Muri, in the said Proverthy ..... } 5th Deft.

Eipu, aged 52, farmer, of Olayil house, in the Muringo Karai, in the Aykanad Proverthy, in the Kunnatnad Taluq in the Paravur Zilla ..... } 6th Deft.

Pothan, aged 42, of Veleth, in the Adu Karai in the said Proverthy ..... } 7th Deft.

Werkey, aged 32, farmer, of Paluparampu in the said Muri.....8th Deft.

Suit under section 12. (Regarding):—The Karingachira Syrian Church in Thiruvankulam Muri in the Kanayannur Proverthy.

Prays for a decree against the Deft. with costs declaring that the Plff, by virtue of the Staticon dated 7th Edavom 1877 issued in his favour by the Right

RECORD.

PART II.

Exhibits &c.

No. 292.
Ext. 59.
Copy of Plaint presented by Simon Mar Dionysius in O. S. 147 of 1056 of the Anjikymal Zilla Court.—Filed on the 28th Medom 1059.
—*Concluded.*

Reverend Maran Mar Ignatius Peter III, Patriarch of the Apostolic throne of Antioch and of all the East, the Spiritual Father and ruler of all the Syrian Christians, appointing him Metropolitan over the churches in British India and Cochin and the properties belonging to those churches, to look after and superintend the spiritual and temporal welfare of those churches, is the Metropolitan legally entitled under the said Staticon, to manage and rule over the church mentioned *in the margin*, (above) and included in the said Staticon, and the properties appertaining to it and that the management and charge of the said church and all matters connected therewith should be vested in him.

When the said Patriarch, Maran Mar Ignatius, came to Malankarai and was sojourning here, His Holiness, in supercession of the constitution of the Church of the Syrian Christians divided their churches into seven dioceses and appointed 7 Metropolitans to rule over them with a view to promote the the advancement of religion and the safety and good estate of the churches.

According to this arrangement the Plff. was, under the said Staticon, appointed Metropolitan over the diocese consisting of the churches in British India and Cochin with power to bind and loose, to administer justice, to make canons and rules for spiritual guidance, to dedicate churches, to consecrate chancels and tablets, to ordain Kassisas, Rambans, deacons and Kori-Episcopas, to appoint trustees and others, to remove disobedient people, to get the income from the churches and their properties, and tithes, collected, to see that the necessary expenses are made, to check all accounts and to be in charge of all the church matters. It was further determined that no Metropolitan shall exercise authority beyond his local jurisdiction and that, should any one persume to do so, he hall be divested of his office.

After the church noted *in the margin* (above) and all affairs connected therewith had come under the power of the Plff. by virtue of the said authority, he, on the 5th Karkadacom 1054, went and resided in that church under his right and at the request of the parishioners of that church. Thereupon, Defts 2 &c. at the instigation of the 1st Deft., and contrary to religious principles, addressed petitions to the Dewan and the Deputy Peishcar, representing that the Plff. is not a Metropolitan, that the said church is guided and ruled by the 1st Deft., and soforth. After enquiry into those petitions, the Deputy Peishcar, on the 5th of Makarom 1055, passed an order directing the Plff. to establish his right through Civil Court in accordance with the Royal Proclamation dated 20th Vrischigom 1052. The cause of action for this suit arose on the date of that order.

The estimated value of the claim sought to be established is 500 Rs

The Staticon in Syriac above referred to, together with a true translation of the same, is herewith filed.

16th Vrischigom 1056 corresponding to the 29th of November 1880.

(Signed and Sealed) Simon Mar Dionysius Metropolitan, Plff.

(Signed) Krishna Menon. Vakil.

I affirm that what is said in this plaint is wholy true.

(Signed and Sealed) Symon Mar Dionysius Metropolitan, Plff.

O. S. 147 of 1056.

Filed on the 19th Vrischigom 1056.

(Sd.) Ag. 1st Judge.

(True Copy)

(Sd). T. C. Poonen.

Ag. 1st Judge

[Entries made as to grant of copy].

RECORD.

PART II.

Exhibits &c.

No. 293.
Ext. 60.
Copy of Proceedings of the Alwye Zilla Court, dated 15th Vycausi 1049. Filed on the 28th Medom 1059.

No. 293.

EXHIBIT 60.

[Copy of Proceedings of the Alwye Zilla Court, dated 15th Vycausi 1049—Filed on the 28th Medom 1059.]

Proceedings of the Zilla Court of Alwye dated 15th Vycausi 1049.

Read Petition No. 982 of 1049 from Mar Dionysius praying to be made a Co-Deft. in O. S. No. 134 of 1049 on the file of this Court.

Heard also the Vakils for and against the motion.

ORDER.

The application is based on the ground that Mar Dionysius is the Metropolitan of the Syrian Churches and as such, exercising control over the Pallikaray Church to which the land in dispute belongs and that Mar Athanasius, the Plff, though once consecrated the Bishop of the Churches has been removed from his offiice by the Patriarch of Antioch.

2. It is admitted, however, that the Plff is the only Bishop whose appointment has been recognized by the Travancore Government and that the appointment of the applicant in supercession to the Plff, has not received recognition from the Sircar. Before his appointment is thus recognized, it is doubtful whether the Court can concede to Mar Dionysius the position he claims, in the face of the clearly and emphatically expressed opinion of the Sudr Court to the contrary in A. S. No. 154 of 1044.

3. Allowing that there is no scope for this doubt and that Mar Dionysius ought to be treated as the Metropolitan, if he proves he is, so momentous an issue as whether the Plff or Mar Dionysius is the legitimate Metropolitan of Malabar, cannot well be decided in so trivial a suit as the present one, which is simply for the recovery of a few Paras of land leased on Venpattom to the Deft by Plff's agents.

4. It may be that, by the nature of the plea raised by the Deft in this case the Court may have to go into this question incidentally to determine the Plff's right to sue, but this certainly is far different from making this the principal issue in the case and that between two contending Bishops.

5. The interests of Mar Dionysius cannot suffer by the result of the present suit, as when he establishes in a regular suit that he is the legitimate Metropolitan. I believe the Church with all its property including the disputed land, will pass over to him, even in the event of the Plff's succeeding in this action.

6. I would therefore refer Mar Dionysius to a separate suit and decline to grant the prayer.

Each party will bear his own costs of this motion.

Declared in open Court this 15th day of Vycausy 1049.

(Signed) T. R. Narayana Pillai, Ag. Judge.

(True copy)

(Signed) T. R. Narayana Pillai Ag. Judge.

Compd.
A. K. P.

[Entries as to grant of copy.]

RECORD.

PART II.

Exhibits &c.

No. 294.
Ext. 61.
Copy of Ext. GG, filed in the High Court on the 25th Medom 1060. The names of the Signatories alone are printed.

No. 294.

EXHIBIT 61.

[Copy of Ext. GG, filed in the High Court on the 25th Medom 1060. The names of the signatories alone are printed as requested by Vakil for Appellant in the Royal Court of Final Appeal, under list presented on the 10th Chingom 1062].

(Signature of the Patriarch.)

Mar Dionysius Metropolitan (Signature) (Seal)

Ankamali, Akaparampu church.

Thalathuveettil Ittimatthu Kathanar	(Signed)
Chakkara-akathoot David Kathanar	(,,)
Kooren Jacob Kathanar	(,,)
Pyliparampil Matthu Ittoop	(,,)
Ampat Matthu Thariyathu	(,,)
Thelapallil Verghese Matthai	(,,)

Niranom church.

Mathakkel Behanan Kathanar	(,,)
Panakkamattom Matthai Kathanar	(,,)
Kanyantharai Ninan Kathanar	(,,)
Karikote Mattakkel Daniel Kathanar	(,,)
Elenjikkel Matthu Chakko	(,,)
Mattakkaveettil Perumal Chakko Vydien	(,,)
Pallikkadavil Chakko Kuncheria	(,,)
Varathara-pallom Mammen Matthai	(,,)
Puthuppallil Varkki Kochuvarkki	(,,)

Arthat, Kunnankolum and other churches.

Panakkel Jacob Kathanar	(,,)
Do. Patthappen Eipuru	(,,)
Do. Iyakku Tharu	(,,)
Do. Verghese Ittyerah	(,,)
Kakkasseri Iyakku Eapen	(,,)

Pallikkarai church.

Kocheril Paulos Kathanar	(,,)
Kallaparai Pathrose Kathanar	(,,)
Papparai Matthu Matthula	(,,)

Manjappra church.

Arakkaparampil Abraham Kathanar	(,,)
Do. Ittyachen Werkey	(,,)

Mamalasseri church.

Manankote Paulos Kathanar	(,,)
Edayatthu Werkey Cheria	(,,)
Thurutthikkat Korothe Matthu	(,,)

Piravom church.

Karamel Abraham Kathanar	(,,)
Puthenpurakkel Deacon Thomas	(,,)
Thalyachira David, Deacon	(,,)
Karamel Ittiavira Ulagannan	(,,)

Pothanikat church.

Chettyankudyil Geverghese Kathanar	(,,)
Do. Pyli Cheria	(,,)

Mulakulom church.

Muramthookkil Paulos Kathanar (Signed)
Do. Ousep Chandi (,,)
Chandyadath Chandy Paulos (,,)

Southern Paravur church.

Palathunkel Thomma Kathanar (,,)
Kochupalathunkel Matthai Kathanar (,,)
Thopil Lukos Kathanar (,,)
Velayangat Deacon Geverghese (,,)
Kochupalathunkel Paulo (,,)
Kottur Ulahannan (,,)

Puttumanur church.

Kannayth Simon Kathanar (,,)
Palyal Kuriaku Kuriaku (,,)
Kannayth Itten Werkey (,,)

Vadakara church.

Chelaparambath David Kathanar (,,)

Kurinji church.

Ulagannen Matthai Kathanar, Vicar (,,)
Naduthudyil Itten Kochuru (,,)
Palal Werkey Ittoop (,,)

Kottur Nasrani church.

Chennakat Paulos Kathanar (,,)
Murimattathil Paulos Kathanar (,,)
Chennakat Yohannan Kathanar (,,)
Kochupurakkel Kurien Eipu of Murimattom (,,)
Gnattuvettil Werkey Chakko (,,)

Kolancheri church.

Kallanikkel Paulos Kathanar (,,)
Kunnath Pathros Kathanar (,,)
Therungkel Yowsep Kathanar (,,)
Palayil Ittoop Matthu (,,)
Kallunkel Kurien Thomma (,,)
Eylur Werkey Matthula (,,)

Kannyatnerappel church.

