M.R.O. 1—39,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1180	Press Mis.
87-88		
Dated	14-9- No 1860.	

12/13

Not to be folded or roughly handled

No. 87. Read the following letter from P. GRANT, Esq., Magistrate of Malabar, to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 29th August 1860, No. 49.

I beg to refer the following case for the decision of Government under the provisions of Act XX of 1859.

2. In North Malabar, in Paduvilai Amsham of Kottayam Táluq, lives a Mápilla family, consisting of a mother, her son, two daughters and a grandson—the son of one of the daughters. With the exception of the son Simàmu, who lives separate, all the other members dwell together. Between the son and mother, &c., for the last 4 or 5 years, it appears, great enmity has existed, and a complaint made sometime back regarding three gardens was finally, by the aid of mediators, settled as follows :—

Mother, Pudia-purail Kadia.
Son, Simamu.
Daughter, Pakrichi.
Do. Katiachi.
Grand son, Ummer.

The Kayenda, Kandi Paramba was to be enjoyed by Simamu, and the Thyevalappa and Vannattan Kandi Parambas by the mother Pudia-purail Kadia.

3. Things seem to have gone on quietly for a time, without any active personal conflict between the parties.

On the 29th of February 1860, Simamu complained to the Head of Police of Kottayam Táluq, that his mother Pudiapurail Kadia and others had stolen from his house property valued at Rupees 176.

This complaint was examined and dismissed for want of proof. It was evidently false, and he might have been committed to Court on a charge of preferring a wilfully false complaint.

4. On the 6th of April last, Simàmu came to his mother's house, assaulted and turned out all the people living in it, and in the course of the night, removed the furniture, &c. On the 25th June this case was settled amicably between them by the aid of Kottàla Kàdri. Simàmu was to restore all the things he had removed, and to enjoy his Kayenda-kandi Paramba, and his mother was to hold the Thyevalappil Paramba. The other garden, the Vannattan Kandi Paramba already adverted to, had been previously sold by all the parties conjointly.

5. The above complaint was made on the 30th April by Pudiapurail Kadia and on the 2nd June her grandson Pudiapurail Ummer went to Kottála Avullah, the elder brother of Kottàla Kàdri, to enquire about witnesses to prove his grandmother's complaint. On his return home, he slept at the shop of one Koyloth Kalenden. At about 4 o'clock in the morning, one Pudiapurail Ahmod awoke him, and told him that one Kottála Poker wanted him. He accordingly got up and proceeded to where he believed he was, when Simámu and one Shaik came up to him, assaulted him and carried away certain documents which he had in his possession.

Subsequently, Paduvillan Chandrot Kannan, the Adigári, searched Simàmu's house, but did not find the documents. However, Simàmu acknowledged that he had some of them, and that he was prepared to produce them before the Táluq Authorities. This complaint was, with that brought against Simàmu by his mother, settled on the 25th of June. Simàmu denied that he possessed all the documents referred to by complainant, but acknowledged that he had had the deed belonging to the Kayenda-kandi Paramba, but that he had mortgaged it a year before to Kottàla Kàdri for certain monies. The document referring to the Thyevalappil Paramba, complainant agreed to allow Simàmu to hold, on the grounds that he was the Káranawen or head of the family.

6. Matters seemed to have been amicably settled, when, on the 9th of July, Pudiapurail Ummer appeared at the Táluq and complained that Simàmu and certain Teers had come the previous evening to his mother's house, committed an aggravated assault, turned all the people out of the house, and levelled it with the ground. These facts were attested by complainant's mother and her sister—six neighbours also gave evidence to the state of his house.

7. The Adigàri Chandrot Kannen reported on the 11th July that the house had been pulled down by Simàmu and others, their names unknown, that the transaction had taken place at the instigation of Kottála Kádri, that Simàmu was a man of bad character, that he had been before fined for assault and flogged for theft.

8. The Sub-Officer, who went to the locality to hold an examination on the case, reported the facts pretty much as detailed by the Adigàri, and said that Simàmu was a man of so bad character, that people were unwilling to come forward to give evidence against him.

Simàmu disappeared after this transaction, and the authorities have since been unable to apprehend him.

