M.R.O. 1—38,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1707 Press ~~Misc.~~

24E- 249

Dated 30 - 11 - ~~11~~ 1885

20/21

Not to be folded or roughly handled

Government {1865} of Madras.

JUDICIAL.

Recd.	°	*Enclosures*
	1865.	
Regd.		*Spare copies*

G.O., No. 1707, 30th November 1865.

NOVEMBER.

Nos. 248-249.

Malabar Magistracy.

Passing orders on the report of the District Magistrate of Malabar on the murder of three Moplah women by a brother-in-law of Ali Rajah.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper:—

No. 248. Letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Cannanore, 20th November 1865.

I regret so soon again to have to report the commission of an atrocious crime in this district.

On the night of the 14th instant, a Mapilla, Assan Kutti Haji, whether alone or accompanied by others is not yet quite determined, entered the house of another Mapilla, Ponmanichi Kunhi Amad (a man of considerable wealth and position), in the heart of the town of Cannanore, cut down with an "Ayudda Katti," or war knife, Kunhi Amad's wife's sister *, daughter †, and female ‡ servant, killing each on the spot, and murderously attacked Kunhi Amad himself. Kunhi Amad and his son-in-law § grappled with the murderer, and it was only after a death struggle of long duration, during which no assistance of any sort was afforded by the neighbours, that two Policemen at their station house some 300 yards off, hearing the cries, ran to Kunhi Amad's house, and by them the murderer was secured.

* 1. Puckrichi Umma.
† 2. Arisa Umma.
‡ 3. Biri Umma.
§ Pakar Kutti.

2. Mr. Garstin came into Cannanore the following day, and has been since inquiring into the case.

3. Besides its peculiar attrocity there are other circumstances which invest this crime with particular importance. The murderer is the husband of Ali Rajah's wife's sister. Others, dependents of the Rajah, are under the gravest suspicion of having taken an active share in the deed. Kunhi Amad had been for some time under the ban of the Rajah, who had grown jealous apparently of Kunhi Amad's growing wealth and social importance. About a fortnight previous to the murder, Kunhi Amad had celebrated his daughter's marriage, in a manner that gave great umbrage to the Rajah. On the very day of the night on which the murder was perpetrated, Kunhi Amad had been to Tellicherry, to the Joint Magistrate's Court, to complain of the way in which the Rajah was annoying him; and he had previously complained to certain of the Taluq officials that his life was not safe through the Palace enmity. It is an ascertained fact that the Rajah had forbidden the people of Cannanare to have dealings with Kunhi Amad, or assist him in any way in social or mercantile transactions, and, in the heart of a populous town, we find a desperate struggle, carried on certainly for some considerable time, without a hand or a voice being lifted to aid, notwithstanding the cries of the persons so murderously attacked—cries which at length made themselves heard some 300 yards off. Under the circumstances, I can only attribute this to the well known hatred of the Rajah, whose power in the town is very great, to the unhappy man, whose family was so ruthlessly attacked by the Rajah's near connection.

4. I came up immediately I heard of the crime, but Mr. Garstin is conducting the inquiry, and I shall leave it on his hands.

He has, with my entire approval, this day placed the Rajah in confinement, in the Fort here, on, and pending inquiry into, a charge of instigating and abetting murder.

5. The Rajah has just telegraphed for a Barrister from Madras, to conduct his defence.

The case is one of such importance that I consider the services of the Advocate-General should be retained for the prosecution.

No. 249. Order thereon—No. 1707, Judicial, dated 30th November 1865.

Before the Government can take any steps to retain Counsel for the prosecution in the case referred to in the foregoing letter, it is necessary that they should be informed whether Ali Rajah has been committed for trial. In the event of his being committed, the Joint Magistrate will report the fact by telegraph.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of Malabar, Calicut.
„ J. H. Garstin, Esq., Acting Joint Magistrate of Malabar, Cannanore.