Perumpa-puthenvettil Matthai Kathanar (,,)
Edapallimattom Deacon Philipos (,,)
Mureekkel Deacon Matthai (,,)
Perumpa-puthenveettil Paulos Cheria (,,)

Srayi-Cheriapalli.

Malavencheriparampath Jacob Kathanar (,,)

Nadamel church.

Vadayadi Geverghese Kathanar (,,)
Kalarikkel Iscariot Kathanar (,,)
Mookkencheri Cheriathu Cheria (,,)
Manjali Werkey Pyli (,,)
Vadayadi Werkey Matthu (,,)
Pattasseri Werkey Werkey (,,)
Manet Porothu Thommen (,,)

Maratti church.

Kuttipulai Paulos Kathanar (,,)

Rakkat church.

Onat-thottathil Kuruvilla Kathanar (,,)

Pampakudai church.

Konat Yohannan, Malpan (Signed)
Konat Puthenpurakkel Matthen Kora (,,)

Palanji church.

Cheeren Ittoop Kathanar (,,)

Kantanad church.

Karote Simon Kori (,,)
Padathukaren Abraham Kathanar (,,)
Punnachalil Geverghese Kathanar (,,)
Karimankulom Yohannan Kathanar (,,)
Tholuppaden Paulos Kathanar (,,)
Thukalen Matthu Paulos (,,)
Karavattu Koruthu Kora (,,)
Thukalen Chummaru Paulos (,,)
Pallivathukkel Werkey Werkey (,,)

Manthuruthel church.

Cheruthottil Geverghese Kathanar (,,)
Kadapurath Paulos Kathanar (,,)
Varikkacheril Deacon Kuriakos (,,)
Arikupurom Porotha (,,)

Cochin Fort church.

Mattammel Matthai Kathanar, Vicar (,,)
Pallipparampil Chummaru Daniel (,,)

Kunnakuridi church.

Pulyanad Itthappiri Kathanar (,,)
Vettikolikkel Cheriathu Werkey (,,)
Vengacheri Matthai Pyli (,,)

Ramangalom church.

Mangachalil Geverghese Kathanar (,,)

Thiruvella Valiapalli.

Kovur Geverghese Kathanar (,,)
Kodykat Jacob Kathanar (,,)
Do. Geverghese Geverghese (,,)
Thekkepynummoottil Koshi Werkey (,,)
Puthenpurakkel Matthu Kochitty (,,)
Kongkarai Ikka Umman (,,)
Peedyakkel Idikkuruvilla Werkey. (,,)

Kurichi church.

Kolathukalathil Kuruvilla Kathanar (,,)
Edathikunnel Thommi Matthen (,,)

Nellikkel church.

Chunkathil Yacob Kathanar (,,)
Malayathu Geverghese

Ayroor church.

Mavelil Geverghese Kathanar (,,)
Kuttikkandatthil Chakko Thomma (,,)

Kattur church.

Vattaparampil Deacon Abraham (,,)
Vadaseriakathu Idichandi Eipa (,,)

Mallappalli church.

Pyampalli Geverghese Avirah (,,)
Kyalathu Chakko Potha (,,)
Valakulikkel Eipa Verghese (,,)

Kallisseri church.

Pulimoottil Abraham Kathanar
Thuntyil Thoma Kathanar (Signed)
Pallenparampil Matthula Ittiavirah (,,)
Pachamkulath Ittiavirah Chakko (,,)

Pampadi church.

Kadavumbhagath Thommen Thommen
Karinganamattathil Kurien Chakko (,,)
Karote Kurien Itty (,,)

Nalumnakkel church.

Puthuparampil Geverghese Kathanar (,,)

Kypattur church.

Peedikayil Abraham Kathanar, Vicar
Neduvelil Chakko Geverghese { ,, }
{ ,, }

Omallur church.

Peedikayil Abraham Kathanar (,,)

Kadamattom church.

Thekkelakat Geverghese Kathanar
Muntenchira Thommen Werkey (,,)
Chengal Itthapiri Itthaku (,,)
(,,)

Thumpamon (Thumpone) church.

Karingattil Iscariot Kathanar
Kanicheril Korathu Kiriapilla (,,)
(,,)

Kodassanad church.

Thekkedath Yohannan Kathanar, Vicar (,,)
Valiaveettil Kuruvilla Koshi (,,)
Keepallil Thommen Thommen (,,)

Channanappalli church.

Karingattil Iscariot Kathanar. (,,)

Puthuppalli church.

Padinjarekoottil Yacob Kathanar.
Parakkel Mani Esau. (,,)
Elamalai Mani Mani. (,,)
(,,)

Cottayam Valiapalli.

Edavalikkel Geveghese Kathanar.
Ottathiekkel Thommen Mani. (,,)
(,,)

Chelakkara church.

Karikote Daniel Kathanar, Vicar.
Konnakkel Matthula Cherian. (,,)
Chettupalli Pothan Chandy. (,,)
(,,)

Peechanikat church.

Kooren Paulos Kathanar.
Thelappallil Ittyavirah Geverghese. (,,)
Poonthra Werkey Yowsep. (,,)
(,,)

Maluvannur church.

Kulangattil Yowsep Kathanar.
Madaparampil Verghese Matthu. (,,)
(,,)

Chempil church.

Manaprom Thomma Kathanar.
Maliakkel Ulahannan Thommen. (,,)
(,,)

Neelamperur church.

Mali Elias Kathanar.
Panachithra Thommen Kuruvilla. (,,)
(,,)

Nasranithundyil Kurien Kurien. (Signed)

Puthenkauu church.

Alummoottil Pathros Kathanar. (,,)
Puthenpurakkell Mammen Eapen. (,,)
Kollemparampil Kunjena Eapen. (,,)

Kuruppompadi church.

Veliath Geverghese Kori-Episcopa. (,,)
Thottathil Deacon Matthu. (,,)
Thompra Deacon Geverghese. (,,)
Kallarakkel Kora Werkey. (,,)
Thuruthyil Matthai Werkey. (,,)
Manjammakudi Matthu Pyli. (,,)

Chennithala church.

Kottatthuvilayil Geverghese Kathanar. (,,)

Kothamangalom Valiapalli.

Irumalai Yowsep Kathanar. (,,)
Srampikudi Werkey Werkey. (,,)
Thakkirikka Werkey Pavu. (,,)

Kumarakom church.

Ummacheril Abraham Kathanar. (,,)
Muripurakkel Pothen Kuruvilla. (,,)
Kalathiparampil Kurien Itty. (,,)

Kottappadi church.

Irumalai Yowsep Kathanar. (,,)
Manjammakkudi Matthu Pyli. (,,)
Srampikudi Werkey Werkey. (,,)

Kallurparai church.

Kallur Philipose Kathanar. (,,)
Pannikote Eapen Potha. (,,)

Kallumkatharai church.

Muppathyil Iscariot Kathanar. (,,)
Kalapurakkel Chakko Cherian. (,,)
Puthenkalathil Ulahannan Chakko. (,,)

Mavelikarai church—Thalakkara.

Vadakkethalakkel Idichandi Kathanar. (,,)
Polachirakkel Puthenveettil Ummammen Idichandi. (,,)
Vadakkeveettil Eipu Geverghese. (,,)

Palakkulai church.

Kulirankel Thomma Kathanar. (,,)
Venat Kuruvila Matthai. (,,)

Cheppat church.

Puthenveettil Matthen Kathanar. (,,)
Do. Philipose Kathanar Kochu Koshi. (,,)
Tharayil Ittoop Itty. (,,)

Karingachira church.

Kuttikat Geverghese Kathanar. (,,)
Karuthedath Philipose Kathanar. (,,)
Kulyanjal Geverghese Kathanar. (,,)
Cheruthottil Kurien Werkey. (,,)

Pallippad church.

Kymaveettil Matthen Kathanar. (,,)
Vengalil Matthen Geverghese. (,,)
Arayakulangarai Matthen Matthen. (,,)

Karichel church.

Puthenveettil Matthen Kathanar. (Signed)
Kulangara Kilakkethil Matthen Koshi. (,,)
Kaniyanvadakkethil Chakko Chakko. (,,)

Velianad church.

Kannote Abraham Kathanar.
Puthenpurakkel Uthuppan Thomma. (,,)
Valayil Uthuppan Thomma. (,,)

Thuruthippalli church.

Thuruthyil Abraham Kathanar. (,,)

Pallom church.

Edathumpadikkel Thommen Kurien (,,)
Parappurom Kurien Ulahannen (,,)

Cottayom Cheriapalli.

Venkidath Alexandrios Kathanar (,,)
Do. Deacon Alexandrios (,,)
Kunnumpurath Kora Kurien (,,)
Kanjirathil Ittyavira Cherian (,,)
Vanchithara Chakko Chandi (,,)
Komadathuseri Avira Verghese (,,)

Kothamangalom Cheriapalli.

Pallimali Geverghese Kathanar (,,)
Chelat Geverghese Kathanar (,,)
Puthukkayil Kuruvilla Mathu (,,)
Chelat Ausep Matthu (,,)
Kakkakudi Thomma Kathanar Werkey (,,)

Manarkat church.

Venkidath Alexandrios Kathanar (,,)
Do. Eipu Matthu (,,)
Parampukarai Eipu Cherian (,,)

Mavelikarai-Puthiyakavu church.

Panikker Jacob Kathanar, Vicar (,,)
Vilanilath Geverghese Kathanar (,,)
Kanjirathummootil Perumal Philipose (,,)

Mulanthuruthu church.

Thoppil Iscariot Kathanar (,,)
Palakkat Geverghese Kathanar (,,)
Chalapurom Yacob Kori-Episcopa (,,)
Malil Cheria Kunjikora (,,)
Edampadom Kuruvilla Ittyavirah (,,)

Srayi church.

Malavencheriparampath Korutha Kunjipyli (,,)

Cottayom Puthenpalli

Kunnumpurom Yacob Kathanar (,,)
Eruthikkel Iscariot Kathanar (,,)
Nettasseril Mani Ittyavirah (,,)
Eruthikkel Kunjuthommen Chandy (,,)
Elanjithara Kurien Kurien (,,)

Karakkel Church.

Kadavil Abraham Kathanar, Vicar (,,)
Puthenpurakkel Kuria Kochu Kuria. (,,)

Thalavadi Kilakkekarai church.

Kanyantharai Yowan Kathanar, Vicar. (,,)
Amtataliputhenpurakkel Chandy. (,,)

(Signed)

Adangapurath Kodikkel Matthu Matthu. (,,)

Thiruvella Puthenpalli.

