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MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 579 Press Mis.

97-98

Dated 15. 1. ~~19~~ 1886

22/23

Not to be folded or roughly handled

No. 97. Read the following letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 6th January 1866.

In continuation of my letter noted*, I had the honor of submitting, on the 27th ultimo, an original Report† (with enclosures) from the Acting Joint Magistrate of Malabar, on the recent outrage at Cannanore, when three women of the household of one Ponmanichi Kunhi Amad, a wealthy Moplah resident of the town, were barbarously murdered, and Kunhi Amad himself murderously attacked, by one Hussen Kutti Haji, also a Moplah of Cannanore, and husband of Ali Rajah's wife's sister.

* Dated Cannanore, 25th November 1865.

† Dated 13th December 1865, No. 159.

The outrage was committed at about 11 P. M., on the 14th November last, in the very heart of Cannanore.

2. The report of the Acting Joint Magistrate gives a full account of the crime, and of his inquiry regarding it.

The murderer was taken red handed, committed to the Session Court of Tellicherry, and sentenced to death.

The persons noted have also been committed to the Tellicherry Court as aiding and abetting the crime.

1. Ossammaragatha Mohedeen Kutti.
2. Osman Khan.
3. Suliman Kunyamadiade Avida Ahamad.
4. Pokar Lakri.
5. Kareem.

3. Besides the above, sundry other men were apprehended. All, save three, have been discharged. These three, the Acting Joint Magistrate, for reasons given, considers should be dealt with under the Moplah Act XX of 1859.

They are (1) Ali Rajah, of Cannanore.
(2) Tattan kandi Kathri.
(3) Xamroth Kunhi Kalanthan.

With regard to the 2nd and 3rd persons just said, I will speak afterwards. Ali Rajah's rank and influence entitle him to separate notice, and give enhanced and unusual importance to the question as regards him.

4. Ali Rajah is the recognized Head of the House of Cannanore—a position not easy to define, as somewhat different views may be held regarding it. It will suffice to say here that, as regards the British Government, he is much in the position of a wealthy Zemindar, with reference to his mainland properties, though with a certain political status as recognized Head of the House of Cannanore; whilst, with reference to the Laccadive Islands especially, his family have claimed to be, and in some respects have been treated as, tributary rulers.

Whatever his precise political position, however, as recognized "Head of the House of Cannanore", he exercises almost unbounded influence in the town of Cannanore; and with the Moplah population, this influence is intensely social and religious, as well as ordinarily secular. It is very necessary this should be duly remembered and weighed, in disposing of the case under review.

5. In paragraphs 17, 18, 23, 24, and 27 of his Report, the Acting Joint Magistrate especially treats of Ali Rajah's complicity in the crime, and enters fully into his (the Joint Magistrate's) reasons for concluding that it was committed through such complicity, and mainly in consequence of the bitter hostility entertained by Ali Rajah against Kunhi Amad.

This presumption from the evidence and general facts of the case seems to me irresistible.

Ali Rajah, it will be observed, was defended by an English Barrister, who simply asserted his client's innocence, denounced the charge as a plot got up by Kunhi Amad, and criticised the evidence for the prosecution—no written statement for the defence has reached me; and nothing that was said appears to me in any way to affect the conclusion arrived at by the Acting Joint Magistrate and myself.

6. It is in evidence a matter of notoriety that—

Acting Joint Magistrate's Report, paragraph 18,—5.

1*stly*.—Kunhi Amad had, by certain social acts, not in themselves blameable in any way, but sorely affecting Ali Rajah's prestige, incurred Ali Rajah's bitter enmity.

2*ndly*.—Kunhi Amad had been publicly and solemnly banned from Ali Rajah's Palace, and by Ali Rajah's responsible Agent, some time before the outrage,—and this ban was acted up to in a marked manner.

Acting Joint Magistrate's Report, paragraph 18,—6 and 7.

The effect of such a proceeding on the fanatically inclined may be easily imagined.

3*rdly*.—Kunhi Amad had expressed apprehensions that he was in danger from the Rajah's enmity, and though this by itself proves nothing, I conceive it an important point for consideration in connection with the sequel.

Acting Joint Magistrate's Report, paragraph 18,—8.

And that the Rajah's conduct had been, even then, *prima facie* criminal, is shown by the fact that he had been served with notice to appear before the Sub-Magistrate, and render explanation of his conduct, just before the outrage.

Acting Joint Magistrate's Report, paragraph 15,—10.

From the Rajah's point of view, this entailed on him grievous indignity, and may well be conceived as exasperating him to the last degree.

It indeed appears to have been a common impression in Cannanore that he was not amenable to the jurisdiction of the Courts of the District.

4*thly*.—The murderer was a connection of Ali Rajah's.

5*thly*.—On the day previous to the murders (1) Kathri, (2) Kunhi Kalanthan, and (3) the murderer Hussen Kutti Haji were seen together at Ali Rajah's Palace; and from what was over-heard by those who depose to having seen these men there, it appears that the last mentioned came out of the Palace, and called the first and second inside to speak with Ali Rajah on the occasion.

Acting Joint Magistrate's Report, paragraph 18,—1.

6*thly*.—Two witnesses depose that the murderer and Kathri abovesaid, with several others, were seen coming out of the Palace on the very evening, and but an hour or two before the murders were committed.

Acting Joint Magistrate's Report, paragraph 18,—2.

7*thly*.—There was a most ominous absence of any effort to interfere and prevent or stop mischief at the time of the outrage, on the part of the neighbours living under the Rajah's influence; and not a sign of desire to aid justice has been shown by Ali Rajah.

Acting Joint Magistrate's Report, paragraph 24.

7. We have then Ali Rajah, with immense religious and social influence, entertaining and exhibiting, in a peculiar manner, bitter hostility to another; we find a connection of the Rajah's about the Rajah's Palace, in company with his known dependants, and apparently in personal communication with the Rajah himself, one day; and the next we find this connection of the Rajah's again in company with a dependant of the Rajah's, and others, leaving the Rajah's Palace some three hours before the perpetration by him (the said connection of the Rajah's,) of a bloody outrage on the household and person of the individual obnoxious to the Rajah.

This outrage is perpetrated where the Rajah's influence is paramount and his hostility known; and there is a marked absence of effort to aid the household so ruthlessly attacked, or afterwards to assist justice, on the part of the community.

8. From the very nature of the case and position of the Rajah, it is hardly to be expected that direct evidence could be obtained. There are clearly no grounds for arriving at the distinct conclusion as to whether Ali Rajah actually instigated the outrage *as it was actually perpetrated.*

But I contend that the indirect evidence leads to the irresistable conclusion that the outrage would never have been perpetrated, as it was, without the Rajah's complicity, and that his position and local influence render him directly responsible to Government for it.

9. Reviewing then the whole case, I consider that the presumption is clear that Ali Rajah, a Moplah, incited or encouraged another Moplah, or other Moplahs, to take part in a murderous outrage, and that, though there may not be grounds for instituting regular Judicial Proceedings, the Government is warranted in exercising (and from the nature of the case, I respectfully submit, is bound to exercise) the power given it by Section 6, Act XX of 1859, by placing Ali Rajah under personal restraint for such period as may hereafter be found necessary.

I strongly advocate his immediate deportation from Malabar.

10. I would also respectfully submit my strong recommendation that the Government, as paramount power, should exercise its right of interference over an authority politically subject to it, as the representative of the house of Cannanore must be taken to be.

When the late Beebee died, Government, in the exercise of its political functions, recognized the present Beebee as successor. It subsequently deprived her of the status of Head of the house of Cannanore, and recognized Ali Rajah as Rajah.

His tenure of that position has been eminently unsatisfactory, and has culminated in the present outrage.

I recommend that Ali Rajah be declared to have forfeited his right to continue as Head of the house, and that the status and whole public property appertaining to that position should be transferred to the next heir in regular order of succession.

11. As there does not appear evidence sufficient to commit to the ordinary Courts the two other prisoners, I do not think it necessary or desirable to take action, under the Moplah Act, in their case. I shall, however, await the orders of Government before addressing the Joint Magistrate regarding them.

1. Tattankandi Kathri.
2. Kunhi Kalanthan.

Meantime Ali Rajah and the two persons remain in confinement.

12. I will only here add that, as soon as I heard there were grounds for suspecting Ali Rajah of complicity in the crime (which intelligence I received by the second post from Cannanore that reached me after its commission), I went immediately to Cannanore, and stayed there several days, to acquaint myself with all that bore on the case as it then stood. I have since watched the inquiry carefully, which has been, I think, very efficiently conducted by Mr. Garstin.

I only received his report on the 22nd ultimo, when engaged at Palghat on a Magisterial inquiry of importance. I desired to have some conversation with the Acting Joint Magistrate before officially addressing you, and, owing to his absence, had no opportunity of satisfying myself on some points from him till yesterday. This will account for any apparent delay on my part in submitting this letter.

From the Acting Joint Magistrate of Malabar, to the Magistrate of Malabar, Calicut; dated Cannanore, 13th December 1865, No. 159.

I have the honor to submit the following report on the late murderous outrage in the Town of Cannanore, the occurrence of which I have already announced to you demi-officially.

2. On the morning of the 15th November, I received from the Superintendent of Police a letter addressed to him by the Sub-Magistrate of Cannanore, informing him that, on the previous night, the house of a wealthy Moplah, named Ponmanichi Kunhi Amad, had been entered; his mother-in-law, daughter, and female servant murdered, and himself severely wounded; and that the murderer had been arrested on the spot.

3. I rode over from Tellicherry to this place without loss of time, and reached the scene of the murder in the evening. I found Kunhi Amad very weak from loss of blood, and suffering from a severe wound on the head, two others on the right arm, and one on the right jaw, besides a slight wound on one of his shoulders.

4. The moment he saw me he burst into tears, and denounced Ali Rajah as the instigator of the outrage. I was much impressed at the time with the passionate earnestness of his denunciation; for he had only the previous day been over to Tellicherry to complain personally of Ali Rajah's annoyances, and his fears of his own safety; and, on the 13th November, I had received a registered letter from him, detailing all his grievances at length, and stating that he had been assured that measures had been taken to prevent any evidence being adduced should his life be attempted; and this complaint was, on the very day of its receipt, forwarded to the Sub-Magistrate of Cannanore, with orders to see that Kunhi Amad was not molested.

5. As it was advisable that the wounded man should be kept quiet, I did not examine him that evening, though the Sub-Magistrate of Cannanore had begun to do so, but desisted at my order, as I considered it advisable that the whole inquiry should be conducted by myself.

6. On the following morning, I proceeded to the scene of the murder, and examined the house, which is a very large upper storied one, and made plans of the two stories, copies of which are forwarded for reference.

7. I found, on entering the room (No. 1 on plan X), at A, the marks of a pool of blood, while blood stains marked the side of the bed at A, and splashes of blood were visible from the head of the bed all up the wall to the ceiling. The mattress, too, was soaked in blood at one end. In

room No. 5 (the kitchen which is about 8 or 9 feet wide) at B and C were the stains of pools of blood, while upstairs, in room No. 1 on plan Y, and at the left of the staircase at D, were all the traces of a deadly struggle—the wall was smeared with patches of blood, while the marks of feet and hands, wetted with it, were distinctly visible, and all over the rattan matting which covered the floor were droops of it, so thickly scattered that it looked exactly as if a rain of blood had fallen on it. The traces of blood began in the centre of room No. 2, led through the door-way into No. 1, and thence to D.