The old Act is intended to
deal with cases where persons
murdered otherwise than
by the violent
stroke of
wounding &c &c
under the circumstances
Act XX of 1859 repealed the
Act and re-enacted the
same provisions with
some alterations
adding thereto clauses with
respect to outrages on any of the persons
mentioned in
Kafir & this section
and the
Act. "in the alternative
of being the cause of

Strangely enough I obtained
the letter and - strangely enough
a complete set of rights
to the Mahometan - Chief of
the Mahometans - that
the Lord thing - the Mahometan
which the Mahometan - that for my
self to the Mahometan
strangely - as
strangely - Mahometan
Lordship - The Lord
of Mahometan - The Mahometan
to a Mahometan - right
the Mahometan

chronicle a "religious"
murder like to the publi-
cation of the Act of the Consti-
tution by the State Church fil-
(& the High Court - Confirma-
tion) to information -
ation & the Consti-
may decline to adminis-
ter an oath or affirm-
ation under the Act - pro-
hibit by which otherwise
the person is to
forfeit & penalty with the obli-
gation & the penalties &
conflict under Sec:
VI -

Hyde 28th Nov.

My dear Brethren

I presume that by Holland recommending my being retained for the prosecution, it meant in the policy your ordering counsel, and attending any idea that it is part of my official duty to prosecute in cases in the Inspectorate, as Assistant General.

The last paragraph me does not [illegible] I am

(6)

Mr Sullivan tells me that he has been retained for the prosecution at a cost of Rs 7500. He is the Public Prosecutor, and hopefully competent to conduct the case: so that the ends of Justice will be served without the Jury being put to any charges whatever.

Believe me

Yours very truly

J H Morton

If there is no Court I would leave Saturday

So completely occupied day & Monday, in my usual because that I scarcely he knew I could go. Thirdly I am bound to meet the visitors of first & third class passengers, & secondly the Local committee with which I am also very particularly connected. And lastly there is my old friend Mr Hill, and Mr Stephens again put me under great obligation, and daily I expect letters from Europe & America. My old friends

Feby 3rd 1866

My dear Arbuthnot

In continuation of my last note I write to say that the marks of respect paid to the Rajah of Travancore are to exclude [illegible] from the Enclosure the Commencement to say an official letter or Communication for Publication in Gloucester

Vol p. 209
1st Ser
Equated
21st June
1864

2. Hei being allowed
ted S.M.C. to wear pens. who
of 16½ years
'65 wear their belts
20/06. Hebin
3 pens are across the shoulder
entertained both his private
badge.

I consider that under
the circumstances
the case, both there pupils
shd be withdrawn as
a mark of the entire
displeasure of Govt.

And I think also that
he shd be warned that

the Govt will hold him personally
responsible for any
future outbreak of the
nature of the late one
either in Canada or
by persons connected
with Canada. The
only just & right thing
he is allowed to continue
in a position of influence
he must learn & feel that
with its responsibilities
as well as its advantages.
This already said I
do not reason to fear

Private

Mauritius
26th January
1866

My dear Ballard

The Advocate General has given his opinion that Ali Rajah cannot be dealt with under the provisions of Act XX of 1859 and yesterday I telegraphed to you an order for his release from Custody.

It is superfluous now to point the finger of Scot of his outrageous conduct in Excommunicating Queen Ahmed and thereby encouraging if he did not instigate the murder which ensued, to deprive him of all the honours which he has hitherto

[illegible] the extreme penalty of the law. Under the very bitter feelings of revenge for humiliation & punishment they are [illegible] will be inclined to the hands of the Rajah & his medical defendants may find [illegible] outrage hereafter — The best antidote I can conceive to be (my previous proposition being set aside) what I have indicated above viz. Ali Rajah being detained & warned that he will be held responsible for the good conduct of the Tamil Rebellious subjects — Yrs very truly [illegible]

such as the salute of guns, and any Mino which may have been accorded to him. but before passing orders to this effect, the Govt wish to learn from you confidentially whether you think the course proposed is likely to be attended with any political inconvenience by wounding the Moplas accustomed by what they may consider an indignity inflicted on their race in the person of Ali Rajah. in fact whether you consider his influence with the Moplas in North Malabar is so great as to render it politically inexpedient that he should be subjected to what he will undoubtedly consider a great mark of and at the same time allowed, as he must be, to remain in Malabar.