Kodykat Jacob Kathanar. (,,)
Kollamanai Idikkula Matthu. (,,)

Kattanom church.

Valyalathu Matthunni Matthan. (,,)
Kuttyil Thomma Koshi (,,)

Viyapurom church.

Purakkel Matthai Kathanar. (,,)
Theveril Ummammen Verghese. (,,)

Karuvatta church.

Manachirakkel Deacon Geverghese. (,,)
Manachera Puthenpurakkel Idikkula Werkey. (,,)
Nedungote Koshi Idikkula, (,,)

Anaprampal church,

Varikulathil Matthen Matthen. (,,)
Puthenpurakkel Mammen Mammen. (,,)

Thalavadikuli church.

Pynummoottil Geverghese, Vicar. (,,)
Chekkalayil Chandi Kochandi. (,,)
Kumpalath Ittyavira Chakko (,,)

Nechur church.

Cholathil Abraham Kathanar. (,,)

Chalasseri church.

Cheeren Ittoop Kathanar, Vicar (,,)
Thompra Pathros. (,,)

Chengalom church.

Yacob Kathanar, Vicar. (,,)
Mundat Eipa Eipu. (,,)

Kayenkulom church.

Pallithottathil Idicheria Kunjuthommi. (,,)
Alummoottil Lohannan Matthen. (,,)
Paramel Idichandi Koshi. (,,)

(True copy)

(Signed) T. C. Krishna Menon.

Copyist—Narayanaiyen.

No. 295.

EXHIBIT **62.**

[Endorsement dated 3rd March 1869 on Petition presented by Plff. to the Madras Government. Filed in the *High Court* on the 1st Vycasi 1060.]

Extract from the Register of Petitions disposed of by Order of the Madras Govt. in the Residency of Travancore and Cochin.

No. of Petition in Govt. office.	Name of Petitioner.	Substance of Petition and Government Order.	Date of Disposal.	How disposed.
408 of 1869.	Right Reverend Mar Dionysius, Bishop and Metropolitan of the Syrian Christians of Travancore and Cochin.	Prays that the Dewan's Circular No. 2465 complained of may be ordered to be cancelled. Government Order. It is clear from the papers forwarded with the above petition that Mar Athanasius is in possession of the churches of the Syrian Community in Travancore and that the object of the Petitioner Mar Dionysius is to dispossess him. His Excellency in Council is therefore of opinion that the advice conveyed to the Petitioner in para 4 * of the Dewan's letter of the 4th July 1866 is quite unimpeachable. The Government decline to interfere in the matter. (Signed) W. S. Lilly, Under-Secretary to Govt. 3rd March 1869. (True copy.) (Signed) Bonham Faunce, Major, Ag. Asst. Resident.	6th April 1869.	Forwarded to the Dewan of Travancore for delivery to Petitioner.

* The only satisfactory course however for the dissentient parties to pursue would be to effect a compromise and failing that to go to Law. If the case of one church be taken to Court and this decided, the principle involved would be settled and will apply to all similar cases.

(Compd.) Itd. T. S.

NO. 296.

MISCELLANEOUS RECORDS.

Miscellaneous Records printed at the request of Vakil for Appellant in the Royal Court of Final Appeal.

No. 296 A.

[Petition presented by Plff.'s Vakil in 1058 requesting to examine the Patriarch as a witness.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by G. Kochukunju Menon, Vakil for Plff. in O. S. 439 of 1054 of the said Court.

The undermentioned witnesses and documents also appear to be essential to prove the Plff.'s case. The important witnesses mentioned in the original schedule, in Nos. 4, 47, 67, 93, 143, 265, 223, 245, 279, 314 and 324 are now dead. Therefore, the undermentioned witnesses 1 to 6 have to be put in in their places.—As the Plff. does not desire to multiply witnesses, and as a petition is now put in for the acceptance of fresh evidence, he dispenses with witnesses Nos. 124, 167, 168, 169, 170, 171. 173, 387, 391, and 394, of the said schedule and prays that witnesses 2, 3, 4 and 7 named below be summoned to produce documents only, and that witnesses 8, 9, 10, 11, 12, 13 and 14, though included in the original schedule, should, as some of the documents which the aforesaid witnesses are now cited to produce have not as yet been produced by others who were required and informed to produce them, and as the other documents appear not to have been included in the previous application, and as these documents are very important items of evidence for the Plff., the failure to file which might be fatal to Plff's case,—be summoned to produce documents. The aforesaid witnesses required to produce documents or give evidence should be summoned as hereinunder shewn. As the 1st witness resides in foreign parts, he should be examined by a Commission on interrogatories, and required to have the documents produced.

Of the above, witnesses 7, 8, 9, 10, 11, 12, 13, and 14 are the witnesses named in Nos. 121, 153, 81, 148, 220, 255, 166 and 382 respectively of the original schedule of witnesses.

Name &c. of Witnesses.

(1.) Pathros III, *Maran Mar* Ignatius of the Apostolic See of Antioch and all East; residing at the *Kurkma-dayara* at Merdeen in Asiatic Turkey. (2). Record-keeper of the Palace.—Trivandrum. (3.) Record-keeper of the Huzur Cutcherry.—Trivandrum. (4.) Karote Cherian Thommi, of Puthenangadi, in the Vedloor Karai in the Cottayom Proverthy. (5). Deacon *Ber Salbe*, a foreigner residing in the Puthenpalli at Cottayom. (6.) Thoma Makkudisa Bar Makkudisa Osio, a foreigner residing in the said church. (7.) Edavallikkel Geverghese Kathanar of the Angadi in Cottayom, in the Cottayom Proverthy. (8). Karote Chandy of Puthuppalli Muri in the Puthuppalli Proverthy. (9.) Pulianad Isaac Kathanar of Mannur Karai in Maluvannur Proverthy. (10.) Putthiyamattathil Chakko Matthu of Kurichi in the Manchadikarai Proverthy. (11). Kantathil Mathula Potha of the Vallomkulom Muri in the Kavyur Proverthy. (12). Peedikayil Geverghese Kori Episcopa of the Puthenpeedika Muri in the Omallur Proverthy. (13). Chalakuli Makkudisa Gabriel of Kavumbhagom Muri in the Thiruvella Proverthy. (14). Kalarikkel Iscariot Kathanar of the Nadamel Muri in the Neentakarai Proverthy in the Kanayannur Taluq.

RECORD.

PART II.

No. 296. Miscellaneous Records.

296 A. Petition presented by Plff's Vakil before the Zilla Court on the 15th Magarom 1058. —*Continued.*

Documents to be produced by 1st Witness.

1. Letters addressed to the Patriarch of Antioch, from the earliest times, by the native Metrans or people of Malankarai, or both together, relating to any affairs conducted, or to be conducted, or requiring to be conducted, in the Syrian Church in Malankarai.
2. Copies kept of replies sent to such letters.
3. Book containing the particulars of Metrans sent by the See of Antioch to Malankarai from the earliest times, and of such as were consecrated in Malankarai by issuing Staticons and orders.
4. Reports sent by such Metrans from Malankarai, and letters sent by them relating to the Church in Malankarai.
5. Copies of other letters and Staticons sent to Malankarai by the Patriarch.
6. Copies kept of letters addressed by the Patriarch, relating to the Malankarai Church, to the Maharajahs of Travancore and Cochin, the British Resident and the British Government.
7. Letters sent from Malankarai regarding the remittance of Rassisa; the accounts kept of receipts in that item; and copies of letters kept, addressed relating to same.
8. Replies received to the representations made to the British, Madras, Cochin and Travancore Governments to have the Royal Proclamation dated 15th Karcadagom 1027, set aside.
9. The deeds of consent presented by the Pallikkar of Malankarai at the Mulanthuruthu Synod.
10. The affidavit executed to the Patriarch by the late Athanasius at the time of his consecration as Metran.
11. Evidences to show from what period the Patriarch began to exercise authority over the Malankarai Syrian Church.

Documents to be produced by 2nd witness.

1. Letter addressed to His Highness the Maharajah of Travancore by the Patriarch of Antioch, to render assistance to the late Mar Athanasius, as he was being sent down consecrated as Metran over the Syrians in Malankarai.
2. Petitions presented to the Palace by the late Athanasius, before the issue of the Proclamation dated 15th Karkadagom 1027.
3. Letter addressed to His Highness the Maharajah of Travancore by the Patriarch, to render assistance to Mar Dionysius, the Plff. who was being sent down consecrated as Metran of Malankarai.
4. Petition presented to the Palace by Plff. praying that Royal Proclamation may be issued in his favour.
5. Petition presented to the Palace by the Patriarch of Antioch to set aside the Royal Proclamation of 1027.
6. The decisions passed by the Secretary of State for India and the Madras Government on the representations made by the Patriarch to have the said Royal Proclamation set aside, and presented to the Palace by him.
7. Copy of the Memorandum submitted by the Travancore Government to the Madras Government relating to the Royal Proclamation dated 23rd Kumbhom 1051, before that date.

Documents to be produced by 3rd witness.

1. Petition presented to the Huzur by the late Athanasius, before the issue of the Royal Proclamation dated 15th Karkadagom 1027.
2. Petition presented by Mar Dionysius Metropolitan, the Plff. to the Huzur to set aside the said Proclamation.

RECORD.

PART II.

No. 296. Miscellaneous Records.

296 A. Petition presented by Plff's Vakil before the Zilla Court on the 15th Magarom 1058. —*Continued.*

3. Petition presented to the Huzur by the Patriarch of Antioch to set aside the said Proclamation and to issue one in Plff's favour.
4. The letters addressed by the Patriarch to the Maha Rajah of Travancore when the late Athanasius and Plff. were sent down consecrated, if they have been forwarded to the Huzur.
5. Petitions presented to the Palace by the late Athanasius and Plff. at the respective times to have Proclamation issued, if they have been received in the Huzur.
6. Petitions presented to the Palace by the Patriarch, to set aside the Proclamation of 1027, if they have been received in the Huzur.
7. The decisions passed by the Secretary of State for India and the Madras Government on the petitions presented by the Patriarch to have the said Proclamation set aside, presented by him.
8. Copy of the Memorandum adressed to the Madras Government by the Travancore Government, with respect to the Royal Proclamation dated 23rd Kumbhom 1051, before the said date.

Document to be produced by 4th Witness.

1. The printed Notice sent by the late Athanasius, about 1048, to the witness with respect to the raising of funds for the purchase of a press for the Seminary at Cottayom, if witness has it.

Documents to be produced by 7th Witness.

