M.R.O. 1—39,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 872 Press ~~Mis.~~

39-40

Dated 5.6.1863 ~~41~~ .

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Not to be folded or roughly handled

No. 39. Read the following letter from G. A. BALLARD, Esq., Magistrate of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Calicut, 1st April 1863, No. 31.

Letter from Mr. Grant, dated 11th March 1863, No. 50.
Do. from Mr. Robinson, dated 11th March 1863, No. 553.
Statement of State Prisoners of Malabar with remarks.

Adverting to Government Order, dated 4th February 1863 No. 169, I have the honor to forward the original papers noted.

2. It will be seen that Mr. Grant concurs in my views in regard to the first 13 prisoners. He expresses no personal opinion regarding Nos. 14 to 16 inclusive. No. 17 he thinks might be recalled. No. 18 he considers a dangerous character.

3. Mr. Robinson concurs with me in the inexpediency of recalling Nos. 1, 3, 6, 7, 8 and 10. He gives no opinion regarding No. 2.

All the rest he would allow to return.

Nos. 1, 2, 3, 4, 6, 7, 8, and 10.

4. I consider for reasons which will be evident from the remarks in the Statement that to permit the return to Malabar of the individuals noted is objectionable.

5. It will be seen that regarding Nos. 4 and 18 I differ from Mr. Robinson.

If Government think fit to permit the return of No. 4, I have no wish to urge further objections which rest on the general principle that accessories before the fact in a crime of the nature in question must be rigorously dealt with, rather than on any particular inexpediency in recall in this individual case.

No. 18 bears a very bad character. I should prefer his being kept in confinement a little longer; but if responsible parties are willing to stand security for him, regarding which I will make inquiry, I think his return may ultimately be allowed.

Nos. 5, 9, 11, 12, 13, 14, 15, 16 and 17.

6. No objections appear to the return of the numbers noted, and I beg therefore that it may be permitted.

7. With reference to paragraph 3 of Mr. Robinson's letter, I venture to observe that considering the character of the prisoners and the cause of their confinment, I think Jail is the best place for them.

8. If, however, it is determined to send them into exile, Arabia is the last place that should be fixed upon.

There is constant communication between the Mahomedan population of this Coast and Arabia, not only through traders, but through pilgrims from this province to the shrines of their prophet, who naturally return with increased portions of his spirit. It seems to me therefore that it would be peculiarly injudicious to take any step that might tend to the formation thereof a clique of a fanatical malcontents intimately connected with Malabar.

From P. GRANT, Esq., Magistrate of Coimbatore; to G. A. BALLARD, Esq., Magistrate of Malabar, dated on Circuit, Goodalore, 11th March 1863, No. 50.

I have received your letter, dated 3rd March 1863, No. 781, and its enclosure, a statement with remarks, about the deported Moplahs, most of whom were implicated in the assassination of the late Mr. Conolly.

In the remarks made by you on the first 13 parties I coincide.

With regard to Nos. 14, 15 and 16 future action should depend on the Tahsildar's report, and the opinion expressed by Mr. Robinson, combined with the present state of Moplah feeling. Circumstances have so much altered since the opening of the rail that what might formerly have presented features demanding vigilance, may now perhaps be permitted to pass without remark; of this you, as Magistrate of the District, are the most competent Judge.

Nos. 17 and 18 were deported whilst I was in Malabar. Kadiri is wealthy, and a member of a family which did very much evil; he himself was the least bold of the lot, and I would not hesitate to permit of his return.

Simamu is a bold villain, up to any wickedness.

The chief parties now to be considered are those in the locality from which he was deported, the Adigary whose death was to have been accomplished, might not feel comfortable if Simamu's return was officially announced to him. His feelings ought to be considered; for Simamu is no ordinary man, he is an athletic, bold, evil-minded man.

From W. ROBINSON, Esq., Inspector General of Madras Police; to G. A. BALLARD, Esq., Magistrate of Malabar, Calicut, dated Madras, 11th March 1863, No. 553.

General Department.

I have the honor to return the list of Moplah prisoners and exiles which accompanied by letter dated 3rd instant. I have recorded in the shape of hand notes my views.

1. Taramal Kunhi Koya.
3. Mannamu Avaran Kutty.
6. Maylangi Karamal Moideen Kutty.
7. Mandayapurah Veeravony.
8. Techooden Poker.
10. Cheriata Kunhidu.

2. I fully concur in the inexpediency of recalling, to Malabar, the prisoners named in the margin. No. 2, Kannudy Kunjy Poker I can give no opinion about.

