M.R.O. 1—38,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

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| G.O. No. 831 | Press ~~Mis.~~ |
| 83-84 | |
| Dated 11-3-~~10/88~~ | |

***Not to be folded or roughly handled***

No. 83. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort St. George, dated Calicut, 2nd March 1858, No. 36.

SIR,

Ulaven Moota, late Havildar of the Malabar Police Corps.

I have the honor to report a case in which I have given the individual noted in the margin, the option of leaving the country under the provisions of Section VI, Act XXIII of 1854.

2. Ulaven Moota has, for years, been known as a very unsafe character, imbued with very fanatical spirit and of great daring.

3. He became a Police Kolkar in the public service in the Ernad talook some years back; but on more than one occasion at a time when outbreaks were frequent, he shewed so much sympathy with the prevalent fanaticism and so much inclination to become the leader of a formidable outbreak, that on the recommendation of the Mopla Tahsildar of Ernad, he was required by Mr. Conolly's orders, to find heavy security for his peaceful behaviour. This occurred in 1853.

He is a Mopla of the Pynad Umshom where he has been a dependant and disciple of the well known Pynad Koorikel family, one of the most lawless races of Moplas in Malabar.

4. On the formation of the Malabar Police Corps, Ulaven Moota was enlisted in the Corps with other of the Moplas of the Pynad Koorikel family. Enlistment in the Corps gave him employment and secured a strict surveillance over more than one bold spirit of the same character.

Dated 22nd February 1858.

5. The accompanying letter of Lieutenant Blomfield gives detail of the circumstances of his promotion to a Havildarship in the Corps. Suffice it to add, that he was at once appointed Havildar without rising through the lower grades, or his qualities being tested in subordinate posts. He is precisely what Lieutenant Blomfield describes him "a desperate and violent character," and, I must add I fear, a reckless and lawless hearted man.

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| To | Government | 12th | March | 1857, | No. | 44. |
| | do | 18th | do | ,, | ,, | 45. |
| | do | 8th | April | ,, | ,, | 56 |
| From | do | 19th | May | ,, | ,, | 588. |
| To | do | 6th | June | ,, | ,, | 97. |

6. Ulaven Moota was concerned as a principal in the "Pynad torture case," which was the subject of the correspondence noted in the margin. I append the para* I then wrote on the subject of this man.

* 5th of letter dated 6th June 1857.

7. The case of insubordination alluded to in para. 5 of Lieutenant Blomfield's letter was one which I should have considered a very grave indication of the dangerous character of Ulaven Moota. Open resistance to his superior officers was anticipated, and the whole Corps was suddenly put under arms by Major Haly, to meet his anticipated outbreak, and it became necessary to send the Adjutant, Lieutenant Blomfield himself, to arrest the man. The affair created a good deal of sensation at Mallapurom at the time, but Major Haly did not deem it desirable to notice the matter further, or to expel Ulaven Moota from the Corps; and, for the peace of the district, I was glad he should remain where he was, under surveillance, with a means of honest livelihood. He,* however, with reference to that matter, wrote in the following terms of Ulaven Moota.

* Major Haly, 9th April 1857.

"I have no very high opinion of Ulaven Moota, and have frequently been on the point of discharging him from the Corps as a troublesome character."

8. Since Lieutenant Blomfield has commanded the Corps, I have had frequent opportunity of conversing on the subject of Ulaven Moota's character. We have long felt that his being able to retain him in the Corps was becoming more and more doubtful, but at the same time, we have both been anxious to retain him with the Corps, being sensible that in case of his dismissal, the only alternative must be to recommend his removal from the country as a most unsafe character.