1. Hussen Kutti Haji.
2. Tattankandi Kathri.
3. Ayummaadesgatt Kunyi Pokar.
4. Kannichankandi Kunyassa.
5. Edepett *alias* Makadath Kunyamad.
6. Vakeel Kunhi Kalanthan.
7. Bankan Mohedeen.
8. Kadalaye Pakkar Kutti.
9. Ossammaragatha Mohedeen Kutti.
10. Ooseman Khan.
11. Suliman Kunyamadinde Avida Ahmad.
12. Supiyaragatta Andraman.

8. In the meanwhile, the persons marginally noted had been arrested by the Police.

9. On examining Kunhi Amad, he stated that, on the evening of the murder, he had returned from Tellicherry to his house, at about 7 P. M.; that he had had dinner with his son-in-law, Pakkar Kutti, who had married his eldest daughter (one of the three persons murdered) some 10 days before, and his Anendravan, a lad named Mamu Koya; that after dinner Mamu Koya went to bed in No. 5 room (plan Y), while he and Pakkar Kutti went into room No. 3, and were reading a letter, when their servant Ahmad came and informed them that one Hussen Kutti Ilajee wanted to speak to them. That he took no notice of what Ahmad said, and almost immediately afterwards he heard a cry from downstairs; that he and Pakkar Kutti rushed down, by the front staircase, into the hall, and, looking through door No. 2, saw the 1st and 2nd prisoners, Hussen Kutti Haji and Tattankandi Kathri, in the act of cutting down the two women murdered in the kitchen, with war knives, while the 3rd prisoner was standing at A close to the head of the bed, and two or three others, whom he named, in the passage leading from No. 1 into the kitchen; that on seeing what was going on, they cried out "Allah," which drew the attention of the murderers towards themselves; that being fearful of being murdered they rushed up the front staircase again, and were in the act of trying to shut the door of upstair room No. 2, when the 1st prisoner dashed into the room by passage No. 7, having run up the back stairs from the kitchen, and at once attacked Kunhi Amad, with a war knife, as he faced about to meet him; that after inflicting three or four wounds, the 1st prisoner was seized by Pakkar Kutti and himself, and a desperate struggle ensued, in the course of which they all passed through the door into No. 1, and finally fell all in a heap in the corner at D. That the prisoner fortunately fell undermost, and was held down by himself and Pakkar Kutti, until the arrival of the Police at the end of an hour, during the whole of which time he and Pakkar Kutti had been shouting "murder" at the top of their voices; and that the 1st prisoner was then secured, and the war knife, with which the murders had been committed, taken from him.

10. During all this time the boy Mamu Koya was in room No. 5, either asleep, or, having shut himself in, afraid to move. Singularly enough too, Kunhi Amad's youngest daughter, a child of eight years of age, who was sleeping on a couch near A, where the first victim was murdered, not only escaped being murdered, through the fortunate incident of her being covered with a black cloth, and so escaping observation, but slept soundly through it all.

11. Pakkar Kutti's evidence corroborated that of Kunhi Amad; but he even went further than him in the number of persons he deposed to seeing downstairs.

12. Now, though as regards the struggle upstairs, I believe that both Kunhi Amad and Pakkar Kutti have strictly told the truth, with the exception, possibly, of a not unnatural exaggeration of the length of time they were shouting for help—for, under the terrible excitement and agony of mind that they must both have been suffering from, each moment no doubt seemed an age—yet, as regards their story of the descent downstairs, and the actual witnessing of the murders, I am of opinion that they deposed to seeing what they did not see, but what they only had reason afterwards to suppose actually took place, and with true native exaggeration and malignity, they introduced into the scene every man against whom they owed a grudge, and whom they

supposed it was possible might have had a hand in the transaction; and my reasons for coming to this conclusion are—

Firstly.—Because the evidence of the Garrison Surgeon of Cannanore, who made a *post mortem* examination of the bodies of the murdered women, proved that the elderly woman Pakarchi Umma (Kunhi Amad's mother-in-law), who was found lying dead on the bed at A, had received two wounds—one severing the spinal column, the carotid artery, and jugular vein, and the other cutting through the cranium deep into the brain—either of which would have caused instantaneous death, and that she could not possibly have screamed, inasmuch as it was evident, from her posture, that she had been killed while asleep; that the other two women who were killed in the kitchen, had evidently fallen just as he found them; that they had evidently been eating together and had been cut down while in a sitting posture; that the female servant was the nearer of the two to the door by which the murderer entered, and that, therefore, it was highly probable that she was the first cut down, and that her death was instantaneous also, because the two wounds she had were long cuts, penetrating deep into the brain, crossing each other, and splitting the bones of the head to pieces, and that she could not have uttered a sound after the first blow was struck; but that with regard to the girl, the wife of Pakkar Kutti, it was very possible she might have screamed, because, though her death was instantaneous, being caused by a cut right across the top of the head and penetrating into the brain, yet she had also a slight wound over the left ear, and it is only natural to suppose that if she had received the deep wound first, the murderer would not have troubled himself to inflict the smaller one on her, after death, and that, therefore, the slight wound was the first inflicted, the girl probably having made a movement to avoid the coming blow, and that, on receiving it, or on seeing the servant woman cut down before her eyes, she uttered the scream which first alarmed the two men upstairs.

Secondly.—Because, when Kunhi Amad and his son-in-law were questioned by the Sub-Magistrate, within two hours of the murder, as to who were the murderers, neither of them were able to, or else would not, tell—alleging agitation of mind,—but afterwards denounced 8 or 10 persons, which number they subsequently reduced to 6 or 7.

Thirdly.—Because, if there were a number of persons armed with war knives engaged in the murder, how was it that only one man went upstairs to face the men?

Fourthly.—Because there were (though this point has not come out in evidence) in the very room where Kunhi Amad was wounded two swords, not very effective offensive weapons it is true, but of considerable value as defensive ones, and if Kunhi Amad and Pakkar Kutti were afraid of their lives when, as they say, they rushed upstairs, how was it that they did not follow the first instinct of nature, self-preservation, and seize these swords to defend themselves with?

Fifthly.—Because it was simply impossible for Kunhi Amad to have seen what was being enacted in the kitchen, through passage No. 4, if, as he says, there were 2 or 3 persons in it.

13. I am, therefore, driven to the conclusion that neither Kunhi Amad nor Pakkar Kutti went downstairs at all; that the cry they heard was that uttered by the last victim killed, and that as they rushed out of the upstairs room, No. 3, where they were reading, the 1st prisoner rushed up the back stairs, and they met at the spot where the struggle first began, so that, except as against the 1st prisoner, who was taken red-handed with the murderous weapon in his hand, and as tending to throw light on the cause of the murder having been committed, their evidence is worthless, as implicating the other prisoners.

14. The first intimation of the murder that the Police received was given by a man, named Vaduvan, who lives close by Kunhi Amad's, and who, happening to go outside his house during the night, heard loud cries proceeding from Kunhi Amad's, and ran down to the Station house, 200 or 300 yards off, and drew the attention of the Police to them. This awoke a sailor named Mammad, who lived next door to the station, and he and the Deputy Constable, and the Constable on guard, went to Kunhi Amad's, and secured the 1st prisoner; and, after tying his arms with a rope, the Deputy Constable went to call the Sub-Magistrate, whose house is considerably over a mile from Kunhi Amad's. The Sub-Magistrate arrived at about midnight, but not a single neighbour was visible and excepting for the Police Constable and the sailor Mammad the neighbourhood

might have been deserted. I shall have occasion to comment further on, on this most remarkable feature in the case.

15. On the arrival of the Superintendent of Police, on the morning of the 15th, steps were taken to ascertain who were the persons actually concerned in the crime. Ali Rajah's name was on every man's tongue as the prime mover in it, but the first clue to the actual perpetrators was obtained from the servant Ahmad, who, when examined by Captain Bloomfield and the Sub-Magistrate, stated that on the night of the murder, Kunhi Amad had returned from Tellicherry at about 10 o'clock; that he himself had gone to his own house, which is close to Kunhi Amad's, at about 9, and had there found the 1st, 9th, 10th, and 13th prisoners, talking; that he went away again to Kunhi Amad's, and was there for the rest of the night. That at about 11, while Kunhi Amad and Pakkar Kutti were reading and smoking upstairs, he heard the sound of some one calling below, that he went downstairs and found 1st prisoner, who said he wanted to see Kunhi Amad; that he accordingly went upstairs and gave the message, and after he had given it he heard the sounds of heavy blows downstairs, but no screams; that Kunhi Amad and Pakkar Kutti got up and went to the head of the kitchen stairs, and there met the 1st prisoner, who attacked Kunhi Amad; that on seeing this, he (Ahmad) rushed downstairs, and stood outside calling "murder," until some one arrived.

16. Now it is in evidence that the Police on arriving at the scene of the murder found this man Ahmad standing quietly outside, and that when questioned as to what was the matter, he said, according to one witness, "There's murder going on", and according to another, "go and see." His behaviour has been throughout most unsatisfactory, tending to strengthen the suspicion that was originally entertained by Kunhi Amad and the Police, that he was in the plot, for he has since denied having made the statement recorded by Captain Bloomfield in the Sub-Magistrate's presence.

17. During the course of the inquiry, the 16 persons* marginally noted have been arrested, of whom the 1st, Hussen Kutti Haji, has been tried by the Sessions Court and sentenced to death for the murder, and five others have been committed for abetting him, and all the others with the exception of Tattankandi Kathri (No. 2) and Ali Rajah (No. 16) have been discharged. One of these discharged men, Vakeel Kunhi Kalanthan (No. 6), has been re-arrested however, as evidence has since been procured implicating him, and these three are now detained in custody as there seem to be good and valid reasons why action should be taken against them under the Moplah Act XX. of 1859; and the grounds on which I base this opinion are as follow:—

* 1. Hussen Kutti Haji.
2. Tattankandi Kathri.
3. Ayummande Agatha Kunyi Pokar.
4. Kannichankandi Kunyamma.
5. Kdepath alias Makadatha Kunyatha.
6. Vakeel Kunhi Kalanthan.
7. Bankan Mohedeen.
8. Kadalaye Pakkar Kutti.
9. Oosammanagatha Moholeen Kutti.
10. Pattani Ooeman Khan.
11. Soliman Kunyamadinde Avida Ahmad.
12. Supiya-agatha Andermaa.
13. Pokar Lakri.
14. Kareem.
15. Mammassa.
16. Ali Rajah.

18. *Firstly.*—There is the evidence of two witnesses Kunyamba Nair and Appu, that on the day previous to the murder they had occasion to go to the house of Ali Rajah, to see him on some business relating to land; that while waiting in the verandah they saw Kathri, Kunhi Kalanthan, and the 1st prisoner Hussen Kutti Haji there: that Kunhi Kalanthan went inside and returned shortly saying that the Tangal (a name by which Ali Rajah is known) wanted to speak to them, and that all went inside, and had not come out when these witnesses left.†

† The evidence of these two men was given in the presence of Mammed Adigari, Ali Rajah's Head Kariyastan, to whom they made their application for land, and the counsel for Ali Rajah would not put him into the witness box, and examine him as to whether these two witnesses had been to Ali Rajah's as they deposed, so that their evidence must be taken as true.