1. Endorsement received to the petition presented by witness' elder brother, the late Kori Philipose Kathanar, to the Resident, about the time that the invested funds were delivered to Mar Athanasius.
2. The order sent to witness' church by the Patriarch relating to the meeting of the Synod at Mulanthuruthu.
3. The order sent to the said church by Plff relating to the meeting of the Synod at Parumalai.
4. The copy of the deed of consent sent through the delegates of that church to the Mulanthuruthu meeting, if it has been preserved.
5. The accounts written by the trustees of the church, of Rasisa collected and delivered to the Metrans to be forwarded to the Patriarch.
6. The writings shewing what has been done in that church relative to the Association Committee, and account of *Kymuthu* fees.
7. The accounts, if any, of the funds raised from churches for the purchase of the press and the Nenthraveli paddy-land, by the late Athanasius.

Documents to be produced by Witnesses 8, 9, 10, 11, 12 and 14.

Those described in items 2 to 7 of the list of documents to be produced by the 7th Witness.

Documents to be produced by the 13th Witness.

1. The writings, if any, among the records of the late Mar Kurilos, shewing that the people of the Malankarai Church acknowledge the authority of the Patriarch of Antioch.
2. The orders, if any, sent by the Patriarch through the said Kurilos, relating to the Church in Malankarai.
3. The writings, if any, shewing the relationship subsisting between the Patriarch of Antioch and the Syrian Church in Malankarai.
4. The endorsements or orders, if any, received by the late Cheppat Mar Dionysius and Mar Kurilos, from the Resident's office and the Madras Govt.

15th Magarom 1058. (Signed) Vakil—Fee tendered herewith.

(ORDER.)

The examination of the witnesses named in the petition is allowed. The documents required to be produced by the witnesses, except the first three, cannot now be admitted. The Vakil's verbal statement that he had no knowledge before, cannot be accepted as a satisfactory reason. The documents to be produced by witnesses 2 and 3 cannot be impugued as newly fabricated. As the 1st witness resides in a distant country, I think the failure as yet to have the documents produced therefrom, should be leniently considered.

19—6—58—(Itld.) T. C. K. M.

No. 296 B.

296 B. Petition presented by Plff.'s Vakil before the Zilla Court on the 28th Kunni 1058.

[Petition presented by Plff.'s Vakil on the 28th Kunni 1058.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakil P. J. Punnan in O. S. 439 of 1054 of the said Court.

As it was (but) subsequently that (we) came to understand that witnesses Nos. 152, 159, 89, 112, 141, 25, 102, 351, 233, 117, 220, 130, 287, 281, 372, 282, 81, 129, 143, 149, 166, 118, (372), 119, 371, 373, 384, 115, 147, 212, 92, 23, 59, 126, 156, 182, 190, 197, 153 and 319 of the schedule of witnesses presented on behalf of Plff., are acquainted with the facts bearing on issues 2 to 7, we were unable to cite them as witnesses for those issues also, when the schedule was presented; and as, at present, the investigation is confined to issues 1 to 7 alone and does not extend to the issues to prove which they were cited, and as it was thought that the facts which it was expected could be elicited in their examination, would prove most of the facts bearing on issues 2 to 7, and as all of those issues are not to be tried at present; prays that the Court may be pleased to examine the aforesaid witnesses with respect to issues 2 to 7 also.

28th Kunni 1058. Fee herewith tendered.

(Signed) P. J. Punnan, Vakil.

(Order.)

Heard Vakils for both parties with respect to the prayer contained in this petition. The witnesses mentioned in the petition will be examined with respect to issues 1 to 7 also. All of them appear to be witnesses cited under the original schedule.

28th Purattasi 1058. (Itld.) G. S. A. P.

No. 296 C.

296 C. Petition presented by Defence Vakil before the Zilla Court on the 19th Magarom, 1058.

[Petition presented by Vakil for 1st Deft. in Magarom 1058.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakil Narayana Menon on behalf of 1st Deft. in O. S. 439 of 1054 of the said Court.

1. Request has been made on behalf of Plff. that certain Witnesses not cited in the schedule presented previously, should be examined, and that certain documents not previously required to be produced, should be called for.

2. There is no ground to make the aforesaid request at this stage.

3. Not only is it long since this suit was filed, but also 29 witnesses for Plff. have been examined, and Plff.'s examination as 1st Deft.'s witness with respect to 7 issues has been finished.

4. As an unusual number of witnesses has been cited in this case and as several documents open to question have been produced at different stages, if it was necessary to examine, or call for, the witnesses or documents mentioned in the petition in question, and if the documents did all exist at the time, they would have been mentioned in the Plff.'s 1st Schedule of witnesses or in the petition presented giving a second list of 40 witnesses to prove the 7 issues.

5. The Plff has put in schedule of additional witnesses and documents to maunfacture evidence to meet the contentions of defence, after knowing same and the defects of his case so far as it has proceed.

6. The documents which ought to have been filed with the Plaint and which the Defence questions, were produced long after the Defts' written statements were put in; and it is admitted that they were in Plff's possession. The admission of evidence that ought to be tendered at the first instance, when produced in instalments after knowing the contentions set up by defence, will afford facilities for the fabrication of false evidence. Such an objection was raised by Plff when certain Sirkar documents were produced for Defence. But these were admitted as they were unquestionable documents, such as orders of Court &c. The documents mentioned in the Plff's petition are however mostly such as can easily be fabricated.

7. The Plff. is examining witnesses to bring on record secondary evidence regarding some of the documents now sought to be filed; and if they really exist, they should be produced before the witnesses are examined.

8. The other points to be urged in this matter will be verbally represented.

Prays therefore that the Court may be pleased to disallow the production of the documents and the examination of the witnesses now sought to be filed or summoned. 19th Magarom 1058.

(Order.)

The objections now raised with regard to documents already admitted will not be heard. Of the documents now sought to be filed, those to be obtained from such unquestionable sources as the Huzur, Residency and Palace, and from the Patriarch at such a distance, will be allowed to be produced. Thought it would have been better had the documents in the Patriarch's custody been produced before, secondary evidence was allowed to be adduced in respect of them at first, in consideration of the expense and delay which their production would entail. But as the Plff. is prepared to bear the costs, and as delay is unavoidable at any rate, and as the examination of the Patriarch appears to be indispensable in the case, the present prayer to call for the original documents is allowed. As the other additional witnesses appear to be cited in the place of those of the originally cited witnesses, who are now dead or otherwise disabled from appearing, the prayer with respect to them is also allowed.

(Sd.) T. C. Krishna Menon.

RECORD.

PART II.

No. 296.
Miscellaneous Records.

296 D.
Petition presented by Defence Vakil before the Zilla Court on the 2nd Kumbhom 1056.

No. 296 D.

[Deft's Petition dated 2nd Kumbhom 1056.]

BEFORE THE ALLEPPY ZILLA CIVIL COURT.

Petition presented by Vakil Koshi on behalf of 1st Deft. O. S. 439 of 1054.

Plaintiff—The person called Mar Dionysius Metropolitan, resident in the Parumalai Seminary in the Kadapra Proverthy; President of the Syrian Christian Association Committee in Malankarai.

Defts:—Mar Thomas Athanasius Metropolitan and five others.

I learn that the summons issued to the Plff herein as witness for defence, and to produce certain documents has been returned unserved on the ground that he was not in his residence. Prays therefore for issue of process to Plff's Vakil P. J. Punnan to cause attendance of Plff. with the documents named below:—

Description of documents:—

1. Endorsment No. $\frac{2530}{157}$ dated 4th July 1866, on the petitions presented by Plff. to the Huzur on the 20th and 25th June of the same year, respectively.

2. Petition presented to the Huzur by Plff. on the 1st November 1866, and the reply thereto received in No. $\frac{4444}{304}$ of the the 16th Idem.

3. Petition presented to the Resident by the Plff. on the 21st August 1867 and the reply thereto received in No. 663, dated 2nd September of the same year.

4. Reply to the Petition presented by Plff. to the Madras Government on the 3rd February 1869, received in No. 408 of the same year

5 The three sets of books received from 50 churches, for the years 1051 to 1055, in due order, kept therein, relating to Marriage, Baptism and Burial respectively, in accordance with the blank Registers required to be distributed to the churches, sealed by Plff., under the provisions of the deed called the Resolutions of Mulanthuruthu and named in schedule B for Plff.

6. Copies of the registered deeds executed by fifty churches agreeing to obey the Patriarch, in accordance with the terms of the said deed.

7. Copies of the reports of the years 1051 to 1055, of the progress of the community and the churches, required to be printed and published under the aforesaid Resolution-deed.

8. Plff's.Diary from 1051 to 1055, required to be kept and read by him before the committee, under the aforesaid Resolution-deed.

9. The book called the '*Nadapadi-Kramom* of the Syrian Christians' printed at the Plff's Press in 1877.

Prays that the summons may contain a requisition to produce these documents also.

Date fixed—26th Kumbhom 1056.

Batta tendered herewith—2nd Kumbhom 1056—(Sd) K. T. Koshi

Ordered accordingly—(Itld) T. C. K. M.

No. 296 E.

296 E.
Petition presented by Defence Vakil before the Zilla Court on the 16th Chingom 1057.

[Petition presented by Defence Vakil on the 16th Chingom 1057.]

Before the Alleppy Zilla Civil Court. Petition presented by Vakil K. T. Koshi on behalf of 1st Deft in O S. 439 of 1054.

Plaintiff ——— (as in the above Petition.)
Defendants ——— (Do Do.)

Though summons was issued first directely, and secondly, through his Vakil, to the Plaintiff herein, to appear as witness and to produce certain documents,

RECORD.

PART II.

No. 296.
Miscellaneous Records.

296 E.
Petition presented by Defence Vakil before the Zilla Court on the 16th Chingom 1057.
—*Concluded.*

he has neither put in appearance nor caused the documents to be produced. Prays therefore that summons may be served on Vakil P. J. Punnan so that Plff. may attend as soon as 1st Deft's examination is closed, and to produce the documents named below alone. As, after request was made to cause production of the documents named in the previous petition, Plff. had a long time at his command, the other documents specified therein need not be produced.

DESCRIPTION OF DOCUMENTS.

1. Reply in No: 157 dated 4th (and 25th) July received to Petitions presented by Plff. to the Huzur on the 20th and 25th June 1866, respectively.

2. Reply to the petition presented by Plff. tothe Huzur on the 1st November 1866, received in No. $\frac{4444}{304}$ of the 16th Idem.

3. Reply to the petition presented by Plff. to the Resident on the 21st August 1867, received in No. 663 dated 2nd September of the same year.