9. His dismissal from the Corps and removal have now become unavoidable under the following circumstances:

In consequence of some family difference, it appears that Ulaven Moota, on the 28th of January last, proceeded to the house of a relative of his own, together with 6 or 7 of his comrades, and there, in a very lawless manner, forced from him (his relative) a document and a sum of money in adjustment of his claim. The party subjected to this duress filed his complaint before me, and it was referred to the Commandant and Joint Magistrate for enquiry. Lieutenant

Blomfield's enquiries satisfied him that the conduct of the Havildar Ulaven Moota and of his comrades had been most reprehensible; and as he found the case a grave and criminal one, he referred it back to the Police, having determined to remove Ulaven Moota from the Corps.

Vide letter dated 9th February 1858, Appendix.

10. All the prisoners were sent under a guard of the Corps to the Wallowanad talook.

Here Ulaven Moota manifested the most violent and dangerous spirit, when ordered by the Havildar of the guard of the Police Corps to enter the usual place of confinement, he refused in the most insolent and violent manner, calling on his comrades to disobey orders and resist the guard; and only after the guard had loaded and were proceeding to use force and their Arms, did the formidable band submit to be removed into safe custody.

Under Ulaven Moota's direction and example, the whole body was in open defiance for some time, the firmness of the Havildar of the guard alone prevented a very serious collision, and Lieutenant Blomfield saw the necessity of strengthening the guard over Ulaven Moota, and giving the most stringent orders in regard to him as a man who, if once at large, would certainly organize a fanatical outbreak.

11. The case was examined and established against all the prisoners; and more than once the same spirit was manifested by Ulaven Moota during the time he was in confinement.

12. But a graver charge still came forward against him. It appears that after being locked up on the 17th Ultimo, he endeavoured to induce his comrades and fellow prisoners to join in a conspiracy to break out, seize the arms of the guards and, doing what mischief they could, to effect their escape. Happily however they* instantly denounced him.

* His comrades.

They were removed from within his influence, and Ulaven Moota confined alone.

13. I have had all the cases under my most careful consideration, and I have consulted fully with my most experienced subordinates on their bearings.

14. The extortion of the document and property alluded to in para. 9, is precisely one of those instances characteristic of the lawless spirit of Ulaven Moota. He conceived that he had a right to certain property, He took the law into his own hand, and with a strong body of his comrades, proceeded to the house of the person who he believed to be so indebted to him. There they settled the matter peremptorily as he (Ulaven Moota) required it.

15. Considerable duress was no doubt used, and the complainant in the case was pressed, cajolled and hustled by a body of bold determined men in the public service into the arrangement. But, in a legal point of view, the evidence must be deemed weak; for, the witnesses, if witnesses there were, have committed themselves to a variety of aggravations and improbable assertions which I utterly disbelieve, and they have otherwise prevaricated in a manner that would render their testimony, even to those facts that are true, worthless before a Court of Justice. I could not therefore commit such a case with any fair prospect of conviction. The plaintiff too was either kept out of the way or he had not sufficiently recovered his spirits to come forward at once against a man like Ulaven Moota. His charge was laid after a lapse of 5 days from the date of the occurrence; a circumstance always tending to throw suspicion on the truth of the complaint in a legal investigation. A second objection to attempting to prosecute this case criminally has occurred to me in the fact that all the comrades of Ulaven Moota would necessarily have to be placed on their trial with him. Now, though they did not behave well in the matter, and under Ulaven Moota's influence, refused to obey the guard when removed to the Wallowanad Cutcherry, they behaved meritoriously in instantly denouncing his inflammatory suggestions and seditious attempts of the 17th Ultimo, This conduct would I think entitle them to consideration, even were the case against them established by more trustworthy evidence. They are all men of fair character in the Corps, were probably led into the scrape by their superior officer (Ulaven Moota) scarcely anticipating what it would end in.

16. The part which they took in the threatened resistance of orders alluded to in para. 10 was wholly passive, they stood by, said nothing, and they obeyed the moment Ulaven Moota submitted.

