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Judicial DEPARTMENT.

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Fort St. George, Judicial Consultation, 31st March 1857.

No. 27. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated Calicut, 12th March 1857, No. 41.

SIR,

I have the honor, with reference to the Extract from the Minutes of Consultation, dated 10th June 1856, to forward the Decision ¹† of the Special Assistant in a case of torture examined by him in which were implicated the Adighary of Pynaad, Mamod Koorikul, his son Ahmod, the Mopla Subedar of the Malabar Police Corps, and one of the Mopla Havildars of the Corps.

2. The facts of the case seem to be, that the Subedar Ahmod Koorikul, about eighteen months ago, purchased a house and employed the Prosecutor to re-plaster, &c., the walls, and while so occupied, Prosecutor, who is a poor weakly creature, came on a hollow part in the wall, and is supposed to have removed a pot from it, containing treasure trove. There can be no question that this occurred, the wall was seen by many at the time, and the hole bore the appearance of having contained a small pot or cocoanut shell. It was the wide spread rumour of the country, and the wall when picked out the other day by the Special Assistant, presented the unmistakeable appearances of having contained something. Here then was motive for torturing the poor creature to disclose what he had got.

3. I have with great care gone through the voluminous proceedings in the case, twice referred to me by the Special Assistant, and although now much overlaid with falsehood and prevarications of Witnesses, &c., the simple facts seem to be true and are these: that on hearing of the discovery by the Prosecutor, the Adighary sent for the wretched man and confined him in his house, and immediately sent to Malliaporom for the Soobedar, in whose house the treasure was supposed to have been found. The Soobedar (2nd Defendant) went out to Pynaad a few miles from Malliaporom, accompanied by the Havildar, (3rd Defendant) a fellow caste-man and dependant of the Koorikul's, and there commenced the examination of the Complainant, at first with good cuffing, but that failing, the two fore-fingers were wrapped in oiled rags and burnt to the bone. The two index fingers bear the marks of this cruel usage: one sloughed away till two joints disappeared. Several natives of the place and a Native Doctor depose to these circumstances, and the Surgeon at Malliaporom, considered that the effect was probably produced by fire; the other has healed with a cicatrice, which bears every appearance of being the effect of fire.

4. Of the main features of the case, I have not the smallest doubt, that is the wretched Prosecutor was tortured in the cruelest manner and is maimed for life. But the accompanying two reviews of the evidence will show that I considered that the case had got mixed up with so much falsehood and fails in links of evidence so important, that committal would scarcely result in conviction, and without this prospect I do not think resort to criminal trial desirable.

5. In utter hopelessness of prosecuting his case against so powerful and unscrupulous a family as that of the Koorikul of Pynaad, the poor wretch has borne his injuries for 17 months. The Mopla Tahsildar Kootoosa still under trial for acts of a similarly oppressive nature, was at the head of the Talook and was doubtless led to shut his eyes to the information which must, and is, believed to have reached him, and hence the case has remained unheard of.

6. Nor do I think that horrid as the cruelty appears, the story is other than highly probable. The Defendants are members of that most lawless and daring of the Mopla family of Malabar, the Koorikuls (hereditary instructors in the use of arms) of Pynaad, members of whom have led more than one rebellion in the time of Mysore rule and was one of the most turbulent families which troubled the early years of our rule.

It was a member of this family that led the outbreak of 1849, and died after he had for years levied black mail on the country. In that outbreak 8 or 10 connexions or dependents of the family fell and I do not think that its members however outwardly respectable would hesitate to make use of what may be called the natural resort of the Native to extort information, when actuated by the motives which unquestionably existed in this case.

to read as soon
as I have been called for
27th
H. L. for -
J. P.

Fort St. George, Judicial Consultation, 31st March 1857.

Vide Mopla report of 1849, and Mr. Strange's report, *passim*, on record bearing on this family.

7. In forming the Police Corps, the real head (2nd Defendant) of the race (the Adighary his father, is an old man) joined the Corps and was made the Soobedar, several of his connexions and dependents, among whom is 3rd Prisoner also, joined it.

8. Major Haly, the Commandant thinks well of this individual, and recommended his appointment as Sirdar in the correspondence noted in the margin. On the 9th of December last, he wrote to me as follows: "an officer who has contributed so much to the raising of the Corps, has behaved so well in time of difficulty, and has been officially thanked by the late Collector of Malabar for "exemplary conduct" when employed in the collection of the late fines." I am aware that Mr. Clarke had a very bad opinion of the state of things in Ernaad Talook, and himself paved the way for this and other painful disclosures of a similar nature committed under Mopla influence, and intimidation there. I have known the family too long to express the same confidence as Major Haly.

