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M.R.O. 14-5,450-22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 238	Press ~~Mis.~~
7-8	
Dated 26-2-1897 ~~3-3-18 5~~	

Not to be folded or roughly handled

No. 7. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated Calicut, 28th December 1856, No. 131.

SIR,

I have the honor to forward the * explanation submitted by Seyd Hamod, late Tahsildar of Vettutnaad on the subject of Mr. Collett's report recommending his dismissal.

* Dated 15th December 1856.—I am unable to account for the excessive and inconvenient delay on his part which has occurred in preparing it.

2. I am not of course acquainted personally with the whole circumstances of this Officer's shortcomings, in regard to the late outbreak, but the submission of a rough draft of the proposed defence to Mr. Clarke just before his departure, led to conversation on the subject, when I took charge from him. From this I gathered that he had formed a most unfavorable opinion as to the capacity, courage, activity and diligence of this Officer, and that he considered, that his conduct admitted of no defence, beyond perhaps this, that other members of the Native Police behaved likewise very ill indeed on the occasion.

3. The appointment of this Officer formerly as Persian Translator and Gomastah in the Court, as a Head of Police, arose from Mr. Conolly's anxiety to employ Mussulmen in certain Talooks, in the hope of counteracting Moplah outbreaks, of obtaining early and good intelligence of the movements of such dangerous characters, and in expectation that similarity of creed, might enable these Mussulmen Officers to operate more freely against suspected Moplahs, or as in this case actual fanatics. But the conduct and want of courage of Seyd Hamod, in one of the most disastrous of these occasions has been found lamentably wanting, and his supineness in delegating to subordinates of untrustworthy character, and wholly unfitted from other circumstances as the tracing of the most important clues has been pointed out forcibly by Mr. Collett. These important clues and facts, this Officer with a marked want of discrimination, treats of in his defence as trifles unworthy of notice.

4. The tone of the defence as regards Mr. Collett will no doubt attract attention. It rests entirely on the plea that Mr. Collett was actuated by malignant, spiteful and unworthy motives against the Head of Police. That honest, painstaking and able Officer sought to avoid the invidious duty of bringing forward this Tahsildar's conduct, lest it might be asserted, that his judgment was warped, when the duty was unavoidably forced upon him, it was fearlessly and conscientiously executed. I regret this tone the more, as the defence has in a great measure been drawn up with the assistance if not entirely under the direction perhaps of more than one of the principal Officers in my Cutcherry

(Signed) W. ROBINSON,
Acting Collector.

From C. COLLETT, Esq., Assistant Magistrate; to H. V. CONOLLY, Esq., Magistrate of Malabar, dated 18th June 1854.

SIR,

I have the honor to submit herewith the proceedings in a case in which one Mallivater Rama Eliyad of the Shernaad Talook, charged various parties before the Head of Police Officer with having on the 27th March last, most violently assaulted him and compelled him to execute and sign various Deeds. I forward the case as a specimen of the manner in which this Head of Police Officer conducts his business. There is scarcely a case sent up from that Talook but what displays some carelessness or negligence. The rebukes I have consequently had occasion to address to the Head of Police Officer have become so numerous, and appear so ineffective that I despair of any efforts of mine ever inducing him to improve.

2. The charge was made on the 29th March and there it was left to be till the 10th May without a single step being taken in the matter. On the 7th May the Complainant was met on his way to Mallapooram, by a Gomastah in my Cutcherry, who persuaded him not to complain to me, but took him himself at once to the Head of Police Officer. I annex a Deposition taken from this

Gomastah who is evidently a partisan of the Head of Police Officer, but yet states that the Head of Police Officer admitted that he was aware from enquiry that Complainant had been tortured and Deeds extorted from him, but as the Deeds on which Complainant had obtained Judgments against the Defendants had been fraudulently obtained, he (the Head of Police Officer) was content to leave them to settle the matter among themselves. This is the favorable view of the matter. The more probable cause is I think, such a one as the Complainant has stated. That the Head of Police Officer got only 25 Rupees out of him, while the Defendants gave him 100 Rupees. After examining some witnesses on the 10th May, the Head of Police Officer again rested from his labors and probably would have continued quiescent if he had not received an order from me dated May 18th directing him to close up this and another case undisposed of, forthwith.

3. My order by an accident reached him only on the 23rd May. A third examination of the Complainant in this case is dated May 22nd. In the other case the charge was made on the 13th March. It was one of assault by four persons on Complainant. On the 22nd May only, one of the Defendants was produced and examined. The case was closed and a decision recorded dismissing the charge against this particular Defendant for want of proof, and directing the other Defendants to be secured and examined. The Head of Police therefore claims to himself the credit of having disposed of this case on the 22nd May, or just the previous day to the receipt of my order of the 18th. In that case an assault had no doubt been committed; though probably in the details of the charge truth was mingled with falsehood. But still the Head of Police was bound to exert himself to secure the man justice. The principal Defendant never was secured and the whole proceedings are slovenly and negligent.

4. I do not in the least credit that both the third examination in the first case or the disposal of the other were otherwise than solely in consequence of my order of May 18th. The truth I fully expect is that in both cases the papers have been ante-dated to the 22nd May. In the latter case the witnesses for the charge were examined about 15th March and the Adyghany and Muckyastens of Melmury then reported in favor of the charge. It is a most suspicious occurrence that he should thus leave the Defendants unapprehended for more than two months and happen thus to dispose of the case the very day before my stringent order arrived. It is of course possible and not improbable that his ally the Gomastah may have given him previous information, but this of course equally deprives the Head of Police of the credit he claims for himself. Besides the Defendant thus selected for examination and to afford an excuse for a disposal of the case was one of the least important and this adds to the suspicion as to the sincerity of the Head of Police Officer. I should have forwarded this case also to you, but I would not needlessly trouble you with papers, and the cases that equally deserve submission are numerous.

5. To return to the case now under consideration, I have little hesitation in saying that the witnesses produced probably are false, but that there is primâ facie reason to conclude that the whole story is a fabrication, I must deny. At any rate the Head of Police had ample means of ascertaining from his near neighbour P. Kungale and others what were the real merits of the matter. But at all times it is the duty of a Head of Police to exert himself to ascertain the truth or falsehood of a charge, especially one of so very serious nature. It is not his part to sit as a Judge waiting the arrival of witnesses. This is his common habit apparently, and is due no doubt partly to his personal indolence and dislike of exertion, while undoubtedly it is a most convenient method for putting off the poor man, who comes to complain against his wealthy oppressor. I recollect the Head of Police was once so shocked at the prospect of a little personal exertion, which I had arranged for him that he could not help starting the extreme heat of the weather as an objection.

6. It is no doubt due to the mismanagement (neglectful or currupt) of this Officer that the principal offenders in the late serious gang robbery in Shernaad have escaped from justice. The want of confidence which I am obliged to feel, entails upon me the necessity of constantly calling up the proceedings in a variety of cases which I do not otherwise usually send for. Within the last year and a half I have had occasion to address repeated rebukes to this Officer. I should say at least from 30 to 40, though had I been eager to avail myself of all opportunities, they would have been still more numerous. I should therefore feel greatly rejoiced, should an opportunity offer for a more efficient and careful Officer being placed in charge of this Talook.

(Signed) C. COLLETT,
Assistant Magistrate.

From H. V. CONOLLY, Esq., Magistrate; to C. COLLETT, Esq., Special Assistant Magistrate, Mallapoorom, dated Calicut, 4th July 1854, No. 1340.

SIR,

On the receipt of your letter of the 22nd Ultimo, I called on the Tahsildar of Shernaad to give such reply as might be in his power to the allegations therein contained.

2. The Tahsildar's reply,† which arrived yesterday, is enclosed.

† Dated 1st July 1854.

The principal charge against the Tahsildar is that he delayed for a considerable time in examining into a case of alleged "violence and compulsion to execute sundry Deeds."

The charge was made on the 29th March and no witnesses were examined till the 10th May.

The Tahsildar submits that the delay is chargeable to the Prosecutor, who, on being asked when he presented his charge, to name his witnesses, expressly declared that he did not know who they might be, that he would go and enquire for some.

The record shews that the Tahsildar's assertion is correct, and the fact thus elicited seems to me to tell much in his exculpation.

The charge if not entirely (and as the Tahsildar asserts notoriously) false, was evidently a very suspicious one, and though it might have been better had the Tahsildar pressed it to a conclusion I cannot attribute much blame to him for giving it opportunity to fall, as from the absence of witnesses it seemed likely it would do into oblivion, so far as the Police case was concerned.

He was satisfied from his own eye-sight that there were no marks of injury on his person.

3. I have read your Gomastah's Deposition and cannot think it at all satisfactory.

His stopping the Complainant from coming to you in the first instance, and taking him to the Tahsildar, was clearly irregular and wrong. Whether he did so to serve the Tahsildar or to serve himself admits of question.

The Tahsildar you will see repudiates him as any particular friend, and altogether denies that he admitted to him his knowledge of the Complainant having been tortured.

4. I am unable to agree with you that the Complainant's statement against the Tahsildar that he did not do him justice because he had only given him a bribe of 25 Rupees while the other party had given 100 is a probable one.

A bribe is not generally taken from the losing party, or if it has been taken, is generally returned.

Your Gomastah, I observe states, that although the Complainant had at first asserted he had given a bribe of 25 Rupees to the Tahsildar, he afterwards allowed to him to that that was not true.

5. You bring to notice a second case in which the Tahsildar failed to exert himself to secure certain Defendants.

The Tahsildar you will see, declares that he did take steps for this purpose and points to the record to shew that with this view he had written to the neighbouring Talook, Ernaad, where he heard the principal Defendant had absconded.

6. You have, I see, a very unfavorable opinion of the character of the Shernaad Tahsildar generally, whether your judgment be right or wrong, I cannot but think it is a matter of regret that you should have thought it needful to express this opinion in such strong terms as I see made use of in some of your orders to him. I doubt the policy of telling a Tahsildar in a public paper that he is considered generally bad and corrupt and that you can only account for his conduct in a matter in which you take a different view from him by believing that the general voice is correct.

I do not think such public notice is likely to reform a man, on the contrary I think him more likely to be hardened by it, while his influence is of course seriously damaged.

In one case in which you used strong terms of this nature to the Tahsildar for entertaining views very different from your's, *his* judgment was, I see, altogether borne out by that of the Criminal Court at Calicut, to whom the matter had, under your orders, been transferred.

7. I do not think it would be proper to change the Shernaad Tahsildar at present, and I have told him so more than once when he was pressed for a change.

I consider it especially desirable that an experienced Mussulman should be at the head of the District while the new Acts for the suppression of the Mopla outrages and disarming are being introduced.

But I see equally clearly that it will not comport with the public interests or your wishes, that he should remain under your charge, and I propose therefore to relieve you from the *Police* charge of Shernaad and to give you in exchange that of Betutnaad.

The necessary orders on that head will go to day.

(Signed) H. V. CONOLLY,
Magistrate.

From C. COLLETT, Esq., Assistant Collector; to H. V. CONOLLY, Esq., Magistrate of Malabar, dated Mallapooram, 7th July 1854.

SIR,

With reference to your letter of the 4th Instant, No. 1340, I have the honor to offer a few remarks not from any desire to canvass the propriety of your conclusions or to repeat opinions upon which you have decided, but rather to express my regret at the consequence of them and to disclaim any thing like a personal feeling towards the Shernaad Tahsildar, which it must seem otherwise to be left to be inferred that I have been or shall hereafter be actuated by.

2. I am of course sorry that I should be relieved from the charge of a Talook, which I have now had for nearly seven years, to receive instead one with which I am quite unacquainted, both just when I shall shortly be leaving Malabar, and at the very juncture (the occasion of the introduction of the new Acts) when I should most wish to retain it.

3. The reasons of this change appear to be that in two cases I incorrectly formed from the extraordinary delay therein a very unfavorable opinion of the cause of the Tahsildar's conduct, and that in general the tone of my orders to him has been unduly severe. I can assure you that an intimation to that effect from you would have been sufficient, and if you still consider it advisable to retain the Thasildar in Shernaad, I should have hoped that you would have been able to trust me sufficiently to believe that I could work on with him notwithstanding.

4. It will be within your recollection that I entertained really for years a very similar opinion as to the character of the late Thasildar of Valuvanaad. Indeed I thought worse of him in one respect than of the Shernaad Thasildar, but I knew him to be efficient when he chose, and I was not anxious for his being changed, but sought rather to restrain him within some limits. In fact if my experience has not altogether been thrown away, there are with some notable and noble exceptions no strictly pure Native officials. I do not say this to blame them, nor do I wonder at the fact. I fully believe that as many Englishmen placed under the same temptations and being in the same atmosphere of public opinion could not but fall. Indeed the past history of our own service rather corroborates this.

5. I have therefore no objection to have under me Subordinates, whom I know or believe to be corrupt, provided they are efficient and can be kept within moderate limits. I am therefore, I cannot deny, much grieved that you should on such an occasion and for such reasons show so severely your mistrust in my being able to co-operate efficiently with the present Tahsildar of Shernaad after you had given an adverse opinion on my judgment of his character. I know that no feeling of indignation against one whom I believed to be a corrupt official and who had escaped with impunity would influence me in my dealings with him. I know that corruption pervades so generally all ranks of the Native service, that it is impracticable to allow any such feelings to have

action and indeed when I think of the causes thereof I find more reason for pity and regret than for anger.

6. What I chiefly sought for in a change of Tahsildars was to secure a more "careful and efficient Officer." That is the chief practicable objection I had to urge against the present incumbent of Shernaad. If you differ from me and think him the man most adapted for that post at the present crisis, I was ready to bow to your opinion and you would not have found me a wit less anxious to do the best I could with him. I have thought it occasionally necessary to urge him to greater activity, I know that I have used strong terms to him. If you demur to either the justice or the policy of such reprimands, an expression of your wishes had been sufficient, and I do not know that you can urge against me that I have exhibited any disposition to oppose your wishes after I have known them.

7. Most certainly you much mistake my wishes if you think I can surrender any part of a charge I have so long held without regret, and that too at the present crisis. While you certainly, I hope do me much injustice by supposing that the public interests would suffer, if the Shernaad Tahsildar was continued under my charge. If ever there was a man who had a personal dislike to me it was the late Valuvanaad Tahsildar, and I believe I really had reason to regard him as an enemy, but every one knows that to the last I treated him rather with familiarity in my personal intercourse and did not shrink from saying so when he had done his work well. As with him, so with others when I can lay my hand on something that is tangible, I will bring it forward, but I am neither so ignorant and inexperienced as to be much excited at the sight of corruption or inefficiency flourishing (as I may think) with impunity, nor am I so forgetful of the public interests as to allow myself to be led away by any such feelings. Were it othewise I must needs quarrel with most of the Subordinates still under me, some of whom I know to be corrupt though I cannot yet prove it and others whom I see are inefficient, though occasion has been wanting to bring it prominently to light.

8. If you think that what I had to urge against the Shernaad Tahsildar was not established against him, I am glad that he should receive the full benefit of your superior opinion, and in deference to it, I have abstained from my comments on his reply; but I respectfully ask you to reconsider your conclusion that in consequence of this adverse decision it is advisable that Shernaad should not hold any longer a part of my division. The change you have made is about as severe an imputation on my public character as could be well thrown upon it. Either I have in the first place acted from malice (for which I do not know what possible motive any one could assign) or I am thought capable of becoming malicious in consequence of my opinion being disregarded. Of both these alternatives, I hope, I am guiltless.

I should ever regret that you should have given such an order, even should it now be reversed; that mere fact will be a slur on me though I may have the satisfaction of feeling very sure that I do not deserve it. But I confess I do not believe you will continue to hold to the same conclusion when you know how very different are my wishes to what you suppose and when you take into consideration, what I hope you have not yet done, how far the change is an imputation on me. In conclusion I would again deprecate the idea of any thing like an opposition to your orders in requesting this reconsideration.

9. The conduct of my Gomastah I disapprove of as fully as you do. I have though at present purposely taken no notice of it further than that when he applied for 10 days' leave on the occasion of the late Mopla feast I told him that some notice would have to be taken of his presumption in interfering with people coming to me with a complaint and setting himself up as one who could influence cases, and that meanwhile I should refuse him any more indulgence, I would prefer now leaving the notice to be taken of his conduct in your hands.

(Signed) C. COLLETT,
Assistant Collector.

MEMORANDUM.

Calicut, 8th July 1854.

The Magistrate having written to Mr. Collett, to say that he had resolved upon placing the Shernaad Police under his own control in future, has received an answer from that Gentleman de-

nouncing this resolution as highly derogatory to him, but he states however that as this decision was come to by the Magistrate in the disposal of a case which came in appeal before him, he (Mr. Collett,) bows to it. Mr. Collett, adds that if the Shernaad Police will however be allowed to continue under his control, he *will forget what has been past*, and place himself on good terms with the Tahsildar who will be protected by him with respect.

As Mr. Collett, contemplates proceeding (to England) without much delay, the Magistrate considers it well to manage things without giving him offence at this juncture, and Mr. Conolly trusts you will have no objection to this measure to adopt which, both myself and the first Sheristadar are of the same opinion.

I expect therefore to hear from you that you have gladly acceded to it. All that you consider as partaking of an injurious tendency towards you must hereby be at an end. This letter has been written in obedience to Mr. Conolly's orders.

(Signed) CANARA,
Naib Sheristadar.

To the Tahsildar of the Shernaad Talook.

From C. COLLETT, Esq., Special Assistant Magistrate; to H. V. CONOLLY, Esq., Magistrate of Malabar, dated Vundoor, 30th December 1854.

Sir,

In continuation of my Yadast of the 26th Instant, I have the honor to forward copy of a report from the Shernaad Head of Police Officer intended as a reply to my call for explanation by my order of December 18th, copy of which was forwarded with the Yadast. I beg now to draw your attention first to the great negligence of the Head of Police Officer and next to the extraordinary nature both of his conduct and his reply to me.

2. The proclamation of a reward for the apprehension of Komale Cheriga Poker was published in September 1852. By the Head of Police Officer's own account he made no efforts to apprehend him till 1854 and then apparently in a very imperfect manner. After he had received the report of the Adighary and Menon that the man was going about strongly armed, he neglected to report the matter to me at all; and though he now admits that he had ascertained that the man is generally believed to be going about armed as stated, he omitted to take any steps at all adequate to such an emergency.

3. With regard to myself I have, I think, just reason to complain that he omitted to forward the report from the Adighary at once, and that when I called for it, he simply stated that he forwarded it and had the impertinence (for it could be nothing else) to omit to make a single remark as to the truth or falsehood of the report, or to offer one word of explanation as to why it was not sent at once: I venture to assert that had a Police Officer reported similar apprehended violence to myself, it would have been negligence on my part not to have brought it to your notice; and had I, when called upon, had the assurance to omit to offer a word of comment, I should have been justly condemned for contempt. The Head of Police Officer has done more. To my express desire to know why the report was not sent to me at once, and when sent forwarded without a word of remark, he has wilfully omitted to offer a single word of explanation. Yet nevertheless on the very day that he received my order for explanation, he reports the man to you as à desperate and dangerous character, and plumes himself on his having recommended a reward of "not less than 100 Rupees" for his apprehension. As if while omitting to answer your calls for explanation I had myself ventured to address to higher authority my own ideas as to the necessity of certain emergent measures. I trust you will not allow me to be treated by this Head of Police Officer in such a manner with impunity or at the risk of a simple censure.

(Signed) CHARLES COLLETT,
Special Assistant Magistrate.

Fort St. George, Judicial Consultation, 3rd March 1857.

From H. V. CONOLLY, Esq., Magistrate; to C. COLLETT, Esq., Special Assistant Magistrate, Mallapooram, dated Calicut, 19th January 1855.

Sir,

Having called on the Shernaad Tahsildar to give any explanation in his power on the charge contained in your letter of the 30th Ultimo of great negligence with regard to the capture of one Komale Cheriga Poker he has sent me the accompanying answer.

Whether or no the exertions the Head of Police shews himself to have made were sufficient is a matter of question. I think he should have more prominently and more frequently brought to notice that a man for whom there was a reward out had not been apprehended and solicited further orders. It will not be amiss I think that periodical statements be insisted on from all Heads of Police on this topic at least every six months.

The man it seems has at last given himself to the Head of Police.

I am inclined to hope that the Head of Police was not guilty of wilful *impertinence* to you. His speaking to me about the man though previous to replying to your call was not unnatural. The man's name and case came up in general conversation the morning I arrived at Tiroovangaddy, I desired him to make the recommendation for an extra reward (which I thought advisable) to you and I can only regret that in so making it he should have laid himself open to exception.

I have resolved to change the Shernaad Tahsildar to Cooromernaad.

(Signed) H. V. CONOLLY,
Magistrate.

No. 171.

To the Magistrate of Malabar.

The Urzee of Seyd Ahmod the Head Police Officer of the Betutnad Talook.