3. It may, however, be doubtful whether it is desirable to keep these prisoners any longer in Jail. Jails have proved very fatal to these Moplahs. Their presence there is constantly exciting a sympathy which their cause does not deserve, and away from Malabar they are perfectly harmless. Would it not then be better, if the law admit of it, to let them go into exile to Arabia or elsewhere, in preference to remaining in Jail at the expense of the State? I should advocate this step.

4. Mambreth Beeby.
5. Kaujara Kunji Koyamoo.
9. Puttenpediakul Koyamu Mukri.
11. Oduvil Kunival Koya.
12. Ambulath Kutti Poker.
13. Chepaly Poker.

4. I should permit all the prisoners noted in the margin to return home. I have seen and conversed with most of them, and should not deem their return inexpedient.

14. (1) Pooraden Kunjappa Haji.
15. (2) Tekepravan Ali.
16. (3) Mullapalli Kunji Marakar.
17. (1) Kattula Kadiry.
18. (2) Putia Purayil Simamu.

5. The exiles named in the margin might safely return. The three first were removed from Malabar by myself during the mutiny year.

Proceedings of the Madras Government, Judicial Department,
5th June 1863.

Statement of State Prisoners of Malabar.

Name of the Prisoners.	Crime charged against the Prisoners.	Remarks.
1. Taramal Kunhi Koya.	He was charged with having on the 24th August 1855 communicated with the murderers of Mr. Conolly and assisted them in their prayers at the Tomb of great Tangal of Tirurangadi, with having been then well aware of their design to murder Mr. Conolly and die as Shahid, and neglected to give information thereof to the authorities. Mr. Collett recommended him to be deported for life.	Mr. Conolly was murdered on the 11th September 1855. I consider this man's recall objectionable. G. A. B. I concur. Let the Priests once see that they are held guilty for vicious conduct of their worshippers and we shall have no more of it. W. R.
2. Kannudy Kunjy Poker.	He was charged with having on the 13th and 14th August 1855, aided and abetted the murderers of Mr. Conolly by receiving them into his house and supplying them with food and with having communicated with them on the 14th and 15th, and being privy to their design to rob the house of Torutty Numbury and to murder Mr. Conolly and die as Shahid; and with having neglected to give information to the authorities. Mr. Collett recommended him to be deported for life.	I consider this man's recall objectionable. G. A. B. I do not know him. W. R.
3. Mannamul Avaran Kutty.	This man is under strong suspicion of having become aware of the murderers' visit at the abovementioned Tomb and design, and wilfully neglected to bring the same to the notice of the authorities. He is a man of property and influence. He resided in the house of the deported Mambrat Tangul, whose Agent he is. It is clear that the visit and design of the assassins must have become pretty generally known. From the manner in which Moplahs communicate with each other and from the experience of his influence, the fact of his guilty knowledge cannot be doubted. Mr. Collett recommended him to be deported for 7 years.	From the connection and position of this man in respect to the Mambrat Tangul I cannot recommend his recall. G. A. B. I would refuse to this man leave to return to Malabar. It is most important that all old Agents of the Tangul, &c., should be kept away from that neighborhood, in order that the importance of the place should die out, but I would set him at liberty restricting him to Trichinopoly or other safe place, Arabia, Bombay or the like. W. R.
4. Mambreth Beeby.	This woman was charged with having aided and abetted the murderers, receiving and harbouring them in her house from about midnight of August 29th 1855 till about 10 P. M., August 30th; with having then supplied them with food and received presents from them, and being fully aware of their designs, and with having joined in certain ceremonies at the said Tomb with the view of securing success to the intended crime of the said assassins. She is the sister-in-law of the 1st prisoner in this case, (Narakat Puthen Vittil Syed Mahomed Koyakutty). Mr. Collett recommended her to be deported for 7 years.	Recall objectionable. G. A. B. I should not fear the return of this woman. A native women acts rather under duress, and I should not be inclined to extend the period recommended by Mr. Collett. I think this woman has a little girl in Jail with her growing up a Jail bird, whom I should like to see at large. W. R.