9. On receipt of the Special Assistant Magistrate's decision, Major Haly wrote to state that he did not think it desirable to employ the two men of the Corps thus held to security, till the orders of Government were known and I have addressed him requesting him to follow this course while I referred the matter and I now request instructions. Were the men in Civil employment only I should not hesitate to dispense with their services; as it is, they are not so much in harms way, but I should object entirely to employing either of them in any Civil capacity. I had once thoughts of recommending that the Soobedars of the Malabar Police Corps be made Sub-Officers of Police. My opinions have however under gone a change.

(Signed) W. ROBINSON,
Acting Magistrate.

5. As the matter involves the character of the Soobedar of the Corps, I have included the Special Assistant's report among the papers sent. I find that the Sessions Court has reviewed the whole proceedings of the Special Assistant Magistrate, without taking a different view of the matter from what myself and my Special Assistant have done.

(Signed) W. ROBINSON,
Acting Magistrate.

Teyen Velloo,
Versus.

1. Mahomed Kurikul, Adighary of Pyenaad.
2. Ahmod Kurikul, Soobedar.
3. Uluvau Moossa, Havildar.
4. Hyderman.

Torture.

The 1st Defendant with having on the 21st June 1855, at Pyenaad Deshom and Amshom in the Ernaad Talook, sent for the Complainant to his house to examine him regarding some hidden treasure and failing to get any confession from him, kept him in confinement till the arrival of the other Defendants, and the 2nd, 3rd and 4th Defendants with having assisted each other in inflicting torture by wrapping oiled rags round the 2 fore-fingers of the Complainant which they then set fire and thus caused serious and lasting injury to his hand.

The charge is that the 1st Defendant (a Village Adighary) having sent for the Complainant to his house to examine him regarding some hidden treasure (which he was reported to have found in repairing the wall of an old house, the property of the 2nd Defendant) and failing to get any confession from him, kept him in confinement till the arrival of the other Defendants, when the Complainant and his wife were beaten and threatened in various ways, and finally the Complainant's

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two fore-fingers were wrapped in oiled rags and set fire to, in the hopes of thus extorting from him a confession of where he had hidden the supposed treasure, he was then for a time confined, and then restricted to his house and narrowly watched to prevent his going to inform. The wall (when dug down carefully by the Special Assistant Magistrate) presented the deposed appearance, viz., there was a small cavity which had evidently been filled up with earth when last the wall was mended and long subsequent to the construction of the wall.

The two fore-fingers of the Complainant have been injured, from one there are two joints missing, and from the other a portion of the nail and lower half of the tip. After a lapse of 17 months the exact manner of injury cannot be confidently asserted, but Doctor Furnell says that from the appearances, the wound on one finger was possibly and that on the other probably caused in the manner described. Two witnesses distinctly corroborate the statement of the Complainant regarding the hole in the wall, having been sent at the time of first suspicion (regarding treasure trove) by the 1st Defendant to examine and report on the wall, they found the work half finished and the cavity in the wall. These same witnesses saw the Complainant detained at the house of the 1st Defendant on the charge of having stolen the treasure and left him there: one of these witnesses and two others saw the 2nd, 3rd, and 4th Defendants there, and saw the oiled rag and fire applied. The Complainant's wife when taken there and threatened, found her husband's fingers injured and heard his tale of the mode in which it was done. Shortly after the date in question a very large number of people who had formerly known his hands to be perfect saw the injured state of the fingers, the hanging skin, &c. and heard him tell the same tale as now. The books of the Malabar Police Corps (in which 2nd and 3rd Defendants are respectively Soobedar and Havildar) had, on the date in question, the place of the 2nd and 3rd Defendants left vacant as absent, but these were afterwards filled up by an interpolation at some date unknown. The Commanding Officer of the Corps (who did not forward the book in question till written for for the third time) states that he heard of some such circumstance at about the period in question, and again positively that he did not hear any such thing. A Serjeant of the Corps says it was a common thing for the Soobedar to be away without notice being taken of it and recollects a report of his having gone at about the stated date for the purpose abovementioned.

The 1st Defendant brings witnesses who profess to have been at his house all day on the date mentioned and deny all knowledge of the Complainant's presence there, the other Defendants bring witnesses to prove an alibi, which may of course be simply and easily got up.

The interpolations in the book of the Malabar Police Corps are visible on other dates than the one in question.

