M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1597 Press ~~Mis.~~

29-30

29-30

Dated 3-12-1860 ~~19~~ .

5/6

Not to be folded or roughly handled

1597

Proceedings of the Madras Government, Judicial Department, 3rd December 1860.

No. 29. 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, 14th November 1860, No. 81.

Mr. Robinson's report to Government, dated 27th March 1858, *No.* 52.
Extract Minutes Consultation, 7th May 1858, *No.* 601, *Judicial Department.*

With reference to the correspondence entered in the margin, I have the honor to submit a brief report on the management of the property held under attachment, appertaining to the State Prisoners therein adverted to.

2. The receipts on account of this property, since the period embraced in Mr. Robinson's report, viz., November 1857, up to 30th June 1860, amount, as per enclosed Statement, to Rupees 5,426-0-10, and the disbursements, inclusive of Government tax, to Rupees 2,201-0-9, leaving a net balance of Rupees 3,225-0-1, which has been credited under the head of deposits in my accounts.

In para. 6 *of Extract Minutes Consultation, dated 25th October* 1856.
* 1. *Cooroongot Coonky Rayen.*
2. *Eyambalatha Cootty Poker.*
3. *Cooroongot Avaderman.*

3. The Government, at Mr. Clarke's suggestion, directed that the property of the individuals marginally named,* should be retained under Government management for the first two years, and then returned to their relatives.

The return could not however be effected until the 30th June last, chiefly from the failure of the parties themselves to produce, in due time, the required security for the payment of rent and Government Tax.

4. The Establishment entertained for the management of this property, was dispensed with on the date of its restoration.

5. By an examination of the documents connected with the property of the prisoner Odaikel Ally Assen, it has been discovered, that of the two lands, named as per margin, held by him on a mortgage claim of 425 Rupees, only one, denominated Nadu Cherra, was placed under attachment. The other was omitted in the account rendered to this Office at the time, and was not therefore entered in the Statement* submitted to Government with Mr. Robinson's report, dated 27th March 1857.

Mela Cherra and Nadu Cherra.

* *No.* 1.

6. A careful enquiry into the matter has satisfied me, that the omission was the result of carelessness on the part of the officer who framed the original account of the prisoner's property. I have had the land placed under attachment, and steps have been taken to ensure the due payment of its rent to Government, but nothing can now be done in view to effecting the recovery of the rent of former years, inasmuch as the land was managed, and the produce enjoyed by the prisoner's father, now deceased. A large portion of his property, as will be seen hereafter, will, by right of inheritance, revert to his son the prisoner.

7. I deem it proper to mention, that an application was made, for the restoration of one† of these lands, by its jenmee or proprietress, the Valia Ranee of the Keyke Kovilagom of Calicut, on payment of the mortgage money received thereon.

† *Nadu Cherra land.*

8. The Ranee was informed in reply that according to local usage, and the law of the land, she had no right whatever to demand the property 'ere the termination of 12 years.

She reiterated her application on the ground, that Micharom or proprietor's share of rent (after deducting Government Tax and Interest on mortgage money) was in arrear, and that her object in seeking the restoration of the land, was simply to benefit a religious institution to which it was dedicated.

She was then informed, that the latter ground was not admissible. In fact it could not be deemed sufficient to justify the cancelment of a mortgage regularly effected. As regards Michaerom, the Ranee was told that it would be paid to her on demand, and instructions have been issued for its payment accordingly.

9. From a report received from the Shernad Tahsildar, I find that Odaikel Coonhy Ahmod Musseliar, the father of the prisoner, Odaikel Ally Assen, above adverted to, died in November 1859, leaving property to the amount of 900 Rupees, two-thirds of which are to fall, under the Mahomedan law, to the share of his expatriated son, and one-third to his daughter.

I solicit the Orders of Government, as to whether the large portion falling to the share of the son, should be placed under attachment. The whole property is at present under the management of the deceased's grandson, the son of the deported man, with whom, (should the Government agree to the step,) it might be allowed to remain, provided his (expatriated) father does not object.

Abstract Statement of Receipts and Disbursements on account of property held under attachment belonging to the Mopla Criminals from December 1857 to June 1860.