Secondly.—There is the evidence of two other witnesses, K. Mohedeen Kutti and *Chatil* Pokar, that they saw the 1st prisoner in company with Kathri coming out of Ali Rajah's gate. way at about 7-30 on the night of the murder, in company with several others whom they could not recognize.

Thirdly.—There are the facts deposed to by Kadalaye Pakkar Kutti, that he saw Kathri on the night of the murder, at about 8 o'clock, standing with another man whom he did not recognize about 30 yards from Kunhi Amad's house, and that they were whispering together, and that after the arrival of himself and the 1st, 9th, 10th, 13th, and 15th prisoners at the house of the 9th and 11th prisoners, the 11th came in and said to the 1st that the Layumma (Ali Rajah) had gone to the Jummat and Mohedeen Mosques and cursed Kunhi Amad; and that at about 11 o'clock they all set out, himself among the number, carrying 1st prisoner's portmanteau, (for which service he had been hired and had come to the 9th prisoner's house) to Kunhi Amad's; when all the conspirators went inside the compound, while he stood at the gate (the portmanteau having been taken from him by 1st prisoner and carried into Kunhi Amad's verandah), and that he saw two men crouching in the shadow of the wall of the compound, one of whom seemed to him to be Kathri.

Fourthly.—The facts deposed to and admitted that Kunhi Kalanthan is related to the 11th prisoner, and Ali Rajah to the 1st, the relationship being the same in each case, namely, that of wife's sister's husband; Kanhi Kolanthan is also the brother-in-law of the 9th prisoner.

Fifthly.—Ali Rajah's well known enmity towards Kunhi Amad; first, because when the Government order that Ali Rajah should be put in possession of the family property, Kunhi Amad put forward a claim to a large quantity of coir and cowries which he said had been sold to him by the Chiriya Beebee, and which I allowed him to remove before handing the premises over to Ali Rajah, because the Beebee personally informed me that she had sold the things to Kunhi Amad; and because a dispute about a staircase which Kunhi Amad, in defiance of the etiquette usual on such occasions, had run up outside one of his bazaars during a single night, without Ali Rajah's permission, the removal of this staircase being afterwards insisted on by Ali Rajah as a condition precedent to his giving his consent to the marriage of Kunhi Amad's daughter, and this ill-feeling reaching its culminating point when after this refusal, and in defiance of all precedent and custom, Kunhi Amad boldly asserted his independence, marrying his daughter with all the pomp attendant on a royal marriage, and getting over the difficulty of borrowing Ali Rajah's silver utensils for the ceremony (as is usually done) by having his own made.

Sixthly.—The evidence of three witnesses, who depose to the fact of a solemn excommunication and denunciation having been hurled against Kunhi Amad by Ali Rajah for his daring defiance of his (Ali Rajah's) power of interference in domestic affairs, this denunciation having been delivered to a very large crowd of persons ordered to attend for the express purpose at Ali Rajah's house, a day or two after the marriage, after the usual Friday service at the Jummat Palli, by the son of the Mukri of the Mosque, acting under Ali Rajah's orders, and its purport being that Kunhi Amad having set Ali Rajah at defiance, all persons were forbidden to associate with him, to go near him or to let him come near them; barbers were forbidden to shave him; coolies to work for him, and the Mukri to bury his dead; and this curse was to extend to every person who had abetted Kunhi Amad's rebellious behaviour by being present at his daughter's marriage.

Seventhly.—It is in evidence that this curse was acted up to, that barbers would not shave the excommunicated parties; nor the Mukri attend those funeral ceremonies which are considered by Moplahs so important to the rest of the soul of the deceased; and further, and this is one of the most astounding feature in the case, as showing the extraordinary influence exercised by Ali Rajah over his ignorant and fanatical towns people, that although during the deadly struggle upstairs Kunhi Amad and his son-in-law were shouting, for some minutes at least, at the top of their voices for help, and the former desperately wounded was getting fainter and fainter, not a soul moved a finger to help the doomed man or his family, although the house is in the very heart of the town, and surrounded on every side by others. A more awful position it would be difficult to conceive. It has also been proved that the moment the murder was known to have been committed, the excommunication was disregarded and treated as null and void.

Eighthly.—It has been deposed to by the Tahsildar of the Taluq, and the Sub-Magistrate of Cannanore, that on several occasions Kunhi Amad complained to them, verbally, of Ali Rajah's annoyances, and of his fears of bodily harm; while he preferred written complaints to myself (by

post), and to the Cantonment Magistrate and the Commissariat Officer in person, to the same effect; and the sequel has shown that his fears were only too well grounded. It has also been deposed to by the Sub-Magistrate of Cannanore, that on the very day on the night of which the murder took place he received from my office Kunhi Amad's written complaint, with orders to see that he was not molested, and that he accordingly on that very day served notices on Ali Rajah and Kunhi Amad to appear and give explanations.

Ninthly.—There were found on the person of the murderer Hussen Kutti Haji at the time of his arrest, two papers tied up in a handkerchief, which was knotted round his neck (translations of which are subjoined), one written in Malayalum, and the other in the Moplah character, which seem in a mysterious sort of way to implicate Ali Rajah as the instigator of the late Mr. Conolly's murder.

Translation of the Malayalum paper.

This is written for the information of the Honorable the Collector, the Judge, and the Sub-Collector.

Four or five years ago (a certain person) having gone to Constantinople from the Cannanore Arrakal* and obtained a document promising to cause the Fort and Cantonment ground and buildings of Cannanore to become Arrakal property, brought back an Arab named Varahan (Ibrahim?) engaged on a monthly salary of Rupees 250, lodged him in the Palamadam,† and with his (*i. e.*, the above certain person's) knowledge the Collector was murdered. The Sub-Collector now bears great enmity towards him (the certain person). Besides this‡ is prepared to go to Arabia, and thence to Constantinople. Thus without love for (or regard to) the Sirkar, or the Sirkar people or the people in general or the earth, the oppression of the Sirkar and the grievances of the people will not come to an end unless the Islands, the buildings, the lands, the Cantonment, money, gold and jewels become Sirkar property without any expense whatever.

* The House of Cannanore.

† A part of the palace of Cannanore.

‡ No nominative.

Hence inquire and report to Madras.

No date or signature.

Translation of the writing in the Moplah character.

Madras. In the name of God.

Pakki must get 25 pounds at the rate of 1½ Rupee (each). Signed Mammali.

In the small box 250 sovereigns.

In the big box ——— sovereigns.

For holes for cocoanut plants 2 Rupees.

Tellicherry 7, Madras. Usmanga (Khan?), Colonel, Mohedeen Tukki, Brigade Major.

Then follows the subjoined list of names written in blue pencil, the rest of the letter being writen in red.

1. Bawoti.
2. Androman.
3. Mammi Kunyi.
4. Kunyad.
5. Pokar.
6. Ibrahim Haji.
7. Savan Kutti.
8. Kathri.
9. Ibrahim, 100.
10. Usman Khan Ali.
11. Khan (or Jan) Ahmad Khan.
12. Matharsa Hydross.
13. Ibrahim Khan, 100.

Of the above names, those marked with an asterisk are synonymous with four of the persons arrested, viz., the 12th prisoner (discharged), the 3rd prisoner (discharged), the 2nd prisoner, and the 10th prisoner.

Tenthly.—It is, as the Tahsildar has deposed, the common impression, or has been up to the present time, that Ali Rajah was not amenable to the jurisdiction of the Courts in this District, and this, while it may possibly account for the blind obedience with which his arbitrary edict was obeyed, is an impression which should be effaced.

19. The above facts, I submit, are good and sufficient grounds for dealing with Ali Rajah, Kathri and Kunhi Kalanthan under Act XX. of 1859.

20. I have not gone into the evidence of the crime, because it has been proved to the satisfaction of the Sessions Court; but as it may be satisfactory to the Government to know how it all took place, I subjoin a short sketch of the movements of the conspirators on the evening of the murder as deposed to in evidence.

21. It appears that the 1st prisoner has a bungalow at a place about three miles from Cannanore town, on the south-east, and that on the evening of the murder he and the 10th, 13th, and 14th prisoners, and the witness Kadalaye Pakkar Kutti, a cooly, set out for Cannanore about 7-30; Pokkar Kutti carrying a lantern, he having been engaged to carry back a box of the 1st prisoner's from the house of the 9th and 11th prisoners where he had taken it some days before. It is also in evidence that the knife with which the murders were committed belonged to the 1st prisoner, and was usually kept in this portmanteau, and the same witness who deposed to that fact deposed that on the day of the murder the 10th, 11th, 13th, and 14th prisoners had been at the bungalow from 3 or 4 P. M. till 7, when he went to sleep. The 11th prisoner left a few minutes before the rest of the party. On reaching the Palamadam (part of the Palace near the Custom House) 1st prisoner ordered the witness Pakkar Kutti and the 14th prisoner to go and call the 11th prisoner (who is the father of the 14th), and to bring him to the house of the 9th, and they accordingly did so, taking the lantern with them, and in going to the 11th prisoner's house they passed the Chiriya Maliga (Ali Rajah's house), so that it is beyond doubt that the whole party were close to Ali Rajah's within an hour or two of the murder) as the 11th prisoner's house is close to it, that they took him to the 9th prisoner's and there found the 10th prisoner and the 1st and the 13th, and were subsequently joined by the 11th prisoner Ahmad, Kunhi Amad's servant, and some smoking then took place, and the portmanteau was produced, and no doubt while the cooly witness was asleep a good deal of talking went on until about 11 o'clock, when a movement took place. The cooly witness was told to take up the box, and they all set out, but only got as far as Kunhi Amad's gate, when they all went in, the 1st prisoner taking away the portmanteau in which the knife was concealed, and which was intended for carrying away any booty that might be secured, into the verandah. He then knocked at the door and was let in by Ahmad, who went upstairs under the pretence of giving the message, which the 1st prisoner says he gave, namely, that he wanted to change half a dozen sovereigns, and in the meanwhile the 1st prisoner taking the knife in with him quietly and deliberately killed the mother-in-law and then the two women in the kitchen, and rushing upstairs attacked Kunhi Amad, who is a very powerful man, and but that the knife was bent by the work it had already done, there is little doubt that the first blow he struck would have proved fatal to Kunhi Amad, and the son-in-law, a comparatively slight man, would have been easily over-powered and killed, and the whole house would have been at the mercy of a set of heartless ruffians who would have sacked it, and decamped leaving not a trace behind to show how or by whom the bloody deed had been accomplished.

22. Kunhi Amad is one of the wealthiest Moplahs in the town, and I have heard that he had a lac of Rupees worth* of property, jewels, and so on, in the house at the time of the murder; and but for the accident of a knife blade being badly tempered he and his whole family would have been swept from the face of the earth, and his hard-earned wealth become the spoil of their murderers.

* This is probably an exaggeration.

Re-examination of Kurukandi Mohedeen Kutti.

(The witness' deposition read over).

That is my deposition. It is correct. I wish to make a correction. I am not Pakkar Kutti's partner. My brother-in-law is.