The chief witnesses are personal enemies of the Defendants. The period which has elapsed since the asserted commission of the crime is great and it is very strange that such a tale should not have reached the ears of any of the European Officers of the District.

The reply is that the Kurikuls of Pyenaad are a powerful and daring family, and having also the support of the Head of Police of the Talook, no one dared to complain till the latter was being tried on another charge. The character of the Defendants is such as to give a reasonable excuse for not having earlier informed against them. Another charge brought against their emissaries of having carried off the wife and children of the Complainant to a place of concealment when he came to complain to the Special Assistant Magistrate and which is fairly proved implies guilt and shows the daring of the Defendants.

The Magistrate being of opinion on a review of the whole evidence that there is not sufficient to justify a committal, but it nevertheless appearing to the Special Assistant Magistrate that there is not a moral doubt of the truth of at least the main features of the case, the Defendants are required to find respectively for their good behaviour for a year, 1st and 2nd Defendants two Securities each in Rupees 250 each Security, 3rd Defendant 2 Securities in Rupees 100 each and 4th Defendant 2 Securities in Rupees 50 each, under Section 4 Regulation II of 1822.

(Signed) E. G. THOMAS,
Special Assistant Magistrate.

11th February 1857.

(True Copy.) (Signed) W. ROBINSON,
Acting Magistrate.

Handwritten note: "I have been called for Sep 27"

Fort St. George, Judicial Consultation, 31st March 1857.

Statement made by Puthun Porukul Velloo before the Head of Police of Ernaad, on the 23rd October 1856.

Coonjammod Kurikul, Athigary of Payenaud, his son the Soobedar Ahmod Kurikul, his dependant Uluvan Mootha, the Kurikul's servant Hyderman, and two of the Talook Peons whose names I do not know, but whom I should recognize if I saw, beat and poked me with the doubled fist and with a sheathed sword, and having drawn back my arms and tied them near the elbow burnt the fore-finger of each of my hands by wrapping them with rags, soaked (in oil) and setting fire to them; the consequence of lighting these oiled rags was that part of the fore-finger of my right hand has been burnt away, and the flesh round the nail of the finger on the left hand has been burnt.

Consequent on this burning and beating I once fainted; they then I believe did nothing to me, when my senses returned they again applied the fire and beat me much.

Besides this, they seized and brought my wife and having taken the heart (or inner shoot) of a plantain tree, rendered it supple and rubbed it over with "Chena purangy" (a particularly strong kind of red pepper) they threatened to thrust it into (her private parts) and frightened her, adding that they would tie up the two children like dogs, and have us beaten by Cherummars (the slave caste) this is what I have to say.

The Soobedar Ahmod Kurikul having bought the house lately inhabited by Catoovenda Teyoony sent me to scrape, smoothen, and repair it; when I was thus doing a cavity in the wall appeared and saying that there had been treasure in this, and that I had taken it, they treated me as above.

All this was done on the 10th Meethanum 1030 at midday.

It was near the west side of the eastern entrance lodge of the Adighary's house that these things took place.

How many times they struck me I cannot specify, but they did it as much as they thought enough.

The man who struck me with the sheathed sword was a peon, he only struck me once when I fell, another peon struck me with his hand.

It was Ahmod Kurikul Soobedar and Uluvan Mootha who tied me, wrapped my fingers in rags and set fire to them.

A report was prepared for sending me to the Talook (Kutcherry:) it was in the charge of the Amshom Menon (village accountant,) Govintha Menon and Athen Moyan, a Mopla living in Pyenaad Bazar, that I was sent.

When we had arrived on the north side of Vallikath (the Soobedar's house) the Kotakuth Tungul coming and saying (we) can send to-morrow, took me away with him, and told me that as he had stood security for me it would be the worse for me if I did not present myself before him twice a day for 8 or 10 days, and told me that I was in fault: in that same way for 10 days I presented myself and returned twice a day.

My wife had been released then and there. They did not do any thing else to my wife, except that she tells me they beat her twice before bringing her.

The reason why I did not at once lodge a complaint is, after I had frequented the Tungul's house for 10 days, the Adighary took me to his house and gave me food till the wounds were healed, 4 months, 2 months of this I was kept in the Kurikul's house, by this time the wounds were beginning to heal; then sent me to my house though I was still obliged to shew myself once a day at the Kurikul's house.