Statement of State Prisoners of Malabar.—*(Continued)*

Name of the Prisoners.	Crime charged against the Prisoners.	Remarks.
5. Kanjara Kunji Koyamoo.	He was charged with having on the 5th September 1855 aided and abetted the murderers by ferrying them over the Kuttelemjar ferry, and with having been at the time aware who they were, and neglected to give information to the authorities. The 4th prisoner at once suggested to him that they were the assassins and he strengthened the idea by observing that they had not returned; he was too specially bound to notice suspicious strangers. Mr. Collett recommended him to be deported for 5 years.	I do not see objection to this man's return. There is no evidence to show that the assistance given however guilty was not casual. G. A. B. I concur. W. R.
6. Maylanji Karamal Moideen Kutty.	He was charged with having communicated with the said assassins from the 7th to 9th September 1855, and assisted in supplying them with food, andfurther with having been aware of the design of the said assassins to murder Mr. Conolly and die as Shahid and joined with them in the perpetration of those crimes; and though according to Mr. Collett he subsequently reported of such determination, with having neglected to give information of the design of the assassins to the authorities. Mr. Collett recommended him to be deported for life.	Recall inexpedient. G. A. B. I concur. W. R.
7. Viracony.....	He was charged with having been well aware on the 30th August 1855 of the said assassins being then at Mambra Yaram (Tomb) and also of their design to murder Mr. Conolly and yet, notwithstanding he is the Adigary of the Amsham immediately adjacent to the Tomb in which the assassins performed ceremonies, with having omitted to make any effort to apprehend the said assassins, and neglected to furnish correct information to the authorities; and further he was charged with having prevented the truth being discovered. His father (Mundayaperth Mupan 11th prisoner) has been considered literally the terror of that part of the country. Though he (Viracony) is younger in crime he is generally believed to have an equally bad disposition. Deported for life.	Recall inexpedient. G. A. B. Special responsibility attached to an Adighary. I concur. W. R.
8. Techeoden Poker	This prisoner was charged with having between the 7th and 20th August 1855 repeatedly communicated with the assassins with having been fully aware of their designs and omitted to give information to the authorities. He is an old companion in crime of the assassin Tenoo. He was held to security by Mr. Collett on account of his own extremely bad character, and his having assisted Tenoo (assassin) when he was moving about the country. Mr. Collett says "I have no hesitation in saying "from what I know of this man that he is "extremely likely to finish his own career as "a Shahid." Deported for life.	Recall inexpedient. G. A. B. Entirely concur. W. R.
9. Puttenpediakul Koyamu Mukri. (mukry or sexton of the Tambaracherry Mosque.)	He is charged with having aided and abetted the murderers by permitting them to take refuge on the night of the 13th September 1855, in the Tambaracherry Mosque, and with having neglected to give information thereof to the authorities. Deported for 3 years.	Recall unobjectionable. G. A. B. I concur. W. R.

Proceedings of the Madras Government, Judicial Department,
5th June 1863.

Statement of State Prisoners of Malabar.—*(Continued)*

Name of the Prisoners.	Crime charged against the Prisoners.	Remarks.
10. Cheriata Kunhidu.	He is charged with having between the 7th and 16th August 1855 aided and abetted the murderers by harbouring them in his house and supplying them with food; with having been accessory after the fact to the gang robbery committed by the said assassins in the house of the Tirutty Numbury on the night of the 15th August, and with having been aware of the design of the said parties to murder Mr. Conolly and die a Shahid and yet omitted to give information to the authorities. Deported for life.	Recall inexpedient. G. A. B. I concur. W. R.
11. Oduvil Kunimal Koya.	He was charged with having permitted the murderers to take refuge in a Mosque and causing them to be supplied with food, two 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.	Recall already recommended to Government. G. A. B. I concur. W. R
12. Ambulath Kutti Poker. 13. Chepaly Poker.	Neither of these men were charged with being cognizant of the intention of the assassins of Mr. Conolly, before the fact. 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. The first of these two was recommended to be deported for 3 and the 2nd for 7 years, neither appear to possess much influence.	Recall already recommended to Government. G. A. B. I concur. W. R.
14. (1.) Pooraden Kunjappa Haji. 15. (2.) Tekepravan Ali. 16. (3.) Mullapalli Kunji Maraker.	The 1st and 2nd appear to have given up their ordinary pursuits and labor and continued in frequent and most suspicious conspiracy to revenge the insult offered to the faith by the relapse into Hindoo practice of one Mahomed (a converted Nair of good family) and otherwise manifested conduct indicative of dangerous intentions; and it further appears that the 1st and 3rd Defendants with others assembled in the Mosque of Ponmala in consultation when they made use of most seditious and exciting language against Government. Mr. Robinson recommended the 1st and 2nd to be deported for 5 and the 3rd for 2 years. Government remark—The Magisterial Officer in charge of the Province will report when these prisoners can be allowed with safety to return to Malabar.	Reference has been made regarding these people to Koman Nair, and until the receipt of his answer the Magistrate expresses no opinion. The Sub-Magistrate's report has been received. He considers recall unobjectionable. I recommend it. 1st, 4-63. G. A. B. They were readily given up by their co-religionists and who would be given up again did they show signs of turbulence. I should let all these men return. Active measures were required during the Mutiny year. Our necessity I should think had passed away. W. R.