17. The conduct of Ulaven Moota on this occasion would have constituted a very grave Military offence; and must, of itself, have necessitated his removal from the Corps, but as a member of a civil Corps, I am not aware that any punishable offence could be established against



*Fort St. George, Judicial Consultation, 12th March 1858.*

him. He was excited and enraged and said the guard might shoot him, but he would not obey and enter a place of confinement, and persisted till assured that force would be used.

18. The last manifestation of his (Ulaven Mootas) spirit however on the 17th Ultimo was a very grave one. I have carefully weighed the propriety of committing him for trial on a charge of sedition before the Commissioner under Act XIV of 1857. But on the whole I have thought it better to take the more certain course of dealing with him under the Mopla Act.

19. There is not a doubt that an earnest proposal was made to break out and commit outrage; and that very seditious language was used by Ulaven Moota. But it is likewise in evidence that he was at the time under great excitement because his endeavours to communicate with some of his connexions, when marched out to attend to the wants of nature, were interrupted. The proposals were also so promptly denounced by those to whom they were made, that no overt act whatever could take place, nor was time given to the man to get out of his excitement, although, therefore, an indictment would lie and many traits of character might be proved giving presumptive force to the evidence in this case, still, the circumstances do not admit of my establishing in this special instance that cool deliberate intention on his part which would remove all doubt of obtaining an effectual verdict before a judicial tribunal.

20. It is scarcely necessary to add that more harm than good results from such prosecutions if they fail. I trust therefore that Government will not disapprove of my abandoning the criminal prosecution.

21. In the deed taken from Ulaven Moota, I have specified no date for his return to India. He is now 32 years of age, an athletic and daring man. He has long been a dependant and disciple of the Veddi Koorikul (teacher of the use of fire-arms) family of Pynad. His training in the Malabar Police Corps has improved his offensive powers, if he thought of turning them against the peace of the country, and I should not myself be willing to listen to his prayer to return for 10 years to come. I told him he need not apply for leave for five years at the very least.

22. His case was closed only 5 days ago, and as a ship was lying in the roads, the property of a Calicut merchant and bound for Arabia, I have shipped him off at once.* He received 30 Rupees to supply himself on board with necessaries and 20 Rupees were paid for his passage.

* He sails this night.

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From Lieutenant C. G. BLOMFIELD, Commandant and Joint Magistrate, Malabar Police Corps; to W. ROBINSON, Esq., Magistrate of Malabar, dated Mallaprom, 9th February 1858, No. 27.

SIR,

In the matter of the complaint made against Havildar Vulluvan Moossa and others, I have the honor to inform you that, having taken some pains to investigate the affair and finding it more serious than I at first supposed, I have found it necessary, in consequence of having no Gomastah to draw up the proceedings, to forward the prisoners noted in the margin, (together with the witnesses concerned in the case) under escort to the Tahsildar of Wallowanaad, with a request that he will lose no time in investigating the charge, and committing the case if necessary, to the Sub Court at Calicut.

1 Ulluvan Moossa.
2 Shek Moideen (Coonyon)
3 Thekelle Ryan Coottee.
4 Kakery Parambato Cheykoo
5 Antapadatil Moidoo.
6 Oony Moossa.
7 Mudakandatil Kalee.

Under no circumstances do I consider it advisable to retain Vullavan Moossa any longer in the public service, and I would recommend that no security be accepted for him, but that he be removed from the country as soon as possible.

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From Lieutenant C. G. BLOMFIELD, Commandant and Joint Magistrate, Malabar Police Corps; to W. ROBINSON, Esq., Acting Magistrate of Malabar, Calicut, dated Mallaprom, 22nd February 1858, No. 35.

SIR,

In reply to your letter No. 436, dated 20th Instant, I have the honor to inform you that Ulluven Moossa has this day been forwarded from Angaddiprom to Calicut, viâ Coondootty, in charge of the same (Havildar's) guard that accompanied him from here.

2. This man, aged now some 32 or 33, was brought up by the Koorikuls of Pynaad, and has always been a kind of dependent of the family, whose influence until late years, has been sufficient to protect him against numerous complaints made against him for violence, &c.