On a date which I do not recollect, in Vrichigum month, (November or December,) I came here to this office, shewed my wounds to Kootoosa and informed him (of the circumstances) he said "you talk at random, none of that will be received here," when I spoke a 2d time "Is it only when you have been beaten and put in confinement that you will go" said the Tahsildar, and ordering me to be thrust out, a Mopla Peon, name unknown, but whom I could recognize, and drove me across the rice fields on the east side, after this, I through fear, have been no where to complain.

Hearing that every body's complaints are now received, I have come to prefer my complaint.

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I have ground of complaint against all the persons I have mentioned.

There are witnesses, it will not do to mention their names; if I am given a Peon I will point out and bring them.

There are two witnesses and many others have seen it.

The Umshom Menon did nothing. All the above particulars except the first short statement of injury, were elicited in reply to questions from the Head of Police of Ernaad.

When brought before the Special Assistant Magistrate he was examined on oath, when he confirmed the above and added many particulars of times and localities, bringing forward also a fresh complaint of his wife and children having been removed from his house during his absence before the Head of Police and the Special Assistant Magistrate, &c., but the above contains the whole of his present complaint.

(Signed) E. G. THOMAS,
Special Assistant Magistrate.

Augadipooram, 3d March 1857.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

From W. ROBINSON, Esq., Acting Magistrate of Malabar; to E. C. G. THOMAS, Esq.,
Special Assistant Magistrate of Malabar, dated Calicut, 29th December 1856, No. 4193.

SIR,

* Herewith returned.
Pootenporakel Velloo.
Versus.

- 1 Manjerri Coonhamod Koorikul, Paynaad Adighary.
- 2 His son Ahmod Koorikal, Soobedar Malabar Police Corps.
- 3 Oolwan Moota, Havildar do
- 4 Koollyodden Hyderman.

After a most careful examination of the Proceedings* in the case given in the margin and careful personal communication with Major Haly, Commandant Malabar Police Corps, I think, that further matter is required on the record as to the main and indisputable facts of the case.

The first of these is that there was a motive for the torture applied. Major Haly, distinctly recollects that the 2nd Defendant did about that time apply for leave to return to his Village, and that mention was made of money having been found in the wall of a house of the 2nd Defendant, and that he went to enquire about it, and that he (Major Haly) did consent to his hasty visit home. This must be carefully sifted and appear on the record, with any extract from the general books, &c., which Major Haly states, he can probably shew at Mallapooram. Without these books, he states his inability to be precise in the matter of these Proceedings. Likewise it must be established, whether and how far it is clear that Moota, the Havildar, was not present with his Corps on that date; this point has scarcely been gone into and when such reliable testimony is procurable, it must be preferred to native witnesses.

The date of the alleged torture was 10th Methanom corresponding with Friday 22nd June 1855. It does not appear how this was arrived at. The day was a Friday. On any Friday or Sunday, it is or was at that time, Major Haly informs me, quite possible for the Moslems of the Corps to be absent from the Cantonment, without it being known, or to steal away to their village. This should appear on the record. The patent interpolation in the morning presence roll of the Police Corps of the 23rd Saturday as pointed out by you, has a most damaging appearance. I must term the writer's explanation improbable and shuffling. Major Haly tells me, that he has remained unaware of this fact and would had he been asked, have aided the enquiry or cleared up doubts on the point. His explanation of this seems indispensable. It is manifest that the really reliable evidence on this point must be obtained in this manner.

If the point could be strengthened in evidence that Plaintiff was actually the man engaged in the work, in the house of 2nd Defendant, by any circumstantial matter, it might be of value in rebutting a defence which will be set up.

There is evidence as to the state of the wall at the time and such appearances about the cavity as would justify on the part of the Defendant, a surmise that it might have had a pot or other

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as proc'd. has been called for Sep 27
H. L. for -
JP

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vessel, containing valuables. It has been ascertained by yourself that this is its condition to this day, but evidence should have been received on the point, which supported by proof of what Major Haly heard at the time, would probably have been conclusive on the point of the existence of a motive for torture.