4. Reply to the petitions presented by Plff. on the 3rd February 1869, received in No. 408 of the same year.

7. Copies of the registered deeds executed by 50 churches, agreeing to obey the Patriarch, in accordance with the said Resolution-deed.

10. The book called the '*Nadapadi-Kramom* of the Syrian Christians', printed at the Plff's press.

Date fixed—31st Chingom 1057.

Batta tendered herewith.—16th Chingom 1057—(Sd) K. T. Koshi.

No. 296 F.

296 F.
Petition presented by Defence Vakil before the Zilla Court on the 30th Kunni 1058.

[Petition presented by Defence Vakil on the 30th Kunni 1058.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakil Narayana Menon on behalf of 1st Deft. in O. S. 439 of 1054.

The Plff's witness, when he was shown Ext. UU which was presented on behalf of defence herein with schedule, and was shown to the witness on the 28th Instant, has stated that there is difference between the original and the translation.

2. On hearing the original read, there appears to be difference between the schedule, the original and the translation, on the most important point:—and there is neither seal nor signature at the foot, in the original: and the defence has not admitted this document.

3. As the said translation supports the argument that false documents are being produced to withstand the contentions of defence, it should be shown to Plff., and he examined thereon.

4. Therefore prays that the Court may initial the said original document and translation at the foot, and that order may be passed not to return the translation to Plff. if applied for.

30th Kunni 1058· (Sd.) Narayana Menon Vakil.

No objection is found to granting the request.

30th Kunni. (Itld) G. S. A. P.

296 G. Petition presented by Defence Vakil before the Zilla Court on the 21st Kunni 1059.

No. 296 G.

[Petition presented by Defence Vakil on the 21st Kunni 1059.]

BEFORF THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakil Narayana Menon on behalf of 1st Deft. in O. S. 439 of 1054 of the said Court.

1. At the request of the 1st Deft. herein, the 2nd witness for that side has produced the Book of Canons followed by the Antiochians. It is one of very ancient date.

2. A new book with modifications favourable to Plff. has been filed by that side as Ext. EEE.

3. So as to know clearly what parts have been so altered, and to know the parts that may be destroyed in handling such an old book, copies may be made of extracts necessary for the case from the old book filed by Defence, and produced with translations of same, by Defence; and the copy and translation may be got compared in the presence of persons knowing Syriac, representing either party, by the under-mentioned person or some one like him; and, being initialled by him, these may be recorded. And the comparer should specially be examined on oath as to what parts of the old book have been altered in the Plff's book, and how old the two books and the writings therein are, respectively.

4. It is also requested that four *Thadasthers* may be examined on oath in such a condition as to be pronounced to be old by any person.

5. The person to compare the translation &c. should be summoned by the Court to appear on a date to be fixed; and the costs therefor and the copy and translation shall be duly tendered.

6. As owing to the oldness of the book produced by defence, papers may be easily damaged, it will not be difficult to extract any paper from it.

Prays therefore that the Court may be pleased to allow the prayers contained in this petition, to order issue of summons to the undermentioned person, to order the preservation of the old book in the record, sealed by the Court and any of the parties that may desire to do so, until the copy and translation shall be compared and recorded, and to initial any parts that may now be found relevant. The 1st Deft. desires to seal the book.

Name—Mani Kathanar, Vicar of the Palayangadi church at Alleppey.

21st Kunni 1059—(Sd.) Narayana Menon, Vakil.

The prayer to have the book shown to *Thadasthers* will be considered after the examination Plff's witnesses. Ordered likewise relating to the comparison. Parties cannot be allowed to seal records of the Court.

21st Kunni 1059. (Itld.) T. C. K. M.

No. 296 H.

296 H. Petition presented by Defence Vakil before the Zilla Court on the 10th Vrischigom 1059.

[Petition presented by Defence Vakil on the 10th Vrischigom 1059.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakil Narayana Menon on behalf of 1st Deft in O. S. 439 of 1054 of the said Court.

As Witnesses 240 and 353 cited for 1st Deft in the said suit are now residing at Alleppey, prays that summonses may be issued to them to appear on the 12th Instant and the 13th.

296 H. Petition presented by Defence Vakil before the Zilla Court on the 10th Vrischigom 1059.
—*Concluded.*

2. As (we) learn that the 353rd witness has been gained over by Plff herein and is living at Alleppey with him, he would be perfectly won over, unless he is examined at once. Further as the document he has to produce is likely be in Syriac, it would be difficult to have its translation testified to as correct, if it should be produced after the examination of the witnesses for defence who know Syriac, is closed.

3. Though the Plff requested that the 353rd witness should be examined, that party has evaded, urging divers pretexts. As the Plff causes this delay to obtain a knowledge of the nature of the evidence for defence and, thereafter, to make that witness depose against defence, prays that order may be passed requiring his examination at least as defence Witness.

The 240th witness resides in the Elenjikkel house in Alleppey and the 353rd witness in Mr. Rice's Bungalow at the beach, in the said Muri.

10th Vrischigom 1059. (Sd.) Narayana Menon, Vakil.

Ordered accordingly. 10—4—59—(Itld.) T. C. K. M.

No. 296 I.

296 I. Petition presented by Defence Vakil before the Zilla Court on the 26th Kumbhom 1059.

[Petition presented by Defence Vakil on the 26th Kumbhom 1059.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakil Narayana Menon on behalf of 1st and 7th Defts in O. S. 439 of 1054.

The parties inform me that though summonses were issued to 352nd witness for 1st Deft and 5th witness for 7th Deft several times, they have all been returned unaccepted. I therefore pray that warrant may be issued against the said witnesses.

26th Kumbhom—(Sigd.) Narayana Menon, Vakil.

(ORDER)

The present prayer to have warrant issued against the Metran in Cochin cannot be granted at this stage. It is now 9 days since the summons issued to this witness was returned unserved. Order had been given on that very date, to have the further steps taken at once if required. I think the neglect to do it hitherto is simply due to a desire to cause delay. Therefore, time cannot be allowed to have warrant issued for service through the Cochin Courts. Though there was sufficient time before this to have had warrant or summons issued to the other witness, yet, as by issuing warrant against him now, his attendance can be secured on the 29th to which day the examination of the other witnesses stands adjourned, warrant will be issued to be returned before that date.

26th Kumbhom 1059. (Sd.) T. C. Krishna Menon.

(ORDER.)

On causing the attendance of the witness mentioned herein, this day, through warrant issued, he states that as the summons and warrant made mention of no document, he has not produced any. As the Defence Vakil states that he has to be examined only with respect to the document and that it is useless to examine him without its production, he is allowed to go un-examined.

29—7—59—(Itld.) T. C. K. M.

[The Appellant's Vakil requires two other petitions dated Chingom and 20th Kumbhom 1059 respectively, also to be translated and printed. These petitions are not found in the Records; nor does the diary of the Zilla Court speak of any such petitions having been presented.]

RECORD.

PART II.

No. 296. Miscellaneous Records.

296 J. Petition presented by Applt.s' Vakil before the High Court on the 1st Kumbhom 1060.

No. 296 J.

[Petition presented before the High Court by Vakil for Appellants on the 1st Kumbhom 1060.]

IN THE HIGH COURT OF TRAVANCORE.

To

THEIR HONORS—JUSTICE NARAYANA PILLAI,
and JUSTICE ARIANAYAGUM PILLAI.

A. S. No. 137 of 1059.

The humble petition of W. S. Gantz, Counsel for the Appellants in the above case

Sheweth ;—

That petitioner begs to submit herewith a bound volume of the Church Missionary Society's Record for the year 1836 of which the Respondent in the above appeal has filed only the December number as Exhibit III.

That petitioner submits that the Respondent by filing only one number of the above volume has endeavoured to suppress the translation of a portion of the Canon of the Syrian Church to be found in the September number of the said volume, and which said number goes to show that the two allusions in EEE to the supremacy of the Patriarch of Antioch over the Church in Hindu or Hindustan are obvious additions made by the Respondent himself in EEE, for the purpose of supporting his contentions in the present case. These additions (not to be found in the corresponding Chapter XXXVIII or in the September number aforesaid) are as follow :—

"He shall be subject to the orders of the Patriarch of Antioch. He shall not act in defiance to the wishes of his Superior."

"Similarly the Hindus who are subject to the authority of the Patriarch of Antioch have no authority given them to consecrate a Patriarch for themselves ; but their Patriarch or the Catholicas of the East under his (Patriarch's) authority shall consecrate Metropolitans for them."

"Similarly the Hindus can do the same thing under the orders of the Patriarch of Antioch."

Wherefore, as the Respondent has obviously torn III out of a bound volume, and has not produced the whole document of which III is a part, and as another portion of the said volume goes to favor Petitioner's case ;

It is prayed that the Court will receive the whole bound volume of the Church Missionary Society's Record for the year 1836 and file it as evidence on Petitioner's behalf, so that Petitioners may be able to rely on the September number aforesaid.

11th February, 1885.
1st Kumbhom, 1060.

(Signed) William S. Gantz,
Counsel for Appellant.

(ORDER.)

Mr. Gantz admits that the translation of the Syrian Canon given in this book is of parts of Ext. 38 ; and as such we receive the book and allow it to be filed. We may note that the Respondent's Vakil Mr. Ramanatha Row has no objection to the reception of this book.

1—7—60.

(Itld.) T. R. N. P.
(„) G. S. A. P.

RECORD.

PART II.

No. 296. Miscellaneous Records.

296 K. Petition presented by Applts.' Vakil before the High Court on the 1st Kumbhom 1060.

No. 296 K.

[Petition presented in the High Court by Vakil for Appellant, on the 1st Kumbhom 1060, and Memo enclosed therein.]

IN THE HIGH COURT OF TRAVANCORE.

To

THEIR HONORS—JUSTICE NARAYANA PILLAI
And—JUSTICE ARIANAYAGOM PILLAI.

A. S. No. 137 of 1050.

The humble petition of W. S. Gantz Counsel for the Appellants in the above case.

Sheweth,

That the Respondent produced as Exhibits in this case copies of certain letters obtained from the Resident's office and marked QQ, SS, AAA, DDD, and KKK to RRR.

That these Exts. were denied by the first Appellant on the ground that only on a reference to the originals, he would be in a position to state whether they bear the signatures of the persons who purport to have written them and whether they were actually signed by the persons whose names they contain.

That further these letters are not only not verified, and presented in person, but appear to have been despatched by Post or sent by messengers. They do not seem to bear the initials of the Residents who received them, nor are any replies sent for them produced.