On the 23rd August I submitted an Urzee to your Honor under No. 162, stating that on receipt of a letter from the Cootnad Talook to the effect that Vellothedath Parambil Moideen and 3 other Criminals who after escaping from Jail committed robberies and wandered about evading apprehension were moving about within this Talook. I sent my Officials &c., in different directions to effect their apprehension.

Although the necessary search has been instituted in various ways as stated in the above Urzee the apprehension of the offenders has not been effected, still under the impression that as Moideen's elder brother, wife and mother resided in Poratoor Umshom within this Talook and his father in Betut Umshom the Prisoner might have gone to see them, I again deputed my Officials and others to such places and also kept spies and while making enquires I received on the 28th August a letter from the Walloowanad Talook under date the 24th, informing me that 10 days before, on Monday night, the Prisoner left the Walloowanad Talook proceeding towards the South, that some people saw them a little to the North of the Kaugapoyah River in this Talook and that there was a private news that they would wander about there, then proceed on a little to the South where they would also move about. While enquiries were being instituted according to the purport of the said letter I went the day before yesterday to Tanoor to inspect the new Canal and as I was making my enquiry there the Tanoor Ameen shewed me a report written to him by the Custom House Peon Canoo Nair in which it was stated that the offenders on the 27th August crossed the Panon Poyah River, and proceeded westward to the Shernaad Talook. When I left Tanoor I also warned the Ameen to search for and apprehend the Criminals if they should come there. I arrived at Poodiangady yesterday the 29th and during the enquiry held there I heard that the Criminals were seen by some persons the night before last the 28th, going by the Palliprom Umshom highroad towards the South, I therefore particularly deputed the Peishcar and Moonshy to institute enquiries in that locality. The Peishcar informed me this morning that he learnt that on the same night of the 28th four or five persons went to a man watching in the field at Chenarah Umshom West of the Palliprom and asked for chunam, that they were armed with weapons and that they were supposed to be the offenders and that he was making enquiries

to effect their capture. When I came from Tanoor this morning I heard that the Criminal Moideen and others came last night the 29th, after midnight, and called at the door of the house of the mother of the Criminal Moideen's wife at Poodiangaddy, where she came from her house at Pothanoor in the Cootnad Talook, that as the door was not opened the Prisoners immediately went Northward passing through Poodiangaddy and by the Thayalakil road Eastward, and that they were seen on this road, I immediately sent the Police Gomastah and others by this road to apprehend the offenders. When the fact of their visit to and return from this place is taken into consideration there are reasons to suppose that they came merely to see the Criminal Moideen's relatives, and looking at the time of their alleged passage through this place it is probable that if they proceeded direct without halting any where they would be able before dawn to pass the boundaries of this Talook and get into places within the Shernaad and Walloowanad Talooks. I therefore wrote to the Tahsildars of those Talooks to make the necessary enquiries. I shall hereafter report the result of these enquiries, I have therefore reported this circumtsances.

(Signature) of SEYD AHMOD,
Sheristadar.

30th August 1855.

No. 172.

To H. V. CONOLLY, Esq., Magistrate of Malabar.

The Urzee of Seyd Ahmod, the Head Police Officer of the Betutnad Talook.

I have already by an Urzee dated the 30th August, No. 171, reported that on hearing that Vellothedath Parambil Moideen and 3 other Criminals who had escaped from Jail were wandering about in concealment, committing robberies, and that they came to Poodiangaddy town and left it, I sent the Police Gomastah &c. to make enquiries on the road by which they went, and apprehend them.

The Police Gomastah has not returned from his enquiries. The Peshcar who has this day returned from the place where he went to institute enquiries, made a verbal report to me that it was true that the Criminals as stated in my Urzee, No. 171, went to the Palliprom and Chenarah Umshoms and left them, that a lad of about 16 years also joined the four Criminals, that he had a war knife and a bundle in his hand, that the 4 Criminals were armed with swords, knives and sticks, that on the night of the 28th August at 15 narighas (12 o'clock) these Criminals went near one Kannikoth Mamod Cooty aged 20 years while he was sleeping in the Katangoody Padom field in Chenarah Umshom, where he went to watch paddy, awoke him, asked him of what caste he was, and demanded from him a little chunam; that he told them he was a Mopla, and gave them a little chunam; that they sat down under a shed in which he was sleeping and chewed betel, and after staying there for a short time went away, and that the Criminals told him that they were coming from Ponany. I received this morning the order dated the 29th August, No. 124, requiring me to enquire and report respecting the information communicated by the Walloowanad Head of Police, that he heard that the Criminals were going about in Moonalkil within this Talook, and I also received at the same time a letter from the Walloowanad Head of Police on this subject dated the 27th August. I immediately on receipt of these order and letter, I dispatched a Peon in haste with an order to the Adighary of Vadakomprom Umshom to inform me whether as therein stated the Criminals were moving about in that locality, I had already as stated in my report, No. 171, deputed yesterday the Police Gomastah on this road to make enquiries. While awaiting the Adighary's answer, I received this day at 3 P. M. a report dated this day the 31st from the Sheristadar Sub Officer, who had been deputed to the Oomathoor Umshom close to the said Umshom for the purpose of enquiring into this matter and also on other business, purporting that on the night of the 30th August he heard that two days before, four Criminals had one day visited the Munakil Mosque in Valyakom Umshom, that they were seen by some Moplas with whom they talked, that they said they were moolahs and immediately entered a jungle close to that Mosque, that each of them had a bundle; and that therefore he was going that morning, the 31st, to that locality to institute enquiries. I therefore immediately sent the necessary Peons with orders to the Police Gomastah who was deputed yesterday to institute enquiries on the road

ly informed of the offenders having come and stopped in the house of Karotha Coonhossa at Poodiangady and in the houses where the mother of one of them and others reside, and what accounts for your omission to state the circumstance particularly in your report?

mosque halted in a neighbouring house, and then went away. I commenced with various strict enquiries through Nalagath Moideen and other head people living in the neighbourhood to ascertain in which house the offenders had stopped. I gave particular warning to Nalagath Moideen and his son Pucky Cooty in the presence of several persons that failure to obtain proof of the said fact would be considered as having been the result of theirs and others' influence, it would therefore be necessary to send them to be detained in the Cannanore Fort. While making secret enquiries subsequently thereto, I obtained doubtful information from Coonhallen Cooty, the Adighary of the Clary Umshom that the offenders had stopped in the house of the aforementioned Coonhossa, that he is a dependant of the said Moideen and others. It was upon this information that I first commenced my enquiry into this matter. The information furnished by Coonhallen Cooty was founded on a guess, and there was nothing to shew from whom he obtained it, and I had reason to conclude from his statement that he wished that he should not be known, that the said inquiry was founded on the information given by him, and thinking therefore that it was not advisable to make public the name of such an informant, I refrained from alluding to this circumstance before this, and merely do so now in obedience to order. In my report dated the 18th September, No. 3, I stated immediately from whom I heard of the offenders having stopped at Porathoor.

10. It appears that the Peshcar wrote a report the same night on which the offenders came and left Poodiangady for the last time, stating that the offenders were coming from Chenarah &c., to Poodiangady and sent it to you through acting Peon Makoo, that the Peon took the report to your house the same night, but not finding you there he was proceeding to the Talook Cutcherry, and on the road saw the offenders at the door of the houses of Yacoob and Abdoolchy, that on his asking the latter who they were, they told him that those people were Caliphs and that the Peon immediately mentioned it to the Duffadar and afterwards to you also. Had you immediately apprehended and examined the said Yacoob and another, there was every reason for a clue to the offenders as well as to the persons who endeavoured to conceal them being obtained from that day. What accounts for such an enquiry and investigation not being held and a report made?

It is true that I obtained this information from the Duffadar and others on the same day, but as there was then no talk or reason for conjecture that the offenders had stopped in the town of Poodiangady, or that they were assisted by any one, and thinking also that the matter of greater importance was to endeavour to secure the apprehension of the offenders, I immediately adopted all such measures as were requisite to ensure that end, and afterwards commenced with enquiries and investigations with regard to the persons who afforded assistance to the offenders.

11. You have sent several reports stating that after the offenders had effected their escape you deputed the Talook Officials and others to different places within your Talook in search of them, but it seems that the result of their exertions which was so essential was not made known in proper time nor the capture of the offenders effected. The responsibility of giving a satisfactory explanation devolved on you. What have you to state regarding this?

So far as I had reason to witness formerly the outrages committed by similar offenders they were as follows, viz: to enter the dwelling houses of Hindoos, who are their enemies, and men possessing wealth and annoy them in various ways. With reference to the existing circumstances and the nature of the case, it appeared to me that my chief endeavour should have been to prevent such outrage and to effect their apprehension, and therefore made such enquiries and used such precautions as were required at that time to attain that end. The officials deputed by me proceeded to different places, made enquiries and reported the result to me both verbally and by writing. I accordingly issued at such times the necessary orders and adopted precautionary means and sent letters to other Talooks. Regarding this subject I sent up to this day altogether 33 reports, in which I detailed what different enquiries and precautionary measures had been adopted by me, and they are founded on truth; of which your Honor will, upon enquiry, be convinced as also of the fact that the non apprehension of the offenders for 3 or 4 days, during which they staid and wandered about in places within the Talook, out of

1½ months they were at large since their escape from the Jail, was in consequence of the aid of the principal persons and others as stated above.

12th October 1855, 10 A. M. (Signature)
سيد حيدر عفي الله عنه

The Bearer Syed Ahmod has officiated as Nazir in the Civil and Sessions Court at this Station for upwards of a year and a half, during which time he has given me entire satisfaction and afforded me on one or two occasions much valuable information. I part with him with regret, but the appointment being only a temporary one, he has been naturally anxious to secure a good permanent post, and now leaves at his own request for employment, under the Magistrate, and carries with him my best wishes for his prosperity.

Calicut, 1st, May 1845. (Signed) H. MORRIS,
Civil and Sessions Judge.
سيدر حيدر عفا الله عنهي

The possessor of this testimonial Seid Ahmod, Tahsildar of Shernaad, was known to me from June 1845 to December 1846, in his capacity of Police Ameen of Cannanore.

The very many and excellent opportunities, which the Office of Superintendent of Police in the Cantonment afforded me during that period for judging of his worth as a Native Police Officer, all tended to raise him high in my estimation, and it gave me much pleasure when I saw his superior to whom his merits must have been better known, reward them by promoting him to the responsible situation of Tahsildar in performing the duties of which I have no doubt, he will amply, if not more than fulfil these expectations.

Cannanore, November 13th, 1847. (Signed) CHARLES HALSTED, S. A. C. G.
سيد حيدر عفي الله عنه

Answers of SYED AHMOD, the late Tahsildar of Betutnaad, to the charges preferred against him by Mr. COLLETT, the late Joint Magistrate of Malabar.

Charges.	*Answers.*
1. The state of the enquiry into the proceedings of the murderers of the late Mr. Conolly, being sufficiently advanced for the purpose, I have the honor to submit my final judgment as to the conduct of Syed Mohammed, Tahsildar of Betutnaad now under suspension on account of apparently gross neglect of which he has been guilty.	The structure of Mr Collett's charges against me, consists partly of surmises, and has for its basis certain statements and facts gathered from evidence, most of which has been given without a disclosure of the whole facts of the case and is nothing more than a compound of little truth and much falsehood. Had I been allowed to be present at the trial, I would have been perfectly able to elicit from the deponents themselves facts which would have rendered it conclusive, beyond question, that my account of the case was the true one, and Mr. Collett himself would have abandoned the foundation he had laid to build his charges upon, but to my keen misfortune I was by that Gentleman's strict orders, removed to and detained, during the enquiry, at Kooroombrenaad, a place beyond Shernaad and Calicut, and within 43 miles to the North of the Betutnaad Talook the scene of enquiry.
2. I am sory to say that the result of further enquiries has been strongly to confirm my former unfavourable opinion as to the conduct of the Tahsildar. It is now beyond the possibility of reasonable doubt that the Criminals entered the Betutnaad Talook on the night of the 25th August 1855 and did not finally leave it till the night of the 31st Idem; during that interval they remained in and near the Town of Poodiangaddy from the 26th to 29th; on the 30th they were at Mambra and Tayalla a distance of six or seven miles, and on the 31st at Moonakil on the confines of the Talook. In no other country were the scenes that occurred more openly shameless and disgraceful.	The 25th August (at night) was not the date on which the offenders came to Betutpoodiangaddy. That was the date on which they came to Tiroovengaddy in the Shernaad Talook, as will be proved by an emergent letter, to which I request attention, written in the afternoon of the 12th Chingom (26th August,) by one Kcodyil Kooty Ramen Nair to his elder brother, a Peon named Cunnoo Nair, wherein the latter is warned to take care of his own life. The purport of this letter is that from the report of the Vengare Adigary received by the Shernaad Tahsildar at the time the letter was written, and from the enquiry then held by the Shernaad Tahsildar of the Panompoya ferryman (the ferry being within half a mile's walk of Tiroovangaddy, the Cusbah station of the Shernaad Talook, and on the road leading from Valoowanaad to Tiroovangaddy,) it was established, that the offenders had crossed that ferry the preceding (25th August) night at 8 o'clock.

The letter in question was forwarded by the said Cunnoo Nair with his official communication to the Tanoor Ameen, and I had it from the latter. In the Official report submitted by me to Mr. Conolly on the 30th August I alluded to this letter, which I forwarded on the 27th September, together with my report No. 193 to Mr. Collett after he had commenced with the enquiry.

The letter in question having been written under the most emergent circumstances by a Government Servant attached to the Talook Cutcherry, and at a time when a public agitation and enquiry in regard to a matter which occurred one night in the immediate vicinity of that Cutcherry, was in progress there on the very next day, and as this letter was, two days afterwards, and is still, embodied with the public record, it is conclusive beyond doubt, that the date which appears from the said letter to have been that on which the matter occurred, is perfectly correct rather than the dates assumed by Mr. Collett upon a mere supposition formed on the strength of certain statements made 1½ or 2 months subsequent to the occurrence in question, by certain villagers of low order who are ignorant of dates &c.

Since it is admitted on all hands, that the offer of prayers by the offenders over the tomb of Tiroovangaddy Tungul, the performance of certain ceremonies by them there, and their stay one night, the following day and the following night, for a few hours in the house of Parranguel† Markar in the Nanambrah Umshom, situated on a side of the main road leading from Tiroovangaddy to Purparangaddy, were *subsequent* to the crossing by them of the said ferry as aforestated, it is clear, that the time spent by the offenders as above should be reckoned from the night (8 o'clock) of the 25th August. To illustrate this point further I would solicit attention to the following circumstance.

† This individual was transported for having harboured the offenders.

The offenders came to the said Cunnoo Nair's house situated in the immediate vicinity of Paraparangaddy in the Shernaad Talook, 3 or 4 miles west of Tiroovangaddy and Nanambrah Umshom, on the 27th August about midnight, during the Onom and Avittanal, the grand festivals of the Hindoos of Malabar, and there not being able to do any thing to the said Cunnoo Nair, in consequence of his having, from the timely information obtained by the means of the said letter, kept armed people in his house for the protection of his life, they left the place. It was then that they took their road to Betutpoodiangaddy. The news of their having resorted to Cunnoo Nair's house, as above being spread throughout the country the next morning, (the 28th August,) it created a dread in the minds of the people, and an opulent Numboory woman (a land-proprietress) residing in the adjoining place left the country through fear, although armed people were kept by the Parpanad Rajah as guards in her house for the protection of her life. When Mr. Collett came to the spot for enquiry the said Cunnoo Nair, the Adighary, the village Accountant, the Rajah just mentioned, and several Hindoos and others, uniformly stated all the aforesaid circumstances, but depositions were taken down only from a few persons. I therefore beg leave to crave attention to this fact.

The cause which led to the imprisonment of Chamben Moideen Cooty one of the offenders (a daring man) being an attempt to murder Cannoo Nair, and he having effected his escape while undergoing imprisonment for that offence, there was every reason for his going to Cunnoo Nair's house to effect his original purpose, viz., of taking away his life.

My assertion that the offenders came to Betutpoodiangaddy on the 27th August after midnight, about day-break, is strengthened by the fact of the offenders having acted as above between 8 o'clock P. M. of the 25th August, and about midnight of the 27th Idem, and of the distance from the last mentioned place to Betutpoodiangaddy being 13 miles.

That the truth of the case is as stated above is well known to all the inhabitants of the place, Mussulmen as well as Hindoos. The general impression of the people in regard to any such clandestine affair, often proves to be correct. There is another fact worthy of remark in this matter. The chief object of the offenders' visit to Betutpoodiangaddy was to effect two purposes. 1st, the divorce of one of the wives of Veloothedata-Parambil Moideen, one of the offenders. Secondly, to offer prayers and perform certain ceremonies over the tomb of Yahoo ‡ Tungul (a junior Tungul). The last business would have occupied only one are two hours. It is admitted on all hands that the divorce of the offender Velloothedata-Parambil Moideen's wife was effected on the night of the 28th August at Betutpoodiangaddy, and that she was brought there during the day time (of the 28th) from Pootanoor, a village in the Kootnaad Talook, by an old woman named Pathoo Cooty. By the latter's deposition, it appears that she was requested by Veloothedata Parambil Moideen the night preceding that day time, about dawn to bring his wife. Hence there can be no doubt that this request was made on the night of the 27th or a little before the day break of the 28th and nothing can be more reasonable than the conclusion, that the request was made immediately after the offenders' arrival at Poodiangaddy, because they would, in all probability have lost no time in taking steps to effect the purpose they had intended to accomplish. Under the circumstances shewn above their stay at Poodiangaddy was, by any calculation, *for no more than* 18 *hours*, and *not* for 48 hours as stated by Mr. Collett.

‡ It is evident that the offenders finished their ceremonies over the tomb of Valia Tungul of Tiroovangaddy in a few hours.

From all the circumstances brought to light, it is evident, that the offenders' stay at different places in Betutnaad was only for such time as was required to effect their objects. To illustrate this point I would, with deference, refer to the undisputed fact that the offender Moideen did not stay for more than one or two hours in the house, at Pooratoor, occupied by his mother, another wife, brother, sister-in-law and other relatives.

In the face of the facts detailed in the above paras: the assertion advanced by Mr. Collett, upon mere surmise, and by losing sight of those facts, that the offenders remained at Betutpoodiangaddy, on the night of the 25th August, and on the 26th and 27th, while there was no special cause for their doing so, is undoubtedly and evidently incorrect.

It has been proved by unquestionable evidence, that on the 28th August, about midnight, the offenders were seen going to the south by the high road leading from south to north in the Palliprom Umshom. The house of Nalagatha Moideen and Pucky Cooty lies to the north of that road and at a distance of at least 2 or 3 miles from it. If the offenders had intended to go from the house at Poratoor in which Moideen's mother and other relatives lived, to that of Nalagatha Moideen and Pucky Cooty situated at Poodiangaddy, they should have proceeded by the usual route direct to the east, and could have had no necessity to pass the high road in Palliprom which lies further southward. Looking to the fact of the offenders having taken a southern direction through the high-road at Palliprom, it is to be concluded that they were not then proceeding to the house of Nalagatha Moideen and Pucky Cooty which was to the north of that road, but to any place south thereof. The southern direction which they took was that of the house wherein the offender Moideen's uncle Moopen Coonhy Moideen lived in Pootanoor Umshom in the Kootnad Talook. That the offenders went and stopped in that house during the remaining part of that night (28th) and on the following day, is a notorious fact. There are two material circumstances corroborative of this: viz, first the relationship existing between the offender Moideen and Moopen Coonhy Moideen, second, the fact of the said Moopen Coonhy Moideen being a notorious receiver of property obtained by theft and robbery. There was a general talk that the property obtained by robbery for which the offender Velloothedatha Parambil Moideen was detained in the Jail, was secured in his (Coonhy Moideen's) possession, and that their object in going to his house was to effect some purpose connected with that matter also. Adverting to all these circumstances it is clear, that they proceeded to Pootanoor and not to Poodiangaddy.

It is true that the offenders stopt at Mambra from the midnight of the 29th to the evening of the 30th. I beg leave most respectfully to state, that as regards this point no fault can in justice be imputed to me. The Police Moonshee being the first instrument that should be employed in the conduct of Police duties I consider him the best person I could depute to make enquiries. As for as I could judge of him he was of a respectable family, bold, and a good marksman and fencer. The time which elapsed between my transfer to Betutnaad, and the occurrence of this affair was upwards of a month. During that interval he having, to my knowledge, performed his duties faithfully, I sent him on the morning of the 30th to make enquiries on the road through which offenders had proceeded. There was apparently nothing to lead to a supposition that the offenders would stop at Mambra. From the manner in which the offenders remained at that place, some clue to them might have been obtained, had the Moonshee faithfully discharged the duties entrusted to him as the Adigary of the place being a principal and influential Landholder and one who could, if so disposed, have easily assembled any number of people he required on the spot, might in conjunction with the Moonshee, have been able to form a strong Police force. But he, the Police Moonshee, after remaining there for two days and one night returned and informed me that the offenders were no where to be found, and that there was no news about them.