The lawless violent character of the Moplas of Paynaad country is proverbial and the Koorikul family are probably the least scrupulous in such matters of the whole population. Havildar Moota's character as a man of violent character &c., appears from the record and decision of the Magistracy under dates 24th October and 2nd and 5th November 1853. The probabilities of the crime are greatly enhanced by this fact, but I must admit I wholly distrust the direct evidence of Mopla witnesses to the actual infliction of torture by fire. There is however the evidence of the sufferer himself, if it cannot be impugned, and the evidence to the sloughing away of the tips of the fingers the likely result of neglected bruises of a severe nature subsequently to the date of the injury is quite credible, and there is the uniformly consistent account as to the cause given by the sufferer. But it is evident, that in a case of this description, the more satisfactory the professional medical evidence the better. Does the appearance of the cicatrices, lead to the belief that they are not the result of natural causes as leprosy &c., that the origin has not been of older date than that laid in the charge and that they are such as are in a reasonable degree likely to result from such injury? If all these points are to be established with reasonable legal credibility, I consider that it must be left to a judicial tribunal to give such weight to the line of defence taken and such obvious weaknesses in the matter, as the tardiness of bringing it forward &c. Otherwise it were better to hold the parties to security, under the extended powers and to seek further evidence. You have no jurisdiction in the disposal of such a charge.

(Signed) W. ROBINSON,
Acting Magistrate.

(A true Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

From W. ROBINSON, Esq., Acting Magistrate of Malabar; to E. G. THOMAS, Esq.,
Special Assistant Magistrate, Malapooram, dated Calpetta, 26th January 1857, No. 207.

SIR,

In reply to your letter, dated 21st Instant, and in continuation of mine, dated 29th Ultimo, I have the honor to state that although I agree with you in the opinion that the case has most suspicious features as against the Defendants, and the tale is not to be discarded as untrue, but it has likewise points so weak that I do not think it could be committed with any hope of the result being a legal conviction.

In my former communication I pointed out the desirableness of strengthening the European evidence, as well the Medical, and as that of the Commanding Officer, this has not been the result of the further enquiry which with regard to the latter Officer, the reverse is the case. It appears that both the Soobedar and Havildar are entered in the day book as for duty on the several days about the time laid in the charge, and the point can scarcely be rebutted by the fact that an alteration has apparently been made in the day book. Alterations of similar description to that remarked on the 23rd June are prevalent throughout this very inconclusive document and the alteration was made by a person who has not had access to the book since it became important to the Soobedar &c., to appear to have been elsewhere than at Pynaad, the direct evidence of this official though loosely kept record, supported as it is by the opinion of the Commanding Officer could scarcely be rebutted by the suspicious appearance of the entry in this one instance.

With reference to the other evidence, we could not, I think, ask one moment's credence of the direct Mopla evidence to the use of torture and I must say that valuable as the Amshom Menon's evidence is as to the appearance of the wall, and therefore to a circumstance from which to infer a motive for torture, I do not think credit is due to it when he enters on the preparation for the use of torture by fire. The witness Mookyestan Keshwa Paniker who accompanied him to the

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house to inspect the wall and then returned with him to the Adighary's house, does not depose to the presence of either the Soobedar and Havildar or the preparation for torture by fire, and under this circumstance I think, that the Menon's (in bitter feud with the Koorikul) evidence on this point must be received with great distrust when coupled with the fact that he too has kept silence for nearly a year and half, although he had in the interim had differences and made official complaints against the Subadar to Mr. Collett, and was in communication with his European superior on the subject of their violence towards himself.

The oral evidence then consists of the Complainant's statement, of which the record reads confusedly as it is and you do not seem to have confidence in his ability to relate his tale intelligently before a Court of justice, and I must admit that though the great fact of torture having been used may be true, I consider his statement in detail as improbable and manifestly cast in such a form as to fit well the Menon's and Mopla's testimony. The other evidence partakes of the character of hearsay, which though it would be valuable in support of conclusive or even positive medical evidence or opinion, would not support a conviction, and could scarcely justify a committal for trial, which I certainly should not direct, leaving the matter to your discretion.

The suspicion however as against the Adighary is so strong, that I think he ought to be removed from the office, whatever you decide.

(Signed) W. ROBINSON,
Acting Magistrate.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

From E. G. THOMAS, Esq., Special Assistant Magistrate, Malapooram; to W. ROBINSON, Esq., Acting Magistrate of Malabar, dated Cootoor, 26th February 1847, No. 37.

SIR,

I have the honor to report, in accordance with Extract Minutes† of Consultation, a case of torture which I have lately had to examine.

† Dated 10th June 1856,
No 761.

On the 31st October 1856, Teyan Velloo complained to me that Munjery Ahmod Kurikul, at present a Soobedar in the Malabar Police Corps, and a member of the Payenaad Koorikul family, (sadly renowned in the history of Malabar outbreaks) had in 23rd June 1855 (30th Mithoonom 1030) with others,* burnt off the tips of his fingers. I was at the time fully occupied with the investigation of the charges brought against Kootoossa and his relative Ally Cootty and others and therefore of necessity deferred enquiring into this charge for a time, the more so as I felt the advisability of sifting so grave a charge thoroughly on the spot where the occurrences were said to have taken place.