That the Respondent at first with a view to prove copies of the letters obtained from the Resident's office produced certain endorsements with his list of documents C on the 31st Thulam 1055. But these letters are not proved by these endorsements, they being not the replies of them.

That for these reasons, the Applt. objected to filing these Exhibits, and the court therefore refused to admit and file them and also rejected documents already filed. The Applt. consequently not requiring to adduce counter evidence against them, has not taken any steps towards disproving them.

That in spite of this, the lower court at the final hearing received all these documents in evidence and filed them.

That to show this Honorable court that copies of documents obtained from the Resident's office are not admissible in evidence for the bare reason that they are certified by the Resident as a "True copy," and on the supposition that they have come from proper custody, Petitioner begs to submit herein, an endorsement obtained in respect of Exhibit AAA in this case, from the Resident's office in No. 54 dated 9th February 1815.

That on a consideration of this endorsement this Honorable Court will easily see that the lower court was wrong in receiving the above said letters in evidence and in relying on them-

That Petitioner therefore prays that this Honorable court will be pleased to order that such of the documents as are referred to above and which are not proved, be deemed inadmissible in evidence and that they be rejected.

And Petitioner will ever pray.

Trivandrum, 1st Masi 1060.

(Signed) W. S. Gantz, Counsel for Appellant.

RECORD.

PART II.

No. 296.
Miscellaneous Records.

296 K.
Petition presented by Applts.' Vakil before the High Court on the 1st Kumbhom 1060.
—*Concluded.*

(MEMO.)

No: 54.

Resident's Office,
Trivandrum 9th February 1885.

To

The Right Reverend Mar Thomas Athanasius Metropolitan.

Sir,

In reply to your letter of the 16th Inst:, I have the honor to state that the document called "Mavelikara Padyola" dated the 5th Makarom 1011, in my office, from which the copy was taken bears no signature and is unauthenticated.

The certified copy of Raysom communication from the Dewan to the Palace Sarwadhykauriakaur, No. 5628 dated the 1st Ady $\frac{1026}{1851}$, and the enclosure to your letter are herewith sent.

I have the honor to be
Sir,
Your most obedient servent,
(Signed) J. C. Hannyngton,
Resident.

(Itld) T. S.
(Itld) K. E. E.

(Order.)
Calls for no order.

(Itld.) T. R. N. P.
(„) G. S. A. P.

No. 296 L.

296 L.
Petition presented by Applts.' Vakil before the High Court on the 16th (18th) Kumbhom 1060.

[Petition presented before the High Court on the 16th (18th) Kumbhom 1060, by the Appellants' Vakils.]

IN THE HIGH COURT OF TRAVANCORE

A. S. No. 137 of 1059.

To,

His Honour The Chief Justice
and to Their Honours the other Judges
of this Honourable Court.

The humble Petition of the
Appellants herein.

Respectfully showeth,

That your Petitioners have submitted, all through this case, that the Plaintiff has produced and relied upon several documents which are forgeries.

That in proof of the above facts, the court is now in a position to see the truth of the above assertion by perusal of the English translation of AAA produced by the Plaintiff and relied upon by his pleader, Mr. R. Ramanatha Row, before this Court.

That, as this Honorable Court itself remarked this day, the comparison of the said translation with the original translation produced by the Residency clerk yesterday shows that a most important addition and alteration have been made in the translation furnished to the Plaintiff from the Resident's office, and which, there is every reason to believe, have been made by or at the instance of the Plaintiffs.

That, as the facts which petitioners can establish in regard to the said alteration and addition are of importance, not only in the case in question but in the interests of public justice, generally, Petitioners

RECORD.

PART II.

No. 296.
Miscellaneous Records.

296 L.
Petition presented by Applts.' Vakil before the High Court on the 16th (18th) Kumbhom 1060.
—*Concluded.*

Pray that this Honourable Court will be pleased to allow them to summon and examine Mr. Swyny, Manager of the Resident's Office, and such other witnesses as may be necessary.

And petitioners will ever pray etc:

(Signed) William S. Gantz, Counsel for Appellant in A. S. 137 of 1059.

(Signed) I. H. Prince,
Vakil for 1st Appellent.

Presented
28th February 1885
18th Masi 1060

(Signed) I. H. Prince.

(Order.)

To be laid before 3rd and 5th Judges.

(Itld.) K. K. R.
(„) W. E. O.

18—7—60.

(Order.)

To be considered on the opening of the Court.

(Itld.) T. R. N. P.
(„) G. S, A. P.

23—7—60.

(Order.)

As the document referred to, AAA, has been rejected, it is unnecessary to examine the witness named. Application refused as already intimated to the Vakils at the time of hearing.

(Itld.)—T. R. N. P.
(„) G. S. A. P.

29—3—61.

No. 296 M.

296 M.
Petition presented by Applts.' Vakils before the High Court on the 2nd Kumbhom 1060.

[Petition presented in the High Court by Vakils for Appellants, on the 2nd Kumbhom 1060.]

To

Their Honors the 3rd and 5th Judges of the
High Court of Travancore.

In re Appeal Suit 137 *of* 1059.

Showeth;—

That as your Honors will remember, Mr. Ramanatha Row yesterday admitted that Exhibit A A A was "as he would show when he came to address the Court," a copy of a copy in the Resident's office.

That as the Court will also remember, Mr Ramanatha Row scarcely half an hour later, on seeing the damaging effect of such an admission, qualified it by saying that A A A was a copy of copy "as far as he knew."

That as it is very important to clear all doubts on the matter, it is

Prayed that the Court will refer the matter to the Resident, and satisfy itself whether A A A is a copy of a copy, or not.

And Petitioner will every pray.

Trivandram 12th February 1885 / 2nd Masy 1060. (Sd.) W. S. Gantz, Counsel for Applt. in A.S. 137 of 1059.

(Signed) I. H. Prince, Vakil for 1st Appellant.

(Order.)

The originals have been inspected and no order is called for.

(Itld.) T. R. N. P.
(„) G. S. A. P.

29—3—61.

Miscellaneous Records translated and printed at the request of Respondent's Vakil.

No. 296 N.

List of documents to be produced by the Patriarch, submitted by Plff's Vakil on the 15th Magarom 1058. (Vide ante—No. 296 A.)

No. 296 O.

296 O, Petition presented by Plff.'s Vakil before the Zilla Court on the 27th Magarom 1058.

[Petition presented before the Zilla Court by Vakil for Plff., on the 27th Magarom 1058.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by Vakils P. J. Punnan and G. Kochukunju Menon, on behalf of Plaintiff in O. S. No. 439 of 1054 of the said Court.

As it is very necessary for proving the Plff's case with respect to issues 1 and 18 (?), to ascertain the total number of churches belonging to either Plff's or Deft's party, in the Malabar District and in the Cochin and Travancore States, and the number of families and people acknowledging either party in each parish, the Plff. is prepared to abide by any order that may be deemed proper to be passed with respect to the prayer.

Prays therefore that a census as aboved detailed may be got prepared.

27th Magarom 1058.

(Sd.) P. J. Punnan, Vakil.
(Sd.)——— ———Vakil.

ORDER.

No order can be passed now in accordance with this petition.

9—2—59—(Itld.) T. C. K. M.

[The petition speaks of 'a schedule submitted herewith of churches' &c. which it was found imposible to bring in in the translation. Prays that the original petition itself may be perused if necessary—Translator].

No. 296 P.

296 P. Issues proposed by Mr. Gantz.

[Issues proposed by M. Gantz. Filed in the Zilla Court.]

IN THE ZILLA COURT OF ALLEPPEY.

O. S. 439 of 1054

Issues proposed by William S. Gantz, Counsel for 1st Defendant in the above case.

1. Is the suit barred by limitation in whole or in part.
2. Is the suit bad for misjoinder of parties.
3. Is the suit barred by res-judicata ?
4. What is the true construction and legal effect of the Proclamation of 1027, and was the said Proclamation a bar to the Plaintiff, or the person alleged in the Plaint to be the Patriarch of Antioch, and through whom the Plaintiff claims, establishing their right in the constituted Courts of the country to be respectively considered the Metropolitan and Head of the Syrian Church of Malabar.
5. Is the present suit maintainable in the absence of such recognition of the Plaintiff and the person through whom he claims.

6. Is, or was, the person alleged in the Plaint to be the Patriarch of Antioch the only person laying claim to that title ?
7. Has any Patriarch of Antioch or other foreign prelates at any time exercised control or supremacy over the Syrian Church of Malabar ? If so, who, when, and in what manner ?
8. Who were the respective *(sic)* founders of the Church of Antioch, and the Syrian Church of Malabar respectively ?
9. Is the Syrian Church of Malabar subject to that of Antioch as alleged by the Plaintiff, or is it local and independent as alleged by Defendant ?
10. Is the Association referred to in the Plaint under the title of the Malabar Jacobite Syrian Association recognized by the whole Syrian Community or not ?
11. Is the Plaintiff entitled to recover the properties sued for, or any of them ?
12. Which of the Plaint properties are ancestral, and which self-acquired ?
13. Whether the Plaint properties as is alleged in para 2 of the plaint were always in the possession of the Metropolitans acknowledging the supremacy of the Patriarch of Antioch for the time being, and whether as is also alleged in the plaint, they came into the possession of the late Mar Athanasius by reason of such recognition of the Patriarch of Antioch ?
14. Did the Defendant as is alleged in the plaint obtain possession of the properties in the Plaint Schedule A to C only after the death of the late Mar Athanasius ?
15. Was the Staticon granted to the Plaintiff by the person referred to in the Plaint as the Patriarch of Antioch subsequently cancelled ?
16. Is the valuation of the plaint properties as given in the plaint correct ?

(Signed) William S. Gantz.
Counsel for Defts.

6—10—80.

No. 296 Q.

296 Q. Petition presented by Plff.'s Vakil before the Zilla Court on the 15th Kunni 1059.

[Petition presented before the Zilla Court by Plff's Vakil, on the 15th Kunni 1059.]

BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by P. J. Punnan, Vakil for Plaintiff in O. S. 439 of 1054 of the said court. 15th Kunni 1057.

As the summons issued to Thomman Unicheri of Atthimoottil called also Panampunnai, the 119th witness in the schedule of witnesses for Plaintiff, has been returned un-accepted, prays that the said Thomman Unicheri, the Cash-keeper of the Seminary and Kolath Krishna Pillai, of Maraianthuruthu-Karai in Aymanom, the Seminary accountant, may be summoned to produce the under-mentioned documents which appear, from Ext. Z and the deposition of 1st Deft., to be in their custody and that, as the said Cash-keeper &c. are subordinates of Defts. 1 to 3, notice may be issued to Defts. 1 and 2 present in court to themselves produce the documents or to get same produced by the said Cash-keeper and accountant.