9. On the 12th July, Kottàla Kàdri appeared before the Head of Police and stated, that he had heard, but that he was unable to substantiate the report, that the Adigàri Chandrot Kannen was about to accuse him of attempting to get up an out-break.

10. On the 20th July, the Adigàri replied that he had no such intention of bringing the charge of which he was accused, but that he had heard that Kottàla Kàdri had advised Simàmu to murder him, and that he was endeavouring to procure evidence to the fact 'ere he brought forward any charge about it.

On this same date, the Adigàri addressed a Petition to the Head of Police, stating that on the date on which Kottàla Kàdri had acted as mediator in the complaint brought against Simàmu by his mother and nephew, these two parties, (Simàmu and Kottàla Kàdri), went home by the road leading past his, Adigàri's house—that Simàmu entered his house and abused him, and that he afterwards heard that Kottàla Kádri had advised Simàmu to take steps to prevent the Adigàri sending him a second time to the Táluq. The Head of Police examined this charge, and deemed it so serious, that he forwarded all the parties (Simàmu excepted who has not yet been apprehended) with the record of the case, to the Special Assistant Magistrate's Office.

12. Mr. McGregor, on completing his enquiry into the case, was so satisfied that Kottàla Kàdri and Simàmu had conspired to accomplish the murder of the Adigàri, that he forwarded the record of the case, the witnesses and the 1st Defendant Kottàla Kàdri, to my Office. The witnesses confirm on oath what they stated before the Special Assistant Magistrate. After a patient personal examination of all the parties, and a perusal of the whole of the records connected with the various cases in which Simàmu's name appeared, I am forced to conclude, that Simàmu intended to accomplish the Adigàri's death, and that he was instigated to commit the outrage by Kottàla Kàdri. Under these circumstances, I am constrained to recommend the removal of Kottàla Kàdri from this District, under Section VI Act XX of 1859, until such a period has elapsed as may render his return safe.

13. He attempted to prove an alibi, and cited witnesses to depose to the fact that from the 1st to 27th Mitunom, (12th June to 8th July 1860,) he was sick in the village of Cotteyom, which is only four miles from Vengat, where the conversation between him and Simàmu took place. The evidence of the witnesses examined before me was most vague, that of those examined before the Head of Police was still less to the point, but even granting that Kàdri had been seen each day in the month at his house, it is perfectly possible that he might have been at Cotteyom, but 4 miles distant, whilst the evidence for the prosecution is too definite and conclusive to be rejected, except on very strong grounds, which he has failed in adducing.

It is to be remarked, that Kàdri before me denied even knowing Simàmu, although on the face of the proceedings from the very commencement, it is evident that the latter is a dependent of the former, and the general impression is, that Kàdri has all along been inciting Simàmu to act as he has done, his object having been to get possession of the Thyevalappil Paramba in which Simàmu's mother and relatives lived.

14. Simàmu I have as yet failed in apprehending, but every endeavor is being used to secure his person. He is a bold villain, a tool of the Kottàla family, and ready to engage in any desperate act. The elder member of the Kottàla family, I understood, had been concealing Simàmu, but as there was no proof against him, no active steps to secure his attendance were adopted.

15. However, as I was informed that he was in Calicut, I sent a person to let him know that I should like to see him at my house that day, (Sunday). My object was to point out to him that it was his obvious interest to aid in securing Simàmu's person. He promised to come, but instead of doing so, he got into his Muncheel and went off to North Malabar, thus offering very strong presumptive evidence that the report, that he had been shielding and concealing Simàmu,

Proceedings of the Madras Government, Judicial Department,
14th September 1860.

was true. This Kottàla family is a wealthy one, but it has the worst reputation of any family in North Malabar. Two brothers have been transported for life. The elder brother who shunned my invitation to meet me at my house, was, it is currently believed, at the bottom of the horrible murders committed in North Malabar in 1852, and besides Kàdri, about whom I now write, there are two other brothers of bad reputation.