Looking with extreme distrust on the narration, I took no immediate step and put the Petition aside for the time, doubting whether possibly the man himself might retract before I was able to take it up.

Three days after, however, Velloo returned and with every natural sign of grief and terror reiterated his former charges and brought a fresh one, viz., that the Koorikul's people had (since his coming to me to complain) removed his wife and children. On returning to his home they were missing, and he did not know where they were, nor whether they were alive or dead. All the information I could obtain corroborated the man's statement. Seeing that any further delay might be seriously detrimental to the success of the inquiry, I at once issued Summonses and Warrants (to be served if found necessary) for all the parties charged: the investigation then in progress made it quite impossible for me to prosecute this also at the same time, but, deeming it necessary for the ends of justice to prevent as far as possible any further tampering with, or intimidation of the evidence, I obliged the Defendants to reside for the time, not in confinement, but under observation, one at Angadipooram and the others near the Talook Cutcherry at Munjerry.

On the 3rd December 1856, I proceeded to the Umshom of Payenaad and directing the presence there at same time of the Defendants, prosecuted the enquiry for 4 days.

to be returned as soon as possible. have been called for Dec 27th 57
H. L. for - JPS

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The statement of the Complainant is that in the month of Mithonom 1030 (June 1855) he was employed by the 1st Defendant in repairing the mud walls of an old house he had lately bought, and while doing so, laid bare a small cavity in the wall. A woman of the family happening to come into the room where he was at work, and seeing the cavity (about large enough to contain a cocoanut) suspected him of having found and made away with treasure, he was immediately seized, examined and ill-treated, but utterly denying all knowledge of treasure, was detained till the eldest son of the family, the Soobedar Munjerry Ahmod Koorikul could be sent for from Malliapooram; the Soobedar and a Havildar of the same Corps arrived in due time, and after trying what talking, threats and beating would do, wrapped oiled rags round his two fore-fingers (his elbows being tied behind his back,) and set fire to them; he fainted under the pain: when he recovered they again lighted one of the fingers: his wife was also brought, ill-treated and most disgustingly threatened, and threats were also held out of how the children should be tortured: however it was all to no purpose, they still denied having got any treasure; some of these violent transactions took place at the house of the Adighary of the Umshom Coonhy Ahmod Koorikul (father of the Soobedar) and some at the house of the Soobedar: after being detained a few days in hopes the sores might heal, and to prevent his complaining, they were allowed to return to their home, Velloo (the Complainant) being required to appear daily at the house of Coonhy Ahmod Koorikul to shew he had not left the neighbourhood.

About 5 months after he says he complained to the Tahsildar (Kootoossa) when he was angrily told to return to his village.

The wounds, were some time healing and during this period disabled from following his profession of a mud house-builder, he lived by begging from many people, and was of course seen by great numbers.

When Kootoossa was removed from the Talook, and was under trial, the Complainant again repaired to the Talook Cutcherry and from thence came to me.

On his return to his house after having been to me, he found that his wife and children were missing, and afterwards learnt that they had been taken by people in the Koorikul's employ to a relative of hers, a dependant of Kunnyaramoo, (a great friend of the Koorikul's) in Pantaloor (4 or 5 miles distant) and to whom the Koorikul Adighary sent a Rupee for their support, offering much more if they would withdraw their complaint.

I visited the house of the Adighary, the Soobedar, and the Complainant, and took down all the evidence I could in the matter.

The influence of the Koorikul's family is well known to you, and I found many of the people there in a state of abject dread, that made it extremely difficult for me to obtain much evidence; near neighbours of the Complainant spoke with the greatest reluctance, and one of them retracted his statement on oath another day.

Before I closed the enquiry however, a considerable amount of evidence to most parts of the narrative had been obtained.

The defence of 3 of the Defendants is an alibi: the Adighary brings witnesses to prove that on the day in question no such occurrences happened at his house, for that they were there from morning to evening and did not see the Complainant there at all.

Of course the strongest doubt is thrown upon the whole case by the date affixed to it 17 months ago; in all that time could not the man have complained to some European? and even if he did not complain, is it possible that such a circumstance (no secret in the immediate neighbourhood) could have been so long unknown to Government? The improbabilities are very great and nothing but the strongest evidence could rebut them.