(Cross examined).—I am a Cloth merchant. My shop is in Cannanore. At about 7-30 I went towards the Varakka Taru to Parayilagatta Mohedeen Kutti's to get some money. I met Chalil Pokar at the Jammat Palli. I was walking at my usual pace when passing the Chiriya Maliga. The men who came out of Ali Rajah's did not appear to be in a hurry. They were walking at the same pace as myself. I had just reached the gate when the men came out. I did not speak to any of the men, nor they to me. I do not usually speak to them. I am on speaking terms with them. I know them only by sight. I have lived in Cannanore from my childhood. I am 23 or 24 years old. I only noticed the 1st and 2nd prisoners as they were the foremost. Our people generally go to Ali Rajah's to get his blessing; but I do not. I don't know how often they go to get it. I was about four feet from the gate-way when the men came out. I did not observe. Ayumandeagatta Kunhi Pokar. Chalil Pokar was about four feet in front of me. I have not seen Kunhi Amad for the last three or four days as I have been to Mahé. I saw him on the morning* after the murder at his house. I did not see him on the 16th, 17th, or 18th November.

* The 15th November.

(Note.—The witness' deposition was given on the 18th.)

He did not tell me on the morning of the 15th that he would require my services. He did not speak to me about the murder. I saw Kunhi Amad two or three days after the murder. The statement that I made that I saw Kunhi Amad on the morning after the murder is correct. I did not see him again till two or three days after I gave my deposition. I know Pakkar Kutti by sight. I am not on intimate terms with him. I don't know where Pakkar Kutti usually carries on business. On the morning after the murder when I went to Kunhi Amad's, I saw Pakkar Kutti. I did not see him between that time and the time I gave my deposition here. I was called by Constable to give my evidence. I did not get a written summons. Neither Kunhi Amad nor Pakkar Kutti were with the Constable. I am not in the habit of going inside the Chiriya Maliga. There is no foot-path nor lane close to the Chiriya Maliga, except the lane we were traversing. I don't often pass the Chiriya Maliga. My brother-in-law is Kunhi Pakki. He is a Cannanore shopkeeper, but at present he is in Madras. Pakkar Kutti consigns goods from Bombay to Cannanore to my brother-in-law, that is why I say he is Pakkar Kutti's partner. I have spoken to the 1st and 2nd prisoners when they have come to my shop to buy a cloth, but I do not visit their houses nor they mine, nor am I in the habit of speaking to them if I meet them in the street.

(By the Court).—I was at the marriage of P. Kunhi Amad's daughter. I did not see Chalil Pokar there. I was not a guest; I was only looking on at the fun.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *5th December* 1865.

Deposition on solemn affirmation of Chalil Pokar a Merchant of Coorg.

I first heard of the murder at Ponmanichi Kunhi Amad's on the morning after it occurred. I was in my house the night of the murder from about 8½ P. M.; up to that time I was in the town of Cannanore. I went past the Jammat Palli on the evening of the murder. I did not go inside. I passed it at about 7 or 7-30. It was a dark night and I therefore had a lantern with me. It was my own. I met Kurukandi Mohedeen Kutti at the Palli as I was passing. He said he was

going to get some money from a shopkeeper near the Mohedeen Palli, so I went with him. On getting to the Mohedeen Palli he found the shop was closed. The shopkeeper's name he said was Mohedeen Kutti. The way we went was past Ali Rajah's house, the Cheriya Maliga. I was carrying the lantern and walking in front of Mohedeen Kutti. As we were close to the entrance to the Ali Rajah's, I saw two or three men come out of it. I was close to the entrance which I had not quite reached when they came out. There were three men in front and some others behind. The three in front were the 1st, 2nd, and 3rd prisoners now present. I did not recognise the others. They had no light with them. I did not see any one carrying anything at all like that box—(the portmanteau before the Court was here shown to witness). I observed that the 1st prisoner had on a dirty sort of jacket that reached to his waist, and a cloth. I cannot say positively whether he had a topee on his head or not, as his hair was so long. The 2nd prisoner had on a long white coat, so had Kunhi Pokar the 3rd prisoner. I have known the 1st prisoner for five or six years and the 2nd and 3rd from my childhood. I observed there were lights in Ali Rajah's house as we passed. After finding that the shop of the man who owed him money was closed I and Kurukandi Mohedeen Kutti went home; we parted at the Taraya Teru, and he went home and I turned down the lane leading to my house. I was going home from the Mukkadavu when I met Kurukandi Mohedeen at the Jammat Palli. I went out of my way with him in going to the Mohedeen Palli. I am not related to, nor in partnership with, either Kunhi Amad or Pakkar Kutti. There is no enmity between either the 1st, 2nd, or 3rd prisoners and myself.

(Cross-examined).—I am prepared to swear to the truth of what I have now deposed on the Koran. It was about 7-30 that I saw the 1st, 2nd, and 3rd prisoners leave Ali Rajah's place. The road we went is the shortest from the Jammat Palli to the Mohedeen Palli, though it is not the best road. I was once a witness in a case in the Joint Magistrate's Court when the prisoner was fined 100 Rupees. I have never given evidence before the Cantonment Joint Magistrate. I preferred a charge against a man who preferred a countercharge against me, when both complaints were dismissed. I was a pace or so in advance of Kurukandi Mohedeen. Hussen Kutti Haji used to live at a place called Topa, but I don't know whether he lives there now. The Topa is not half a mile from the Chiriya Maliga. I dare say K. Mohedeen Kutti and I were together for an hour. It was on our way to the shop that we saw the prisoners. My traffic is with Coorg. I am not a Cannanore merchant. I was at the marriage of Kunhi Amad's daughter. I have not been to the house since.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, 18*th November* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Re-examination of Chalil Pokar.

(Witness' deposition here read.)

That is my deposition. It is correct. (Cross-examination.)—When I say I know the 1st, 2nd, and 3rd prisoners, the 1st for five or six years and the others from childhood, I mean I only know them by sight. I was about as far as that (pointing to about four feet) from the gate of the Chiriya Maliga when the men came out. I had not quite reached the gate. Kurukandi Mohedeen Kutti was behind me, about a pace or so I think. I did not look to see. Hussen Kutti Haji came out first, then came the 2nd and 3rd prisoners; they were walking close behind him. The lantern was in my hand. By the time I had reached the gate the only man who had got outside the gate-way was the 1st prisoner. I moved aside to avoid running up against him. The men were coming out in a leisurely sort of way. I think there were two or three men behind those I saw; they were walking behind each other, so it struck me, inside the archway. I did not stop and look at them. I did not speak to any of these men, nor they to me. There is a foot-path leading out of the lane which we were traversing, near the Chiriya Maliga. I have lived in Can-

on rushing downstairs, after hearing the scream, I saw nothing of Amad. He made his appearance after the Sub-Magistrate's arrival in the morning. The two men whom I saw in the passage (No. 4) were Kannisankandi Kunyussa, and Soopiyaragatta Andraman (or Abdul Rahiman). The former is now present. He is the 4th prisoner.

I was shouting for a full hour before any one came. I know of no enmity between any of the first five prisoners and myself or Kunhi Amad. I got wounded in the right hand in securing the knife. (The witness here showed the wound on his middle finger.) The reason why the attempt to murder was carried into effect was because Ali Rajah hated Kunhi Amad and me, and had excommunicated us both. It was in every one's mouth. I asked the Kazee of the Jummat Palli, and so did Kunhi Amad, to celebrate my marriage, and he refused, or rather said he would only do it with Ali Rajah's permission; so I went and asked Ali Rajah's permission, and he said that when Kunhi Amad had pulled down his stair-case he would give permission, but not till then.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, (Signed) J. H. GARSTIN,
16*th November* 1865. *Acting Joint Magistrate.*

Re-examination of 2nd witness for the prosecution, Pakkar Kutti.—(Continued.)

(His deposition here read.) That is my deposition. The man Andraman is now present. (The 12th prisoner was here pointed out by the witness.) That is he.

(Cross-examined by 1st prisoner.) None of the prisoners now present were upstairs when I and Kunhi Amad seized the 1st prisoner. I don't know what had become of the others. (By 2nd prisoner.) I and the 2nd prisoner had a quarrel once about a paramba. We were both fined. (By 5th prisoner.) I do not think the 5th prisoner will succeed to any of Pakkarchi Umma's property. I believe Ponmanichi Kunhi Amad's daughter will succeed to Pakkarchi Umma's property. I cannot tell in whose possession that property now is, as I have only been a member of the family thirteen days. I have been living in Kunhi Amad's house ever since my marriage. I did not converse with Kunhi Amad on the subject of the disposal of the property either before, nor have I done so since Pakkarchi Umma's death. I never told Amad, nor did Kunhi Amad, that if Hussen Kutti Haji came to the house, he was to inform us. The letter I was reading to Kunhi Amad on the night of the murder, had been received by me that morning by post. The letter was addressed to Kunhi Amad. It came from Cochin and was on business.

(By 12th prisoner.) The 12th prisoner is a merchant and he also goes to the Arrakal frequently. I don't know why.

(By 11th prisoner.) I took no notice of what Amad said about Hussen Kutti Haji, because he was only a servant.

(By the Court.) I did not know to whom he was alluding when he spoke of Hussen Kutti Haji. Amad took away the child that had escaped at day-break, after the Sub-Magistrate's arrival. Kunhi Amad went off to the hospital before day-break, after the Sub-Magistrate arrived. The child was taken to my house. I don't remember whether the child was taken away before Kunhi Amad went to the hospital or afterwards. I did not see Amad when the Deputy Constable arrived.

(By the Court.) Amad's house is adjoining the back-yard of Kunhi Amad's.

The Sub-Magistrate arrived at the scene of the murder before day-break. I did not see whether Amad went with Kunhi Amad to the hospital. I don't know whether Amad usually sleeps at Kunhi Amad's or his own house. I never see Amad asleep of a morning when I get up. I did not ask Amad who was calling.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, (Signed) J. H. GARSTIN,
18*th November* 1865. *Acting Joint Magistrate.*

Deposition on solemn affirmation of Kurkandi Mokedeen Kutti, residing in Cannanore, a Merchant.

I live in the Tayatta Teru in Cannanore, about a mile from Ponmanichi Kunhi Amad's. I heard of the murder there the morning after its commission. I was in my house on the night of the murder. After 9 o'clock, up to that time, I was outside. I was going from the direction of the Jummat Palli to the Varakka Teru, at about 7½ or 8 P. M., with a man named Chalil Pokar. When as I passed Ali Rajah's gateway, I saw three or four men come out of it. Hussen Kutti Haji, now present, was one, Tattankandi Kathri was another. These two were the two first, there were two or three others who followed them, whom I did not recognize. I was close to the entrance when they came out. I was going one way, they were comming the other, so we crossed. Pokar, who was with me, had a lantern in his hand. The entrance to Ali Rajah's is an arch, there is no gate to it. It is a simple entrance leading only to Ali Rajah's house. I did not remark whether there was a cooly with the men, nor whether they had anything in their hands. The 1st prisoner had a brownish sort of jacket on, the 2nd a long coat. They went down the road we had come towards the Jummat Palli. The Jummat Palli is about half as far again as that bungalow, (pointing to one about 300 yards from the Court) from Ponmanichi Kunhi Amad's house. I am not related to P. Kunhi Amad nor in his employ. The 1st prisoner had on a sort of topee, rather red looking it struck me, though I did not notice particularly. He had not a white topee on. I had a lantern with me as the night was dark. The road pass the entrance to Ali Rajah's is about eight or nine feet wide (pointing to that distance on the floor). I did not hear the men talking as they passed. There were lights in Ali Rajah's house as I went by. (The witness here made a correction). I did not notice particularly whether there was a gate to the entrance or not, as I don't often go past Ali Rajah's. The shortest way from Ali Rajah's to Kunhi Amad's is past the Jummat Palli. Pokar was in front of me. I have known the 1st prisoner five or six years, and the 2nd, since I was a child. I know them well. I know no other Cannanore Moplah except the 1st prisoner who wears long hair like his. There is no enmity between me and the 1st or 2nd prisoners, nor has any ever existed.
(Cross examined by 1st prisoner).