The younger Brother of the Head Sheristadar of the Huzzoor Cutcherry.

It has been proved by various records that the offenders, armed with weapons, publicly wandered about in the day time, in the Walloowanad, Calicut and Kooroombrenad Talooks. In Walloowanad they remained for half a month, during which they committed an extensive robbery one day about sun-set. It was from thence that they were joined by another party and obtained a war-knife† and spent their time in debauchery with a woman for 3 days. In Betutnad they stirred out secretly and clandestinely at the dead of night, after all the people had retired to rest. I now leave the higher authority to judge, whether the scenes which took place in the other Talooks were not more shameful than those which Mr. Collett asserts to have occurred in Betutnad.

† The Principal weapon with which Mr. Conolly's murder was effected was this war-knife.

Charges.

3. The Tahsildar naturally relies on the fact that the criminals were also received and sheltered in other parts of the Country and yet were neither apprehended by the Police nor their designs ascertained. This is an ad captandum argument of little value when it comes to be examined. The Betutnad Talook is very different in its features from Walloowanad, Ernad and the other parts of Calicut and Kooroombnad in which the offenders wandered. Poondiangaddy is a large open town and is situated in the level and densely populated strip of country that lies near to the Coast. Poratur which the criminals also visited lies in similar Country, and Mambra though hilly is removed inland only 3 or 4 miles. Munakil is the only place resembling Walloowanad.

Answers.

What I meant was this. As a general principle the Government wishes that all its servants should be equally protected and treated with even justice, but Mr. Collett's procedure against me alone is diametrically opposed to that principle. The offenders wandered about for 45 days altogether. Out of these, they were within my Talook for 3 days as asserted truly by me, or for 7 days as stated by Mr. Collett. Be that as it may. These days being deducted there remain 42 or 38 days. It is certain, that the offenders stopt and wandered all these days in other Talooks. I would respectfully ask why were not the Head Police Officers of those Talooks held accountable for the days the offenders were within their respective boundaries? The cause was I believe that they could not on the mere ground of their holding the high Offices of the Heads of Police, have been fairly made answerable for the secret movements of the four Mopla rogues among so many thousands of people. The only exception urged by Mr. Collett is the difference of locality. How far this is fair, the following circumstances will shew. The offenders moved and staid in the Calicut Talook for a far longer period than they did in Betutnad my Talook. For three days they wandered about and stopped at places in the immediate vicinity of Mr. Conolly's house, to the situation of which I request attention. The house is on a side of the large town of Calicut which contains a large population and considerable number of houses. The adjoining place is inhabited by several people of consequence, and in the same Umshom a little to the south, are all the principal Courts of Calicut. At this place the offenders staid and roved about, watching their opportunity to murder Mr. Conolly, and yet for this matter the Police of the place was not held accountable at all. The particular manner in which Mr. Collett described Betutpoodiangaddy, a village, inhabited by lawless people, without no-

From 4th August the day they escaped from the Jail up to the 14th September the date they were shot.

ticing the town of Calicut, is a matter of grievance to me. Moreover it is a well known fact, that the other places, within the jurisdiction of the Calicut Talook at which the offenders staid and which lie to the east of Mr. Conolly's house, as well as the places, in which they staid and roved about, in the Ernad and Walloowanad Talooks were not uninhabited.

4. In this latter Talook they were certainly wandering about from the 7th till the 20th August. After the 15th though their movements were very secret and previous to that date it is clear they used much precaution though they were greatly favoured by the extremely wild and hilly nature of the country and the scattered manner in which the population live and their lawless habits and characters. The Prisoners implicated in Walloowanad are, further very many of them more or less related to the criminal Tenoo.

The society in which the offenders moved during their stay at different places in the Betutnad Talook, was that of the people of their own class and chiefly of the poorer and lower order, and of bad character. They secured the confidence of those people by means of booty obtained by robbery committed in the Walloowanad Talook.

The offenders' movements in the Walloowanad Talook were openly and in the day time. I beg to call attention to the reports forwarded by the Walloowanad Tahsildar to Mr. Conolly.

5. The Tahsildar's explanation dated the 12th October in which all the questions I put to him are stated at length, will show what there is against him and may serve to abridge my present remarks.

The death of Mr. Conolly, who from feelings of justice protected me for a long time, threw me into great affliction, and I was besides much confused in mind, as I had to institute various enquiries at different places within my Talook. While in this state of mind, I received the queries which Mr. Collett, well aware of it, was pleased to send me. I was not allowed sufficient time to answer those queries, but was, on the contrary, strictly enjoined to submit my answers by the return of Post. This was apparently not to give me an opportunity to frame my answers with due consideration. I therefore leave it to the higher authority to judge whether it is justice that an Officer of my standing, even if supposed to be guilty of any crime, should be required to submit an explanation, in such a pressing manner, which will account for any want of perspicuity in my answers. I can assert positively that they contain the whole truth.

The Tahsildar is very anxious to prove that the criminals arrived at Poodiangaddy only on the night of the 27th, and left it on the night of the 28th, passing through it on the night of the 29th.

This is true.

The Tahsildar left Poodiangaddy for Tanoor on the morning of the 28th, and returned in the evening, he left again at 4 P. M. on the 29th, and returned in the morning of the 30th. This explains his desire that the visit should be shown to be on the dates he mentions, and which singularly coincide with his absence from Poodiangaddy. To prove this, he relies on the fact that the 2nd Prisoner in the Poodiangaddy case or No. 7, as also some of the Witnesses state that the criminals were at 2nd Prisoner's house in Poodiangaddy on one day, left it at night, and the next night passed through Poodiangaddy, this latter night being certainly that of the 29th.

This is also true.

In the report submitted to Mr. Conolly on the morning of the 30th August, I distinctly stated the fact of my having gone and staid at Tanoor on two occasions. That Gentleman read and affixed his initial to it on the 31st Idem. This report was not framed by myself, but by a Hindoo Moonshee in my Cutcherry. No necessity whatever then existed for, nor was there any benefit to be derived from the introduction of any such false statement in it. Mr. Collett did not bring forward this report, the contents of which were so very beneficial to me. That Gentleman, although he sent me away to a great distance, remained himself at Poodiangaddy, appointed in my place a person in whom he had much confidence, viz., Vadakata Rama Nair, and carried on his enquiries as vigorously as possible, elicited nothing which tended in any way to disprove the truth of my statement. Had he discovered any thing of the kind, he would certainly have mentioned it in his report.

This is not the first instance in which Mr. Collett has sought means to injure me. He tried to bring me into trouble even during the life time of Mr. Conolly, but the latter Gentleman was satisfied that I was not at all blameworthy, as will be seen from the enclosures herewith submitted.

In proof of my assertion that I was at Tanoor on the two dates above stated, I beg to refer to the depositions of the Talook Duffadar and of the Peon Makoo, the bearer of the letter alluded to in para: 13. Besides this Mr. Bargona, the Apothecary attached to the Railway Company, who was with me at Tanoor, for 2 days, the 28th and 29th, and the Pynad Moonsiff. Mr. G. Bass who was at the same place with me on one of those days, the 29th, are able to bear testimony to the truth of my statement.

It was not upon the strength of any untrustworthy evidence that I asserted the fact of the offenders having passed Poodiangaddy on the night of the 29th. It was a well known fact, and the date is one which can admit of no question, as the information of the offenders having passed Poodiangaddy on the night in question, was received that very night, and immediate inquiries were instituted by the Talook officials as to their whereabouts. On the following morning, so soon as I returned from Tanoor and became aware of what had occurred, I held strict enquiries myself on the spot, and reported the result to Mr. Conolly on the same day, the 30th.

6. It must be remarked that these parties were all first examined by the Tahsildar himself.

This is true. But their depositions were carefully and regularly taken down by Hindoo Officers in a public Cutcherry, just as they were dictated. Fresh depositions were subsequently taken from these individuals by Mr. Collett. Had any difference existed in their former depositions, that Gentleman should have clearly pointed it out.

It is very apparent from his report of September 26th, No. 193, forwarding his proceedings, how anxious he even then was to show that he was absent from Poodiangaddy, when the criminals came, and how fully conscious he was of the awkward occurrence which he had to explain away.

I did not entertain any such desire, nor was there any necessity for so doing, inasmuch as the mention made by me in this report of my absence at Tanoor for 2 days, was not the first intimation given thereof. I had 27 days previously thereto, clearly alluded to it in my report to Mr. Conolly, of the 30th August.

But though according to this account it would be the 28th August on which the witnesses saw the criminals at 2nd Prisoner's house, it does not follow that they were not there before also.

This is a wrong assumption inasmuch as it is clearly shewn in answer to the 2nd para: that the offenders came to Poodiangaddy only after midnight of the 27th August, about day break.

The 2nd Prisoner has clearly (as the Tahsildar admits) not stated the whole truth as she falsely denies that they stayed in her house during the day time, &c.

This is true. Her own son deposed to having seen the offenders in her house on the 28th in the day time. The fact of the anonymous letter received by Mr. Conolly, 6 days previously to his murder, having been written on the information obtained from the said individual, was brought to light some months after the murder.

There is no reason whatever to conclude that they were not there on the 27th or 26th August as well as the 28th.

There is good reason for such a conclusion as shown in answer to para: 2.

I myself believe from my enquiries that they were in 2nd Prisoner's house for two whole days.

This does not accord with the facts of the case, and is only intended to add weight to the charges brought against me.

I might remark that the 2nd Prisoner even before the Tahsildar stated the criminals first came on the night of 2nd day after Hadjee feast, which was on the 24th August, so that by her account, reckoning how we will, the date could not be later than the 26th August.

This is an error. The 2nd Prisoner did not make this statement before me, but before Mr. Collett. From her having added the words "I think," it is clear that she was not certain that her account was correct. Even accepting it as correct, I must with deference observe, that if taken in its real meaning, it cannot but be considered as fully bearing out my assertion. The Hadjee feast consists of 3 days. In last year, it commenced on 24th and ended on the 26th August. The words "2nd day" used as they were by a Mopla woman, meant the next day after the Hadjee feast, i. e., the 27th.

All the Moplas of the South Malabar usually observe 3 days, vide Depositions taken by Mr. Collett from Moidoo and Aisha (females) 1st and 2nd Witnesses connected with the case at Moonakil, wherein they alluded to this circumstance casually.

According to Mahomedan calculation, the day commences after sunset, and the last day of the Hadjee feast ended in the evening of the 26th. The night of that day was to a Mahomedan the night of the 27th. Under such circumstances, the woman naturally took the former night (the 26th,) as the night of the 1st day, and the night of the 27th as that of the 2d day, after the Hadjee feast. Thus, by her own account, it is quite evident that the offenders came to Betutpoodiangaddy on the night of the 27th August.

7. I have obtained proof that they certainly were at the Tiroovangaddy Tungul's tomb on the night of the 24th August, and at Nanambra during the day of the 25th.

As regards this circumstance, I make no particular observation, and would simply remark that some deponents in alluding to the Hadjee feast, meant 3 days which comprise the feast, and that the Moplas reckon the nights as preceding the days, which might have caused some difference in dates.

This is on the borders of Betutnad, and on the road from Tiroovangaddy to Poodiangaddy. This place they left on the evening of the 25th, and in their way stopped for a few minutes at the Mambra tomb where they stayed on the 30th.

I have clearly shewn in answer to para: 2, that the criminals having come from Tiroovangaddy to Mambra, proceeded from thence due west to a place near Paraprangaddy. Since there is a direct road from Paraprangaddy to Poodiangaddy, there was no necessity for offenders to go to the latter place through Mambra.

A Witness who resides there speaks to this brief visit during the night, to the fact that on leaving, they took the road to Poodiangaddy, that the same men returned 4 or 5 days afterwards, (which was on the 30th,) and that they then said that after they had left before, they had gone to Poodiangaddy, seen their relatives, and prayed at the tombs there.

This Witness is called Pooyichirichy Patoomah. In her deposition she stated an abominable falschood regarding this circumstance, apparently through the ill advice of some one. The criminals having performed only once their ceremonies at the tomb of the senior Tungul at Tiroovangaddy, and the other principal tombs, it is not at all probable that they would have twice gone and performed ceremonies at the tomb of a junior Tungul of no note at Mambra. Since the criminals on their return from Poodiangaddy went and completed their ceremonies at Mambra, the statement of the woman aforementioned, that the offenders performed ceremonies at Mambra on their way to Poodiangaddy must appear to be utterly false. Her son, who was examined 26 days previous to her examination (taken on the 8th November,) did not state in his deposition that the criminals came to Mambra the first time, or that they mentioned when they came there last, the circumstance of their having once before visited the spot. The woman stated that when the offenders came to Mambra a second time both herself and her son were there; whereas the latter stated that they both were not there at that time, having gone to receive rice distributed on the funeral of a certain person, and that when they came there a short time after, they found the offenders there. Hence it is evident that she did not state the truth as regards this matter.

The woman in her deposition stated that the time the offenders first came to Mambra, was midnight, and that they went to Poodiangaddy after staying there for a few minutes. The distance from thence to Poodiangaddy is 6 or 7 miles. Mr. Collett in his 7th and 8th paras: shews that the offenders, leaving Mambra took the road to Poodiangaddy, and arrived there at 8½ or 9 o'clock at night. This is an evident impossibility. Since the offenders were at Mambra at midnight, how was it possible for them to be at Poodiangaddy at 8½ or 9 o'clock. This impossibility would at once have been apparent, had not Mr. Collett (unintentionally I consider) used in his 7th para. the words "during the night" instead of "midnight," the actual time stated by the witness Pooychiry Patoma while speaking of their brief stay at Mambra.

8. It is most improbable that they could have arrived at Poodiangaddy till some time after midnight. Now the 2d Prisoner declares that they were brought to her house one night about 8½ or 9 o'clock and then were accompanied by the 5th, 6th and 7th Prisoners. She could not well mistake long after midnight for a little after 9 o'clock in the evening.

This is opposed to the facts of the case as will be evident by the foregoing and the 2nd answer.

9. The criminal Moideen was an old hanger-on of the 5th and 6th Prisoners, men of property, but the latter especially a very bad character.

This might be true, but I did not know it. The real character of the people, can only be detected by an officer of my position, after he has been some time in a Talook and become acquainted with all the people. To enable them to resort with confidence to an officer and impart to him such private information, it was necessary he should have remained (in his post) for some time. I had been at the time only a month in that Talook, holding the situation of a Tahsildar. Vellothedath Parambil Moideen (a mean fellow) was in Jail previously to my transfer to that Talook. I never heard of, or found on public record, any thing to induce me to form an opinion that the 5th and 6th Prisioners were really bad characters, except an unfavourable rumour which prevailed as regards the 5th Prisoner, that on the death of a person he would so far interfere as to make a division of the deceased's property among his heirs, and when he fails in his attempt, he would then cause the matter to be brought before a Court thereby extorting money. The 6th Prisoner is quite a young man. The Mopla population of Betutpoodiangaddy is divided into 2 sections, one living on the south and the other on the north side. The 5th Prisoner (the 6th Prisoner's father) is the head man of those residing on the southern side. He belonged to a respectable family‡ of that part of the village, was a landholder and possessed much influence. The anonymous letter received by Mr. Conolly five days before his assassination emanated from a person of his *family. He was treated with much attention by the Government authorities, and respected by the Tahsildars and Moonsiffs of those places,and was moreover regarded as a Head man by the Hindoo and Mopla population in general.

‡ Mandaiportha Mamod Cootty Moopa (now under sentence of banishment) the head of all the Moplas of the 2 or 3 Talooks, is married to this man's sister, and the 5th Prisoner is married in the Pallaka Vallapa family, reckoned as the principal house in Cootay, a village situated on the west at a distance of 8 miles from Betutpoodiangaddy.

* This was ascertained thro' the endeavours of the Naib Sheristadar.

It was thus natural that they should go direct to their house, which is a large one situated in a garden a little way out of the town of Poodiangaddy, arriving as they would, about midnight or towards morning of the 26th August.

But I did not think so, and there was nothing to induce me to think so. No one suspected that the criminals had resolved upon putting Mr. Conolly to death. It was however my belief as well as that of my Subordinates, and all the people, that in case the criminals came to Betutpoodiangaddy, it would be to visit the father of one of them, Vellothedath Parambil Moideen, and every precautionary measure in my power was adopted to effect their capture in the event of their proceeding thither. I beg to draw attention to the fact that the wife of the criminal Vellothedath Parambil Moideen was not at the time at Betutpoodiangaddy. I found no cause whatever to lead me to suspect that the offenders would have come to Vellothedath Moideen's house, nor have I or Mr. Collett succeeded in obtaining credible proof on this point, though we used vigorous enquiries regarding it.

The 5th and 6th Prisoners are notorious supporters of robbers and other bad characters, and the 6th Prisoner is believed

I have explained above that having been but a short time in that Talook, these secret informations did not reach my ear. My Subordinates in the office who were doing duty for a long time in that Talook would have informed me of the same, if they

to have had a part as an accessory in the gang robbery, on suspicion of which the criminal V. Moideen was imprisoned.

had heard of it, but not one of them did so. All the Moplas inhabiting the northern line and Moolasheryagatha Ahmod, the head man of that party, are notorious enemies of the 5th Prisoner. Both parties of the southern and northern lines used to injure each other. I often called and warned the parties of the northern line as well as the said Ahmod to be watchful on those occasions, but none told me any thing. Having entertained suspicion against these two Prisoners in consequence of the criminals having stopped in Karoota Coonhossa's house, I lost no time in reporting my suspicions to Mr. Collett, in my Urzee No. 193.

The object of their visit being to pray at the Jahoor Tungul's tomb.

This is correct.

And also for criminal V. Moideen to see and divorce his wives, this could be best done by their going to stay in 1st and 2nd Prisoners' house.

His wives' absence from Poodiangaddy at the time the criminals went there, precludes such a supposition.

They would most likely be brought to this house at 8 or 9 o'clock in the evening.

This was any thing but possible, under circumstances stated in the above paras.

And the 2nd Prisoner's statement is most probably true in this respect.

Her statement on this point is false, as explained above.

From here the criminal sent for his first wife who lives just over the border of the adjacent Talook of Kootnad.

This is correct.

They certainly therefore had no intention of, and no object in, going in that direction. The criminal's father was then residing at Poodiangaddy, his mother, brother and second wife at Poratur. It is not therefore possible to suggest any objection for the criminals going elsewhere than to Poratur.

My explanation on this subject is given in the 2nd para.

10. The 2nd Prisoner denies this, but she also denies amongst other things their having been during any part of the 28th in her house, though this is proved by the Tahsildar's own examination to be false. After all it is the locality rather than the exact period of time (whether 24 or 48 hours) that ought to be considered.

However close the locality may have been, since neither myself nor any of my Subordinates had the slighest information of their concealment, and no cause whatever existed for supposition that they would have come and staid there, how is it possible for any one's attention being directed to this circumstance? I solicit attention to this point. European as well as Native Officers resided in the immediate vicinity of Mr. Conolly's house at Calicut, where the offenders moved about, but none of them were able to obtain any information of their movement and stay there.

It is a new doctrine that if a Police Officer happens to be absent for 12 hours or so, it is not a slight reflection on him that he should remain ignorant for nearly a month of such an occurrence as this. It is not as if he had not been put on his guard at the time.

It is a matter of grievance to me that such an observation should have proceeded from Mr. Collett, who, from his residence in Malabar for 7 or 8 years, must have had sufficient information as to how much these Moplas assist each other in affairs of this nature.

Mr. Collett, who served in those parts of the country for a long time, and was popular with the inhabitants and the heads of Police of those places with all the advantages which their position afforded them, could but with difficulty, and untiring exertions on their part, for months, get the evidence they have obtained in regard to this matter.

The uprightness of Mr. Conolly and his kindness towards all within his Collectorate, and in particular towards the Moplas (to all of whom he was in the light of a protector), are evident to all the inhabitants. Although the Moplas of the different places where the offenders stayed, were aware of their intention to take away the life of such a Gentleman, still none of them came forward to reveal the matter, and nothing transpired until some months after they had effected their purpose.

This wicked intention of the offenders was communicated to Mr. Conolly, by a Mopla woman of Betutnad and her son. The cause which induced them to do so was sorrow for the intended death of Mr. Conolly and of the 2nd Sheristadar, who was an intimate friend and neighbour of the aforesaid woman's husband, a rich man. Though they entertained such a grief, and were anxious to attain their object, still they acted thus without coming forward or giving out their names.