Considering however the great local influence, and the known daring of the Koorikul family (formerly in open rebellion first against Tippoo, and then against the English, and more lately connected with several outbreaks) and that of their close friend and supporter the Head of Police, Kootoossa. I think that the plea that this circumstance has not been brought forward earlier through the fear of these people should not be wholly rejected as worthless. After a close observation of the people and officials in Ernaad and its neighbourhood for several months, I am convinced that Kootoossa has such an influence and inspires such a dread, that he might not unrea-

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sonably, consider himself and his friends nearly safe from complaint, or at any rate from proof being produced.

The evidence is as follows:

Both the fore-fingers of the man have been injured, in one two joints have disappeared, and on the other the tip and the greater part of the nail are missing.

Disease might thus have affected several of his fingers; accidents might have occurred to one or more, but that only the fore-finger of each hand should thus be injured is singular. The Complainant says that the sores were long in healing and were for some time in a bad and sloughing state; a large number of persons depose to having seen his fingers in this state at the time in question, and to have then heard from him and others the tale he has now brought forward.

In his agony he sought assistance from Native Doctors, and 2 of them testify to having attended to his sores, and heard from him the history of them.

On examining the Report Books of the Malabar Police Corps, it appears that there are so many omissions and corrections, if not errors in them, that their evidence could not be at all conclusive either for or against the Defendant: it is worthy of remark, however, that on the day in question, the Soobedar and Havildar were at first omitted from all the columns as absent, and were subsequently entered, the interpolation (thus . | .) is most clear.

On inquiring of Major Haly, Commanding the Corps, that Officer says he recollects having heard about that time of the finding of treasure in a wall of a house of the Koorikul family's; regarding the question of the Soobedar having gone to his village to enquire into the matter, Major Haly's statement before the Magistrate, and his letter to me, do not quite agree; on the former, he appears distinctly to have said that the Soobedar did return, in his letter to me he denies all knowledge of this.

On carefully digging down with my own hands a part of the wall pointed out by the Complainant, I found that at some time, which my want of experience in such matters could not fix, the mud walls of the house having cracked and separated near a corner of the room, had been repaired by having this crack filled in with new mud: also just at the spot now pointed out and formerly described by the Complainant, about a foot and a half from the floor, I found a small cavity capable of containing about a cocoanut, this much of the cavity was filled up with new mud which was not as hard as, and separated without difficulty from, the older mud, which lined the sides and formed the wall; the house is the property of the Soobedar, and was bought by him a short time before the date of the circumstances now under enquiry.

When the Adighary first heard of the treasure, and before there was any intention of torture, he informed the Menon and a Mookiasten of it, and told them to go and see and report to him on the state of the wall: they did so, and now depose to having found the Complainant's fresh work just as he professes to have left it and to the existence of the hole in particular.

These same two witnesses say, that they saw the Complainant detained on this suspicion at the house of the Adighary; they left him there, and when next they met him he told the tale he now tells, the Menon (Village Accountant) saw the Complainant abused, threatened and beaten at the Adighary's house, saw the Soobedar and Havildar there, heard the threat of torture by fire, and saw the oil and rags brought for the purpose, when he left, to avoid being witness to such conduct; (his leaving might have been either from real and natural horror at such a deed or more probably from a wish to keep himself clear in case the occurrences became presently matter of investigation): when he met the Complainant a few days afterwards, the fingers were burnt and his tale the same as now.

The wife who was likewise taken there for ill-treatment and intimidation, testifies to the state of his fingers when she saw him, and to the language and conduct shewn towards herself.

A very large number of persons testify that before about the date in question, they knew the Complainant well, and there was nothing the matter with his hands; soon after they saw him with his burnt fingers and heard the history of it from himself and others.

For the actual infliction of torture full evidence is brought, but the witnesses are private enemies of the Koorikul's and though their presence appears to me possible, (so daring and devoid of fear is this and some other families in Ernaad) yet it is certainly highly improbable.

to be returned as soon as possible. have been called for Sep 27
K. L. for -
J.P.

Fort St. George, Judicial Consultation, 31st March 1857.

The evidence of the Complainant itself is given most naturally, and is worthy I think of much credit.

The sudden disappearance of the Complainant's wife and children and their transmission to an out-of-the-way locality by the directions of the Adighary, are attested by the neighbours who saw her taken away, a man who took charge of some of her things on her sudden departure and called and handed her over to the Adighary's emissaries, one of these latter men (a Village Peon) who took her a little way, and the man who received the Rupee for her support: this last fact is of course easily fabricated and may not be true.