My view is that the proposed dispensation of all honorary distinctions is desirable in order to make it clear that Ali Rajah is not above the law, but the question which I have just has been raised, and I have been instructed to obtain your opinion on it.

In your reply please state fully what honorary distinctions are paid to Ali Rajah

Yours very sincerely

C. J. Arbuthnot

Copy of Letter 6
W. Ballard
Jany 26. 1866.

(11)

Jany 30th 1866

My dear Archdeacon

I rec'd yr letter of the 26th on Tuesday night.

I do not think there is any danger whatever of political disturbance among the Mapillas in consequence of any honors hitherto accorded to Ali Raja being withdrawn.

I have written to Gazetteer Wachem to report particularly what honors are accorded Ali Raja, as I am not sure that the information obtainable in my Office is quite complete & correct. I will write him fully on this point as soon as possible.

There used to be a Lepers Hospital in his Palace which was discontinued abt a couple years ago (as far as I recollect). I am not aware that that step produced any feeling save rendering Ali Raja himself rather

Sulky - His Salute is the only marked honor that I am aware of - the displeasure of Govt will not have any further effect in my opinion than to mark the displeasure of Govt (wh. is desirable) and to further embitter his feelings (which as things stand is not of much consequence one way or the other) I look at the matter pretty much as follows. The Raja has suffered pecuniarily in deposit by what has already occurred. I imagine Rs 20,000 will not cover what he has had to spend, one way & another, on lawyers, Agents, witnesses, &c in connection with the Kuppu Amad case - both his pride & his avarice have been deeply wounded. He is an unscrupulous tyrant, almost childish, regardless of consequences in gratifying

passion, and this I believe to be the clue to the tragedy lately enacted. The telegram my full report was before it was despatched. I accordingly telegraphed to release Ali Raja & he has been released accordingly.

But I must distinctly say that I am not without considerable apprehension of danger from the release of such a man, embittered as he has been, with his peculiar powers of evil amongst such a people as the Mapillas & the very centre of his influences - I do not think there is a chance of his successfully or effectively instigate any public disturbance but I do think that further private tragedy, sooner or later, through his means is not improbable -

He is bound enough already - I do sincerely trust he will not be spirited - but if he cannot be punished otherwise directly I would sooner see him deprived of his liberty than from personal knowledge of the man I know

Steamer Bentinck
22nd Nov 1865.

My dear Arbuthnot

I am returning from Cannanore having left Curiatum there to prosecute detailed enquiries into the murder case. I reported to you the day before yesterday how atrocious the outrage was, and what grave suspicion attached to Ali Raja as being connected with it, my letter will have shown. The further enquiry up to yesterday evening all went to strengthen what I had before said. The principal murderer is the husband of Ali Rajas wife's sister, had been a good deal about the Palace and 2 witnesses swear to having seen him and several accomplices leave the Palace a few hours before the crime was perpetrated. Ali Rajas jealousy and hatred of Kunhi Linan and the woman whose sisters in law daughters and female servant were so barbarously murdered is notorious. Kunhi Linan had lodged complaints against Ali Raja, who had that day received notice

(illegible) Kunhi Linan escape without any direct punishment at all from Government.

I cannot conclude without saying that more really convincing evidence could be probably (illegible) such a man as A.R. Kunhi Linan in this Calicut case? I have little doubt that I could have got more direct evidence that would have stood cross examination very well if an intelligent native had been put on the case, & some that cross examination would not have shaken. There was a wonderful amount of circumstantial evidence in the Palghaut case of Mr. Sanderson - But corroborative evidence such as connected Ali Raja with the Cannanore murders could not be concocted on the one hand, and I think hardly ingenuity could be doubled on the other.

I hope you will let me know how this Mal Ac is decided not hastily - If that is good law I rather think since 8 or 10 men run out of Malabar in Eastern Coast sails are illegally impressed - I will write you immediately I learn Sandler at the Cross - Yours ever

Collard

notice to attend the Sub Magistrate's Court to answer to the charges. Ali Raja's influence in the town is very great, and the entire absence of any attempt to aid or bring the Police to Kunhi Amad's family when the desperate and continued struggle is going on is most suspicious.