I trust I have now clearly shewn the existence of a deep-rooted feeling of unanimity among the Moplas under such circumstances. Notwithstanding this, and though I was at the time a new Officer in that part of the District and was not well acquainted with the people; yet it was I who brought to light and obtained evidence, in a satisfactory manner, as to all the places* in which the offenders moved about, and to whom they gave money, and in fact all that they did in my Talook, and delivered up (the parties concerned) into the hands of Mr. Collett.

* With the exception of Moonakul. Had I not been suspended from my office, I would certainly have obtained evidence as regards their stay at that place also.

On the contrary he admits that on the morning of the 28th when the criminals were actually in the town, he received a letter dated the 24th, from the Tahsildar of Waloovanad informing him that it had been ascertained that the offenders had left Waloovanad and taken the direction of the Betutnad Talook.

The real tenor of the letter here referred to, was only calculated to slacken exertion as regards this matter. The concluding part of the letter is as follows: "Private information has this day been received to the effect that last Monday (20th August) night the offenders left this Talook, and proceeded towards the south, that some persons met them a little to the north of Kangapoya river (southern boundary of Betutnad Talook) situated within the said Talook, that they would make a movement in that locality as well as a little to the south."

There is an impression among the European and Native Officers, that the Tahsildar who wrote the above letter, is a fit person to get private information of the movements of such people as well as of robbers and thieves. This private information was obtained by such an Officer, and some days previously there was a report that the offenders intended to proceed to the Cochin Rajah's territory, and thence proceed by sea to some foreign country. These circumstances, the fact of Kangapoya ferry, mentioned in the Tahsildar's report, lying on the south east side within 12 miles of Betutpoodiangaddy, and on the road leading south to the Cochin Rajah's territory, the information conveyed in the said report that the offenders had gone in that direction towards the south, the date thereof and that on which it reached my hands, could not but convince any one that previous to the receipt of the above report the offenders had passed the boundaries of my Talook, and gone into the territories of the Cochin Rajah, and this would rather lead to a relaxation of vigorous efforts used in reference to the offenders.

Vide Orders issued by Mr. Conolly to all the Sea Custom Managers.

Where should he have been on the look out among the relations and former companions in crime of the offender V. Moidin, and who were these but the 5th, 6th and 7th Prisoners, and their dependants, and among

I exercised the necessary vigilance among the relations of Vellothedath Parambil Moideen. His father alone lived at Poodiangady, where by some arrangement made by me, I had always an eye over him. Some of his (V. Moidin's father's) relations lived in the Vettom Umshom, 2 or 3 miles west of Betutpoodiangady. I caused the Village Officer of that Umshom, a land-holder of considerable influence, to have a watchful eye

them the 1st Prisoner (a connection by marriage of the offender himself, an extremely bad character and particular friend of 5th Prisoner) and the father of the criminal living in Poodiangady and his brother, mother, &c. at Porathur.

over his relatives there. The offender Moidin's relatives resided in Pooratur, where, for the first time, on the 23rd August, I deputed my revenue Moonshee, and the requisite number of Peons to make the necessary bandoobast, and also on the 29th Idem deputed my Peishcar, a Mopla of influence, born in that place, and consequently acquainted with the inhabitants thereof, as soon as he was relieved from other duties. The Village Officer of that Umshom, Pooratur, was of a respectable Tarwaad. He and his father are men of influence, and wealth. The relatives of Veloothedatha Moideen live in one of the houses belonging to him (the aforesaid Village Officer.) I entrusted him with such bandoobast as should have been done by him, and he promised to me to act accordingly, hence it will be evident that no further bandoobast than that stated above was necessary on the side of Poratoor. It is evident that though the whole of the relatives of the offender Veloothedatha Moideen was in the house at Poratoor; yet he did not go into it, but merely stood outside for one or two hours, and went away immediately. When his respectability and disposition are considered, no one could ever suppose that he would have acted against his own conscience, either to favor such an insignificant man as Velloothedatha Parambil Moideen, or to share in the booty in his possession. Since the 5th and 6th Prisoners were to all appearance men of high rank in society, and there were unfavorable rumours, as stated by Mr. Collett, against them before they were apprehended in this case. How could it be supposed then that these Prisoners were the former companions in crime of the said offender Moideen. Had I without strong grounds, or without any proof whatever done any thing that would have brought disgrace on them, the Magistrate† would certainly, I think, have held me responsible for my conduct, or they themselves would have hauled me up before a Court of Justice. Mr. Collett would also have viewed such a procedure on my part as highly culpable. It is well known that a Tahsildar of the same Talook, who was my predecessor, was fined by Mr. Conolly upon Mr. Collett's report for having, in a similar case, searched the dwelling house of a respectable man. There is but a very distant relationship‡ between the 1st Prisoner and the offender Moideen, so distant that it can hardly be viewed in the light of a relationship.

† Mr. Collett and my predecessor, the Head Police Officer of the Betutnaad Talook went to search the house of Mandiaporatha Mahomed Cooty Moopah on suspicion of it's containing stolen property, and although a search was not made, still Mr. Conolly censured them for their conduct. Mr. Collett is quite aware that Mr. Conolly had put a stop to the practice of having respectable peop'e taken up without sufficient proof being obtained against them.

‡ The 1st Prisoner is married to the sister of the offender Moideen's wife's mother.

Mr. Collett's strictures are based upon circumstances which appeared subsequent to the occurrence of things, of which it was impossible for any human being to have conceived an idea. He should rather have considered matters in the light in which they presented themselves previous to the affair in question. Since Mr. Conolly's proceedings towards the Moplas were always marked with justice and rectitude, and were in no way calculated to create the slightest discontent among them, no one could have supposed that any of them would ever have thought of murdering a Gentleman, who had their well-being so much at heart, or even after the receipt of the anonymous writing revealing his intended murder, that these 4 insignificant Mopla rogues, however daring and desperate, would have been able to carry out their wicked design, adverting to the situation of that Gentleman's house, and to the number of servants and Peons present there.

11. On the 28th night the criminals went to Poratoor, saw the relatives of V. Moideen, and gave them money.

This was after midnight, after all the people had retired to rest. Attention is requested to this circumstance.

The day time of the 29th I believe they passed on the vicinity, probably at the Mootanoor Mosque.

Mr. Collett's conviction that the offenders remained in the Mootanoor Mosque some part of the night of the 28th, as well as in the day time of the 29th, is destitute of foundation. There was not even the least reason for their doing so, nor was there any rumour abroad to that effect. This was a mere surmise. On the contrary, there are good grounds against such a supposition. The Mootanoor Mosque is in the immediate vicinity, and to the west of the residence of Velloothedatha Parambil Moideen's

mother and family, and very close to that of the Village Officer, who was on the alert at the time to effect the capture of the offenders. The said Mosque and its neighbourhood is constantly frequented by many Mahomedans. There is no private room in it that could afford a shelter to any one. It is moreover generally resorted to by the Mahomedans 5 times a day, for the performance of religious ceremony. Some of those who frequent the Mosque were the relatives of the said village Officer, some were his sub-tenants, and others his dependants and friends and their relatives. There† was not a single person in that locality who would have assisted the offenders. Such being the case, and since it is evident that their movements were conducted with the utmost precaution, in order that they may not be caught by the Police, it is difficult to be conceived that they (the assassins) would have placed themselves in such a position as to render it an easy task for the Police to effect their capture, or remained in the said Mootanoor Mosque in the presence of many people for a whole day. After the offenders had parted from the family of one of them as above, at mid-night, they were seen a few hours afterwards, i, e., 2 A. M. on the Palliprom road, which is 3 or 4 miles distant, and to the south-east side of the Mootanoor Mosque, and also close to the high road leading to Pootanoor in the Kootnad Talook. Whilst so, and as they were seen proceeding to the south, towards Pootanoor, there was nothing that could afford the least ground for supposition that they visited that Mosque at all. When the position of the Chenara Paddom field where the offenders were first seen, and the situation of the Palliprom road, as well as of the places where the offender Moideen's family was residing, and the Mootanoor Mosque stands, are taken into consideration, it is highly improbable that they would have visited the latter.

The enquiry of that Officer was set on foot without any loss of time, for, though the offender Moideen and his associates went to the house where his very dear relatives were residing, they left the place within one or two hours without even entering the house.

† It was this circumstance that discouraged them from staying even in their own family house, which is not so public as a Mosque.

On the night of the 29th, they passed by the high road to Poodiangaddy, were first seen near the house of the 5th and 6th Prisoners,

It must be borne in mind that even this they did at mid-night, when the shops were all closed, and the people asleep.

The place where the offenders were seen was not one to excite the least suspicion that they entered the 5th or 6th Prisoner's house. They were seen on the high-road while returning from Kootnad and proceeding northwards. This high-road was nowise nearer to the 5th and 6th Prisoners' house than it was to many other houses standing on either side in the same locality.

then went to a house near that of the 1st and 2nd Prisoners, in which the criminal's wife then was,

The criminals did not go into the house where the wife (of one of them) was residing, which is on the margin of the road. At the time of their departure, the door of this house being closed, they only quietly called the inmates from outside, but as they did not open the door, the offenders immediately left the place.

and then were seen on the other end of the town by a Peon near the house of 2 others, with whom there can be little doubt they had just been in communication.

It is true that a Kolkar saw the offenders at the other end of the town, but they held no communication whatever with the two others, as is clear from the proceedings held by Mr. Collett himself. That there was not the least probability of their having held any communication with the two men here adverted to, will be evident by my answer to para: 13. Moreover, Mr. Collett after holding a full investigation regarding this matter, released them as innocent.

They had also been seen on the night of the 28th in the open country in the direction of Poratoor,

The offenders were seen at this place at the dead of the night, when all the people were asleep. It is a point admitting of no question that they were then on their *return from*, and *not* on their way *to* Poratoor, because, from the account given to my Sub-officer, the Peshcar, by the party who saw them in the open country, the Chevara paddom field, it is clear that they arrived there at 12 o'clock, mid-night, and proceeded thence eastward.‡ They must necessarily have gone in this direction in order to reach the southern or Polliprom high-road leading to Kootnod, were in fact seen on that road two hours afterwards. The party who saw them as above, was one to whom they were not known before, and who was moreover a poor idiot. He

‡ Poratoor is situated to the south-west of this place.

could not possibly know who they were. The next day when my Sub-Officer aforesaid (a Mopla residing in that vicinity) went to the spot to collect private information, he learnt that the offenders had been seen at night as above. By their dress and number, it was only then surmised that they might have been the offenders.

12. In his report dated the 30th August, the Tahsildar admits that he had received information on the 28th from the Walloovanad Tahsildar, that the criminals had taken the direction to to Betutnad Talook.

The following is the purport of my report, dated the 30th August, "I received on the 28th, a communication from the Walloovanad Talook, dated the 24th August, in which it is stated that he (the Walloovanad Tahsildar) had obtained private information, that on Monday night, (about 10 days ago) the criminals left the Walloovanad Talook and took a southerly direction, that they were seen by some people close to, and a little on the north side of, the Kangapoya river in the Betutnad Talook, and that they will make a movement there, as also a little to the south‡ of it." The Walloovanad Talook lies on the north-east side of the Betutnad Talook, and Kangapoya river on the southern end of the Betutnad Talook, and on the high-road leading from that Talook through Tirtallah to the Cochin Rajah's territory. Consequently the construction to be put on this communication is, that the criminals had passed,‖ the Betutnaad Talook, but even this is a past thing which had occurred 10 days before. Due enquiry had however been instituted by me on the spot in question, both on the 23rd and 24th, being subsequent to the abovementioned Monday night. Allusion to this circumstance is made in my Urzee, dated the 23rd August, but Mr. Collett put a wrong construction thereupon (the said communication) and made it appear that the matter was one of recent occurrence, by shewing that the criminals had taken the road leading from Walloovanad to Betutnad Talook. A full detail of the particulars in reference to this point is given in my answer to para: 10.

‡ According to the general rumour afloat at the time, this meant the territory of the Cochin Rajah.

‖ To the Cochin Rajah's territory.

He admits that on the morning of the 29th August, he has learnt that they had been seen on the 28th (night) on the high road leading from Poodiangaddy due south, on the 30th, or to use his own words, "This morning the Peshkar informed me."

I did not receive this information on the morning of the 29th, nor did I make any admission to that effect. Where is my admission that I received this information on the morning? The Peshcar gave me the information in the afternoon of the 29th, and it then appeared to be a mere common report deserving of little or no credit. It was on this account that I sent the Peshcar and Revenue Moonshee to hold inquiries with the view of ascertaining how far the report was correct. Since the criminals had effected their escape from the Jail, various false reports* were in circulation, that they were seen at such and such place. When Moplas of their stamp are on their movements it is usual for similar reports to be in circulation. This was the cause why no European or Police Officers placed any dependance on them, unless confirmed by some credible information.

* As is evident from the several reports sent to Mr. Conolly as well as from one submitted by me to that Gentleman, under date the 31st August and its enclosures, being reports from my Subordinates, stating that there is a report that the criminals were seen in the vicinity of the Munnakil Mosque on the 27th and 28th August.

13. I beg to draw attention to the words I have interlined. The facts of the case are then these. The Tahsildar had on the 29th, the strongest possible reason to believe that the criminals were in his Talook, and that they had been seen in such a direction that they might be supposed to have passed through Poodiangaddy.

The information received on the 29th was only this, that the criminals had passed through the Palliprom road towards the south (on the side of the Kootnad Talook) and this too was an unfounded report.† There are several by-paths besides the high road through Betutpoodiangaddy, leading to the spot (Palliprom road). It was highly improbable that offenders of this description would have proceeded to the said spot by such a public road as that through Betutpoodiangaddy, when there were such by-paths for them to take, their movements being clandestine. Since it was on the 30th August that I learnt the rest of the news as stated above, viz., the fact of the offenders having been seen at the Chenmapadom (field) and their passage through Betutpoodiangaddy, it was impossible that the above stated information (obtained on the 29th) could have given me any strong reason for belief

† Even if this were not a vague rumour, certainly the wealthy Hindoo inhabitants of that place would all have been in the greatest consternation and confusion were the criminals really in their locality, but such was not the case here. It is therefore a sufficient evidence that no one in the locality gave the least credence to the rumour.

that the criminals were in my Talook. The place on the Palliprom road where it is stated the criminals had been seen, being in the vicinity of the southern boundary of the Betutnad Talook, affords an easy road to the Cochin Rajah's Territory. Some days previously there was a talk that the criminals were going to the said Territory, and the Walloovanad Tahsildar's communication was confirmatory of that report. Hence, the conjecture we were led to form on the 29th was, that the criminals had passed into the Territory of the Cochin Rajah; still without resting satisfied with such a conjecture, I at once deputed 2 Subordinate Officers, one a Hindoo, and another a Mopla, with a sufficient number of Peons, to that locality for the purpose of instituting the necessary inquiries. The cause which induced me to adopt such a course was, that these two persons might be enabled to make their inquiries among the people of their own persuasions. This itself is a proof of the vigilance I exercised in regard to the apprehension of the criminals.

As will be seen by my report to Mr. Conolly of the 30th August.

And on the 30th, he was perfectly certain that they had passed through that town on the night of the 29th. On the 29th at night they were met near the 5th and 6th Prisoners' house by five persons, who went at once and told them. After that the criminals stopped and called at the door of the house where the criminal's first wife then was, and after that they were met as stated by the Peon at the other or north end of the bazar. This Peon had been sent at night by the Peshcar with an emergent report in consequence of his having gathered further evidence of the criminals having been seen near Poratoor. The Peon went first to the Tahsildar's house and found him absent, and on his way to the Talook Cutcherry, met the criminals under circumstances to excite strong suspicion of complicity against two bazarmen. He delivered the Peshcar's report, and stated the occurrence to the Duffadar on duty. An immediate search was made, and the Peons had returned sometime before the 5th Prisoner came and reported. From the evidence, it is clear that there must have been a delay of about 2 hours at least before the 5th Prisoner reported what he had learnt.

There was not the least ground for exciting any such suspicion. Mr. Collett himself, after enquiring into the matter connected with the case of these two individuals, set them at liberty without even demanding security from them. The town of Betutpoodiangaddy, is inhabited by two parties, one party residing on the northern and the other on the southern side. These parties are constantly at variance with each other. The 5th Prisoner is the head of the party residing in the southern, and Moolashery Agath Ahmod (a principal inhabitant) of that place residing on the southern line, and they generally incline to the side in which their head men stand, any one well acquainted with this state of things, would have reasons to believe that the two bazar men, belonging to the party of the northern line, would rather never co-operate with their opposite party, the criminal Vellothedath Parambil Moideen, a partizan of the 5th Prisoner.

In the words of Tahsildar's report of September 26th. "He came to the Talook Cutcherry on the night the criminals passed through the town, and told the Duffadar of their having passed through, stating that they might be met with by taking the *Kodakil* road." The Tahsildar very correctly adds *afterwards* that "there appears reason to believe that this was done with the view of sending the people proceeding on the search on a different road."

I was induced to make this statement after I had obtained proof of the criminals having stopt in the house of the 1st Prisoner a dependant of the 5th Prisoner, a fact which was confirmed by the testimony of the 2nd Prisoner given before me on the 26th September. Until I had discovered this proof there was nothing to create in my mind the least suspicion of the 5th Prisoner's deception. When my suspicion was aroused I lost no time in bringing it to notice. And I beg leave to add that this suspicion was the result of my own enquiries, and *not* of any instituted by Mr. Collett.

14. I submit that Tahsildar was guilty of the grossest and most calamitous negligence in not reporting these occurrences fully, and in not following up these traces with that degree of reasonable activity which an ordinarily capable or zealous official might be expected to have displayed.

I trust what I have said above and my answers to the following paras: will render it clear that I am not at all guilty of so heavy a charge as is here made against me.

15. First I should notice that the Tahsildar does not in his report of August 30th allude to the emergent report sent during the night of the 29th August by the Peshcar, he only speaks of his having this morning informed him as if he alluded to the verbal report made by the Peshcar in the forenoon of the 30th.

The Peshcar's emergent report of the 29th August on which Mr. Collett seems to lay so much stress, was a mere note, and contained information which apparently deserved no particular attention at the time it reached me. I received it on the morning of the 30th, at 7 o'clock, just as I was returning from Tanore to Betutpoodiangaddy, where, on my arrival, I received correct information that the criminals had been seen going eastward, through the Betutpoodiangaddy road, after returning from Kootnaad. The Peshcar's report spoke only of their having been seen at Chenara Paddom field, on the night of the 28th, while the information I received, as above, nearly at the same time, treated of their movement on the following night, the 29th, and acting on this latter information, I sent my Police Moonshee and Peons to Tayala road to make enquiries. Thus the report in question, evidently, contained nothing which demanded special notice. But still I *did not fail* to allude to it in my report to Mr. Conolly of the 30th. In this report I clearly stated, " The Peshcar informed me this morning." The word "informed" or the Malialum term "arreechirikoonoo" used by me, was intended to mean that the Peshcar informed me by writing. But Mr. Collett has taken it in a different meaning, and makes it appear that I alluded to the verbal report made by the Peshcar "in the forenoon of the 30th." While in fact the Peshcar made *no* report to me on the 30th, either verbal or written. The report he forwarded to me from the place he had been sent to, if it can be called a report, was as I have shewn above, dated the 29th, (night). It was on the 31st that he gave me a verbal detailed account immediately after his return, of all he had learnt during his enquiry, and I submitted a report on the same day to Mr. Conolly, containing a detail of what he had communicated to me. I shewed at the same time that this was a verbal communication. The words I used, viz., " Peshcar-Wadinginvanoo Parrinhirikoonoo" the Peshcar has returned and told me, are conclusive evidence on this point. I trust I have said enough to shew that in my Urzee of the 30th I alluded to the written report, and not to the verbal one, which was unquestionably made only the next day, the 31st.

He avoids also all mention of the *fact* of the Peon who brought the report having met the criminals, of the suspicion against the two bazar men and of the two searches made on that night in the bazar. This emergent report is not forthcoming on the records tho' there is abundant evidence that it was made and delivered at the Cutcherry. Not an allusion is made to it in the Talook Diary tho' the most trumpery events are therein alluded to.

