

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	169	Press
		~~Mis.~~
20-22		
Dated	4. 2. 1863	19

5/6

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
4th February 1863.*

Read the following papers:—

No. 20. From G. A. BALLARD, Esq., Magistrate of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Tirtala, 19th December 1862, No. 107.

In my letter of the 30th May 1862, I had the honor of reporting on the Petition* noted, which was forwarded in Government Order dated 24th May last, No. 839.

* From Cooty Poker.

2. I then promised to report on the second petition forwarded in the same Government Order, and I now beg to submit the following remarks:

3. These men were the 5th and 6th Prisoners in case No. 7, of the file forwarded by the Magistrate of Malabar to the Government with his letter dated 25th February 1856.

1. Nalagatta Moideen.

2. Ditto Paki Kutti (son of Moideen.)

4. They were charged with having, though well aware of designs of the intending assassins of Mr. Conolly, communicated with them, and procured them shelter, about a fortnight before the murder. The 5th Prisoner was farther charged with having on the 29th August (the murder was committed on the 11th September), wilfully conveyed false information regarding the intending assassins, and thereby deceived the Police who were endeavouring to apprehend them as escaped convicts, and thus aided their escape.

5. Both father and son are described as of considerable influence, but of very bad character, as fosterers of fanaticism and crime. One* of the actual assassins was brought up in their house, and was the special friend and companion of the son.

* V. Moideen.

6. They were recommended to be deported for life, and though Government declared that the term of imprisonment must depend on circumstances, and Malabar has been generally quiet since these men were deported, I see nothing in their case to call for leniency. On the contrary it seems to me one of the worst on the catalogue, and I can by no means recommend their release.

7. The first of these men was the 3rd Prisoner in No. 16, and the second the 1st Prisoner in No. 24, of the file abovementioned. Neither of these were charged with being cognizant of the intentions of the assassins before the fact. The 1st was recommended to be deported for 3, and the 2nd for 7 years. The first was a "Mukiastan," or Headman of a Deshom;† the other a very bad general character usually known as "Thief Poker," but neither appear to possess much influence. They appear to have had communication with the assassins shortly after the commission of the crime, and given no information to the Police to assist apprehension.

1. Ayambalath Kutti Poker.

2. Chepali Poker.

† Sub-Division of an Amshom.

8. As both have been in confinement for 6½ years, and may, it is to be hoped, have learned a lesson they will not forget, I do not see any objection to their being permitted to return. I would suggest however that their return be made dependant on their being able to furnish sufficient security for good behaviour for the space of one year; and if Government approve I will cause enquiry to be made whether such security is forthcoming and report the result.

No. 21. From G. A. BALLARD, Esq., Magistrate of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Tirtala, 19th December 1862, No. 108.

I have the honor to report on the petition from the Mopla State Prisoners referred to me with Government Order, dated 16th July last, No. 1,125; and again alluded to in Government Order, dated 7th November last, No. 1,821.

Malabar

*Proceedings of the Madras Government, Judicial Department,
4th February 1863.*

2. This Prisoner is the 1st in case No. 9, of the file forwarded by the Magistrate of Malabar to the Government, with his letter dated 25th February 1856. He was charged with having harboured the intending assassins of Mr. Conolly about a fortnight before the murder; with having received presents from them; with having joined with them in certain ceremonies at the Mambra Yaram* with a view to secure the success of the intended crime; and blessed the weapons of the intending murderers.

* Tomb of a noted Tangle or Priest.

3. Mr. Collett speaks of his determined vicious fanatical disposition and seems to have looked upon him as a very dangerous character, though in consideration of his youth (he was about 17 years at the time of the murder), he would not recommend his deportation for life, but proposed his banishment for 20 years. The Government fixed no period when directing his deportation.

4. This man† is the 6th Prisoner in case No. 10, of the file abovementioned. He was charged somewhat similarly to the preceding, but his case was, if probable, a worse one. He was one of a party who received and entertained the intending assassins on the avowed ground that they were devoted to martyrdom and effecting the death of the Collector.

5. Mr. Collett recommended and Government appear to have approved his transportation for life.

6. I consider that it would be very inexpedient to permit either of the above criminals to return to Malabar.

7. This Prisoner‡ is the 2nd in case No. 20, of the file above alluded to. He is charged with having permitted the murderers of the Collector to take refuge in a Mosque, and causing them to be supplied with food, 2 days after the perpetration of the crime; and with knowing that it had been committed and that the murderers intended to die as martyrs, without giving any intimation to the authorities. Mr. Collett recommended him to be deported for 3 years.