Q. Did you go to P. Kunhi Amad's house after I was secured?

A. No. I did not go to P. Kunhi Amad's on the night of the murder.

(By 2nd prisoner). I was charged by one Kathri Haji with trespass; but was acquitted; Both Pakkar Kutti and 2nd prisoner were fined in that case. I never preferred a complaint against 2nd prisoner, nor he, against me.

(By 12th prisoner). I am a partner of Pakkar Kutti's. I have not gone to P. Kunhi Amad's every day since the marriage of his daughter. I go there sometimes if he asks me to a festival. I have not been inside Ali Rajah's place for four or five months.

(By 3rd prisoner). Pokar was a pace in front of me with the light. I was going to Parayilagatha Mohedeen Kutti's to get some money he owed me; but on my arrival there the shop was closed, so I went home. The shortest way from the Jummat Palli to P. Mohedeen Kutti's was the way we went. I met Pokar at the Jummat Palli. We parted opposite Pokar's house in the Taratta Teru. The lantern was Pokar's. I and Pokar parted at a lane leading from a place called the Madapura. I was dressed as I am now. I went to Tellicherry with Ponmanichi Kunhi Amad on the day of the murder and returned with him about 6 P. M. to Cannanore. I did not go with Kunhi Amad to the hospital. (The witness made a correction). I did not go to Tellicherry with Kunhi Amad. I was there and returned with him to Cannanore.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE,
18*th November* 1865.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

out permission. My uncle was formerly Adigari of Eddakad, but was dismissed for neglect of duty in a murder case, and was then appointed by Ali Rajah as his head Kariyastan on the death of Soopi Kutti, and since that time he and I have not been on bad terms.

It was Mammad Adigari's younger brother who caused him to be turned out of the Eddakad Adigarishiip, because he (the younger brother) while acting for Mammad tried to screen some murderers, so they were both removed from the post. I went to Ali Rajah on two occasions to get leave to celebrate my daughter's marriage, once five or six days before the marriage, and on the 2nd occasion, on the night preceding it, on both occasions he forbade my name to be mentioned to him. When Mammad Adigari's younger brother was suspected of assisting the murderers, Mammad was not Ali Rajah's Kariyastan. Ali Rajah never gave me permission to celebrate the marriage. He sent word that when I had pulled the stair-case down I might see him.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE,
27*th November* 1865.

Re-examination on solemn affirmation of Ponmanichi Kunhi Amad.

I made some complaints in writing to the Joint Magistrate, the Sub-Magistrate, the Tahsildar, and the Cantonment Magistrate of fear of Ali Rajah. To the Joint and Cantonment Magistrates the complaints were in writing.

(The complaints F. and G. were here produced by the clerk of the Court under the Court's order), I have looked at the signatures to the two papers now shown me, they are both mine.

(The counsel for Ali Rajah here objected the papers being put in evidence.)

Ali Rajah was not present when I gave the petition to the Cantonment Magistrate. I complained twice to the Cantonment Magistrate, both twice in writing. On neither occasion was Ali Rajah present. I complained two or three times, I think to the Sub-Magistrate verbally. Ali Rajah was not present on either occasion. To the Tahsildar also I complained two or three times verbally. Ali Rajah was not present on either occasion. The witnesses to whom I alluded in my first deposition but whom I declined to name until Ali Rajah was removed were Kurukandi Mohedeen Kutti and Chalil Pokar. I knew that these men would be able to depose to the murderer and his companions having left Ali Rajah's on the night of the murder. On the morning after the murder K. Mohedeen Kutti told me so at my house. On that morning there were some people in the house. I don't know whether my son-in-law Pakkar Kutti was there at the time. I did not see Chalil Pokar then. I don't remember how long after the murder it was that I saw Chalil Pokar. It was one day between the murder and the day on which he gave his deposition before this Court. I think I saw K. Mohedeen Kutti subsequently to the morning after the murder, and before he gave his deposition before this Court. I did not state the names of the witnesses on the morning that I gave my deposition, because I was afraid of their being gained over by Ali Rajah. I don't know where these two witnesses have been to since they gave their depositions before this Court. I did not come with a crowd to the Court this morning. There were about three or four men with me, some of them were witnesses of mine, three out of the four. We talked about the case. By the expression "unless the Rajah was removed," I meant removed from Cannanore. I don't remember having seen either K. Mohedeen Kutti or Chalil Pokar after the day on which they gave their depositions here. I cannot swear that I did not see them. I know both of them. I cannot say how long I have known them, I should say about the last 10 years. I only know them by sight. I have spoken to them sometimes.

(The two complaints F. and G. were tendered as evidence by the counsel for the prosecution, but once objected by the counsel for Ali Rajah. His objection was over-ruled and the documents ordered to be joined with the record.)

Translated in Malayalam to the witness who understands it, and acknowledged, by him to be correct.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE,
8*th December* 1865.

Deposition on solemn affirmation of Kathri Kinekkapiltandiagatta Pakkar Kutti, residing in Cannanore, a Merchant.

I am the son-in-law of Ponmanichi Kunhi Amad. I live with him The day-before-yesterday Kunhi Amad went to Tellicherry and returned to Cannanore about 7 P. M. We had our dinner upstairs. A man named Assanar brought it up. We eat it in room, marked No. 1 in the plan, of the upper storey of the house. I know English figures and have looked at the plan. There was a lad named Mamu Koya who is Kunhi Amad's anandravan who dined with us. We have a servant named Amad who is now present. (The 11th prisoner was here indicated by the witness). He was not present at dinner time. After dinner was over I and Kunhi Amad went into room No 3 (on the upstairs plan) and the boy into room No. 5. A man named Kunhi Kutti came in the bandy with Kunhi Amad, but he did not dine with us. I and Kunhi Amad talked on different subjects, and I pulled out a letter I had received and was reading it to him when the servant Amad came into the room from below. He came up the front stair-case. I don't know where Amad was during the time we were at dinner. It was about 10-30 or 11 P. M. when he came up to No. 3 room. He did not come inside. He stood in the door-way and said that one Hussen Kutti Haji was calling. I did not know to whom he alluded. We were still engaged in reading the letter. I heard no one calling to us. We took no notice of what Amad told us. Amad after giving the message went away. I believe he went downstairs. I did not look to see. I have looked at the plan of the lower storey of the house. We always bolt the front door before going to bed. Until then it is only shut to. I cannot therefore say that the door was bolted when Amad came upstairs with the message. A very short while after Amad had gone downstairs, I heard a cry, a piercing scream from below. There were my wife, an old woman named Pakkarchi (a relative of Kunhi Amad's), and a female servant downstairs. On hearing the scream I and Kunh. Amad rushed downstairs by the front stair-case into the hall and through the door No. 2 in room No. 1. There was a lamp burning there. (The position of the lamp as indicated by this witness is marked by the word lamp). On the bed to the right at A lay Pakkarchi Umma. Blood was streaming from a wound on Pakkarchis' head over the mattress on to the floor. By the bedstead the 3rd prisoner now present (Kunhi Pokar) was standing. I can't say whether he had anything in his hand or not. Not far from him was standing the 5th prisoner, now present, Edapeth Kunhi Amad. There was a light in room No. 5, the Kitchen. The doors of the passage, No. 4, were open. I saw the 1st and 2nd prisoners now present, Hussen Kutti Haji and Tattankandi Kathri, cut down my wife and the female servant as they sat at dinner in the kitchen; the former killed the servant and the latter my wife. The women were screaming as they were cut down. They had been eating their dinner when they were interrupted and murdered. On seeing what was done, I and Kunhi Amad cried out Allah! and as this drew the attention of the murderers and made them turn towards us, fearing we were going to be murdered we rushed upstairs again. Besides the men already mentioned, I saw two men standing in the passage No. 4 near the door leading into the kitchen. After rushing uptairs we tried to shut the door leading into room No. 2, and while in the act of doing so the 1st prisoner Hussen Kutti Haji rushed in behind having got up the backstairs, and cut Kunhi Amad over the left temple and eyebrow as he faced round to meet him. On hearing the sound of his steps, Kunhi Amad tried to close with him, but got a second wound, when I rushed and seized the Haji's arm, and struggled with him, so did Kunhi Amad. At last we all fell over in the corner near the front stair-case, and we then secured the Haji. I caught hold of his hair with one hand and his wrist with the other. During the struggle we both shouted at the top of our voices saying, murder! murder! three of us have been already murdered. Help any body! We kept shouting thus for about half an hour, and at last a Deputy Constable and a Constable came in and secured the 1st prisoner with a rope and took away the knife. After the arrival of the Police we went downstairs and there I found the three women dead with their heads split open. The child who was sleeping on the couch near A was asleep and uninjured. She was covered with a black cloth and so escaped being killed. The knife before the Court is the one with which Kunhi Amad was wounded by Hussen Kutti Haji. Kunhi Amad also went with the Police and myself to look about premises;