Although I did not, in my report of the 30th, make mention of the criminals having been seen in the town of Betutpoodiangaddy by the Peon, who was the bearer of the note from the Peschar, still in that report, I alluded to the facts of criminals having been seen by some people, as he was not the only person who saw them, they were seen also by some Moplas on the south side of the Bazar, and by others on the Tayala road, proceeding eastward. Supposing that I mentioned that one of those, who had seen the criminals, was a Peon, what benefit could have been derived therefrom, or what disadvantage from my omission to mention it. Neither I nor any of the people of that place have, to this day, entertained the least suspicion against the two poor ignorant bazar men, and how could I have stated any suspicion against them in my report of the 30th. It was certainly my duty to have reported to my superior if any information of importance had been obtained on the search made that night; but then the search was, as any one knows, a fruitless one. Police Subordinate Officers and Peons, on mere suspicion, made several searches in different places, as they thought necessary, but without success. I did not consider such trifling circumstances worthy of the Magistrate's notice. Whenever reports on Police matters of an emergent nature either from the village officers or from my immediate Subordinate officers reached my Cutcherry, during my absence from the Station, they were invariably forwarded to me immediately, at whatever distance I may be. The Peshcar's note was open. It is clear from Mr. Collett's own proceedings, that the Duffadar, who was present at the Cutcherry, before forwarding the note to me, and in compliance with the request therein contained, immediately sent Peons to the Peshcar, and then at leisure took steps to forward it to me. This procedure will of itself show what importance is to be attached to the note in question. Independently of this, Mr. Collett obtained a duplicate copy thereof from the Peshcar, which must have shewn to that Gentleman the weight to be attached to it. It is the

duty of a Moonshy to secure such notes or reports. As it was then a time of much confusion when officials used to be constantly deputed to make enquiries respecting this matter, the Police records passsed several hands. Hence, this insignificant note might have been mislaid and omitted to be entered in the Diary Book, or lost through the negligence of some one. Mr. Collett's attaching so much importance to this note, which, as I have shewn above, containing nothing which demanded special notice at the time, should be attributed to my ill-luck.

As Vadakat Ramen Menon, a clever intriguing character, was appointed by that Gentleman to succeed me after my suspension, and as there was a rumour that Mr. Collett was endeavouring to involve me in trouble, it is very likely the note in question might have been destroyed by some one. What has the loss of the aforesaid note and its non entry in the Diary to do with the matter now at issue.?

The Tahsildar admits too that he did not even send for and question the two bazarmen.

I did not make such an admission, nor was there reason for my doing so. What I stated is, that their depositions were not taken down, for, soon after my return to Poodiangaddy on the morning of the 30th, I publicly summoned before me the two bazarmen and others, and interrogated them in the presence of a large concourse of people, of which Mr. Collett must have been well aware during the enquiry he made at Poodiangaddy. Neither I nor any one else there entertained the least suspicion against these two poor men, and I did not therefore record their depositions, subsequently Mr. Collett himself released them after trial.

And in his 10th Answer in explanation, states that he thought it more important to adopt active measures for the apprehension of the criminals rather than spend his time in making enquiries as to those who had harboured them. This is more than a poor, it is a false excuse from one who between the 30th August and the 17th September never once, it appears from his Diary, left Poodiangady and who had all the people to be enquired from within a few hundred yards of his house and his Cutcherry nay more had actually some of them engaged in guarding his house in that interval.

As the Head of Police, it is my duty in a case of so serious a nature, to institute enquiries of such persons as I thought necessary. But were I to take such steps without the slightest grounds, which must naturally entail disgrace on the people, I would commit a sin, and it would moreover go against the intention of Government. The nature of the imformation I received on the morning of the 30th, upon my return to Poodiangaddy, was, that 4 thieves had on the 29th, at midnight, passed the high road when every one was fast asleep. To call the people residing in the Bazar, mostly poor, and examine them, would put them to needless trouble and inconvenience, and lead to a waste of my time. I had not the least reason to think that any benefit could have been derived from such a measure. Moreover, it was established by unquestionable evidence that the criminals were first seen at the southern and then at the northern end of the Bazar and immediately after this on the Tayala road on their way eastward. By the accounts given by the parties who saw them at these 3 places, it was quite clear that they did not stay any where in the Bazar, but made their movement with all possible celerity. The distance they had to travel from the northern extremity of the Bazar to the Tayala road, hardly exceeded a mile. Nothing contrary to my assertion in this point has been elicited by Mr. Collett in his enquiry. I need scarcely say then how improper it would have been for me to have arrested the men living in the Bazar, on this occasion, when I was quite certain that none of them had harboured the offenders. The report current at the time was only that the criminals had come to Betutpoodiangaddy at the house in which the criminal Moideen's wife was, and not to any other house. For this reason it was necessary to summon that woman, but as it was publicly known that though he called at the door, the woman, being his wife did not open it for him, I as well as many others, believed her to be quite innocent. The Moplas conceive it disgraceful to them when a woman of their's is forced to appear at a public Cutcherry, and I was of opinion that it was sinful to require the presence of a woman in a public Cutcherry without any reasonable grounds. I even refrained from requiring her attendance, and deputed the Police Gomastah to her house to institute inquiries.

16. It is perpectly clear from the fact that in his report The information which rendered it certain that the criminals had taken the road to Tayala was only received after the Duffa-

dated 30th August, he states distinctly that the criminals had taken the road to Tayala (the one they actually did take) and alludes to no other, that he was not in the least degree misled at the time by the 5th Prisoner having done his best to have it believed that they had gone by the Kodakil road. It is a most remarkable fact that he does not in his report make the most distant allusion to the criminals having been seen near 5th and 6th Prisoners' house, to the 5th Prisoner having reported it at the Talook and to his having wilfully misled the Police Peons in their search. It must be concluded that he quite saw through the 5th Prisoner's trick on the 30th August, as he did on the 26th September, otherwise he would have alluded to the suspicion of their having gone in the direction of Kodakil and have probably also deputed some Officers there in search. The Duffadar went with the 5th Prisoner and others along the public road to Kodakil and returned immediately. But the Tahsildar if he had any suspicion, they might have taken this road, as the 5th Prisoner would have had it believed would not of course have been contented with such an extremely superficial search as that of the Duffadar. If he had merely put together the facts of the Peon seeing them in the north part of the Bazar, of a long search having been made and finished in consequence before the 5th Prisoner thought fit to go to the Talook Cutcherry, his suspicion must have been aroused.

The 5th Prisoner and the five persons who met the criminals near his house give now very suspicious and widely discrepant accounts of the occurrence, and their own movements. Either the Tahsildar was too negligent to notice these facts, and to question these parties, or if he did so, then he was either too incapable to discern, or not honest enough to disclose the suspicions which his inquiry ought to have excited.

dar and others had made their search on the Kodakil road. Previous to this, nothing certain had been known on that point. Even after receiving this information, I had no reason to suspect that the object of the 5th Prisoner in giving the account he did on the night of the 29th, that the offenders might have proceeded through the Kodakil road had been to mislead the Police. His account was not at all improbable. Kodakil is a notorious hot-bed of robbers and vagrants. The offenders had, no doubt, many of their friends and associates there. The only conclusion which I could and did actually arrive at, was, that he might have acted on a supposition that the offenders had proceeded to Kodakil to meet those whom, it was very probable, they were desirous of seeing, as any one acquainted with the character of the Kodakil people would naturally have been led to such a supposition. This conclusion of mine was in no way opposed to the fact of the Peon, who brought the Peshcar's note to me, having seen the offenders on the north part of the Bazar, inasmuch as it was but reasonable to believe that they might have resorted to that part of the Bazar with the view of seeing the criminal Miodeen's father living there as they could, in that case, have proceeded to Kodakil without repassing the Bazar, there being a by-path leading from the northern line of the Bazar to the Kodakil road, and persons of their stamp would certainly have preferred a by-path to a public high road. Under these circumstances and adverting to the 5th Prisoner's respectability no unfavorable opinion could have been entertained nor any representation made against him. The moment I got certain information which (I thought) might implicate him (5th Prisoner) I duly acted upon it, as will appear from my report dated the 26th September as well as the subsequent ones. I brought to the notice of my superiors such material circumstances, which, to the best of my knowledge, appeared to be necessary. To lengthen my report with the details connected with the non-apprehension of the criminals, by stating that they were seen in three different places, and by such and such persons, that the information was brought at the Talook by such a person, and shewing the cause of delay in its reaching there, would in my opinion have been quite unprofitable. That no suspicion could reasonably be entertained against the 5th Prisoner on the ground of the offenders having been seen on the road near his house, is a point on which I have dwelt at some length in my answer to para 11.

The distance between the 5th Prisoner's house and the Talook Cutcherry, his respectability, and corpulence, which could have led no one to expect that he would have run so quickly to the Cutcherry as any body else, and the natural propensity of Moplas in affluent circumstances to a life of inactivity, are more than sufficient to shew that a very trifling delay, on his part in reporting the matter to the Talook Cutcherry could not have led to any suspicion being entertained against him.

I questioned these five individuals before a number of people, on the morning of the 30th August, immediately after my arrival at Poodiangaddy from Tanoor. This was a well known fact. Their statements then made before me were not in the least discrepant or suspicious. But subsequently, as matters were gradually brought to light, they who are an ignorant sort of men, hesitated to tell out all their mind, and lastly, when detained in custody by Mr. Collett, they made such statements as were in their judgment calculated to save themselves from any trouble. This accounts for the suspicious and discrepant character of their subsequent testimony, before that Gentleman. At the time they were questioned by me, as above, there was not the slightest suspicion against any one at Poodiangaddy, and the only point which required to be ascertained was whether the 4 Moplas seen were really the offenders. To ascertain this a vivâ voce examination was all that was deemed requisite. But so soon as I had seen grounds for suspicion against the 5th Prisoner, I examined the five parties above mentioned and recorded their statement. This was, I deem it needful to add, previous to Mr. Collett examining them.

17. In answer 6th, the Tahsildar states that he did send for and verbally examine the criminal's wife who had come to Poodiangaddy, but adds that as she said she had come to visit her mother he believed and let her go.

Vide my answer to the6th question put to me by Mr. Collet.

I did send for her, nor did I state that I did so, my reason for not sending for her is explained in my answer to the 15th para.

Such are not the facts of the case, nor did I make any statement of the nature here adverted to. It is well known that her mother does not reside in Betutpoodiangaddy but in Poothanoor.

Vide my answer to the 6th question put to me by Mr. Collett.

She stated that she came to Betutpoodiangaddy to see her maternal grandmother, who was living at Betutpoodiangaddy. Any one acquainted with the customs of Moplas would easily have given credit to such a story.

There is no proof whatever of his having done so, and the matter is not alluded to in any of the Tahsildar's reports nor in the Diary in which as a matter of course it should have been noted. Also the woman's mother did not live in Poodiangaddy, but on the contrary had come with her.

I had an enquiry made of the criminal Moideen's wife Patoomah Oomah and others on the morning of the 30th August. They then declared that the preceding night, the 29th, after mid-night, the criminal Moideen had come to, and called at, the door of the house, in which his wife then was, and as the door was not opened, he (Moideen) immediately went away.

In my report to Mr. Conolly of the 30th August, I clearly stated what they had thus declared, and the circumstance of this report having been forwarded to that Gentleman was recorded in the Diary, as will be evident by a reference to the report, as well as the Diary of the same date.

If any further proof was required in this case, I ought to have been called upon to furnish it, when I would certainly have pointed out the parties who should have been examined, viz. the Nair Police Moonshee, who conducted this enquiry, the said Patoomah, the inmates of the house, and others who were present at the enquiry. A single question to each of them would have been sufficient to elicit further proof on this point.

The grandmother lives there quite close to 1st Prisoner whose wife (the 2nd Prisoner) is also one of her daughters. The Tahsildar says he had no suspicion then against the 1st Prisoner.

It was reported all over the town of Betutpoodiangaddy and the adjacent places on the morning of the 30th August, that the criminals had come on the night of the 29th, from the south, a great distance from the 1st Prisoner's house, and proceeded a good way to the north, up to the road leading to Thayalah, travelling in great haste, without halting any where, and on their way they called at the door of the house, in which the criminal Moideen's wife then stopt, which was very near the high-road, and she even refused to open the door for him, he being involved in crime, that the villagers being all asleep at the time, no one opened the door for him, and that he did not even go to his father's house situated in the Bazar. Such being the case, how could any suspicion be entertained against the 1st Prisoner, whose house is situated at some distance from the high-road, and in a sheltered spot, and he being but distantly connected by marriage with the criminal Moideen's wife. Besides, this report though so prevalent in all other places, on the morning of the 30th, not a single person there entertained the least suspicion against him (1st Prisoner.) In case there was any such suspicion, it would at once have been public, and would have reached the ears of the Public Officers belonging to the Talook Cutcherry, and the

Moonsiff's Court, both being contiguous to each other, but such was not the case. Mr. Collett, staying in that place, held enquiries of several people, and was perfectly satisfied that the criminals did not go to the 1st Prisoner's house that night, and that all the people there held the same view of the matter at the time. Mr. Collett did not gather a single word to the contrary, if he did, he would certainly have mentioned it here.

And also again he advances the false and frivolous excuse that his main object was to capture the criminals and that therefore he did not "extend "his enquiries."

That this was my object I do not state only now. I brought the circumstance to Mr. Conolly's notice at the time, as may be seen by my reports dated the 23rd, 30th and 31st August, and 1st and 3rd September.

He says that the men had come from the south and he supposed that they had been in search of the woman there, and came to the house at Poodiangaddy, to see her.

I, my Subordinates as well as all the people of Poodiangaddy, supposed so at the time, which I hinted in my report dated the 30th August. There was strong reason to lead us to this supposition, for, the house of the wife of the criminal Moideen is at Potanoor in the Kootnad Talook, 5 or 6 miles in front of that part of the Palliprom road, by which the criminals were seen going, southward on the night of the 28th, and it was in that direction that the criminals went. A day after they came back, to Poodiangaddy by the same road. The criminal Moideen's wife was then at Poodiangaddy, and it was then that the criminal Moideen expressed a wish to see his wife, but she declined an interview with him. When all this is considered, it would naturally incline any one to the belief that the criminal Moideen went first to Pothanoor to see his wife, and not finding her there, both himself and the rest of the criminals returned to Poodiangaddy.

But she declared that they refused to open the door to the offenders. It was very possible that they might refuse after the wife had been divorced, but the Tahsildar does not surely mean to say that he was then content with this assertion, when he thought the criminal had not seen or divorced his wife.

Four obvious reasons appear to have induced the wife to refuse to open the door at the call of her husband, 1st, that her husband had been confined in Jail; 2ndly, that he was an escaped Convict; 3dly, that he was subsequently concerned in a serious robbery case; and 4thly, she was well aware of the fact that from having heard, and also seen the Sircar people were then going on all sides in search of the criminals, and being a female, had not courage enough to open the door, I therefore beg to call the attention of the higher authority to this point, viz., whether it is not more safe for any one to suppose that these important circumstances must have induced the criminal Moideen's wife to refuse to open the door for him, rather than to suppose that she refused to do so because she was divorced. If her refusal could lead to a supposition that a divorce had been effected between the criminal Moideen and his wife, how is it that neither Mr. Conolly, nor any of his principal servants, who were well aware of the peculiar usages and character of Moplas, failed to draw such a conclusion from my report dated 30th August, sent to Mr. Conolly purporting that "although the husband (the criminal Moideen) called at the door, the wife refused to open it for him." Further, if such an inference could be deduced, the matter, which occurred in the southern line of the bazar, should have attracted the attention of the Moplas residing in the northern line, and that the latter being the declared enemies of those of the southern line, would not have hesitated to give the matter every publicity in their power.

I beg also to draw attention to the following fact.

The husband's endeavour to visit his wife affords reason for belief that no divorce had been effected, for the Mahomedan Law and the usages prevalent amongst its followers, forbid an interview by an husband with his wife, after she is repudiated, she being then no more than an alien woman to him, and that from the criminal Moideen's wish to see his wife, it can only be supposed that she was even then his actual wife

18. Moreover the Tahsildar on the 20th September examined the woman's mother, and she at once confessed every

It is true that they made these confessions, but it must be remembered, that it was only after they had been convinced that a longer concealment of truth would be of no avail that they did so. I made then perceive that I had obtained full and correct

taken by the Criminals, to co-operate with the Sheristadar to assist him in making enquiries at that and the adjoining places to effect the capture of the Criminals. As Valayakom, Vadakumprom, Melmoory and other Umshoms are on the boundaries of the Walloowanad and Shernaad Talooks, I considered it very necessary that strict search should also be instituted at those places for the Criminals and therefore issued instructions to those Adigharies agreeably to your worship's first order, to institute a diligent search, and as stated in my previous Urzee, No. 162, I hadalso sent the Peshcar, Police Gomastah, Duffadar and others to institute enquiries, and when I proceeded to that place on other business, I particularly cautioned the principal inhabitant Valyaparambil Coonhally and others, the Adygharies and Mookyastans on this subject, and instituted enquiries. People have ever since been placed to protect the principal inhabitants from annoyance by the Criminals, I have now been informed by Paraythkelloo Nambiar, who has come from that place to present a Petition on another business, and after the above report was abroad, a proper watch is kept in all the houses, and that the aforementioned Coonhally, Adigharies, &c. have taken precautionary measures by employing watch people and searching the jungles, &c. I have again this day particularly sent an order to the aforesaid Coonhally desiring him to afford his best aid to effect the capture of the Criminals. I will hereafter report the result of the enquiries which are now being instituted by the Sheristadar, Police Gomastah, Adighary and Coonhally and other principal inhabitants.

31st August 1855, at 4 P. M.

(Signature) of SEYD AHMOD,
Tahsildar.

غلسعذعس لي مهيدح يارلا

No. 212.

To C. COLLETT, Esq., Joint Magistrate.

The Urzee of Seyd Ahmod, the Head Police Officer of the Betutnad Talook.

I received yesterday the order dated the 8th October, No. 154, requiring me to furnish certain particulars connected with the case of certain offenders who, after making their escape from the Jail, committed serious outrages. I beg therefore to submit my answers to the questions noted in the margin, embracing all that had been done in the matter.

Questions.

1. You are to state all that was done after the issue of the Proclamation and orders by the Magistrate immediately after the offenders escaped from the Jail, and immediately after they robbed the Tiroothil Illom (house) so as to effect their capture in case they came to the house of the father of Moideen, being one of the offenders and his wives Audyan Kolongara Patooma Oomahand Maria Cooty Oomah at Poodiangaddy or Poratoor.

Answers.

Immediately on the receipt of the orders and proclamation &c. from the Magistrate in this matter, I, in the first instance, issued Takeeds (instructions) to several Adigharies together with copies of the said orders and Proclamation. As the offender Moideen's mother and eldest brother, Ally Amoo were living in the Potamel house belonging to the Adighary of Porathoor Umshom named Cheku, I warned the Adighary of that Umshom to report to the authorities in case the offenders came in that house, which the said Adighary faithfully promised to do. I also deputed the acting Moonshee Theyoony Numbiar and the Peshcar to that place to institute enquiries. Kychits were likewise taken from Ally Amoo the eldest brother of the offender Moideen and from others and reports taken from the Adighary and Menon on the subject. Finding that Abdoorman, the father of the offender Moideen resided both at Betut and Poodiangaddy, I sent for him and detained him under surveillance. I also warned the Adigharies of Betut and Thripaugote, who are the principal inhabitants of Betut, to keep spies to ascertain when the offenders should come to Betut and inform me of it immediately. These people themselves being afraid of the offenders, adopted the necessary precautions in their power. I also sent the 3d Gomastah, the Police Gomastah and Acting Moonshee and caused strict enquiries to be made there. Independently of this, I strictly warned Packey Cooty and his father Nalagath Moideen to give information if the offenders came to the house of the aforementioned Ab-

doorman and to the houses of offender Moideen's wife's relations at Poodiangady and caused the Naique and Peons to make enquiries there. I sent with my report No. 192, the report of the Adighary of Porathoor, in which he assured me to do his best to obtain information about the offenders. I now send another report from the same Adighary, which will satisfy your worship to that point.

Questions.

2. If you had used the necessary precautions, what accounts for your not obtaining immediate information of the circumstance and causing the apprehension of the Criminals when they came to Poodiangaddy on the evening of the 25th August, the day following the Hadjee feast and resided in the house of Karonampadath Karotha Coonhossa that night, and the following day and night (the 26th) and in the mosque south and close by with the assistance of Pucky Cooty, the son of Nalagath Moideen, Kamoo and other head people or after that on the 27th when it is supposed the offenders went to the Potamel house at Poratoor belonging to the Adighary of that Umshom in which the offender Moideen's mother and eldest brother live, and gave some money to his relations in both these houses when the offender Moideen divorced his wives, that mention was then made of the intention of the offenders to sell their lives. If you did not immediately at the time know of all this, what dependence can be placed that you from the commencement according to the orders and proclamation did your best to effect the capture of the offenders.?

Answers.

It was ascertained that the offenders came to Poodiangaddy on the night of the 27th and went to Potamel house at Porathoor on the night of the 28th and that on the night of the 29th they passed through Poodiangaddy; but from the enquires instituted by me I did not ascertain that the offenders came and remained at Poodyangady on the 25th and 26th. If it has been established by vouchers that the offenders were at Poodyangady on the 25th and 26th they must have been on those dates, as well as on the dates which, from enquiries held by me, it was proved to have remained, harboured by Nalagath Moideen, his son Pucky Cooty, Kamoo, the Poratoor Adigharry and other head people, with the aid of the people residing in the southern portion who are all under the control of Moideen, Pucky Cooty and Kamoo. Under this circumstance, and as the first Prisoner Coonhossa is a dependant of their's possessing a great deal of cunning, they were able to harbour the offenders secretly; hence the cause of my not having been able to know of the circumstance at the time, although the necessary precautions have been used as stated in my answer to the 1st question.