16. I trust the perusal of what has been written, has impressed you with the serious nature of this case. This man Kàdri, and the other members of his family, especially Avulla, the head of the Kottàla family, are the dread of the part of the country in which they reside. The painful impression left on my mind, after going through the case, is that the Native Police have dealt timidly with Simàmu, and his patron Kàdri. For my part, I can understand the position of the Native Police. They are situated in a part of the country under the dire influence of a set of murderous scoundrels, for, the Kottàla family is composed of such materials with a set of miscreants at command, ready to engage in any outrage. Fortunately for society, the reputation of the family is so bad, that in the event of any outrage, suspicion would at once be directed to them. Of this they are well aware, and the knowledge acts as a check on them to some extent.

17. For the last twelve months, no European Magistrate, the Special Assistant Magistrate excepted, who was in the North for about six weeks, has resided in North Malabar. No arrangement could be more injudicious, but until I have the services of a Head Assistant placed at my disposal, I am unable to follow any other course. The Special Assistant Magistrate must be kept moving about in his Division, which is full of the most turbulent and fanatical spirits. Experience alone will enable one to judge of the dangerous nature of the Mápillas. They must be constantly watched, and they must feel that they are watched.

18. I earnestly request, that Government will endeavor to place at my disposal the services of a Head Assistant, and at the same time, I beg that he may be chosen for his steadiness and business habits.

19. Early orders are requested. Kàdri has been released on giving heavy personal bail and finding two respectable sureties in 500 Rupees each, but he is obliged to make his appearance daily at my Office.

No. 88. ORDER THEREON, 14th September 1860, No. 1,180.

Under the circumstances explained by the Magistrate of Malabar, the Government are satisfied that the measure which he recommends should be carried out. They resolve accordingly, under the powers given by Section VI Act XX, 1859, to order the removal of Kattala Kadri from the District of Malabar to Trichinopoly, where he will be confined in the Zillah Jail as a State Prisoner. A Warrant under Regulation II, 1819, will be forwarded to the Magistrate of Malabar for that purpose.

2. The Magistrate will report when he has apprehended Simamu, and what he proposes to do with him.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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18. I earnestly request, that Government will endeavor to place at my disposal the services of a Head Assistant, and at the same time, I beg that he may be chosen for his steadiness & business habits.

19. Early orders are requested. Kadri has been released on giving heavy personal bail & finding two respectable Sureties in 500 Rs each, but he is obliged to make his appearance daily at my Office.

I have the honor to be,
Sir,
Your most obedient Servant.

R. Grant
Magistrate.

Ex? D.S.

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I have the honor to be,
Sir,
Your most obedient Servant

P. Grant
Magistrate.

Ex? 2.S.

Warrant of Commitment.

To the Sessions Judge of Trichinopoly.

Whereas the Governors in Council, for good & sufficient reasons, has seen fit to determine, under the powers given by Act XX-1859, that Kottala Kadri shall be placed under personal restraint at Trichinopoly, you are hereby required & commanded, in pursuance of that determination, to receive the person above named into your custody, & to deal with him in conformity with the orders of Govt., & the provisions of Regulation II - 1819.

J.P.

Judicial.

Proceedings of the Madras Govt.

Read letter from the Magistrate of Malabar — Entered 29th Oct. 1860. No 49.

Order — 11th September 1860. No 1180.

Under the circumstances explained by the Magistrate of Malabar, the Govt. are satisfied that the measure which he recommends should be carried out. They resolve accordingly, under the powers given by Section VI. Act XX - 1859, to order the removal of Kottalad Kadu from

Copy of letter, Judicial, 29th Oct. 1860

No 1180.

Proceedings of Govt.

Entered 14th Nov. 1860.

Pd. Rs. 15.15.52.
— 20 3/4.

Pkg. 1
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Requesting the Removal of a Forest Plantation Known as Kottalad Kadu from Walluvanad Taluk in Ernad Division of Malabar under Act XX of 1859.

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from the district of Malabar. To Tricheinopoly, where he will be confined in the Zillah Jail, as a State Prisoner.

A Warrant under Regulation II – 1819 will be forwarded to the Magistrate of Malabar for that purpose.

2. The Magistrate will report when he has apprehended Bindoo, & what he proposes to do with him.

Magistrate of Malabar with Warrant.
" Sessions Judge of Tricheinopoly.
" Inspector Genl. of Jails.
} Sept. 11th.