struck me one or two other blows, and was then closed with by Pakkar Kutti who struggled with him, into the front room, (No. 1 on upper storey plan), where they both fell over each other into that corner marked D. Note.—This spot bears all the marks of a desperate struggle, bloody patches besmear the walls, and spots of blood on the floor). During the struggle we both shouted at the top of our voices "*murder! murder! three people have been murdered.*" This we continued to shout for upwards of an hour, but not a soul appeared, although my house is surrounded by others, at last the Deputy Constable and another Constable appeared and tied the murderer Hussen Kutti Haji with a rope which they cut down from the ceiling. (Note—The remains of this rope are still hanging to the ceiling, and the rope appears to have been used as a sort of banister for persons ascending and descending the stairs). I did not see Amad my servant downstairs, when I went down with Pakkar Kutti. I don't remember whether Amad was upstairs when Hussen Kutti Haji first arrived or not. The "*Ayutha Kathi*" now before the Court is the one with which I was wounded. I am convinced that the murderers were set on todo what they did by Ali Rajah, because of the hatred he has towards me. The man who wounded me is the husband of Ali Rajah's sister-in-law. The other four men I saw, are all either Ali Rajah's Kariyastans, or in his employ. The reasons why Ali Rajah bears such enmity towards me are—1st, because when the management of the Tarwad was made over to Ali Rajah under the orders of Government, a large quantity of coir which the Beebee had sold me was made over to me by the Acting Sub-Collector; 2nd, because I glazed the windows of the upper storey of this house contrary to his express orders; 3rd, because a dispute about a stair-case which he wished to have removed was decided in my favor; and 4th, because I married my daughter to Pakkar Kutti with much ceremony without Ali Rajah's permission, and did not borrow the Rajah's silver utensils as is usual on such occasions but made my own, in consequence of which the Rajah prevented the priest from attending the ceremony, and issued an order forbidding all persons from holding any communication with me, from visiting my house, or allowing me to visit theirs. This was the reason why not a soul appeared on the night of the murder in spite of our cries. I had had no quarrel with any of the five persons who came into this house and committed the murder. I had only 3500 Rupees in Notes and some odd money in the house on the night of the murder. On the Friday previously I had sent 35,000 Rupees to Coorg with my Kariyastans. My jewels downstairs are worth about 1500 Rupees. It is always the custom for Moplah women to take off most of their ornaments at night and to put them away either under the bed or in some corner, but some of my daughter's jewels cannot be found, at least those she usually wore. I can prove that the murderers came from Ali Rajah's house to mine. I suspect my servant Amad, because he must have opened the front door for Hussen Kutti Haji to get in, when he went down to bring the message, and because I have heard since that, on the night of the murder, some of the murderers went to Amad's and some to the murderer Kathri's to dress themselves after leaving Ali Rajah's. Pakkar Kutti was by my side when I was first wounded, and both he and I held on to Hussen Kutti and fell with him. It was after the usual Friday service was over at the Jummat Palli. Two Fridays ago the Kazee ordered all the congregation to go to Ali Rajah's Palace, and Ali Rajah then personally ordered them to cease to have any thing to say to me. I the same day reported the circumstance to the Sub-Magistrate. I wish to make a correction, that the old woman who was murdered, was the sister of my wife's father. I cannot at present state the names of the witnesses who will prove that the murderers left Ali Rajah's on the night of the murder, but I shall be able to do so if the Rajah is removed, because I can then make enquiries. I can tell the names of the witnesses now, if I choose, but I fear to do so unless the Rajah is removed, as the witnesses will not say a word until he is removed.

Translated to the witness in Malayalam which he understands, and acknowledged by him to be correct.

This deposition was taken at the house where the murder was committed.

(Signed) J. H. GARSTIN.
Acting Joint Magistrate.

CANNANORE,
16*th November* 1865.

Re-examination on solemn affirmation of Ponmanichi Kunhi Amad, taken at his house in the presence of the 12 *prisoners.*

(His deposition of the 16th read over.)

That is my deposition. The five persons I have accused therein are now present. The 1st prisoner is Hussen Kutti Haji, the 2nd Tattankandi Kathri, the 3rd Kunhi Pokar, the 4th Kunyussa, and the 5th Kunhi Amad. The 11th prisoner now present is my servant Amad. Pakkarchi Umma, was about 50 years old, she had black hair with just here and there a white one. I cannot say how the 2nd, 3rd, 4th, or 5th prisoners were dressed; but I did not observe that any of them had any thing more than a cloth and handkerchief tided round their waists. The first prisoner had a jacket on. (The jacket in which the 1st prisoner was dressed, when first brought before the Court, was here shewn to the witness.) That is the jacket he wore. I don't remember the 1st prisoner saying anything, or making any noise when he struggled with him. (Cross examined). I know of no enmity between the 2nd prisoner and Pakkar Kutti. I am not Pakkarchi Umma's heir. I don't know what she was worth. It is about two years since I first incurred Ali Rajah's enmity. His enmity is specially directed against me. When I saw my elder daughter and the servant killed, they were both sitting down. They had been eating their dinner. I heard them cry out Allah, as they were cut down. The sound I first heard upstairs was a scream—a loud noise downstairs does not appear very loud upstairs. When I went downstairs with Pakkar Kutti, I led the way. On seeing blood flowing from the mattress on which Pakkarchi Umma was lying, I at once came to the conclusion that she had been murdered. Pakkarchi Umma's heirs were my wife and daughters, of whom only one daughter is now alive. The law of succession in my family is Marumakatayam, but property can be given to one's sons by gift. Pakkarchi Umma had given all her property by deed to my daughters. I did not know who Amad meant by Hussen Kutti Haji. I did not pay attention to what he said, as I was reading the letter. I think the distance from the door where I and Pakkar Kutti stood to the bed where Pakkarchi Umma was lying is about five or six koles. (The witness here got up and paced the distance from the corresponding door upstairs to a bed just corresponding to the bed where Pakkarchi Umma was lying.) I have paced the distance and I should say it was about six or seven koles. The 4th prisoner is the man who complained to the Ali Rajah about my building the stair case. I cannot say what sort of handkerchiefs the murderers wore, nor can I say positively what cloths they wore. The 12th prisoner is a merchant, and also an employé of the Rajah's. I cannot say that the 5th prisoner is in the pay of Ali Rajah. He executes his commissions. He is not a merchant. I am not aware that he is a Government Contractor. The 4th prisoner is a merchant. There was no curtain over the door No. 2 at which I and Pakkar Kutti stood, at least I don't remember one because I went inside the room. There is a curtain to door No. 3 leading into room No. 4 downstairs, but it was thrown up over the door which was open. There was no curtain to the door leading into the kitchen.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE,
17th November 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

NOTE.—This deposition was taken down in the presence of all the prisoners at the witness's house where the murder occurred.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Re-examination on solemn affirmation of Ponmanichi Kunhi Amad.

I went to Ali Rajah's and saw Mr. Baptist and asked him to get me permission to celebrate the marriage of my daughter. I also begged the Puthiyangadi Koya to interfere on my behalf. Mammad Adigari is my uncle, my father's brother, and I also beseeched him to intercede for me, but their replies were that till the stair-case was pulled down, no one was to speak to Ali Rajah on my behalf. I could not see Ali Rajah himself, because I could not go upstairs with-

23. Between Kunhi Amad and the 1st prisoner there was no enmity whatever, and but a slight acquaintance existed between them; what possible motive then could he have had for his dastardly deed? From first to last it has been forced home on me that he was instigated to do it; that the hope of plunder was added as an incentive, and that without the knowledge that in consequence of Ali Rajah's excommunicating Kunhi Amad, not a soul would stir a finger to save or help him, it would never have been attempted, and taking the facts in a body the above is the conclusion which it seems to me every one would arrive at; such at any rate is the conclusion of the Tahsildar and Sub-Magistrate, both experienced local officers, and, I believe, the general impression.

24. Again, that Ali Rajah should not have moved a finger to assist the Police in their enquiries, and should have troubled himself no more about the murder than if a dog had been killed under his window, and when after Captain Bloomfield remonstrated with him on the subject, and got him to promise to place an influential man at his disposal to assist in finding out the real murderers, he placed Mammad Adigari (the very man who delivered the ex-communication address, and his Head Kariyastan) at his disposal, through whose means, as might have been expected, not one tittle of evidence has been procured, nor the slightest assistance of any kind rendered, is much more consistent with complicity in the crime than with ignorance of how and why it was perpetrated.

25. With regard to Mammad Adigari and two or three other Kariyastans* of Ali Rajah's, I am of opinion that some sort of action should be taken towards them, for though there is no evidence of any actual complicity in the murder, yet being Ali Raja's executive agents and always about his person and in his house, it is only reasonable to suppose that they knew what was going on.

* 1. Neduwatagatta Abdul Kadar.
2. Konat Ibrahim Kutti.
3. Konat Kunyad.

26. The 2nd prisoner, Kathri, in his defence asserted his innocence and ignorance of anything connected with the plot; and alleged that he was at home the whole night, from 8 P. M. on the night of the murder.

The 6th prisoner, Kunhi Kalanthan, also alleged his ignorance of the plot, and denied having had any thing to do with it; denied having been at Ali Rajah's on the day before the murder, and named four of Ali Rajah's Kariyastans, two of whom* are named in paragraph 25, to prove that he had not taken the 1st and 2nd prisoners upstairs to Ali Rajah. These men have been examined, and have deposed that they did not see prisoner there on the day before the murder; but from their evidence it is clear that he might have gone there without their seeing him, though it was not likely. It should also be borne in mind that the 2nd and 6th prisoners are in Ali Rajah's employ as well as the two witnesses.

* Mammad Adigari and Neduva'agatta Abdul Kadar.

Ali Rajah was defended by an English Barrister, who on his client's behalf asserted his innocence of any thing like complicity in the murder, and denounced the charge against him as a plot got up by Kunhi Amad, and then criticised the evidence for the prosecution at length, denouncing it as unworthy of belief. No witnesses were called on his belief.

27. In reviewing the case as a whole, one cannot help being struck with the insecurity of life and property in the town of Cannanore. A man's house is boldly entered, thanks to the treachery of a servant, three helpless women are butchered, with a cold blooded deliberation that it would be hard to find a parallel to, and the whole family is saved from destruction and the house from pillage by the mere accident of the blade of the knife having bent slightly in its murderous work, and the owner of the house being a tall vigorous man. No possible reason is assigned for the commission of the crime, but a chain of facts pointing with damning force towards the most influential man in the town, show that the main reason for its having been committed was the excommunication hurled against him because of his manly assertion of independence in his private affairs on the part of the owner of the house, and this reflection can but give rise to another that to remedy this state of things, vigorous action on the part of Government is imperatively required.

28. I enclose a list of the names of the persons arrested, with a brief sketch of their trades, professions, and so forth, and regret that I was not able to submit this report before, but I thought it was useless to do so until the case was fairly closed, and the arrival of two Barristers considerably lengthened the proceedings.

P. S.—Since writing the above, one of the witnesses who deposed to hearing the denunciation address delivered, came to me to complain that his mother having died at 1 o'clock to-day, he applied to the Mukri of the Mosque where all his family have been interred for years to bury her and he refused, on account of his giving evidence hostile to Ali Rajah. I at once sent for the Mukri, who frightened probably that he had gone too far consented to bury the body.

2. This sort of horrible annoyance requires serious notice. but it is beyond the power of a Magistrate to interfere in the case. Action on the part of Government is absolutely necessary.

Deposition on solemn affirmation of Ponmanichi Kunki Amad, residing at Cannanore a Merchant.