3. If you had any means of knowing of the offenders having remained at Poodiangady, which is so contiguous to the Tolook Cutcherry and your dwelling house, how can it be considered as compatible with your dignity of the Head of Police of that place a Islam and the person who from the first instituted enquiries to know the fact?

Adverting to the influence of the aforesaid principal persons and the command of people in their power it would appear that as it is possible for them at the time to conceal the offenders from cognizance of the Sircar if they wished it, though we may use the necessary precautions, it would be next to impossible to know of the circumstance at the time. Though I am an Islam, still the people of our sect differ materially from the Moplas in many respects, of which I am confident your Honor will be convinced by the circumstance.

4. You state in your report of the 30th August No. 171, that the offenders after wandering at Porathoor and other places came to Poodiangaddy on the night of the 29th and called at the door of the Audyankolongarah house, in which Patoma the wife of the offender Moideen resides, that you went to Tanoor on the 28th and 29th and returned to Poodiangaddy on the morning of the 30th and then heard of this circumstance, and that the female Patooma came to Poodiangady from Porathoor a very short time before that. Whereas as shewn in the second question the offenders were at Poodiangady on the 25th and 26th, how is it that you make it appear in your report of the 27th September, No. 193 that they were there only on the 27th and 28th. That you were then at Tanoor, that you did not then know of this circumstance through the artifices of Nalagath Moideen and other head people of Poodiangaddy?

I went to Tanoor on the morning of the 28th and returned the same night, I went to Tanoor again on the 29th at 4 P. M. and returned on the morning of the 30th. Having then obtained correct information that the offenders went away after calling at the door of the Audyankolongarah house on the night of the 29th, I reported the same on the 30th, under No. 171. Having ascertained on certainty, from the investigation and enquiries held by me subsequently thereto, that the offenders went to the house of the 1st and 2nd Prisoners viz., Karotha Coonhossa and his wife Patoomah at about 12 o'clock on the night of the 27th and stopped there until about 12 o'clock of the night of the 28th, I reported this circumstance under No. 198, the fact of my having stated therein that I had gone to Tanoor at the time I meant the day-time of the 28th, being the day on which the offenders were at Poodiangady. In the investigation which was held respecting the offenders having stopped in the house of the 1st Prisoner Coonhossa, it was proved that the offenders went to his (1st Prisoner Coonhossa's) house on the said night, and stopped there that night, and the following day, that they left the house in the night of that day and that they went the following night and called at the door of the Audyankolongarah house and passed through the Town of Poodiangady. It was satisfactorily proved that it was on the night of the 29th that they went and called at the door of the Audyankolongarah house, and then passed through the town. From this we gathered that the offenders went to Coonhossa's house on the night of the 27th and left it on the night of the 28th.

5. In your report No. 193 you state that Nalagath Moideen and others having given information at the Talook of the offenders having come to Poodiangady on the night of the 29th, called at the door of the house in which Patoomah Oomah was living, and then went northward and that therefore the Duffadar and others went in search of them. Why did you not state all these particulars fully in your report of the 30th August, No. 171. If this search was conducted well, how is it the offenders were not seen till the following evening when they were seen at the Tomb at Mambrom, a distance of only 5 or 6 narigahs from Poodiangaddy?

After my return from Tanoor, I heard that the offenders had proceeded northward and that the Duffadar and others had endeavoured to effect their capture, but from the enquiries I then made, I did not find that the Duffadar, &c. were any ways particularly remiss in making the search, and I did not then come to know that the offenders had the assistance of Nalagath Moideen and others, consequently I only stated in my report dated 30th August, No. 171, the circumstance that came to my knowledge of the offenders having gone away. From the enquiries and investigations held by me subsquently, I had reason to suspect Moideen, and in support of my suspicion it became necessary to state the whole of the endeavours used by the Duffadar and others, which accounts for my stating in my second report in detail the said exertions.

These endeavours then made proved fruitless from the fact of its being then night, and the information furnished to them by Moideen as to the road by which the offenders went away not enabling them to know by which particular road they went. Soon after my return on the following morning, I instituted enquiries, when, learning that the offenders had taken the Kattacherra road, and I on the same day sent the Police Gomastah and Peons in search of them. The Police Gomastah accordingly made enquiries at Kaipagancherry, Melmoory and other places, and got the Head man Mandyaportha Mamod Cooty Moopa and others to make enquiries also, but without success, it being supposed that Pathoo was in the house near a tomb at Mambrom that day, enquiries were made, but she was not to be found. My suspicion therefore fell against the head people of the place especially against the Mamod Cooty Moopah, which circumstance I mentioned in my report dated the 9th of this month, No. 210.

6. Although you knew only on the 30th August of the offenders having gone to Poodiangady, still if you had made enquiries immediately with respect to the reason which

Immediately on my obtaining this information on the 30th August, I enquired of the offender Moideen's wife Patooma and others the cause of her coming from Pothanoor; she said that she came to see her grand-mother, when I learnt from my enquiries made at the time that the offender Moideen came and called at the door on the night of the 29th, and that the door was not open-

made the offender Moideen's wife Patooma Oomah to leave Pothanoor and come to Poodiangady, and made enquiries also of the relatives, what difficulty was there to know that the offenders had first come to Podiangaddy and remained there two days ?

ed to him, the present circumstances led to the supposition that, from the fact of the offenders having come from the south, that they may have gone to Pootanoor in quest of Moideen's wife, but not finding her there, might have come this side in prosecution of their search. It was for these reasons that the statement of the said female appeared to me to be correct at the time. This supposition, utter ignorance at the time of the offender's stay in Coonhossa's house and my sole object being then to apprehend the offenders were the causes why no strict enquiries were then used. But afterwards my suspicion being raised, I lost no time in examining them. I have shewn in my Urzee of the 30th August, the fact of Patooma, the wife of the offender Moideen having come to Poodiangaddy lately and of his having come and called at the door, but that it was not opened to him, I also implied in the same Urzee what appeared to me viz., that they had come in quest of that female.

7. In your report of the 30th August, No. 171, you have stated that you deputed Officials and spies to Poodiangaddy and Porathoor and other places, where the relatives of the offenders live, in order to endeavour their best to effect their capture if they came anywhere there. You are to state who are the officials and spies you sent on this duty, and what precautionary measures did they adopt at those places from the 25th to the 29th ?

What I stated in my report of the 30th August, No. 171, is that I deputed the Police Gomastah to Betut and the Naick to the town with instructions to make secret enquiries. The persons whom I entrusted with this enquiry are Nalagath Moideen, his son Pucky Cooty, Moolasherry Agatha Ahmod, Vallyaparambil Coonhally, Govina Menon, the Audighary of Thripangode, Rama Menon, the Adighary of Betut, Cheku, the Adighary of Poratoor and Chericholla Moossad the accountant of Kamana Umshom. After I sent the Moonshy to Poratoor as stated in my Urzee under date the 23d August, No. 163, he returned on the 25th and informed me that he had given particular instructions to the Adighary of Poratoor and he shewed me a report from the Adighary in which I found that he had pledged to do his best. I also sent for the Adighary and interrogated him when he promised me in a most satisfactory manner to do his best. The Adighary being a head man of the place and holding a Government situation, and at the same time the owner of the house in which the offender Moideen's relatives live and also a neighbour and a man of influence, I relied on his promise that he would faithfully exert his best to capture the offenders if they came. Thinking that by sending another official, he would not be of more advantage in the matter I did not consequently send any other official to that place after the return as aforesaid of the Moonshy. Afterwards as stated in my report dated the 30th, upon the information I received on the 29th, I deputed on the same day the Peshcar to Porathoor and Palliprom and the Moonshy to Betut. The houses of the offender Moideen's relatives being on the southern side of the town and no one on that part possessing more influence than Nalagath Moideen and his son Pucky Cooty, I considered that they were the best and fittest persons to know and seize the offenders if they came to that place, therefore I had them brought before me on several occasions and warned them, and I also deputed the Naik and Peons to make enquiries.

8. Nalagath Moideen and his son Pucky Cooty in their examination before me stated that as soon as you returned to Poodiangady from Tanoor they informed you of the offender's having, in the first instance, come to Poodiangady and stopped in Karotha Coonhossa's house. Did they do so?

Moideen and Pucky Cooty did not inform me as above stated. If they stated before your worship that they informed me of it, it is to exempt themselves from guilt and through spite they bear me regarding this matter. Had they immediately brought the circumstance to my notice, and if I failed to make any enquiry whatever, there was every reason for their reporting the same to the Moonsiff, who lives close by, or to your worship. They being shrewd people and acquainted with the rules. Their failure to make such representation and their statement on this occasion will appear to be false.

9. Through what channel or by whom were you late-

It being talked about that the offenders came to Poodiangady and after performing certain ceremony in the southern

thing; on the 22nd he examined the woman and she also confessed, the influence of Nalagatha Moideen (5th Prisoner) was then still in full force, and if possible he had still greater reason to suppress the truth than before. If the woman's confessions were voluntary on September 20th and 22nd, it is reasonable to believe that they would if carefully questioned, have stated the same on the 30th August.

But if the Tahsildar had taken the obvious and ordinary precaution of at once searching the house at which the criminals called, he must have discovered the money the woman had received from the criminals.

information from private sources of all that had occurred, and that any attempt to deny what they had really known, could have been utterly abortive. Under such circumstances, they were induced to reveal the whole facts of the case. To get from them these facts three weeks before, *i. e.*, on the 30th August, was altogther impossible, because, the information by which I was led to examine them and elicit all the particulars I could, was only obtained on the 19th September. The influence of the 5th Prisoner, though still in force, could by no means prevent success to my endeavours to find out the truth from these parties since I had been then in possession of sufficient matter to enable me to discover every thing which he had succeeded in suppressing until that time.

This presumption was one which could not have been taken. It was a fact admitted on all hands that the criminals had only stood near the house, that the door of the house was not opened for them, and they did not enter in, but went away. No Head of Police is authorized to search a house, unless he finds sufficient grounds for so doing. On the occasion under reference there was, to my mind, nothing to call for a search, and I could not but refrain therefore, from taking a step which might have been viewed by the people themselves as well as by my superiors as highly inconsistent with the principles of Justice and Law. Moreover, the practice usually observed before the commencement of a search, is to give information of its object to the owner of the house. There was nothing before me that I could assign as an object at the time.

If too he really did send for and question the woman and the other inmates of the house, he must have ascertained that it certainly was the criminal Moideen who with his companion had come to the house. Indeed he admits in his answer that he did ascertain this.

It was manifest, that the inmates of the house not having opened the door, did not then see the offenders, and could not therefore give any account about them. Since I had already obtained proof of their having actually been the offenders, by the statement of several persons who had seen and were acquainted with them, I cannot conceive what further advantage could have been derived by sending for and examining in my Cutcherry the female inmates of the house. My Police Moonshee made the needful enquiry of them in their own house. They one and all stated that a call was heard at the door and, that though the inmates recognized Moideen by his voice, they did not open the door, and consequently he went away.

Why then did he write in his report of the 30th August, that he had "got news" (Vartamanum Kitti) and not state the fact as beyond a doubt, and derived from witnesses.

In using the words "Vartamanum-kitti" I did not mean that I had got news, but that "I had obtained information." "Vartamanum" means not only news, but intelligence, information, intimation and notice. Any person acquainted with the Malialim language, would and must have taken the term in the sense in which I used it, inasmuch as the brief details which followed, it contained particulars which must have rendered it quite clear that I had no doubt that the Moplas seen were the criminals, as I explicitly stated that I had sent off the Police Gomastah &c., to apprehend them. To prove my assertion, I beg leave to append a literal translation of that part of my report which bears on this point.

"After my return this morning from Tanoor, I obtained information, that last night, the 29th, after 12 o'clock, *some people saw the criminals, Moideen and others,* go and call at the door (of the house in which Moideen's wife then was) in order to meet her, that as the door was not opened *the criminals immediately* left the place, and passing through the town of Poodiangaddy, went to the north, and then taking the road to Tayalar, proceeded to the east. I therefore immediately sent off the Police Gomastah &c., *on the same road by which the criminals went,* for the purpose of capturing them. *When the circumstance of the criminals' visit to, and their departure from, this locality is considered,* there is reason to suppose that the object of the crimi-

nals' visit was that the *criminal* Moideen might see his relatives. Besides, *adverting to the time the criminals are stated to have come here and gone away*, it is inferrible that they had sufficient time, in case they did not stop any where on the road, to pass the boundary of this Talook before day break, and enter the limits of the Shernaad and Walloowanad Talooks. I have therefore written to those Talooks also to make enquiries."

The words underlined will, beyond all doubt, show that the Moplas, who passed the town of Poodiangaddy on the night in question, were the criminals, and such was the truth of the case. Mr. Conolly also had not, I believe, the least doubt on this point, if he had, he would have sent an order requiring accurate information.

Mr. Collett lays stress on the circumstance of my not having stated the fact as beyond a doubt, and derived from witnesses. Although I did not expressly mention it as such, I furnished particulars which were sufficient to convey the meaning. To give in my report the names of the real parties whom I had examined vivâ voce on the matter, would, as it seemed to me, be quite useless, inasmuch as all the part that they could, and did, speak to was, that the Moplas above they had seen passing through the high road, were the offenders.

I must say I disbelieve altogether the Tahsildar's assertion that he sent for and questioned the woman.

This woman was not sent for, nor did I say that I ever did so, the reason for my not doing so is shewn in my answer to para. 15th.

If though he did, it is a most serious reflection on his capacity, as a Police Officer, that he did not at once follow up the trace as he had all the parties within a few hundred yards of him, and did not leave the spot himself.

My answer to this part is contained in the 15th para.

19. The Tahsildar says he did not suspect the 1st Prisoner at the time, I must say I think he ought to have done so, he knew his relationship to the criminal Moideen, he knew his character, for he has given it in his report No. 193, and that he was a dependant of the 5th and 6th Prisoners, the partners in crime, and protectors of the criminal Moideen.

No suspicion could have been entertained against the 1st Prisoner, because, from the information obtained at that time, the general impression was, that the offenders had proceeded on their way, without halting in any house. The circumstances stated by me subsequently thereto, in my report dated 27th September, No. 193, bearing on the character of the 1st Prisoner and others, were those discovered upon investigation held after matters had come to light. Previous to this, I was not at all aware of the 1st Prisoner's character, as will be evident from the fact of my having been then in the Betutnaad Talook only for a few days.

As I have shewn, he must have suspected the 5th Prisoner unless he accepts the alternative of being incapable of discerning grounds for suspicion.

I have already stated above sufficient grounds to shew that there was nothing at that time to lead to any suspicion against the 5th Prisoner.

He was not misled though by the 5th Prisonor's artifices.

He knew that the criminals had been to a house immediately adjacent to 1st Prisoner's, Why did he not suspend the 1st Prisoner? What prevented his extending his enquiries? As he never left Poodiangaddy, how would these enquiries have interfered with his efforts to capture the criminals?

It was then, as it still is, the conviction of the people, that the offenders, on their way, stopt only for a few minutes near the house in which the offender Moideen's wife then was, and that they did not, on that night, enter that or any of the neighbouring houses. Such being the case, there was no reason for entertaining suspicion against the 1st Prisoner and others, solely on the ground of their being neighbours of that house. A full detail on this point is given in my answer to para. 17th.

Had he extended his enquiries what existed on the 30th August, which did not also exist on the 20th September to prevent his discovering the truth? He might then have easily ascertained and reported the fact of the divorce, and the distribution of the money plundered on the 15th August.

On the 30th August, there was not even a whisper which could induce me or any body else to suspect that any thing more than what was then known had occurred. All that was heard and known on that day was that the criminals had, as above described, passed through the Poodiangaddy town the previous night. No human being could possibly have surmised that one of them had previously divorced his wives, and made a distribution of plundered money among his relatives. Had there been the least cause for suspicion that such matters as these had taken place, nothing could have prevented me from taking on the 30th August the steps which I took on the 22nd. As I have said above, it was only on the 19th September that I obtained information which enabled me to bring to light what, I may venture to say, no other Heads of Police who had any thing to do with this matter, has, as yet been able to discover.

Fort St. George, Judicial Consultation, 3rd March 1857.

It is not possible for the Tahsildar to plead that he erred in his judgment as to the desperate character of the criminals, or the desperate nature of their resolve. He cannot say that after the robbery of the 15th August he fell into the same error as Mr. Conolly, and believed the supposed intending martyrs had turned out to be mere robbers. On the contrary, he rightly appreciated their character, and probable designs.

From the fact of the offenders having concealed themselves, with the spoil, after the perpetration of robbery on the 30th August, the general impression was that they were mere thieves and robbers, and not persons prepared to die as "seyuds" (or martyrs.) One of these offenders, a most daring villain, Chemben Moideen, who had once before escaped from the Jail, betrayed nothing whatever that could lead any one to believe that he was prepared or intended to die as a "seyud" until his re-apprehension by me, nor did any of the Sircar people entertain such a belief at the time his apprehension was effected with great ease through the aid of some villagers. Under such circumstances, how could I have formed a different opinion.

And in consequence I presume of his having had some share in the apprehension of the criminal Chemben Moideen Kutti, thought it necessary to have a guard at his own house. This is proved by the evidence of 3 persons I examined, and is confirmed by the testimony of many others from whom I made enquiries.

That I was not and had no reason to be frightened, before the death of Mr. Conolly, will be evident from the fact that I was the person who effected the capture of Chemben Moideen, the person above described, and his then companions. Is it likely then that I would have been afraid to apprehend him this third time, having twice before done so? On a former occasion, when a certain Mopla, bent on dying as a seyud (martyr) armed with a toddy knife, took his position with fanatical designs, in a mosque called Moottacherapally in Shernaad, I the moment I heard of the matter, lost no time, without making a reference to the Magistrate for instructions, in repairing to the spot with some of my Peons, and called on the fanatic to surrender, when, the latter, in aiming a deadly blow at me with the toddy knife, struck my writer and wounded him. I therefore instantly had him shot dead. Besides, on the 13th, 14th, 16th, 17th, 18th, 19th, 28th and 29th August, and 10th and 17th September, being the dates subsequent to the escape of the offenders from the Jail, I freely travelled in different Umshoms, 10, 15 and 20 miles distant from the Talook Station, accompanied by 2 or 3 Kalkars, and remained in the Umshoms for one and two days. The assassination of Mr. Conolly spread a panic in the whole south Malabar. All the European and Native Officers, as well as the principal inhabitants of the place, kept guards for the protection of their persons. In like manner, I used similar precautions, for which I had strong grounds. It was I who effected Chemben Moideen's apprehension on two occasions, and his conviction was due to my endeavours. Further, an anonymous writing was, after Mr. Conolly's murder, received in the Huzzoor Cutcherry, to the effect that the offenders intended to murder me also.

There is also an entry under date the 1st Septenber, of half a ratal of gunpowder having been taken for the use of the Tahsildar from the Government Stores for as the Diary words it, "bandoobust in the matter of the criminals Veloo-

The circumstance here adverted to, constitutes, I would humbly submit, no proof that I had viewed the criminals as fanatics determined to die martyrs. A supply of gunpowder could be of use in resisting or apprehending not only fanatics but robbers. The acts of the criminals in question were apparently those of men of the latter description, and as they were beyond a doubt very daring characters, I thought it advisable to supply my private servants with a small quantity of gunpow-

thedata Parambil Moideen and others moving about in arms." der, that they might bring it with them at any moment I might require them to accompany me, as I was prepared to proceed personally to any place where my presence might be required to capture the criminals. As the gunpowder was *purchased* by me, with my own money, an entry was made in the public account that it was sold to me. On the same date, two of my Subordinate Hindoo servants, also purchased gunpowder from the Government Store for the same purpose. This is sufficient to bear out my statement.

I do not mention this to blame the Tahsildar for taking precautions, Mussulman though he is.

No fear had been entertained by me until the murder of Mr. Conolly. Had I entertained any, and adopted precautions, the matter would have been bruited abroad in a few hours, and reached the ears of Mr. Conolly, and all the authorities at Calicut, and I should have received a severe reprimand from that Gentleman.

A Mopla in another part of the country, from the beginning went in fear of his life from the criminals and with reason, while they themselves openly delcared their desire to take the life of a certain Mopla official.

I never heard this.

The fact only shews very clearly that for some reason or other, he at least correctly estimated the probable nature of their career.

Until the assassination of Mr. Conolly, the general impression was, that the criminals would turn out robbers and thieves. My impression was also the same.

20. The fact of the divorce of his wives by the criminal would, (if it had been discovered at the time as it might most easily on moderate inquiry), have been rightly understood by the intended victim of the criminals. Mr. Conolly had had too much experience in those affairs not to interpret aright this certain sign.