Names of the Criminals.	Balance on the 1st December 1857.	Particulars of Receipts.			Total of columns 2 to 5.	Particulars of Disbursements.			Balance after deducting column 9 from column 6.
		On account of Rent.	Compensation for land taken up by the Railway Company.	Total.		Tax, &c., paid on the property under attachment.	Charges attending the collections.	Total.	
1	2	3	4	5	6	7	8	9	10
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Propery retained pending further orders.									
1. Shernad—Odayekel Aliassen...	122 11 4	154 5 11	....	154 5 11	277 1 3	....	....	....	....
2. Ditto—Taramel Coonhy Coya...	3 11 10	16 4 2	....	16 4 2	20 0 0	63 1 8	....	63 1 8	233 15 7
3. Betutnad—Mandaypoorath Mamod Cootty Mupen and his son Veera Oony...	262 8 4	595 11 8	....	595 11 8	858 4 0	} 559 8 0	363 13 11	923 5 11	1,440 8 3
4. Ditto—Nalagath Moideen and his son Pucky Cootty	707 5 0	785 0 10	13 4 4	798 5 2	1,505 10 2				
Total...	1,096 4 6	1,551 6 7	13 4 4	1,564 10 11	2,660 15 5	622 9 8	363 13 11	986 7 7	1,674 7 10
Property retained under attachment for 2 years.									
1. Calicut,—Coorugote Coonhy Rayen...	115 2 0	208 8 0	....	208 8 0	323 10 0	} 768 4 0	446 5 2	1,214 9 2	1,533 10 7
2. Ditto—Awderman...	314 4 2	1,759 0 1	....	1,759 0 1	2,073 4 3				
3. Ditto—Yeambalath Cootty Pokur...	50 8 7	300 12 11	....	300 12 11	351 5 6				
Total..	479 14 9	2,268 5 0	....	2,268 5 0	2,748 3 9	768 4 0	446 5 2	1,214 9 2	1,533 10 7
Grand total...	1,576 3 3	3,819 11 7	13 4 4	3,832 15 11	5,409 3 2	1,390 13 8	810 3 1	2,201 0 9	3,208 2 5
Sale of sundry articles belonging to the Criminals... ... ... 43 13 8									
Less charges for conveying a Palankeen to the Tangal... ... ... 27 0 0	16 13 8	....	....	....	16 13 8	....	....	....	16 13 8
Grand total...	1,593 0 11	3,819 11 7	13 4 4	3,832 15 11	5,426 0 10	1,390 13 8	810 3 1	2,201 0 9	3,225 0 1

MALABAR, MAGISTRATE'S OFFICE, CALICUT, *14th November* 1860.

(Signed) P. GRANT,
Magistrate.

Proceedings of the Madras Government, Judicial Department,
3rd December 1860.

No. 30. ORDER THEREON, 3rd December 1860, No. 1,597.

With the above letter the Magistrate of Malabar submits a Statement of Receipts and Disbursements from December 1857 to June 1860, on account of the property held under attachment, belonging to certain Moplah State Prisoners.

2. Of the Moplahs named in the Statement, three have demised—Odaykel Aly Assen on the 10th August 1857—Korongota Cungy Royen on the 9th July 1857—and Korongote Hyderman on the 27th July 1860. The property of the last two, as appears from the above report, has already been returned to their relatives, in accordance with the Orders of Government.

Letter from the Sessions Judge of Chicacole in Extract Minutes Consultation, 29th August 1857, No. 1,100.
Do. from the Sessions Judge of Masulipatam in Extract Minutes Consultation, 3rd September 1857, *No.* 1,140.
Proceedings, 4th October 1860, *No.* 1,286.

3. The Government authorize the Magistrate to release the property of Odaykel Aly Assen from attachment, and make it over to his heirs. In the event of there being any difficulty in this matter, he will deliver the property to the Zillah Court to be dealt with under Section XVI, Regulation III of 1802.

4. Adverting to the Statement of Receipts and Disbursements, the Magistrate is requested to explain why the Tax, &c., paid on the properties, in column No. 7 for Nos. 1 and 2, and for Nos. 3 and 4 are lumped together.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial.

Proceedings of the Madras Govt.

Read letter from the Magistrate of Malabar — Dated 14th Nov. '60 No. 81.

Order — 3d December 1860. No. 1597.

With the above letter the Magistrate of Malabar submits a Statement of Receipts & Disbursements from Decem.r '57 to June '60 on account of the property held under attachment, belonging to certain Moplah State Prisoners.

2. Of the Moplahs named in the Statement, three have demised — Odaykel Aly Assen on the 10th Augt. 1857 — Korongota Cungy Royen on the 9th July '57 — and Korongote Hyderman on the 27th July '60. The property

Letter from the Sessions Judge of Chicacole in S. M. C. 29th Aug. '57 No. 1100.
do. from the Sessions Judge of Masulipatam in S. M. C. 3rd Sep. '57 No. 1140.
Proceedings, 4th Oct. '60 No. 1286.

property of the last two, as appears from the above report, has already been returned to their respectives, in accordance with the orders of Govt.

3. The Govt. authorise the Magistrate to release the property of Odaykel Aly Aysen from attachment, & make it over to his heirs. In the event of there being any difficulty in this matter, he will deliver the property to the Zillah Court to be dealt with under Section XVI, Regulation III of 1802.

4. Adverting to the Statement of Receipts and Disbursements, the Magistrate is requested to explain why the Jase Fees paid on the properties, in Column No. 4 for Nos. 182, & for Nos. 384 are lumped together.

The Magistrate of Malabar.

Proc. of Secs

Judicial 1860 Depart

No. 1597.

Proceedings of Govt

3/3 December 1860.

Ft. No. 17 of 1860. 11th Jany
— 1077/62.

Authorizing the Magte of Malabar to release the property of Odayakkal Ally assin a Mopla State Prisoner from attachment and make it over to his heirs.—

29 + 26