Statement of State Prisoners of Malabar.—*(Continued.)*

Name of the Prisoners.	Crime charged against the Prisoners.	Remarks.
17. (1.) Kottula Kadiry. 18. (2.) Pudia-purayil Simamu.	Pudiapurayil Simamu the 2nd prisoner committed an aggravated assault at his mother's house and turned all the people out of the house and levelled it with ground. The Adigary Chandrot Kaunan reported to the Tahsildar of Kottayom that it was done by Simamu at the instigation of Kottula Kadiry (1st prisoner.) It appeared on the investigation that Simamu at the instigation of Kottula Kadiry, who is a wealthy man, intended to accomplish the death of the above said Adigary. Mr. Grant recommended them both to be deported until such a period has elapsed as may render their return safe.	Further inquiry is being made regarding these people. G. A. B, A very short time of exile suffices to bring these fellows to their senses. They might safely return and will be found wiser men. North Malabar Moplahs are not so likely to take to fanaticism. W. R.

CALICUT, *3rd March* 1863. (Signed) G. A. BALLARD,
Magistrate.

No. 10. ORDER THEREON, 5th June 1863, No. 872.

The foregoing papers contain the views of Messrs. Robinson, Grant and Ballard, in regard to the further confinement of a number of Moplah prisoners now under sentence of banishment from Malabar.

2. There are 16 persons, as shown in the margin, respecting whom the three Officers abovenamed are unanimous. They consider that the return of any of the first seven to Malabar would be dangerous, but that no objection exists to the unconditional release of the other nine. Although Mr. Robinson has no personal knowledge of No. 2, he does not oppose the views in regard to him expressed by Messrs. Grant and Ballard.

1 Taramal Kunhi Koya.
2. Kannudy Kunjy Poker.
3. Mannamul Avaran Kutty.
6. Maylangi Karamal Moideen Kutty.
5. Kanjara Kunji Koyamoo.
9. Puttenpediakul Koyamu Mukri.
11. Oduvil Kunimal Koya.
12. Ambulath Kutti Poker.
13. Chepaly Poker.
7. Viraoonay.
8. Techeoden Poker.
10. Cheriata Kunhidu.
14. Pooraden Kunjappa Haji.
15. Tekepravan Ali.
16. Mullapalli Kunji Marakar.
17. Kattula Kadiry.

3. The only difference of opinion is about Nos. 4 and 18. Both Mr. Grant and Mr. Ballard would keep them a little longer in confinement, while Mr. Robinson advocates their immediate discharge.

4. No. 4, it appears, was the female guardian of a tomb, where the escaped Convicts, who afterwards assassinated Mr. Conolly, took refuge. She harboured them for a whole day, though fully cognizant of their design, and she is described as a person of a violent and fanatical disposition, acting on her own impulse, and not, as might have been supposed, under the influence of others. Writing in January 1856, Mr. Collett recommended that she should be deported for 7 years, which period has now expired.

5. No. 18 seems to have been deported during Mr. Grant's administration of the District. He is represented as a daring and unscrupulous villain, whose purpose of murdering one Chandrot Kaunan, an Adhikari, or headman of an Amsham, was fortunately detected, but who would be not unlikely to pursue his design on regaining his liberty. It does not appear whether Mr. Robinson has any personal knowledge of this man, but he proposes his release on the general ground that, as a man from North Malabar, he is not likely to take to fanatical courses.

6. After full consideration the Governor in Council resolves to order Nos. 5, 9, 11, 12, 13, 14, 15, 16, and 17, and also No. 4, to be set at liberty. Notwithstanding the bad character given

Proceedings of the Madras Government, Judicial Department, 5th June 1863.

to the last mentioned prisoner, His Excellency in Council is unwilling, on account of her sex, to extend the period of imprisonment recommended in her case by Mr. Collett. Of these persons Nos. 4, 5, 14, and 15 seem to be confined at Nellore, Nos. 12 and 13 at Guntoor, No. 9 at Cuddapah, No. 11 at Chicacole, and Nos. 16 and 17 at Trichinopoly.

7. As respects No. 18, the Governor in Council agrees with Mr. Ballard that it would be unsafe to set the man at liberty, unconditionally, and he desires that enquiries may be made in view to ascertain whether proper security for his future good behaviour cannot be obtained. Failing this the Magistrate will report again on the subject at the expiration of one year from the present date.