The fact of the divorce having been effected, was kept with the greatest secrecy, as were the wicked designs of the criminals. The existence of a systematic combination among the Moplas, to keep such an affair as secret as possible, though well known to themselves, none can deny. Did not the criminals declare their intention to murder Mr. Conolly? Did any of those who heard or knew this, come forward and reveal it? Under these circumstances, it is surprising that Mr. Collett, who, from his experience of similar past occurrences, well knew with what secrecy such things are kept by Moplas, should have remarked that the matter connected with the divorce could easily have been brought to light.

Within my Talook, there resided only the family of one of the criminals. The families of the others were in other Talooks. Divorces must certainly have been effected between them and their wives also. If it was easy to bring to light such matter, I would, with due deference, ask why were not the Heads of Police of the other Talooks, called upon to account for their omission to elicit the truth. Even if the matter connected with this divorce had come to light at the time, I think that neither Mr. Conolly nor any one else would have been able to know the offender's views to murder that Gentleman, inasmuch as it was a notorious fact, that Mr. Conolly treated with regard and paternal care, the people of Malabar, particularly the Moplas, so that no one could easily have been led to believe that these very (Mopla) people would have meditated the death of that Gentleman, and this, it appears, was the cause why neither that Gentleman nor his principal official servants placed any reliance on the anonymous letter received by that Gentleman, previous to his demise.

The money must too have been discovered at the same time, and this distribution of the plunder would have fully explained the object of the

Of the 4 criminals, 3 were not residents within my Talook, but in other Talooks, consequently there is not the least doubt that the distribution of the greater portion of the plunder was made in places of their residence. Such being the case, why were the authorities of such places held answerable for

robbery on the 15th August, the matter? that it was to provide their relatives with some resource against the poverty which would follow the confiscation of all their property, as the criminals knew would be the case under Act XXIII, 1854. Mr. Conolly would then have read the anonymous warning he received with a very defferent light, and it would have had the desired effect.

In a word, had the Tahsildar exercised the most ordinary activity, had he, while still living in Poodiangaddy, made the most obvious enquiries, had he used the same degree of precaution in the discharge of the simplest duty, as in the protection of his own person, he must have succeeded in making a discovery which would, in all human probability, have averted the sad tragedy which we have now to mourn.

On the 9th August, the Wallavanaad Tahsildar having obtained proof that the offenders were at Vellaromparra rock in the said Talook on the 6th and 7th Idem, communicated the same on the 10th, to Mr. Collett, who was near the spot on that date, accompanied by the Head Police Officers of Walloowanaad and Ernaad, and a great number of Peons. The last mentioned Head Police officer was a Mopla, possessing much influence over the people of that class. Most of the village officers and Ryots of that place are Moplas. The Walloowanaad Tahsildar informed Mr. Collett in what place the offenders were at the time. Had Mr. Collett then used a little exertion or precaution, he could, in a few hours, have assembled a great number of people and repairing to the spot, himself effected the capture of the offenders. The said Tahsildar even brought to the notice of Mr. Collett the number of weapons with which the offenders were then armed viz. one had a sword* another a pistol,* but without bullet or powder, and 2 others had only sticks. The criminals had had not then sufficient time to come to any determined resolution, or to make the necessary provisions to their families, &c. The Walloowanad Tahsildar applied to Mr. Collett for some Police Peons, to meet the criminals, who were in the position above described. That Gentleman then left the place, after issuing an order to the Tahsildar that Military troops should meet the offenders, and that measures should be adopted for the purpose. The criminals were in the said Talook from 6th to the 21st August.

Vide Urzee No 122, dated 10th August connected with the Wallowanad case.

* Snatched from Jail Peon's hand, when escaping from Jail.

21. The Tahsildar lays much stress on the powerful influence of the 5th and 6th Prisoners, which he declares stood in the way of his making any discoveries at the time. I am willing to allow him the full strength of this plea, but he is at least bound to shew that he took means to conteract such influence, when he suspected them, as he must or ought to have done on the 30th August, why did he not denounce them to the Magistrate, or forward them to be detained (as has repeatedly been done in similar cases) where their influence could not hinder his inquiries. But surely there is a limit to the admission of such a plea, except under very extraordinary circumstances. The 5th and 6th Prisoners are no doubt men of property and influence, but their power is neither unbounded nor locally unopposed.

I did not mean to say that after I had obtained information of the matter, the influence of the 5th and 6th Prisoners stood in the way of my bringing to light the facts of the case, nor did I even think of it. The fact of my having, immediately after I had got the information connected with this matter, obtained satisfactory proof regarding it, will shew that their influence was no bar to the exercise of my energy and official authority. Not having had the slightest cause to suspect them before, I obtained private information in the matter, I cannot perceive how I could have directed my attention towards counteracting their influence. I had not the least cause to suspect them on the 30th August as I have explained above.

On the contrary there is in Poodiangaddy, a strong party headed by two men of as great wealth and intelligence, and equal influence who are the declared opponents of the party of the Prisoners. The leaders of both

The ablest official would not have been able to effect this in the absence of any information, tending to cast the slightest suspicion on the Prisoners.

parties are unscrupulous men, but an able official would have played the one party off against the other to the certain advantage of the public interests.

But the personal bias of the Tahsildar was apparently in favor of the party of the Prisoners, and I have been assured on most respectable authority that the 6th Prisoner was a constant visitor at the Tahsildar's house.

When a new Tahsildar is appointed to a Talook, the principal inhabitants of the place dance attendance on him, with the view of gaining his good graces. In like manner, when I first went to the (Betutnaad) Talook, I occasionally saw in the portico of my house, the 6th Prisoner, and the party opposed to him, viz., Moolasherry Ahmod, the head man of the party residing on the north side of the Poodiangaddy town. Of these, Ahmod was more frequent in his visits. I had no personal bias whatever in favor of the party of the Prisoners. Had I had any, there must have been some cause for it, which Mr. Collett would certainly have discovered, but none is shewn by that Gentleman, a circumstance which renders it quite conclusive that no cause for such a bias existed, and since there was no cause, there could be no effect. The trouble I took in bringing to light the facts of the case, and securing the conviction of the 5th and 6th Prisoners immediately after I had obtained information against them, will be evident by my Urzees Nos. 193, 196 and 211.

And it appears from the evidence that he had the principal management of the guard at the Tahsildar's house.

It was after the assassination of Mr. Conolly, that I kept for some *nights* as guards in my house, some of the principal Hindoo and Mopla inhabitants. The 6th Prisoner was, it is true, one of the party, but had not the principal management of the guard as Mr. Collett asserts. The statement of the Witness that a guard was kept in my house before Mr. Conolly's murder, is a downright falsehood, and made evidently to suit the occasion. Had they been examined before me, I would have elicited the truth from themselves, for the satisfaction of my superiors, but I was, previous to their examination, removed by Mr. Collett to a distance of 43 miles, as stated in my answer to para 1st.

The fact of the anonymous warning having been sent and it has since been proved to be correct in many of its other details, as it was also with regard to the design of the criminals, shows that the influence of the 5th and 6th Prisoners was not sufficient to prevent many (including their enemies) from knowing not only the fact of their visit, but also the important secret, the purpose they had in view, secret it scarcely can be called, for it was literally talked about at the time in the streets and bazars of the Talook.

That the writer of the anonymous letter came to know of the facts under circumstances of the greatest secrecy, is manifest from his own words.

Mr. Collett himself admits, that there are at Poodiangaddy, two parties at variance with each other. Had the matter in question been one of notoriety at the place, as Mr. Collett's remark could seem to imply, there was every reason for the opposite party and co-religionists, to have had immediate notice of it, and made it a matter of conversation, to effect the ruin of their antagonists. Moreover, the Talook Cutcherry and the Moonsiff's Court are situated in that locality, and any one of the Government servants there, would have known the facts. If, as stated by Mr. Collett, this matter was talked about in the bazar and streets of Poodiangaddy, what could have prevented the news reaching Calicut, which is in the vicinity of the place where it was rumoured?

22. The Tahsildar demurs to the justice of my remarking on the advantage he had of being a Mussulman. He is a Patan, or as we commonly say at Madras, a Moorman. But the Patans differ from the Moplas only in being Hanafeaists, while the latter are Shafeaites, both belonging equally to the Soonies, the orthodox sect of

It is not with reference to the Shafee sect, that I am now arguing. This sect exists in Hindoostan, Arabia, and other places. The members of Shafee and Hanafee sects not only do not differ from each other in manner, custom and habits, but even intermarry with each other, but the Moplas, though belonging to the Shafee sect, differ so widely in character and manner from the Hanafee, that they have never to this day been allowed to marry in any of the Hanafee families in Malabar. This aversion to the Moplas will shew the hatred in which they are held by the Hanafees. In remarking that by being a Mussulman, I must have enjoyed many advantages for the discovery of the truth, and

Mussulmans opposed to that of the Sheaks. Born and bred in Malabar (where Patans are few in number) it is unavoidable which a Hindoo Official might have justly pleaded were not within his power. Mr. Collett should have considered also the fact that I had been but recently appointed to that Talook.

but that he must have enjoyed as a Mussulman, many advantages for the discovery of the truth, which a Hindu Official might have justly pleaded were not within his power.

23. But I think the Tahsildar not only failed in not extending his enquiries at Poodiangaddy, but he failed also in the measures he took elsewhere, to ensure the capture of the criminals which he asserts so engrossed his attention, that he had no time for their enquiry and search, when he arrived at Poodiangaddy on the morning of the 30th August, and knew for certain that the criminals had about mid-night passed through and ascertained (as his report of the 30th shews he did) the precise road which they had taken, it was clearly the part of an active Officer to have followed after them, and have endeavoured to capture them. Instead of which, he contented himself with sending on this service, the Police Gomastah a Nair receiving 17½ Rupees a month, who went scantily attended, to be feed or be frightened from making active search to capture four desperate villains in a locality where reigned supreme in the midst of his Mopla population, such an arch villain as Mahmod Cooty Moopen, who was surely himself a foeman worthy of a Tahsildar's steel! The unfortunate Nair was of course unsuccessful, though the Tahsildar made another singularly lucky guess that the criminals had, on the 31st, gone on to Munakil, and sent at once to the same Goomastah to go on and exert himself there, sending word also to the Brahmin Sheristadar, who happened to be out in that part of the Talook, and happened to be also a man peculiarly ill adapted for such a service. But while the Tahsildar was thus

The rumour then afloat was that the criminals came towards Betutnaad and Kootnaad, in order that one of them, Moideen, might see his relatives, and that afterwards, the other criminals returned to their Village. In fact, they took the Thayala road which leads to their Village. The impression which the rumour above stated had produced in my mind, was clearly shewn in my report of the 30th August. The boundaries of the Talooks in which the criminals resided, are at the distance of from 10 to 15 miles from Poodiangaddy. Within this distance, none of their relatives lived. Consequently, there was reason for supposing that the criminals went direct to Shernaad and Walloowanaad; but there was nothing at the time to lead to a supposition that the criminals would have stopt any where on the Thayala road, or at the Mambrt tomb. On my return from Tanoor to Poodiangaddy, on the morning of the 30th August, I was informed of the criminals having passed through the latter place 6 or 7 hours before, and the general impression at the time was, that the criminals had reached their country, which circumstance I stated in my Urzee of the 30th August, and on the same day I wrote to the Tahsildars of the Shernaad and Wallowanaad Talooks to that effect, and in the Urzee abovementioned, I alluded to the fact of my having written about it to those Officers; but Mr. Conolly, who was well acquainted with the character and movements of such men, took no particular notice of my report. At this time there was not the least suspicion against Mamod Cooty Moopa, but on the contrary, the belief then was that he rendered assistance to the Sircar. He had been deputed by Mr. Conolly to trace out certain murder and other cases, the perpetrators of which remained undetected. In support of this, there are public records. I also asked the said Moopa to afford his aid in furnishing proof of the criminal's visit to Mambra, and this I stated in my Urzees submitted to Mr. Collett on the 21st September and 9th October. The said Moopa was, besides, a man of respectability and affluence, and Mr. Conolly always gave him a seat whenever he visited that Gentleman. Mr. Conolly once administered a severe reprimand to my predecessor, in consequence of his having gone together with Mr. Collett, to search Moopa's house, regarding a Police matter. Immediately after I had obtained information that the criminals had staid at Mambra tomb close to the Moopa's house, I communicated the same to Mr. Collett by Urzees dated the 21st, 25th and 30th September. Had that information, been a sufficient ground for suspicion against the Moopa, Mr. Collett himself would have placed him under restraint on his appearance before that Gentleman. This was not done, and no suspicion was apparently entertained against him by Mr. Collett, as he was allowed to return to his country. It was only on the 4th October, that he was again sent and detained in custody. Though I informed Mr. Collett of the criminals having stopped in the vicinity of the Moopa's house, he did

making these curiously accurate guesses that the criminals would halt on the 30th August at Mambra and Tayalla and on the 31st at Manakil, he, on the former date in his report to the Magistrate, surmised that "if the criminals proceeded without halting, they would be able to cross the boundary of his own Talook, and reach either Shernaad or Walloowanaad before dawn to day" and consequently he says, "he had written to those Talooks to make enquiries." Again, in his report of the 31st August, he took especial care to state that it was in those Talooks that enquiries were more particularly required.

not suspect, or place him under restraint. Such being the case, Mr. Collett's observation that I must have suspected the Moopa as soon as the criminals had set their foot on the Thayala road on the night of the 29th August, which is 6 or 7 miles from Moopa's house, is a matter of grievance to me. Within this distance, there are lanes leading in different directions. Besides, the said road does not lead to Thayala alone, it extends to a great distance, leading as it does to other Talooks. For this and other reasons, I was induced to depute the Police Moonshee (of whose qualities I have spoken in my answer to the second para), to institute enquiries regarding the criminals, with the intention to proceed myself immediately on receiving some correct information as to where the criminals actually were. This Gomastah returned, saying, that the criminals were no where to be found, nor was there any news about them. I also informed Mr. Conolly by my Urzee dated 30th August, of my having sent this Police Moonshee by the road, which the criminals had taken, and Mr. Conolly did not disapprove of my having done so.

Mr. Collett's attempt to shew that the information I received on the 31st August, about the criminals being at Munakil was credible, is a matter of great grievance to me. The information in question was of a nature that no dependance could have been placed upon it. The first information I received on the subject was from the report which the Walloowanad Tahsildar sent to Mr. Conolly, on the 27th August, and the Betutnad Sheristadar's report to me, dated the 31st Idem, both of which reached me on the 31st. The Walloowanad Tahsildar states in his report that the criminals *were* at Munakil on the 28th August, while the Sheristadar states in his report that the criminals *came* to Munakil on the 28th August. On the 30th and 31st August, I obtained credible and correct information that on the night of the 28th Idem, the criminals were seen at Palliprom and Chenarapadom field at the distrance of 20 miles from Munakil. Under these circumstances, I would, with deference, ask how was it possible to place reliance on the information contained in such reports, and whether it could be gathered therefrom, that the offenders were at Munakil on the 31st August? Nevertheless, a strict search was made on the 31st, in the houses and jungles about Munakil by the Sheristadar of the Betutnad Talook, the Gomastah Oonery Menon, a relative of some of the most influential inhabitants of that place, the Naik Parangoden Nair, an old courageous servant, well acquainted with the localities, and possessing great influence in that Talook, the Adighary of that village, a principal man, and a great number of inhabitants. I beg that a reference may be made to the Adighary's report, dated the 17th *Chingom*, (31st August,) and the Sheristadar's report, dated the 1st September, on the subject. Mr. Collett says, that "the Tahsildar was making curiously accurate guesses that the criminals would halt on the 30th August at Mambra, and Tayalla, on the 31st at Munakil." Since there was not the least reason, from the foregoing circumstances stated by me, to lead any one to suppose that the criminals would have halted in the aforestated places, as stated by Mr. Collett, I am at loss to conceive what might have induced Mr. Collett to think so.

24. Singularly happy as the Tahsildar was in his guesses at truth, it is greatly to be lamented that he failed in his judgment as to the propriety of testing their accuracy in person. Had he at once on be 30th August, gone on himself with a sufficient party to Mambra he must inevitably have captured the criminals and pro-

Mr. Collett, who expressed an opinion that the criminals could not be faced without a strong Military force, as shewn in my answer to the 20th Para: now says that they could be apprehended without a blow. I therefore beg to call particular attention to this statement.

I fear the word "Bazar" may be considered to mean a place frequented by a number of people, where different articles of trade are exposed for sale. The reverse is the case. There are in all about 7 or 8 sheds, in 3 or 4 of which articles of trifling value are exposed for sale, and the others are empty. These sheds are situated on a hill surrounded by forests and hills and very

Fort St. George, Judicial Consultation, 3rd March 1857.

bably without a blow. They enjoyed themselves in great security there during the whole day, being openly visited by the bazar people, and one of their number having actually the coolness to walk down to the bazar and amuse himself with a little gambling with one of the shopmen. The next day, at Munakil he would also have succeeded in finding them scarcely less discomposed by the activity of the Police, why did he so readily adopt the comfortable creed that they had already gone beyond his limits? He had returned in a Munchiel, some half dozen miles from Tanoor, and Mambra was only a half dozen further on, surely any moderately active and intelligent Officers would have at once seen that it was his place, knowing the direction such criminals had taken, and believing as he did, that they were bent on some desperate deed of blood, to have followed them up in person and if he traced them still further, not to content himself with ceremonious communications to the distant Cusbahs of the adjacent Talooks, but to follow after them beyond his special limits. I am at a loss to imagine why he concluded that the men who had come from the other side of Poodiangaddy should overfatigue themselves by a forced march, in order to get out of his reach. His vanity could not have suggested that they had a wholesome dread of him; for surely he had had proofs enough that they were so presumptuous as to wander about in his Talook, even though his whole attention was so completely engrossed with the mere object of their capture.

few people resort thither. On the declivity of the hill some few houses are found scattered. The retailers in these sheds are Mahomed Cooty Moopa's dependants, and tenants, protegees and the Hindoos and Mussulmen of that locality were under his influence and subjection, inasmuch as most of these are his tenants, and obtain their livelihood through him.

The distance which the criminals travelled from the south to Poodiangaddy, on the night of the 29th, and from thence to the boundaries of the Shernaad and Walloowanad Talooks, did not exceed 20 miles. A common man can well walk 40 in twelve hours. It is customary with thieves who live in concealment, to walk fast until they reach a halting place. Neither I nor any of my subordinates had the least ground to suppose that the criminals could, on that occasion, have gone and stopt at Mambra with the aid of Mahomed Cooty Moopa. Besides, the village of 3 of the criminals was in the vicinity of the said place; hence the reason which led to a supposition, that they might have proceeded thither by crossing the boundaries of my Talook.

25. I am aware that the Tahsildar has, in a petition to Government, already asserted that in speaking unfavourably of him on the present occasion, and in suspending him,

Mr. Collett, on various occasions, tried to deprive me of my situation, but failed in his attempt, through the conscientiousness and justice of Mr. Conolly. In proof of this, I beg to submit copies of the English correspondence which took place between them.

I have been actuated by a prejudice I entertain against him. He does not perhaps know that because I had had a discussion with Mr. Conolly, relative to his former conduct, I desired to avoid even the chance of being mistaken and withheld my hand, as I should have done with no other Tahsildar.

I would too (as I told the Government, in September I intended) have gladly left this matter to be decided by you. Since though it has become my duty to report upon him, while I have not spared him. I have purposely confined myself strictly to his conduct on the present occasion alone, though it is better nor worse than I should have expected of him. I will though give him the benefit of my personal knowledge of his character, as far as I can.

26. There are many circumstances in his conduct on the present occasion, which might suggest to the minds of strangers, doubts as to his entire freedom from complicity in the designs of the criminals, I beg to state my deliberate opinion that he does not merit such suspicion. I firmly believe him

On the criminals' escape from the Jail, there was reason to fear that they might probably ill-use the Hindoos. After they had plundered, on the 15th August, an Illom (Brahmin's house) at Tiroothy, in the Walloowanad Talook, and concealed themselves with the spoil, there was a rumour afloat that they had turned out robbers who were in search of money, and that they would take refuge in the Cochin Rajah's territory, or sail to some other foreign country. In proof of this, Mr. Conolly issued orders to all the Sea Custom Managers, directing them not to allow the criminals to embark in any vessel. Further the criminals were

quite incapable of any such crime, and I am most fully convinced that his natural diposition, as well as his personal atttachment to Mr. Conolly, forbid that supposition. I consider that he has failed throughout on the present occasion, and failed most grievously. I think it is only the sober truth to state that the exercise of an ordinary degree of care and personal activity from the 26th to the 31st August, or the display of moderate capacity immediately afterwards in detecting the object of the visit of the criminals, must have been the means of averting the catastrophe over which we are now lamenting. Want of capacity and judgment, coupled with natural indolence of disposition, and want too perhaps of honesty, in not at once unmasking the hypocrisy of his friends, the 5th and 6th Prisoners, (who are said to have cajoled him with a promise of betraying the men on a future visit) led, I believe, to this sad failure.

detained in the Jail for a long time, without having an opportunity to see their families. Hence, there was not the least reason to lead to any other conclusion than that they went to see their families, which was likewise the general impression. I am at a loss to know from what source Mr. Collett got this information, and what induced him to rely upon it, viz., "that the 5th and 6th Prisoners had cajoled me with a promise of betraying the criminals on a future visit." I have not as yet heard any thing about it, the 5th and 6th Prisoners did not capture the criminals while passing the high road in front of their house on the night of the 29th, but came and reported the matter at my Cutcherry. Since it was clear from this, that they could not do any thing themselves towards apprehending the criminals, how can it be believed that they would have been able to cajole me with a promise like that specified by Mr. Collett. They would never have had the audacity of speaking such improbable stories, nor would I have placed reliance on them. Further, it is a notorious fact, that the Moplas would never seek to injure, but rather assist offenders of their caste.