I cannot doubt for a moment that the Raja, if not a direct instigator, was at least an abettor of the outrage. I considered it essential to the due investigation of the case that the influence of the Raja should be curbed, and taking the outrage to be essentially one to which the provisions of Act XX of 18[illegible] (the Moplah Act) apply, I instructed the Jt. Magistrate to detain Ali Raja in safe custody under Secs 6 & 7 of the Act until the orders of Govt can be taken. If in the course of the magisterial enquiry such direct evidence is elicited as will warrant committal, the Jt. Magistrate will of course commit the Raja to the Sessions Court with the actual perpetrators of the murder, who are in custody.

But

Not so, if the conclusion of the act [illegible] communicated by the [illegible] be correct & [illegible] [illegible]

But I do not anticipate that there will be evidence to warrant this. If the Raja is committed we should have Norton to prosecute before the Sessions Court.

If the case is not committed we shall not want him.

The Raja was brought up very quietly on Monday afternoon to the Jt. Magistrate's Court, and thence conveyed to the Fort. He is allowed all comfort compatible with the situation and passes are given to his vakils and people. There is a great deal of interest taken in the case in the town, but no appearance of turbulence. A few of the shops were closed on Monday afternoon, but I rode through the bazaars yesterday evening and all was quiet and going on as usual.

The Raja from his position exercised as I have said very great influence; but personally he is far from popular, and generally the barbarity of the crime committed as it was against Moplas, prevents sympathy being shown.

The enquiry will be somewhat protracted

frustrated. As soon as possible however a full official report will be sent in. Meantime I hope and think Govt will approve of the Raja's detention in custody. I am strongly of opinion that he should never be allowed to return to his position as Raja residing in Cannanore. He is most obstructive in anything like municipal improvement or advance. His management of the Laccadive islanders you will remember was much complained of by the people, and I think the present opportunity should be taken to remove him from a place where his influence is eminently for evil and not for good.

I think of course must depend on the turn the present inquiry takes, though I think enough has been already elicited even under the most favorable views of his case, to warrant his being required to leave Cannanore and live elsewhere. He is not a man of any ability - and personally has no qualifications that would make him dangerous. He is grasping and unscrupulous, but weak, mean, and close. A tool in the hands of bad men.

Even

How can they when they know the Will was before them?!

even supposing he comes out of the present inquiry clearer than I think there is much chance of his doing I think there will still be quite sufficient grounds for Government to require that he should take up his residence on the Eastern Coast, and I should be glad to know privately what the views of Government may probably be on this point.

And now let me call your attention to the enclosed. When the Raja was taken to the Fort he sent for a desk amongst other things. The officer on guard informed him that papers must be given up; and these with a few others were in the desk. Who will be wrote may be I dare say you will know or may soon find out. A clerk in one of your departments I presume. But you will presume he has been in the [illegible] since 1863 of sending Ali Raja information and papers, and you will also observe that he has accomplices and says (whether true or no who shall say) that he has had the honor of receiving Rs 500 from Prince Azeem Jah. Similar accommodation!

I send you the papers direct and I hope Mr D'Monte may not have had warning of his danger and be served as he deserves. One Baptist in Kaikdiam the Raja's Clerk, is a pestilent intriguing fellow, and these drafts and rough copies are in his hand.

I shall keep the case in Ganetius hands till its conclusion as he is an able magistrate and knows the place and parties concerned, even if Thomas joins as Sub Collector and Joint Magistrate.

Will you kindly let me know officially as soon as possible whether my views with regard to the dispersal of Ali Raja should the charge not be distinctly brought home to him, are likely to be approved.

Yrs sincerely
Signed/ H. A. Ballard

Good progress making at last on Lakadi to Kalpilla road. Colonel Walker has been on the line beyond Kalpilla to A. Batten and I dare say has ere this reported thereon. I hope Govt. have and will decline Planters offers to trace, but insist on the D.P.W. determining good traces and either working them out or giving contracts to Planters if they can be got to undertake them to work out the lines on clear specifications.