3. He was enlisted and promoted by Major Haly in the Police Corps chiefly on account of his known physical activity and daring, and the ascendency such qualities would naturally give him over his comrades in a Corps, where endurance, courage and skill as a marksman were chiefly desired.

4. He has been retained in the Corps since, because it has been considered, that surrounded by resolute men, accustomed to look to their Commanding Officer alone for orders, and to obey them to the letter, and having merely Military duties to perform, he could scarcely fail to perform those duties correctly, and would be driven by force of circumstances, to act in emulation of those around him. I must say that he has never shewn any reluctance whatever to act against his own people, and has generally been the first to volunteer for any service in which danger might be incurred.

5. Of late, however, having been subjected to stricter discipline than formerly, his overbearing spirit has exhibited itself in positive insubordination (I allude especially to an instance which happened about a year ago, with the outline of which you are I believe acquainted) setting a most mischievous example to the rest of the Corps.

6. Now also that it appears he has made use of the ascendancy he has acquired to induce several young recruits to aid him in the commission of an act of unlawful violence towards one of his own people in the teeth of the strictest orders on the subject. I consider him no longer trustworthy, and knowing what I do of the desperation and violence of his character, the tenets in which he has been educated, and the improbability of his gaining his livelihood by any honest means, would not recommend that he be allowed to be any longer at large. In his present frame of mind, he is capable of any desperate deed.

(True Copies.)

(Signed) W. ROBINSON,
*Acting Magistrate.*

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Extract from a letter from the Acting Magistrate of Malabar; to the Acting Chief Secretary to Government, in the Judical Department, Fort St. George, dated 6th June 1857, No. 97.

Para. 5. Havildar Moota was held to heavy security by Mr. Collett, in 1853, for one year under the express orders of Mr. Conolly, for manifestation (the overt acts of which were unmistakeable) of a violent and fanatical spirit, that being the only means then existing that tended to restrain the general fanatical spirit of the caste. A recent occurrence at Malapurom has satisfied me that he is still a very unsatisfactory character, but Major Haly when written to seemed to *attach* much less importance to the matter than I should have done, for I believe the Malabar Police Corps was placed under arms as a precautionary measure. In his letter, however, on the subject, under date 9th April 1857, Major Haly remarks, "I have no very high opinion of Ulaven Moota, and have frequently been on the point of discharging him from the Corps as a troublesome character."

(True Extract.)

(Signed) W. ROBINSON,
*Acting Magistrate.*

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No. 84. ORDER THEREON, No. 331; dated 11th March 1858.

The Right Honorable the Governor in Council approves the proceedings of the Acting Magistrate of Malabar, as reported in the above letter, in the matter of the Moplah Ulaven Moota, and sanctions the amount disbursed, Rupees (50) fifty.

(Signed) T. PYCROFT,
*Chief Secretary.*

Exd. F. Cartledge.

(Sn 331

The R Hble G in C approves the proceedings of the Actg Magistrate of Malabar &c, reported in his above letter, in the matter of the Moplah Ulaven Moota and sanctions the amount Rs 50 fifty Rupees

Fort St George
11th March 1858

To the Bd of Malabar
Board Concd
Chief Auditor

Dispd 19th

Recd & Ent. in Corp. 30th June
Aug. 9th 1858 - Pina 35 -

Calcutta 1858.
In Dy to Corr. 12 Regt.
Report.

From
The Acting Regr to
the Calabar

To
The Chief Secretary
to Govt Jud. Dept.
Fort St George

Dated 2nd March 1858
Recd 8th

No 36.
Encl: 1
No 442.

Reports a case in which,
under the circumstances
detailed, Edward Morton late
Harbour Master of the Calabar Police
Corps, was dismissed the office
of Acting Mate Commissary
under Sec: VI, Act XXIII, of
1854. —

William Oakes

83 — 84

C.S. March
3810.