The day before yesterday (November 14th), I returned from Tellicherry at about 7 P. M. Having had our dinner and talked with my son-in-law Pakkar Kutti, I went with him into that room (pointing to the room marked No. 3 in the plan of the upper storey), Pakkar Kutti there read me a letter. At this time Mannakoya, my Omandravan, whose age is about 10 or 12, was sleeping in that room (pointing to room marked No. 5 on the plan of the upper storey). There was no one else upstairs. Downstairs there were my mother-in-law Pakkarchi Umma and my two daughters, one aged 8 and the other 12, the latter was the wife of Pakkar Kutti and was married to him some 15 days ago, and a maid servant. While we were reading the letter my servant, Soliman Pakki-inde-avida Ahmad, came into the room. I presume he came up the front stairs, as the back stairs are only used by the females of the family, but I cannot say positively. He said that Hussen Kutti Haji was downstairs, and wanted to speak to me. I was busy reading so I did not take any notice of what he said. Ahmad then went downstairs, and immediately afterwards I heard a noise downstairs, like a smothered cry, so I and Pakkar Kutti went downstairs by the front stairs. The door at the foot of it was open. It always is open. I went with Pakkar Kutti and looked in at the door corresponding to this one (pointing to the door No. 1 on the plan of the upper storey which, corresponds to door No. 2 on that of the lower storey. I only looked in for a moment. I saw Ayumande Agatha Kunyi Pokar standing by the bed,* on which my mother-in-law was lying, and I saw blood flowing from the mattress. He had something in his hand, I cannot say what it was. There was a large brass lamp burning in that room (No. 1 on lower storey plan). I did not remark whether there was a light in the room close by my mother-in-law's bed (No. 2 on lower storey plan). There is a passage leading from the room, where my mother-in-law was sleeping, to the kitchen. There was a light in the kitchen, and my eldest daughter and the female servant were there having their dinner, I fancy. I saw Hussein Kutti Haji and Tattan Kathri both there. They each had a war-knife in their hands. Hussen Kutti Haji struck and killed the female servant, and Kathri killed my daughter. My youngest daughter was lying on a couch close by my mother-in-law's bed. The head of the couch was turned towards the light, and she was lying close against the wall covered with a black cloth, so she escaped unseen. I afterwards found her there asleep. There were 6 or 8 others downstairs I believe, but I only saw 2 or 3 of them, these were Kannichankandi Kunyussa, Edepeth *alias* Makadatha Kunyamad, and Supiyaragatha Anderman, one of these was standing near Kunyi Pokar. The other two were in the passage leading to the kitchen. I cannot say positively where each was, but I think Kunyussa was one of those standing in the passage. On seeing what had happened, I exclaimed Allah! On hearing which they all turned towards me, and fearing they would murder me, I rushed upstairs with Pakkar Kutti, went into that room (pointing to room No. 2 on the plan of the upper storey) and tried to shut the door. The bolt of this door is on the inside, I was in the act of shutting to the door when Hussen Kutti Haji rushed into the room by the backstairs, and cut me on the head. There was a light in the hanging lamp in the room, and indeed all the rooms had lights in them. He

* Marked A.

nanore ever since I was born. I have been inside the Chiriya Maliga Mittam on the occasion of a Moilud. These ceremonies take place once or twice a year. I have known Kurukandi Mohedeen since I was a boy. We are on intimate terms. I know P. Kunhi Amad. I was at the wedding of his daughter as a spectator. I was not a guest. I know Pakkar Kutti. I saw P. Kunhi Amad in his house after the murder on the morning after. There were several persons there at the time, the Katcheri people and others. I did not see him again between that time and the day on which I gave my deposition, nor have I seen him since. I have been in Cannanore from the date on which I gave my deposition up to last Friday, when I went to Mahé. I went with Kurukandi Mohedeen to Mahé. There was a man there who owed me money, and I went to get it from him. I did not know that I should be wanted here. I am a Coffee merchant. I have no shop here. I store my coffee in my brother's godowns. I have not been to Coorg for seven or eight months. My brother looks after my business during my absence. He is not my partner. I am not in the habit of visiting Ali Rajah. I go there when the usual Moilud, distribution of rice, takes place. The last was some six months ago. I then got some rice. I am not aware that there has been any since; at any rate I have not been to any since. I am not in the habit of going to Ali Rajah's to make my salaams after the Friday services. I have not seen Pakkar Kutti since the murder, excepting at the Katcheri, three or four days after the murder, and before I gave my deposition. I had no conversation with him regarding the murder, nor about what was going to be done, nor was I solicited to be witness. The reason why I went to the Katcheri was that a Constable called me to give my evidence. I had met Kurukandi Mohedeen Kutti at P. Kunhi Amad's, and he had re-called to my recollection the fact that we had seen the prisoner Hussen Kutti Haji and some others together on the previous night, and he also said he had informed Kunhi Amad of the fact I got no written summons to appear and give evidence. It was on this occasion that I saw Pakkar Kutti. The Katcheri I allude to is this Katcheri. I never hinted at remuneration for my giving evidence, nor have I received anything up to this day. I have given evidence once or twice before, not as often as six times. I am not in the habit of giving evidence. On the previous occasions I got no remuneration for my loss of time. I have had no remuneration promised me for giving evidence in this case. I did not speak to Kunhi Amad and inform him of what I had seen the previous night of the 2nd and 3rd prisoners. The 2nd was the nearer of the two, I think, as they came out of the gate-way of the Chiriya Maliga. (P. O. Sullivan).—On the occasions when I have been to the Moilud, distribution of rice, there were always crowds of people there, and they all got rice. The conversation I had at Kunhi Amad's with K. Mohedeen Kutti was at about 8 A.M. The Constable called me at about noon, and took me to the station-house, and he brought me up here. I don't know his name. I went to the Moilud, distribution of rice, because it is the custom to go.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *5th December* 1865.

Deposition on solemn affirmation of Tayil Ramunni, Sub-Magistrate of Cannanore.

I first got intelligence of the murder at P. Kunhi Amad's late on the night of the 14th, about 12 o'clock. I got my information from Deputy Constable Syed Ahmad. I went at once to the house and found Kunhi Amad and his son-in-law, Pakkar Kutti, and the 1st prisoner and one or two Constables, and the 11th prisoner Amad now present, and a boy, a relative of Kunhi Amad's. I questioned the 1st prisoner and one or two others. The 1st prisoner was bound with a rope. I asked him why he had committed the murder. He replied that he was going to Madras and that he had come to change some sovereigns, and he then began to talk nonsense and to pretend to be mad, so I did not question him further. He was searched in my presence. He had an handkerchief tied either round his waist or neck, round his waist, I think, and in this were two papers, some keys, and a small Turkish cap. No sovereigns were found on him. I at once took Kunhi Amad to the hospital, had his wounds dressed and then brought him back to the

house. I asked Kunhi Amad at the house before taking him to the hospital who had done this. He said there were 10 or 12 besides the 1st prisoner. He was very weak from his wound so I did not question him further. He did not then mention the names of the men. I questioned Pakkar Kutti, and he also said there were 10 or 12 of whom he recognized some, but he was unwilling to say the names at the time. I am the Sub-Magistrate of Cannanore and have had frequent occasions for arriving at the conclusion that Ali Rajah is at enmity with P. Kunhi Amad, on account of the way in which he performed the marriage of his daughter, and on account of various complaints that Kunhi Amad has verbally made to me that he was afraid Ali Rajah was going to do him some harm, more especially after the marriage. When he complained to me two or three times that he was afraid of his life being in danger from Ali Rajah's enmity, I advised him to make a regular charge against Ali Rajah. One Friday Kunhi Amad came and complained to me that Ali Rajah had ordered the Kazee of the Jammat Palli to order all the people at the Mosque to go over to the Palace after the reading of the Kotba, to consult regarding P. Kunhi Amad celebrating the marriage of his daughter contrary to custom, and that Ali Rajah had ordered all the people of the town to have nothing to do with him. I sent for Ali Rajah's Kariyastan and questioned him, but he denied that Ali Rajah had given any such instructions, adding that as usual a number of the respectable inhabitants had gone to pay their respects to Ali Rajah after the Friday service. I had heard no report or rumour that Ali Rajah was going to attack Kunhi Amad's person, before the murder; but I did hear that he was going to annoy him as much as possible.

(Cross-examined).—The 1st prisoner came to my office and registered a deed of mortgage of a paramba of his for 300 Rupees to a Cannanore Chetty, and the document is still in my office, and has been registered.

Read over in English to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, 18*th November* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Re-examination on solemn affirmation of Tayil Ramunni, Sub-Magistrate of Cannanore.

(Former Deposition here read).

The deposition now read is correct.

(Cross-examined by Ali Rajah.)—A complaint made by Kunhi Amad to the Joint Magistrate was sent to me for inquiry, and reached me the day previous to the murder, and I the same day served Ali Rajah and Kunhi Amad with notices to attend and give explanation. The notices were issued on the same day that I received the complaint. I can't say whether the peon served them the same day, but I believe he did, as the office is quite close to Ali Rajah's. I cannot give a decided opinion as to whether Ali Rajah was likely on the very day of receiving such a notice to have Kunhi Amad murdered.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, 21*st November* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Re-examination of Tayil Ramunni, Sub-Magistrate of Cannanore.

On the morning after the murder at Kunhi Amad's the Superintendent of Police arrived at the spot, and at 3 P. M. he and I examined the prisoner Amad now present at my Katcheri. We then with him to his house adjoining Kunhi Amad's and there again examined him. I conducted the inquiry and Captain Bloomfield noted it down in English. I know English. After the enquiry was over I translated the notes to the prisoner, and he acknowledged they were all correct. What he said was to the following effect:—That on the night of the murder he came from his wife's house somewhere else to his own; that he there found the prisoners Hussen Kutti Haji and Oosman Khan, his own brother-in-law, and a man named Pokar Lakri sitting on the pyal

be sure that he was one of the two men crouching in the Mittam, but I think he was one of them. The 2nd prisoner Kathri frequently comes to the Kudalaye bungalow. He was there 2 days before the murder. I did not see him there on the day of the murder. I don't know any of Ali Rajah's Kariyastans.

(Cross examined). I cannot be sure how many days have elapsed since the murder, nor on what day of the week it happened. To day is Monday. I got 2 Annas for bring the box to Cannanore eight days before the murder. No cooly hire was agreed on for carrying it back. Oosman Khan had one cloth round his waist, and another over his shoulders. I have said what I have now deposed of my own free will. I have not been taught. I have seen Hussen Kutti Haji, Pakar Lakri, and Mohedeen Kutti drinking brandy and smoking ganja. They smoked ganja before leaving the Kadalaye bungalow. (By Court) There were some women in Mahedeen's house on the night of the murder. I heard their voices, I cannot say whether the box before the Court was brought out of the room where the women were. I don't know whether Ahmad is related to Mohedeen Kutti, but they live in the same house.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

CANNANORE, 27*th November* 1865. (Signed) J. H. GARSTIN,
Acing Joint Magistrate.

Deposition, on solemn affirmation, of Walliapatnatt Kipat Sayad Muhammad Koya.

I performed the marriage ceremony of Ponmanichi Kunhi's daughter. There were very few persons there. No Cannanore men of any importance excepting Abjeed and Mohedeen Kutti. I was not sent for by Ali Rajah after performing the ceremony, but my brother-in-law and the Valliapatnam people were called for, and forbidden to have any thing to say to me in consequence of my performing the marraige.

I have suffered no annoyance hitherto, but I apprehend that I shall be subjected to it hereafter.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, 29*th November* 1865.

Deposition, on solemn affirmation, of Kunyi Mittatta Kunyi Pokar, residing in Cannanore, a Merchant.

I know Kunhi Kalanthan now present. I don't know whether he is related to Hussen Kutti Haji. I know Ossammaragatta, Mohedeen Kutti, and Soleman Kunyi Amadindeavida Ahmad. I know that the prisoner Kalanthan now present is married to Mohedeen Kutti's sister, and is in the habit of frequenting his house, and that he lives in the same house with him, sometimes at his "*pura*," and sometimes at his "*vida*" at the Ossmmaragatta pura and Syranginde avida vidu.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, 12*th December* 1865.

Deposition, on solemn affirmation, of Taratta Kutti Tarwi, residing in Cannanore, a watchman in the employ of Ali Rajah.