8. If Government are pleased to permit his return I have no objections to urge. But I think it should be conditional on sufficient security for his good behaviour for one year being provided.

No. 22. ORDER THEREON, 4th February 1863, No. 169.

Under the circumstances stated by the Magistrate, the Governor in Council must decline to comply with the application made by (1) Nalagatta Moideen, (2) Nalagatta Paki Kutti, (3) Narakat Puthen Vittel Syed Mahomed Coya Kutty, and (4) Kallathil Padikal Mammunny, now in imprisonment in the Jails at Guntur and Chicacole, for permission to return to Malabar.

2. Before passing final orders with reference to (1) Ayambalath Kutti Pokker, (2) Chepali Pokker, and (3) Odoovil Kunimel Koya, the Government would desire to be informed whether there are any other deported Moplahs who, in the opinion of the Magistrate, might be permitted to return to Malabar. It would be advisable that before submitting the report now called for, Mr. Ballard should consult the late Magistrate, Mr. Grant, and the Inspector General of Police.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Pro. 5th April 1856 No. 714
Pro. 16th July 1862 No. 1304137
Mis. No. 18419 - Nov. 1862

Pro. 17th Feb. 1862
1862 Department
From 2 B

The Magistrate of
Malabar
To The Chief Secretary
to Government
Fort St George
Dtd 19th December 1862
Rev. 26th

No. 2860

No. 108.

Reporting on Petition from
the Moplah state Prisoners
referred to in Government order
dated 16th July No. 1125 and again
alluded to in Government
order dated 17th November last
No. 1524.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers
from the Magistrate of Malabar. (Here enter 19th December 1862. p. 107)
do. (" " 19th " " p. 108.)

Order thereon of 4th February 1863 N^o 167.

Under the circum-
stances stated by the Ma-
gistrate, the Governor in
Council must decline^{3B}
to comply with the ap-
plication made by Kalagatta
Moideen, Kalagatta Paki Kuttu,
Korahul Puthen Kattel Syed
Mahomed Boya Kuttu, Kallal
Khal Padikal Mammam
now in imprisonment
in the jails at Guntur
and Chicacole, for per-
mission to return to
Malabar.

Malabar.

Before passing final orders with reference to ~~to~~ ^{to} ~~regards~~ ^{regards} ~~Hyam~~ ^{Hyam} ~~to~~ ^{to} ~~balath Kuttu Pher~~ ^{balath Kuttu Pher} ~~to~~ ^{to} ~~Chopali~~ ^{Chopali}

Pher and Odoovil Kunimel

^{to} the Govt. would desire to be Koya, who are confined ~~and~~ ^{and} ~~whether there are~~ ^{whether there are} ~~any other deported~~ ^{any other deported} ~~prophets~~ ^{prophets} ~~who, in the opinion of the~~ ^{who, in the opinion of the} ~~Magistrate, might be permitted~~ ^{Magistrate, might be permitted} ~~to return to Malabar.~~ ^{to return to Malabar.} ~~It~~ ^{It} ~~would be advisable that the delay as possible whether~~ ^{would be advisable that the delay as possible whether} ~~before submitting the report~~ ^{before submitting the report} ~~now called for, Mr Ballard~~ ^{now called for, Mr Ballard} ~~their friends can furnish~~ ^{their friends can furnish} ~~should consult the late~~ ^{should consult the late} ~~sufficient security for their~~ ^{sufficient security for their} ~~Magistrate, Mr Grant, & the~~ ^{Magistrate, Mr Grant, & the} ~~Inspector General of~~ ^{Inspector General of} ~~good behaviour for~~ ^{good behaviour for} ~~are~~ ^{are} ~~being permitted to return~~ ^{being permitted to return}

being permitted to return

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To The Magistrate of Malabar
" Session Judges of Cochin & Chicacole
" Inspector Genl of Coils
" Inspector Genl of Police
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dec'd 12.

29.1.04

W. J. M.

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per. J. G. M.

Received 1863. Department.

No. 104.

PROCEEDINGS OF GOVERNMENT,

Dated 4. Feb. 1863.

St. J. M.

Letter of 4. Nov. 1862 that
Prisoners now in imprisonment
at ~~Quinton~~ & ~~Chicago~~ to be
permitted to return to ~~Chicago~~
permitted - with ~~reference~~
to 2 other Prisoners, ~~Chicago~~
of ~~Chicago~~ requested to
state whether there are any
other ~~reported~~ ~~Prisoners~~ &
whether such permission
could be granted.

*(Amended
Tuesday)*