8. The other prisoners, Nos. 1, 2, 3, 6, 7, 8 and 10, under the circumstances stated, cannot be permitted to return to Malabar, nor is His Excellency in Council prepared at present to entertain Mr. Robinson's scheme for changing their sentence of imprisonment into one of mere compulsory residence.

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

Exd. T. McMootry.

Judicial Department

Proceedings of the Madras Government.

Read the following letter from the Magistrate of Malabar.

(Here enter 1st April 1863, No. 31)

Order thereon 5th June 1863 No. 842.

The foregoing papers contain the views of Messrs Robinson, Grant & Ballard, in regard to the further confinement of a number of Mopla prisoners now under sentence of banishment from Malabar.

There are 16 persons, as shown in the margin, respecting whom the views of Messrs Grant & Ballard are unanimous. They consider that the return of any of the first seven to Malabar would be dangerous, but that no objection exists to the unconditional release of the other nine. Although Mr. Robinson has no personal knowledge of No. 2, he does not differ from the views in regard to him expressed by Messrs Grant & Ballard.

1. Faramal Kunhi Koya
2. Kammudy Kunjy Poker
3. Mammanul Avaran Kutty
6. Maylungi Karamal Moideen Kutty
7. Viraboonny
8. Techeoden Poker
10. Cheriata Kunhidu

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5. Kunjara Kunji Koyambe
9. Puttenpediakul Koyambe Mukri
11. Odnil Kummal Koya
12. Ambulath Kutti Poker
13. Chepaly Poker
14. Pooradan Kunjappa Haji
15. Ickeparan Ali
16. Mullapalli Kunji Marakar
17. Kattula Kadiry.

The only difference of opinion is about Nos 4 & 18. Both Mr Grant & Mr Ballard would keep them a little longer in confinement, while Mr Robinson advocates their immediate discharge.

No 4, it appears, was the female guardian of a tomb, where the escaped convicts, who afterwards assassinated Mr Connolly, took refuge. She harboured them for a whole day, tho' fully cognizant of their design, & she is described as a person of a violent & fanatical disposition, acting on her own impulse, & not, as might have been supposed, under the influence of others. Writing in January 1856, Mr Collett recommended that she should be deported for 7 years, which period has now expired -

No 18 seems appears to have been deported during Mr Grant's administration of the District. He is represented as a daring & unscrupulous villain whose purpose of murdering one Chandoo Kannan, an adhikari, & headman of an Amsham, was fortunately detected, but who would be not unlikely to pursue his design on regaining his liberty. It does not appear whether Mr Robinson has any personal knowledge of this man, but he proposes his release on the general ground that as a man from North Malabar, he is not likely to take to fanatical courses.

After full consideration the Govt in Council resolve to order Nos 5, 9, 11, 12, 13, 14, 15 & 17, & also No 4, to be set at liberty. Notwithstanding the bad character given to the last mentioned prisoner, H.E. in C. is unwilling on account of her sex, to extend the period of

One of the very worst outbreaks took place in North Malabar, this year. Only speaking no doubt by Law provided the most in the South

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~~said~~ imprisonment recommended in her case by Mr. Collett. Of these persons Nos. 4, 5, 14 & 15 seem to be confined at Nellore, Nos. 12 & 13 at Guntoor, No. 9 at Cuddapah, & No. 11 at Chicacole, and Nos. 16 & 17 at Trichinopoly.

As respects No. 18, the Govt. in Council agree with Mr. Ballard that it would be unsafe at once to set the man at liberty unconditionally & he desires that enquiries may be made in view to ascertain whether proper security for his future good behaviour cannot be obtained. Failing this the Magte will report again on the subject at the expiration of one year from the present date.

The other prisoners, Nos. 1, 2, 3, 6, 7, 8 & 10, under

the circumstances stated, cannot be ~~released from confinement~~ permitted to return to Malabar, nor is H.E. in C. prepared at present to entertain Mr. Robinson's scheme for changing their sentence of imprisonment into one of mere compulsory residence. ~~However~~ ~~it is at the request~~ ~~with a view~~ ~~in a manner~~ ~~their behaviour~~ ~~unobjectionable~~.

WH
25 May 63

GM.

To the Magte of Malabar.
" Insp. General of Jails
" Sessions Judge of Nellore
" —— Guntoor
" —— Cuddapah
" —— Chicacole
" —— Trichinopoly

dups 8.

Judicial 1863 Department

No 872

Proceedings of Government

dated 5th June 1863.

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Passing Orders regard-
ing the release of certain
Moplah Prisoners. —

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