I hope orders will soon be out about the Wynad Establishments. Is my proposition to have 3 Dy. Magistrates approved? I am very sanguine it would work exceedingly well.

Calicut 6.30 P.M. I have just landed and got your telegram of yesterday. The Raja is treated with due consideration. The report will be sent in with the least possible delay.

Memo

2 Notes from M. D'Monte to the Raja one dated 5th Nov 1863, enclosing Government papers surreptitiously obtained and mentioning that the writer had obtained Rs 500 from Prince Azeem Jah for similar services. Another dated [illegible] enclosing Govt. papers also; urging secrecy; and mentioning that he had sent in claims to the Secretary of State for India and promising further information.

Copy of Mem. from Govt Pol Dept. 12th Oct 1863.
H. A. Ballard Dept. 16 Feby 1864 No 112.

11

17

Judicial

No 2879. From the Magistrate of Malabar
dated 20 November 1865.

To
Sir Walter Elliot

The question of title of Seeman a Hindu
to the enjoyment and on which
condition could hardly fail to expect
the actual perpetration of the crime
But looking to the power of the
Chiefs & the position the complicity of the
Rajah I think that public opinion
can't express itself on the occasion
the most proper thing that the Rajah has
to pay Rs 14000 for a lawyer from Ma-
dras.

I think the Advocate fiscal should
communicate with and consult
him go. Of course he should

Memo from the Raja of Cherakal
forwarding information received of his
enclosing money &c &c these extracts
from 1st April 63 to 6th Feby 65.
Signed H. A.B.
Recd 22 2/65 Collr of Malabar

have to [illegible] him a [illegible] for anything
beyond his ordinary work - but this
is of minor consequence -

Mr Norton's advice, given after
local inquiry, would be very valuable
as regards any points the Steps that
he may have to take against the
Regiment.

If he cannot go from here the
first Pleader Mr Dale might be
sent - but I should much prefer
Mr Norton.

On failure of these Capt. Wilder
Supd. of Police in the adjoining Dis-
-trict of Coimbatore would I
don't [illegible] conduct the case very

well - [illegible] a [illegible]
[illegible] in a [illegible] - I would [illegible] who is the Supt. of Police [illegible] Malabar [illegible]

The trial will have to take place
from the Session Court of Tellicherry

[illegible] does not appear. While Mr Hal[illegible]

I would write the Advocate General
This could be [illegible]

Telegraph [illegible]

[signature]

A young officer, Lieut. Hole was recently
in conn. with Mr W. Robinson in regard to the
late Moplah murder, and from Mr R.'s remarks
it was clear to me that he did not consider
Lieut. Hole was very well qualified for the
management of that delicate affair, though
full of zeal, vigour & determination. I think
he is now the acting Superintendent -
[illegible] in the suggestions made by Mr
[illegible] but I feel satisfied that Mr
Hole's physical deficiency would make -

Cubbalah Joint Magistrate, in a case of Murder, time will be absolutely valuable & important - Apprehending that Mr Norton cannot go, should there prove serious delay, I have ventured to send down at once - based on the supposition of the case as well as to conduct the trial - keeping the Depositions &c

If Mr Norton goes, I cannot be expected to go, when the trial comes on in the Supreme Court -

24.11.65

Letter and Diary if possible - but Weldon might be sent down to prepare the case

WD

Judicial Department

Read the following letter from the Magistrate of Malabar.

(Rec'd 28th Nov 1865.)

Order thereon - 30th Nov 1865 - No 1707.

Before the Government can take any steps to retain Counsel for the prosecution in the case referred to in the foregoing letter, it is necessary that they should be informed whether the Rajah has been committed for trial. In the event of his being committed, the Joint Magistrate will report the fact by telegraph

WD

WDL

To Magistrate of Malabar - Calicut.
" J. N. Garstin Esq. Jt Magistrate of Malabar - Cannanore. } dispt 30th Nov

Jud: 1865. Department.

No. 1707.

PROCEEDINGS OF GOVERNMENT.

Dated 30 Nov. 1865.