DESCRIPTION OF DOCUMENTS.

1. Detailed accounts kept from 1045 down to date, of the receipts of interest, and other proceeds from the money laid out out of the fund received from the British Treasury.

2. Detailed accounts kept up to date of disbursments in loans and consideration for mortgages taken, out of the said fund.

3. Sale and mortgage deeds taken up to date, on real and personal properties, and debt-bonds, if any; all obtained on disbursement of money from the said fund.

4. Account of money due, if any, as per deeds mentioned in item 3.

5. Detailed accounts kept of receipts in, and disbursements from, interest on the Star-Pagodas, received from the British Treasury, from 1045 down to date.

6. Day-book kept of the disbursements from 1045 down to date, on account of expenses of the students that were studying in the Seminary.

7. Detailed accounts kept from 1045 down to date, of school fees collected and due from the students &c.

8. Register of the names of pupils supported at the expense of the Seminary, from 1045 down to date.

9. Pay receipts taken from the teachers and other employes in the school, from 1045 down to date.

10. Pay receipts taken from the other servants of the Seminary, from the said year down to date.

11. Detailed accounts of the income from the Seminary properties from 1028 down to date.

12. Accounts of moveable or immoveable property, if any, purchased for, or sold by, the Seminary, from 1028 to date.

13. Detailed account of the daily expenses on account of, and receipts from, the press, and pay receipts taken from the employes in that establishment, from 1045 down to date.

14. Day-book and *Kurumthirattu* kept down to date, according to the agreement between the trustees in 1048.

15. Accounts of the Seminary's income, in other items, from 1028 down to date.

16. The writings, if any, evidencing any estimate made of the quality of lands taken on mortgage &c, for the Seminary, from 1048 down to date.

17. Account of amounts recovered and remaining to be recovered, by suits on the deeds mentioned in item 3 and obtained with the fund alluded to in item 1, shewing the Nos.

18. *Nalvali* kept by the Cash-keeper to shew the disbursements by him of the money and and paddy received fron the Bazgaza, and the receipts returned.

19. The *Nalavali* down to date, submitted to, and compiled as a book in, the Treasury, prepared by the accountant, according to clause 4 of the agreement between the trustees.

20. *Thirattus* down to date of receipts and disbursements provided for in the agreement and special, submitted monthly and tri-annually by the Cash-keeper and preserved in the Treasury, as specified in clause 5 of the agreement.

(Signed) P. J. Punnan. Vakil.

(Order)

Granted—(Itld.) T. C. K. M.

No. 296 R.

[Petition presented in the Zilla Court by Plff's. Vakil on the 20th Kunni 1059.] BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

Petition presented by P. J. Punnan, Vakil for Plff. in O. S. 439 of 1054 of the said Court.

1. In the said case, 24 issues were settled in Kunni 1056, and a schedule of witnesses for Plff. was submitted in Vrischigom. But subsequently, in Kunni 1057, the 25th issue was also framed. Therefore, as witness 128, 136, 140, 255, 283, 284, 234, 320, 321, 322, 323, 327, 329, and 338 of the schedule are also aware of the facts involved in that issue, it is requested that they may be examined with respect to same.

2. It was Thalatthillath Chakko, the 4th Deft, that had been cited as the principal witness for Plff. for the 24th issue. It was firmly believed that, if that Deft. had been examined as witness for Plff, sufficient facts would have been elicited to prove the issue in Plff's favour; and, therefore, certain other witnesses named in the schedule were not cited for that issue. But as the 4th Deft. died about the close of Chingom 1058, prays that witnesses 199, 209, 234, 253, 283, 284 and 326 may be examined on the said issue.

3. As the Plff. could not, before seeing Ext. 8, have known the defects in the seal therein and, therefore, could neither have taken steps to adduce evidence against it, and as the Plff. has now got reliable information that the seal therein is not genuine, prays also that witnesses 151, 216, 146 and 385 of the schedule, who have, in their possession, ordination-papers granted by the late Mar Dionysius of Cheppat, may be required to produce them.

Prays that the Court may be pleased to favourably consider the prayers in paras 1, 2 and 3, and to pass an order allowing same.

—Kunni 1059.

Fee tendered herewith—(Signed) P. J. Punnan, Plff's Vakil.

ORDER.

The prayer in para 1 is allowed. As other witnesses also, besides 4th Deft, had been cited, the prayer in para 2 cannot be allowed. As Ext. 8 was filed at the earliest stage, the prayer in para 3 cannot be granted now.

20th Kunni 1059—(Itld) T. C. K. M.

No. 296 S.

[Petition presented in the Zilla Court by Plff's Vakil, on the 16th Thulam 1059.] BEFORE THE ALLEPPEY ZILLA CIVIL COURT.

296 S. Petition presented by Plff.'s Vakil before the Zilla Court on the 16th Thulam 1059.

Petition presented by P. J. Punnan, Vakil for Plaintiff in O. S. 439 of 1054 of the said Court.

As it is clear from a letter addressed by the late Athanasius to the Cochin Dewan, as also from an order issued by the Dewan setting forth the particulars of the said letter, that the Malayalam Canon produced by the Defence in the said case is one compiled latterly and ante-dated, it is necessary that copies of the Police Order No. 87 of 1043 and the letter addressed by Athanasius, referred to in that order should be filed in this case. But on application being made to the Cochin Huzur Cutcherry for the said copies, an endorsement has been given to the effect that the

RECORD.

PART II.

No. 296. Miscellaneous Records.

296 S. Petition presented by Plff.'s Vakil before the Zilla Court on the 16th Thulam 1059.

—*Concluded.*

copies could be granted only on production of certificate from this Court. Prays therefore that a certificate may be granted to have attested copies of the said order and letter given on the application of the Plff's agent.

16th Thulam 1059.

Fee tendered herewith. (Sd.) P. J. Punnan, Plff's Vakil.

(ORDER.)

The order referred to is immaterial in this case. It is alleged that the late Athanasius' letter will shew that re-married priests cannot perform service and that, as this is contrary to what is said in Book A, it will prove the book to be of subsequent origin. This evidence appears to be not strong, If the records referred to in the petition were thought necessary, the application should have been made earlier. Therefore, the prayer at this stage is disallowed.

16—3—59—(Itld) T. C. K. M.

No. 296 T.

296 T. Notice issued to 1st Deft. under Sec. 96. 4th Magarom 1056.

[Notices served on the 1st and 2nd Defendants to produce documents under Section 96].

IN THE ALLEPPEY ZILLA CIVIL COURT.

O. S. 439 of 1054.

Between Mar Dionysius Metropolitan, President of the Jacobite Syrian Association Committee of Malankarai; resident in the Syrian Seminary at Parumalai Muri in the Kadappira Proverthy in the Thiruvella Taluq: Plaintiff: And the person called Thomas Athanasius and five others: Defendants.

Notice issued to the person called Thomas Athanasius of Kulyath house in the Maramannu Muri; resident in the Syrian Seminary at Cottayom; 1st Deft.; 1st Witness for Plff.

Whereas the said case comes on for hearing on the 22nd Instant, you are hereby required to appear before this Court at 10 in the fore-noon of the said day, to depose as witness, with the documents named below.

4th Magarom 1056.

(Sd.) T. C. Krishna Menon—Judge.

Description of documents.

(1) The Syriac Kurbana Texa of the Jacobite Syrians, used by the late Mar Athanasius and being used by 1st Deft. (2) The Syriac Ordination Book used by the said Athanasius and being used by 1st Deft. (3) The *Seemapati* prayer book of the Jacobite Syrians. (4) The Syriac Canons of the Jacobite Syrians. (5) The books containing the services of Baptism, Marriage, Confirmation and Burial, extant among the Jacobite Syrians. (6) The books relating to the religious services performed by Deft. (7) Any writings evidencing 1st Deft.'s appointment as president of the Committee as referred to in para 10 of the agreement executed between the late Mar Athanasius and Defts. 1 to 3, and registered in No. 9 in the Cottayom Registrar's Office on the 23rd Meenom '48.–1873 A.D.

This summons should be served on T. Koshi, Vakil for Defence.

Accepted this summons at 12 noon on the 10th Magarom 1056.

(Sd.) K. T. Koshi.

(Sd.) Subbu Pillai—Peon.

RECORD.

PART II.

No. 296. Miscellaneous Records.

296 T. Notice issued to 2nd Deft. under Sec. 96. 4th Magarom 1056.

(Heading as above).

Notice issued to Chakko Chandapilla Kathanar of Punnatharai in the Velur Thalathangadi in Cottayom; 2nd Deft.; 2nd Witness for Plff.

(Body—as above).

Description of documents.

(1) Attested copies of the Registered title-deeds taken in the name of the Defts. 1 to 3 on behalf on the Seminary; which copies ought to have been obtained as stipulated in para 3 of the agreement executed as between the late Mar Athanasius and the Defts. aforesaid, and registered in No. 9 of the Cottayom Registrar's Office, on the 23rd Meenom '48—1873 A.D. (2) The receipts which the 2nd Deft. as co-trustee takes from the Cash-keeper for moneys received by him from the Bazgaza, as stipulated in para 5 of the said agreement—and (3) The *Kurumthirattus* which 2nd Deft. as co-trustee ought to take from the Cash-keeper, of the disbursements made by him, as stipulated in the said agreement.

Accepted this summons on the 17th Magarom 1056.

Punnatharai Chakko Chandapilla Kathanar. (Signature).

Witnesses—Muthukaruppa Pillai of Quilon. (Signature).
Kora of Manalel in the Cottayom Karai. (Signature).

(Heading and address—as in the previous Notice).

Do. dated 27/11/56.

Whereas the said case stands posted for hearing to the 3rd Chingom 1057, you are hereby required to appear before this Court at 10 in the fore-noon, on the said date, with the documents named below.

27th Mithunom 1056. (Signed) T. C. Krishna Menon Judge.

(Description of documents).

[The same as in the previous summons].

P. J. Punnan, Vakil.

Accepted and signed this summons on the 4th Adi. Punnatharai Chakko Chandapilla Kathanar, Trustee of the Seminary at Cottayom (Signature).

Witnesses—Werkey Ittichandi of Chiramel in the Angadi (Signature).
Kurien Kurien of Iravukeri in the said Angadi (Signature).

Aryat Kesaven, Peon. (Signature).

REJECTED DOCUMENTS.

EXT. AAA.

[The Mavelikarai Padyola.]

Rejected Documents. Ext. 54.