The credentials granted me by several Gentlemen of note and acknowledged abilities, under whom I have had the honor of serving for 28 years uninterruptedly, will gainsay the statement of Mr. Collett, that I am wanting in capacity, judgment and honesty, and that I am naturally of an indolent disposition.

27. Even after the 17th September, the success, of his efforts was very moderate. He discovered some evidence of the visit to Poodiangaddy and Porathoor, but was quite unsuccessful both at Mambra or Manakil, or rather did not exert himsef there at all. He again contented himself with deputing his Subordinates. The Mopla Peshcar (a young man on 17½ Rupees) was sent to Mambra, he went and lived in, Mamod Cooty Moopen's house, and of course made no discovery of importance. I believe that this Official's enquiries at Mambra and before at Poratoor, were never intended to have any other result, and he has accordingly been dismissed, as has also the Adighary of Poratur alluded to by the Tahsildar. The simplest precaution on the Adighary's part must have certainly detected the visit of the criminals at the time, and his plea

I beg to state hereunder the advantages which resulted from the exertions used by me in this case, to which I respectfully solicit attention.

Moideen's mother, his eldest brother and wife, her mother and uncle, and his eldest brother's wife, residing at Poratoor, all confessed that the criminal Moideen had come to their house and given them money, and they gave up the money which they had received and concealed. The charge against them has been clearly proved by trust-worthy witnesses. Being engaged in bringing to light the circumstances connected with the criminal's stay at Poodiangaddy, I, at first, on the 19th September, deputed the Police Moonshee and Peshcar to obtain proof of the criminal's visit to Poratoor. They returned on the 21st, and informed me, that they did not succeed in getting any proof whatever. It was after this that I proceeded to Poratoor and obtained the proofs above mentioned.

As shewn in my Urzees of the 20th, 21st, 22nd, 23rd, 26th and 27th September.

In the Poodiangaddy case four of the Prisoners apprehended by me confessed; of these the 3rd Prisoner, wife of the criminal Moideen, gave up the money which she had received from the criminal, and their offence was satisfactorily proved by the evidence of trustworthy witnesses. The 3rd Prisoner being an inhabitant of Cootnad Talook, I wrote in the first instance to the Tahsildar of that Talook to cause her to be apprehended and examined, and also to recover from her the money she received as her share. He informed me in reply that according to my request he adopted the necessary measures, but that she did not confess or give up the money. It is I who afterwards

of ignorance of it afterwards, is purely preposterous. I believe this man to have been wilfully false to his duty, and I consider the Tahsildar failed in not at once bringing his conduct duly to notice, and was not judicious in placing such implicit confidence in this man's integrity. The matter was left entirely in his hands without check or control.

brought the matter to light and caused the money which was concealed in another Talook, Cootnad, to be taken up.

Mr. Collett did not succeed in obtaining any further proof as to what other persons had harboured the criminals and received money from them, except the proofs which I was able to furnish that Gentleman, and which were obtained by my own efforts during the enquiries held by me at those two places. It is a matter of grievance to me that Mr. Collett should make it appear that these proofs were of little importance.

Vide my Urzees of the 21st and 30th September, and of the 9th and 14th October.

At Mambra in the course of the very vigorous enquiries instituted by me at the two places above mentioned, viz., Poratoor and Poodiangady, I on the 21st September, first obtained information of the criminals having stopped at Mambra. As proof was then coming out, I could not stop the enquiry, and therefore deputed the Peshcar to Mambra. It was proved by the enquiries he held that the criminals had been seen one day close to the Mambra tomb. Subsequently I sent the Sheristadar to Mambra, to which place I also afterwards proceeded. Finding it of the greatest importance that the evidence should be obtained of Poohichirchy Pathoo, who was in the house at Mambra where the criminals stopped, and who prepared rice for them, I sent the Accountant of Kanamana Umshom, a principal and influential person, and my Lance Naik, an old servant well acquainted with the p'ace, and possessing some influence, to some of the Villages within my Talook and some Villages in the Shernad and Walloowanad Talooks for the purpose of searching for, and bringing, that female; but they did not succeed in doing so. I reported all these particulars to Mr. Collett in my Urzee of the 9th October. Subsequently while proceeding with my enquiries, and employing spies to bring me information, I learnt from a private source, that Mamod Cooty Moopen had caused his Hamall (bearer) Kadir, to convey the said female to the southern boundary of the Chowghat Talook, where she was kept. Upon this, I immediately sent on the 12th October, the Lance Naik and a spy, with directions to proceed to Chowghat, and bring her. I reported this to Mr. Collett in my Urzee of the 14th October. The Naik and spy having on their way met at Vellyangod, in Kootnad Talook, the said Kadir and Nelly Veeran, both dependants of Mamod Cooty Moopa, and the son of the abovementioned female, as they were returning, after having, by order of the Moopa's son, the Adighary conducted away the mother and son, and concealed the former at Kodongaloor, they were accordingly seized, and on their persons were found a Rhadary, in the handwriting of the abovementioned Adighary, and five Rupees that remained of the money given them for their expenses. The confessions they made, exposed the treachery of the Moopa and his son, as well as the place where the said female had been concealed. The Cootnad Tahsildar's report to Mr. Collett and to me, both dated the 14th October, will prove this.

The information furnished by the Kadir, Nelly Veeran, and the boy abovementioned, led to the discovery of the female Pathoo, and it was from her that strong proofs were obtained of the complicity of the Moopa and his son. Thus it was entirely by my own exertions that four most important witnesses afore-mentioned were found, and proofs obtained against the Moopa, his son and the Tunguls of Mambra and their families; hence I feel exceedingly aggrieved, that Mr. Collett should have stated that I was altogether useless in this matter, and that no benefit was derived from my exertions. Had I not been suspended from my situation on the 14th October, I would have also brought to light the matter connected with the criminal's visit to Munakil.

In the course of the enquiries which I was making, I was plunged into great affliction by three lamentable occurrences, viz., 1st, the sudden death of Mr. Conolly, a Gentleman to whom I owed much gratitude, 2nd, the information I had obtained that Mr. Collett had recommended my suspension, and 3rd, the consequent loss of official influence in the Talook. It was therefore with the greatest difficulty that I succeeded in discovering some of the circumstances which I brought to light.

28. It remains only to indicate the notice to be taken of

I have already entered at length on all the points embraced in this para: and would only beg leave with due deference to

the Tahsildar's conduct. I think there can be no reasonable doubt, that the criminals entered his Talook on the night of August 25th, and did not leave it till that of August 31st, that in that interval, they spent at least 48 hours in the middle of the town of Poodiangady, in a house very close to the Tahsildar's own Cutcherry, and that both the fact of their visit and the nature of their designs were, at the time, well known in the bazar. His failure at once to discover the fact of their visit reflects most seriously on the efficiency of the Tahsildar. The precaution he took to prevent or avail himself for their capture, of their visiting Poratoor (as it was supposed they would), were, I consider, very defective and injudicious. The failure of the Tahsildar to avail himself of the obvious clue afforded by the visit of the criminal's wife to Poodiangady, and by the suspicious conduct of the 5th Prisoner, is inexcusable, and incapable of honest explanation. Except by the supposition of a want of capacity, rendering him unfit for his situation. His report dated the 30th August, appears to me so meagre and defective in detail, as to be downright dishonest, unless we suppose that the Tahsildar was too indolent to ascertain the facts or too ignorant to appreciate them, while his failure in the obvious duty of personally following on the trace of the criminals on the 30th and 31st August, is most inexcusable. There was nothing in his subsequent conduct adequately to redeem his grievous short-comings on these days. I need not therefore scarcely add, that I do not consider it for the advantage of the public service that he should be any longer employed in it.

add, that I have uninterruptedly served the Government for no less than 28 years with zeal and integrity, and that my character for probity and efficiency can bear the test of the strictest enquiry. Under these circumstances, I humbly trust that my case will meet with kind and favorable consideration.

سيد احمد عفي الله عنه

Calicut, 15th December 1856.

(Signed) SEYED AHMOD,
Suspended Tahsildar of Betutnaad.

No. 8. ORDER THEREON, No. 238; dated 26th February 1857.

1. On the 29th February last, Mr. Clarke, the Magistrate of Malabar, forwarded for the orders of Government, a letter from the Joint Magistrate Mr. Collett, commenting on the conduct of *Syed Hamod*, Tahsildar of Betutnâd, and recommending his dismissal from office.

2. The Tahsildar had been suspended by Mr. Collett on the ground of inefficiency in the discharge of his duties, manifested during the month previous to the assassination of the late Mr. Conolly, as far back as the 13th October 1855. The report, recommending the dismissal, is dated 31st January 1856, "the state of the enquiry into the proceedings of the murderers," of that unfortunate gentleman, being considered "sufficiently advanced," to admit of the submission of Mr. Collett's final judgment on the Tahsildar's alleged misconduct.

3. In transmitting Mr. Collett's report, it was remarked by Mr. Clarke that the Government were aware that the conduct of the Tahsildar was strongly impugned in the anonymous letter of warning sent to the late Collector, where it was stated that "the intention of the assassins was communicated to the Tahsildar a very short time before they had left Betutnâd, and yet no report was made of this information to Mr. Conolly."

22nd May 1856.

4. The Government declined to dispose of the case as it then stood. The Tahsildar, they observed, had not been put formally on his trial, and they directed that he should have access to all the papers in the matter, to assist him in the preparation of his defence; with that before them, they would issue final orders.

5. The reply of the accused to the charges against him was furnished to the Acting Magistrate on the 15th December, and has now reached Government with the letter above recorded.

6. Mr. Robinson, the Government remark, does not allude to the charge advanced by Mr. Clarke that the Tahsildar had a guilty knowledge of the designs of the assassins; nor indeed is such an accusation preferred by Mr. Collett; on the contrary, the late Joint Magistrate (vide para. 26 of his letter) altogether disclaims belief in the supposition, which, he goes on to state, is forbidden both by a view of the natural disposition of the man, as well as his personal attachment to Mr. Conolly.

E. G. para 19.

7. It is satisfactory to have this thorough disclaimure from Mr. Collett, as more than once in the course of his proceedings, a suspicion to the contrary appears to cross his mind, and perhaps influence his judgment.

8. The charge, then, is now narrowed to the heads of want of courage and general supineness. "I think," Mr. Collett has stated "that it is only the sober truth that the exercise of an "ordinary degree of care and personal activity from the 26th to the 31st August, on the display "of moderate capacity immediately afterwards in detecting the object of the visit of the Criminals "must have been the means of averting the catastrophe over which we are now lamenting," and he concludes by recommending that the Tahsildar be dismissed the public service.

9. The Government have carefully considered the whole of the voluminous papers in this case together with the Memorial or counter-statement of the Tahsildar, and while they admit that Syed Hamod was wanting in nerve and sagacity during the short but eventful period adverted to above, they are not prepared to go the length of directing that he be pronounced incapable of serving Government again. He is clearly incompetent to the efficient discharge of the duties of a Head of a Talook, being deficient in the vigilance necessary to such a post, the absence of which in his particular case may in some degree be accounted for by his want of early training.

The Government resolve therefore to sanction his removal from the office of Tahsildar of the Betutnâd Talook, with loss of pay from date of suspension, but they will not declare him ineligible to other appointments in the service, in which the qualities, wherein he has been found wanting, may not be so prominently required. They will leave it at the discretion of the Collector and Magistrate to employ him in any such offices on an opportunity occurring.

10. There is no room for doubt, the Government remark, that the Heads of Police with but few exceptions throughout the whole District evinced a very lamentable want of efficiency on the disastrous occasion of the escape of the Convicts from the Calicut Jail in the month of August 1855. The Tahsildar of the Hoozoor station in particular appears from these papers to have greatly failed in his duties. It is understood however that this man has since been removed.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

I have looked over this case again with care - & I am led to a conclusion very much similar to that which I had previously formed.

I am no doubt of the Jahildars incompetency to perform the duties of a vigilant police officer - but he does not appear to have been brought up in that line - & therefore he is hardly to be expected to have much capacity in it.

The fact also of his having been but one month in the taluk - is some excuse for ~~his~~ the want of arrangement displayed

in his measures.

I doubt if there was any want of desire to prevent harm. had he ~~anticipated~~ anticipated the ~~transactions~~ transactions which occurred: but he evidently thought the men safer there – & he had information at his disposal which led him as to their real intentions.

His defence against charges – 15. 16. 18. & 19. & 20. which are the most important in the case – is very weak.

I think his plea in pointing the uniforms in the Cabinet – Leitook is a very fair one & I don't understand – why the Tahseeldar there was not also complained against.

I think – there is no case to warrant this man's dismissal from Govt service.

He had evidently been placed in a ~~[illegible]~~ office for which he possessed neither sufficient nerve or capacity – & when his powers were tried – they failed –

He might be employed in some subordinate office –

[illegible initials]

A Perusal of the Tahseeldar's defence has not removed

from my mind the [illegible] I entertained of his conduct on ~~receipt~~ of the Magistrate Mr. Charles letter of ~~the~~ 29th July 1856 – I adhere to the opinion I recorded in my note of the 2d May last.
~~[illegible]~~
I would confirm the dismissal of the Tahsildar from the date of his suspension permitting the Collector to employ him in an inferior or less responsible office hereafter if so disposed.
The conduct of the Calicut Police was very bad ~~[illegible]~~ and deserved punishment – I presume the asst Magistrate might be asked what notice was taken of it – but this does not render this man's case any better –

31/1/57 [illegible]

I see no reason to change the opinion I expressed regarding the Betatnad Tahsildar's conduct on the 5th May last.

His proceedings as a Police officer were wanting in activity & intelligence. But these characteristics unhappily were of too general application in the district to render their absence markedly conspicuous in the case of this individual.

I see no grounds for suspecting that he was cognizant of the atrocious designs of the escaped convicts or that he knowingly connived at their escape fr. his jurisdiction. But I have also no doubt that had he acted

with ordinary

ordinary sagacity & vigor, in following up the information he had received the capture of the criminals would have been effected.

I concur in the opinion that he is not equal to the duties of c Vth^n charge & that his services will be more beneficially employed in some other capacity.

4/2/57 [illegible]

Jc 27 May 1856 No 788

Jud^l. L^r. to Eng^d of 9 June
No 16 of 1857 Para 6

~~Rep^t. to in No 1 of 1858 P. 6~~

In D^t to Cons: 3^d March/57
Judicial 1857 Dep^t.

From
The Acting Magistrate
of Malabar

To The Chief Secretary
to Government Jud^l. Dep^t.
Fort St George.

J.E. No 238

Dated 28^th December
Desp^d 31^st
Rec^d 7 Jan^y

No 131.

1 Enc:

No 41

W.C. [illegible]

Forwards the explanation submitted by Seyd Hamod late Tahsildar of Betutnaad on the subject of Mr Collett's report recommending his dismissal.

778

For orders
with Memo

[illegible]

C 15 Jany
R 2 Feb.
C 2 4
R 5
C [illegible] R 18

Extract [illegible] D[illegible] 24 February 1857
Read [illegible]
from acting Mag^te of Malabar
28^th
(December, No. Dec^r/56)
No 131.

1. On the 29^th February last, Mr Clarke, the Mag^te of Malabar, forwarded for the orders of Gov^t a letter from the Joint Mag^te Mr Collett commenting [illegible] Mahomed, Tahsildar of Betutnaad, & recommending his dismissal from office.

2. The Tahsildar had been suspended by Mr Collett on the ground of inefficiency in the discharge of his duties, manifested during the months previous to the assassination of the late Mr Conolly, as far back as the 13^th October 1855. The report, recommending the dismissal, is dated 31^st January/56 "the state of the enquiry into the proceedings of the murderers of that unfortunate gentleman, being considered "sufficiently advanced" to admit of the submission of Mr Collett's final judgment on the Tahsildar's alleged misconduct.

3. In transmitting Mr Collett's report, it was remarked by Mr Clarke that the Gov^t were aware that the conduct of the Tahsildar was strongly impugned in the anonymous letter of warning sent to the late Collector, where it was stated that "the intention of the assassins was communicated to the Tahsildar a very short time before they had left Betutnaad, & yet no report was made of this information to Mr Conolly".

22^d May/56. 4. The Gov^t declined to dispose of the case as it then stood. The Tahsildar, they observed, had not been put formally on his trial, & they directed that he sh^d have access to all the papers in the matter, to assist him in the preparation of ~~[illegible]~~ his defence. With that before them, they w^d issue final orders.

5. The reply of the accused to the charges against him was [illegible] ted to the acting Mag^te on the [illegible] December, & has now reached Gov^t with the letter above recorded.

6. Mr Robinson, the Gov^t remark, does not allude to the charge advanced [illegible]

A
J[illegible]

W.C.
J

W.C. [illegible]

Wm Clarke that he Tahsildar
a guilty knowledge of the design
he apprehends; nor indeed is such an
accusation preferred by Wm Collett.
on the contrary, the late Joint
Magr (vide Para 26 of his Letter)
altogether disclaims belief in the
supposition, which, he goes on to
state, is forbidden both by a view
of the natural disposition of the
man, as well as his personal at-
-tachment to Wm Conolly

4. It is satisfactory to have this
strong disclaimer from Wm Collett,
as more than once in the course of the
~~very lengthy~~ his proceedings ~~before~~
~~recorded in the margin~~, a suspicion
to the contrary appears to cross his
mind, & ~~has~~ perhaps influenced his judgment.

C.J. Para 19.

8. The charge, then, is now narrowed
to the heads of want of courage and
general inefficiency. "I think" Wm
Collett has stated "that it is only
"the latter traits that the exercise of
"an ordinary degree of care & personal
"activity from the 26th to the 31st
"August, or the display of moderate
"sobriety immediately afterwards
"in detecting the object of the visit
"the criminals must have been the
"means of averting the catastrophe
"over which we are now lamenting"—

be amended by recommending
that the Tahsildar be dismissed the
public service.

9. The Govt have carefully considered
the whole of the voluminous papers
in this case together with the Memorial
or Counter statement of the Tahsildar,
and while they admit that Syud Mo
hamed was wanting in nerve and de-
-ficient during the short but eventful
period adverted to above, they are not
prepared to go the length of directing
that he be pronounced incapable of
serving Govt again. He is clearly
incompetent to be efficient discharge
of the duties of a head of a Talook,
being deficient in the vigilance necessary
in his particular case may be accounted
for by his want of early training
The Govt resolve therefore to sanction
his removal from the office of
Tahsildar of the Debutnah Talook
with loss of pay from date of dis-
-pension, but they will not declare
him ineligible to others appointments
in the service, in which
he qualifies, wherein he has been found
wanting, may not be so permanently
as in this. They will leave it
at the discretion of the Collr & Magte to employ
him in any such office
on an opportunity
occurring

~~[illegible]~~

Draft

10 – There is no room for a ...
the Govt. remark, that the thana
without few exceptions
Police throughout the whole District
evinced a very lamentable
want of efficiency on the
disastrous occasion of the escape
of the convicts from the Calicut
Jail in the month of August/55.
The Tahsildar of the Hoozoor
station in particular appears
from these papers to have greatly failed
in his duties.⊗ The Acting Magt.
will be good enough to submit a
report to Govt., stating what
measures, if any, were taken
in regard to the Calicut Tahsil-
-dar on this point. &c.
7-2-57

⊗ It is understood
however that this officer
has since been
removed —
JP

and whether it appears
desirable to investigate that of-
-ficer's conduct further, at
this lapse of time.

Copy to the Acting Magt of Calicut Dispd 4th

C 15 Janry
R 2 Feb
C 4

78.

Ind. 2 ... ing ...
Insure No. 16 of ...
Para ...
Reports in cr. 1 of 1858 P. 3

... D 4 to Cons. 3
Jud. ... 1857 ...

No. 238.

Extract from the
Minutes of Cons:

Datat 26th February 1857.

748.