On account of the influence they possess, and the dread they inspire, I cannot but think it would be the height of injustice to reject as utterly incredible on prima facie improbabilities these charges, after such a lapse of time against the Pyenaad Kurikuls and on the evidence shewn above I have every reason, after the fullest inquiry on the spot, and widely through the country to believe that the charge is a true one and that three Government servants, an Adighary, a Soobedar and a Havildar, shielded by a fourth, the head of Police of the Talook, deliberately burnt off the tips of the Complainant's fingers.

Though from the above circumstances, as well as from the conduct under trial of the 2nd Defendant, I have not a doubt of the truth of at least the main parts of the charge, yet upon your opinion that there was not sufficient evidence to commit to Court, I have taken the only course left, viz., that of holding the Defendants to security for their good behaviour for a year.

(Signed) E. G. THOMAS,
Special Assistant Magistrate.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

No. 28.

ORDER THEREON, No. 367; dated 27th March 1857.

Before passing orders in this case, the Right Honorable the Governor in Council desires to have before him the review of the Sessions Court alluded to by the Magistrate in the Postscript. The Court of Foujdaree Adawlut will consequently be requested to call for the proceedings of the Sessions Judge and submit them to Government.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

March 25

My dear Mr Pycroft -

I am almost certain that this is not the case in which the cause for the threatened action against Mr Thomas arose but I will ascertain positively this afternoon and let you know

Yours very truly
M. W. Pycroft

status of the office.

the Subordinate & Assistant

will consequently be requested to

call for the proceedings

of the Sessions

Judge & submit

to be returned as soon as possible. have been called for 27th

Judicial Department.

No. 441.

From the Acting Magistrate of
Malabar. D^d 12th March 1857.

For Orders.

This is a very serious case.

I tho: the evidence is not positively

settled as to prove a conviction,

in a Court. yet, I think it is suff

icient for Gov^t to act on - & that

justice shall be done of the offence.

The Adighanry - the Subedar & Amildar

shall be called in to give

will consequently

be requested to

call for the proceed-

-ings of the Sessions

Judge & Sub

will be for -

as soon as possible

has been called for Sep^r 27th J.P.

The Court of Foujdaree Adawlut will con-
the Sessions Judge and submit them to G.

Shd. I think. he dissipated - but it is
he advisable ^{John} ~~put~~ ^{before} directing his
if ~~advised~~ ^{if} carried out - to communicate
to Mr Robinson the intentions of Shd. &
to ~~advise~~ - if he sees any objection - sig
to to acquaint Shd. with it. before
acting on his orders.

I conclude At

I have heard - that Mr E. Thomas
has committed some acts in carrying
on some investigation in the bank
which may make his habeas
action in the Supreme Court. It may

he will be anxious - if he has
been any thing of the kind in this
case -

I think it would be advisable
before coming to any decision
to have the review of
the Leprosy Board on the
Proceedings of the Special
Committee: made to which
Mr. Robinson refers in the
last para of his letter -

M. J. M.

will consequently
be requested to
call for the proceed-
ings of the Session

Judge & the Court

to be returned as soon
as possible. have been called for Dec 27
H. L. J. - J. P.

We had better have the review of the defendant's judge
 & Mr Robinson's opinion as to further proceed & before
 deciding finally.

There can be no moral doubt I think of the
 truth of the main story & the whole case is
 very illustrative of the habits & feelings of
 the people in such matters & of the difficulty
 of getting at the exact facts.

The disgraceful state of the books
 of the Police Corps calls for notice.

[Faint, mostly illegible handwriting]

From May of Malabar ^{no 357} H. March 1857 ^{Ex. Comm. Court of Malabar 157}
 Forw^d H. decision of his head
 asst. in a case of Fort in
 W. H. Adighary of Wyndham &
 Loochman & son of K. Haildars
 of K. Malabar Police Corps are
 concerned —

Before passing orders
 in this case to R.H.
 K. Jil deems to
 have been in

K. series of K. Sessions

Court attended to
 by the Magistrate
 in K. Port Smith.

The Court of Fort
 -dame Adawul

will consequently
 be requested to

call for K. proceed-
 -ings of K. Sessions

Judge & Submil

Wm. L. Fort —
 J.P.

Fludatul —
 with original papers
 to be returned as soon
 as proc^d. have been called for

Sept 27

Put by to Corcoran 31st March
Medical 1857 Sept 1st

1857

West Dr. L. E. 20-22-
No 26 of 1857

Jan 21 1822

Q. 1st March 1857 of 1858 1859

Extract of Mind of Corcoran

of 1857 March 1857

From the Journal of the
19th March 1857-1859

27 1828