In the name of the Father, Son and Holy Ghost, the one true God: Padyola (agreement) drawn up in the year of our Lord 1836 corresponding to 5th Magarom 1011 at the church dedicated to the Virgin Mother of the Lord, at Mavelikarai, between Mar Dionysius Metropolitan of theJacobite Syrian Church of Malankarai subject to the Supremacy of Mar Ignatius Patriarch, the Father of Fathers, and the Chief of chiefs, ruling on the throne of St. Peter at Antioch, the Mother of all churches; and his successor Mar Kurilos; and the vicars, priests and parishioners of Ankamali and other churches under the charge of the said Metropolitan.

That whereas at an interview held at Cottayom between the Right Rev. Daniel Lord Bishop of Calcutta and the Metropolitan, in Vrischgom last, it was

Rejected Documents.

Ext. 54. —*Continued.*

proposed by the former that certain changes should be introduced in the Liturgies and ordinances of our Syrian Church, and whereas it was stated in reply that a conference of all the churches would be held on the subject and its determination made known: we, the Jacobite Syrians being subject to the supremacy of the Patriarch of Antioch and observing, as we do, the Liturgies and ordinances instituted by the prelates sent under his command, cannot deviate from such Liturgies and ordinances and maintain a discipline contrary thereto; and a man of one persuasion being not authorized to preach and admonish in the Church of another following a different persuasion without the permission of the respective Patriarchs, we cannot permit the same to be done amongst us; and our churches being built by the aid of the prelates sent under orders of the Patriarch and on the wishes of the people of each parish, and ornamented by their money, and as the accounts of the annual income accruing to our churches under the head of voluntary contributions, offerings &c. are, as required by the rules, furnished to our bishops, as is the custom in the churches of Antioch, as well as in the churches of this and other countries following different persuasions, we are without the power, and feel disinclined, to follow, and cause to be followed, a different procedure from the above.

That the Honorable Colonel Macaulay having taken a loan of 3000 Star-pagodas from *Valia* (great) Mar Dionysius who died in 983, gave him a bond for the same. The interest on the amount having fallen in arrears, Mar Dionysius Metropolitan who died in 992 made a represention to Col: Munro and received the interest with which he (Dionysius) built the Seminary at Cottayom. Having also collected at the Seminary the money brought by the prelates that had come here from Antioch and the property left by the late bishops of the Palamattom family, Mar Dionysius laid out a portion of this together with the donation made by His Highness the Maha Rajah on behalf of the Syrian Christians youths, on *Kanom*, and therewith met the expense of their education. The Reverend the Missionaries who have come down to Cottayom, in their profuse benovolence taught the youths at the Seminary, English and other languages, protected our children like loving fathers, caused books to be printed for the benefit of all classes, rendered all necessary help in maintaining the prevailing discipline of the Syrian Church, caused the annual interest due, to be drawn on the receipt of the Metropolitan, had superintendence over the affairs of the Seminary, and caused ordinations to be made agreeable to the request of the people and the power of the prelates. While affairs were being thus conducted, the Missionaries took to managing the Seminary without consulting the Metropolitan, themselves expended the interest money drawn annually on the receipt of the Metropolitan, dispersed the deacons instructed in the Seminary, conducted affairs in opposition to the discipline of our Church, and created dissensions amongst us, all of which have occasioned much sorrow and vexation. For this reason, we do (would) not follow any faith or teaching other than the orthodox faith of the Jacobite Syrian Christians, to the end, that we may obain salvation through the prayers of the ever happy, holy, and ever blessed Mother of God, the redressor of all complaints, and through the prayers of all Saints.

Witness Father, Son and Holy Ghost. Amen.

Names of the signatories.

(True copy)

(Signed) Bonham Faunce, Major,
Ag. Asst. Resident

(Itld.) M. I. P.
(Itld.) T. S.

Rejected Documents.

Ext. 54. —*Continued.*

(Order.)

The original produced fron the Residency is an unattested copy. It appears to be old and bears water-mark "1833."

15—7—60. (Itld.) G. S. A. P.
T. R. N. P.

(Order.)

This copy being copy of an unattested copy is rejected.

29—3—61—(Itld.) T. R. N. P.
(„) G. S. A. P.

EXHIBIT 54.

Ext. 54.

[Late Athanasius' letter to the Niranom and other churches, dated 27th Vrischigom 1019.]

Heading in Syriac.

Seal

To the Vicars, village clergy, trustees of the church and the rest of the people. Benediction unto you. Whereas under the request and covenant made by our ancestors to and with the Honorable the London Missionary Society, Revds. Messrs. Bailey, Fenn, Baker and other Missionaries having, for the welfare of the Syrian Community and for promoting religious knowledge and practices among us, been sent here by that Society, they have commenced to teach in the Seminary the Syriac, English, Greek, Malayalam and Sanskrit languages, so as to promote our Priests in knowledge, to induce them to eschew follies and to train them in preaching the Gospels; the Revd. Mr. Fenn carrying on everything connected with education, the Revd. Mr. Bailey the translation of the Bible &c., and the Revd. Mr. Baker sojourning from church to church together with the Vicars thereof and preaching, and establishing schools and appointing school-masters for promoting knowledge among the Syrian people; and generally they were establishing, carrying on and looking after such works and concerns. The then Metropolitans and these gentlemen having joined in harmony together, acquired much property for the Seminary, and at their recommendation, much money and lands were endowed to the Seminary by the Travancore Government. And thus was commenced the growth in prosperity and glory which had never happened from the time of the foundation of the Church in Malankarai down to that time. Beyond that the object of these Missionary gentlemen and their Society was that our Church should improve in our religious observances and practices and should grow in knowledge and piety, they never purposed either to introduce into our Church the rituals of the Anglican Church or to assimilate our Church with theirs. But as, down to the time of the late Metropolitans, Mar Joseph Dionysius and Mar Geverghese Dionysius, our predecessors, who had the understanding and sense enough to comprehend the aforesaid object of the Missionaries, they and the Missionaries worked in unison and in consultation with each other, the practices of the churches and the education in the Seminary and the status of the Seminary steadily developed. After the present Mar Dionysius Metropolitan was consecrated, certain priests who by experience gauged, by reason of his want of forethought, his mind which is fickle like the reed that bends to every little wind towards the direction in which it blows,

Rejected Documents.

Ext. 54.

—*Continued.*

and which priests, being foiled in their attempts to misappropriate the assets of the Seminary owing to the stability of the rules observed by the Missionaries, and their vigilant care, are passing their days in mental discomfiture, and who are men of fraud, promoted ill-feeling between the Metropolitan and the Missionaries, and brought about a feud between them; and every one can see and understand that thereby they have reduced the Seminary to its present condition and lamentable state. The proverb of Solomon that 'Unto the fool, evil doing is but play,' has been realized in this matter. But the Seminary stands closed, its properties ruined, and its brightnesses faded. When we look into the parishes of the churches, they are under the control of men with long arms. But, that all these matters that have befallen have been brought about by the evil advice of the counsellors that have gathered round recently, is a thing beyond all doubt. All the information that We have derived about the aforesaid matters are not from hearsay alone. Because We are one who had been studying in the Seminary, We also have information from our own experience in this matter. But on this, We do not expatiate further. It would be enough to point out the evils. After the Seminary became closed up, We reached Madras and there prosecuted Our studies, and having started on a journey, to Canaan &c. to see the places where Our Lord's Nativity, works and death took place, and the land which has been given by promise, by God to His then people of Israel; and while travelling through Syria and other countries, We happened to fall in with the respected Elias Patriarch, one of the Prelates of that Church, and to be detained in his Convent, and finally to be consecrated by him as a Metropolitan. Then he pressed Us to be appointed Metran under him in the City of Mosul. As We deemed it the best of all conditions to apply the education and the good gift vouchsafed to Us, to the use of Our own fellowmen, We took leave of him and travelled, and as one by divine favour protected against all the dangers which may have befallen Us by this long journey, We have reached this place back. But beyond that We consented to receive this dignity, thinking that I could thereby redeem this dignity by the Apostolic imposition of hands, from the doubts which have been cast upon the Prelatial Status of Malankarai, on certain grounds; We have had no other object up to date. We learn that Mar Dionysius Metropolitan and certain Kathanars have mentioned and spread a rumour regarding Us, that We are endeavouring to have established in foreigners the supremacy over the Church of Malankarai which they had been seeking for, and which had been contested about and settled in the year 1000. This is but a resort to fraud, in the matter of the dignity now vested in Us, for deceiving many people in relation thereto, as a sequel to the fraud they previously had recourse to to the detriment of the Seminary and its welfare. But We know very well that from the time that the Church in Malankarai was planted by St. Thomas the Apostle, this Prelatial dignity descended in continuous succession in the Pakalomattam family in which he himself had given consecration; that after that family had become extinct, it had been vested in other worthy persons as were found here; that this See from its very establishment was independent down to the present time; that at no time, it was subject to any other Church of foreign countries; and that it ought not to be so enslaved. God has not given Us a fickle mind such as to be bent upon bringing this See under the rule of foreigners, contrary to the will of Our primitive Fathers and to the previous custom. Neither would We make up Our mind so to do. All that Mar Dionysius Metropolitan says are so expressed by him from fear, and because of his having fallen into the traps of others owing to his weakness. But even the information possessed by the priests of our persuasion as to the origin of this See, as well as regarding the religion and the rituals of the Church, is too very circumscribed. We have to reckon that there is none who is able to give suitable answers to queries as to even minor subjects of religion, if interrogated upon. While the darkness prevailing among the clergy is such, it will be obvious what the

Rejected Documents.

Ext. 54.

—*Concluded.*

condition of the people can be. In these circumstances too, it is grief that We feel. Therefore, beloved children, discard you the deceptions and fraudulent rumours that, contrary to the purpose of the Fathers and of the part practice, we would subject you and our throne to foreign yoke. Without wasting your time in these unavailing expressions, know you that these our bodies are dust heaps, that the time of dissolution is at hand and that our souls are liable to render an account before the presence of God; and always seek the salvation of your souls; and spend your time in reading the words of life, in the conefssion of your sins, in praying for mercies, and in praising God for His kindnesses. Should God be willing, We would also set out for Niranom on the same day that you and the Metropolitan may together fix; and when personally talked over, all doubts would be obviated; and it would lead to this letter of Proclamation being once more confirmed as true. May the mercy of Our Lord be with all of you. Amen.

Our Father which art in heaven &c.—27th Vrischigom 1019—being the year 1843 of Our Lord.

(Signed) Athanasius Malabar Metropolitan.