I know the prisoner Kanhi Kulanthan now present. I know that he is related to Ossammaragatta Mohedeen Kutti having married his sister. He usually lives in Mohedeen Kutti's "*agam*" where his female relatives live. It is the Ossammaragatta, or Syranginde avida "*vida*". There are two houses known by the name of Ossammaragatte. Prisoner and Mohedeen Kutti live in different houses. I don't know of any enmity between prisoner and Mohedeen Kutti. Prisoner, his wife, his wife's mother and Ahmad's wife all live together in one house. Mohedeen Kitti and his wife live in Ahmad's "*agam*." The two houses are ten doors off.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

CANNANORE, *12th December* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Deposition, on solemn affirmation, of Kadi Mohedeen Kutti, a Merchant of Cannanore.

I know the prisoner Kunhi Kalanthan now present. I know that he is married to Ossammaragatta Mohedeen Kutti's sister. He usually lives in the same house as Soliman Kunh Amadinde Avida Ahmad and his wife. His own wife and her mother live in the same house. Mohedeem Kutti lives in his vidu with his wife, about 5 or 8 doors off the house where prisoner lives. Ahmad usually lives in the same house as prisoner. I don't know whether Kalanthan and Mohedeen Kutti are on bad terms.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

CANNANORE, *12th December* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Deposition, on solemn affirmation, of Tayalkandi Mammad, Head Kariyastan of Ali Rajah.

I have been Ali Rajah's Kariyastan for a little over a year. I remember the day before the murder at Kunhi Amad's. I go to Ali Rajah's every day, generally in the evening, but sometimes in the morning. I am not there at all times. I was there on the day before the murder. I dont remember seeing the prisoner Kunhi Kalanthan at the Cheriya Maliga on that day. I was there on that day. I can't say at what hour exactly. I generally go there at 9 or 10, and stay till 2 or 3 in the afternoon if there is any business. I did not see Mavila Kunyamba Nair. I am not sure whether Neduwatagattat Abdul Kadar was there on that day, but I think he was, because he reads all theMalayalam correspondence to Ali Rajah. I was once Adigari of Eddakad, but gave up the post in favor of my brother. He was dismissed for some thing suspicious in regard to a murder at Murapelangad by Mr. MacGregor. When Kunhi Kalanthan comes to Ali Rajah's, he tells me anything he has to say, and I tell Ali Rajah.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct).

CANNANORE,
13th December 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Deposition, on solemn affirmation, of Nedawatagatta Abdul Kadar.

I am a Kariyastan of Ali Rajah's. I have been in Arrakal employ for 20 years. I remember the day before the murder at Kunhi Amad's. I do not remember seeing Kunhi Kalanthan, now present, at Ali Rajah's on the day of the murder, or the day before. Kunhi Kalanthan is a servant of Ali Rajah's. I do not go to the Cheriya Maliga every day. If Kalanthan had come there when I was there I should have seen him.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct).

CANNANORE,
13th December 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

From PONMANICHI KUNHI AMAD, to the Sub-Collector of Malabar; dated Cannanore, 13th November 1865.

I, the undersigned Ponmanichi Kunhi Amad, most humbly beg to lay the following for your kind consideration. His Highness the Ali Rajah of Arrakal possessing some grudge and animosity towards me prohibited the Kajee and other persons attending at a wedding of my daughter with a view of impeding the celebration of the ceremony, which he having well succeeded, I was induced to procure another priest of our ordeal and others from foreign place for the purpose of carrying out the once interrupted object, and to secure its not meeting with the same fate, as in the previous instance, and moreover to avoid any Police occuring, I was

Q. What made you leave it?

A. Because after the small Cause Court was established my income became very small. So I left the Court, and entered Ali Rajah's service.

Q. What appointment do you hold under him?

A. I settle all disputes relating to boundaries and the Islands.

Q. Can you show cause why you should not be committed to stand your trial before the Sessions Court on a charge of abetting the murder at Kunhi Amad's?

A. I can. I am at enmity with Kunhi Amad because I was the means of causing Kunhi Amad to remove a certain veranda which he had made, and which was an encroachment some six months ago, and because I was the means of being forbidden to proceed with the erection of a staircase. I am not on good terms with Mohedeen Kutti, or Ahmad. I can prove that I did not take the 1st and 2nd prisoners upstairs on the day before the murder. My witness are Maumad Adigari, Neduwatagattu Abdul Kadar, Kotikatatil Ibrahim Kutti and Nadamal Amotil have already informed the Taluq and Town Sub-Magistrates that I am at enmity with the other Kariyastans because I am employed under Ali Rajah. My enemies have taken advantage of my being married to Mohedeen Kutti's sister to get false evidence against me.

(The whole statement made by the prisoner translated in Malayalum to him, which he understands, and acknowledged by him to be correct).

CANNANORE, (Signed) J. H. GARSTIN,
12th December 1865. *Acting Joint Magistrate.*

Deposition, on solemn affirmation, of Krishna Battar, Tahsildar and 1st Class Subordinate Magistrate of the Cherrakal Taluq.

I know Hussen Kutti Haji. He is not exactly a bad character. He has during the last year, or so, been leading a wild life, being constantly drunk and using intoxicating drugs, and neglecting his business. I am of opinion that the murder at Kunhi Amad's would never have taken place but for the orders Ali Rajah issued when excommunicating him. I consider that there are good grounds for suspecting that Ali Rajah knew something about what was going to happen; (1) because Kunhi Amad had complained to me that he was in fear of his life from Ali Rajah's violence, indeed he made two complaints of this sort to me between the marriage of his daughter and her murder;* (2) because while the murder was being perpetrated, and even for some hour or two afterwards, no one in the neighbourhood stirred a finger to assist Kunhi Amad; (3) because I am well aware that there is great hatred between Ali Rajah and Kunhi Amad; (4) because Ali Rajah excommunicated; and (5) because it was the common talk that he was annoying Kunhi Amad in various ways. I have heard it commonly reported that the general impression among the Moplahs of Cannanore was that Ali Rajah was not amenable to the British Government for what he did. I have not heard Moplahs say so.

* Note—a space of 15 days.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct).

CANNANORE, *21th November* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Deposition, on solemn affirmation, of Kadalaye Pakkar Kutti, a Cooly.

I usually live at Kadalaye, on the south-east of Cannanore. I know Hussen Kutti Haji I some times work for him. I remember the day on which the murder took place at Ponmanichi Kunhi Amad's. I was at Kadalaye in my house that day till about 3 P. M. when a boy, named Pattayen, a Cheruman, came and called me saying that Hussen Kutti Haji wanted me. The Cheruman is a servant of Hussen Kutti Haji's. He told me I was to carry a load. I went with him to Hussen Kutti Haji's house, which is about a mile from my house. Hussen Kutti Haji was there, so were Pokar Lakri and Karren, the 13th and 14th prisoners now present. Oosman Khan and the Cheruman Pattayen were also there with him. Hussen Kutti Haji said to me, "you are to go to Cannanore and bring back the box you took there some days ago." I had

taken a box from the Kadalaye bungalow to Cannanore for Hussen Kutti Haji some eight days before. I have lookod at the box before the Court (the portmanteau). That is the box I took to Cannanore. I took it to the house of the 9th prisoner, now present, Mohedeen Kutti, on that occasion Mohedeen Kutti and Hussen Kutti Haji went with me. I did not know what was in the box as it was locked. At 7-30 P. M., I started for Cannanore. Oosman Khan had started before me but a quarter of an hour. With me were Hussen Kutti Haji, Karcem (14th prisoner) Pokar Lakri (13th prisoner) and a man whom I had forgotten all about till this moment whose name was Mammassen. It was quite dark, so we had a lantern which I carried. We went along the beach. (The 15th prisoner have brought in). That is the Mammessan I allude to. When we got opposite the Palamandam (the big building opposite the Sub-Magistrate's Kutchery) Hussen Kutti Haji ordered me to go with Karcem and call Oosman Khan. We went to Oosman's Khan. It is close to the Cheriya Maliga on the north-side. We took the lantern with us. Hussen Kutti Haji and the two others continued to go along the beach westwards, when we left them. We called Oosman Khan, and Karcem had some dinner there. We then all three set out for Mohedeen Kutti's house, where the Haji had told us to meet him. Mohedeen Kutti's house is at the back of Ponmanichi Kunhi Amad's. The way to it from Kunhi Amad's is very circuitous. I suppose it is as far off from Kunhi Amad's as that bungalow (about 300 yards) on arrival at Mohedeen Kutti's we found Hussen Kutti Haji, Mohedeen Kutti, now present (9th prisoner), Pokar Lakri (13th), and Mammessan (15th) Ahmad the 11th prisoner. Now prisoners came in after our arrival. With me came Kareem and his father Oosman Khan. The men were all sitting in the hall on the platform smoking hookahs. Ahmad said to the others "the Layumma (a name by which Ali Rajah is known) has been to the Jummat and Mohedeen Pallis, and has cursed Ponmanichi Kunhi Amad for acting in a manner such as no one ever acted in before." After this Hussen Kutti Haji said to Mohodeen Kutti "bring out that box there are some cheroots in it," Mohedeen Kutti accordingly went into an inner room and brought out the portmanteau before the Court. I was standing some 25 feet from the box at the time. I did not see what was in the box. I saw Hussen Kutti Haji lift up the lid and take out some chercots. I then lay down and went to sleep. They were all sitting together smoking when I fell asleep. I did not hear them talking. I should say it was about 9 o'clock when I went to sleep. I was awakened by Hussen Kutti Haji. At about 11 P. M. I heard a clock striking eleven. Just as I awoke Ahmed left the house all the others were still there, except the 15th prisoner whom I did not see, on awaking Hussen Kutti Haji said "come along, and take the box". I objected as it was so late; but he said, you will get your hire won't you, "so I got up and put the box on my head, and got out. We had a lantern with us which Karreem carried. All those who were in the house excepting Ahmad and Mammessan went with me. When we got to Kunhi Amad's entrance, Hussen Kutti Haji pushed the door open, and went into the Mettam, followed by all the others. The Haji took the box off my head and carried it into the verandah and called Ahmad. I was then standing on the inner edge of the porch of the entrance. Hussen Kutti Haji knocked at the door with his knuckles, on calling Ahmad. Ahmad came downstairs. Hussen Kutti Hajee said to Ahmad "I have 5 or 6 sovereigns which I want changed, and Ahmad let him into the house, all the others were standing in the verandah. On seeing the Haji go inside the house I ran being frightened that there was something wrong; because of his going into the house at that time of night, and because I saw two persons crouching in the shadow of the wall of the Mittan. I did not recognize either of those two persons. They were dressed in short waist cloths.

(The knife before the Court here shown to witness) I recognize the knife before the Court. I have seen it at the Haji's bungalow at Kadalaye. I did not see it on the day I brought that box (pointing to the portmanteau) to Cannanore. The knife was usually kept in a large box of "*Muruku*" wood. I thought there was a theft or robbery going to take place, and so I ran away. I ran away towards the beach. I had got as far as the beach road when I heard cries. I could not distinguish what they were. I was too frightened to give information to the Police. I know the 2nd prisoner now present, His name is Tattan Kandi Kathri.. I saw him on the night of the murder in company with another man in a lane about 30 yards from P. Kunhi Amad's. They were talking. He had on a long jacket. This was as we were going to Mohedeen Kutti's. I cannot

A. No, Ali Rajah is on bad terms with the family.

Q. Where has Hussen Kutti Haji usually resided during the last year?

A. I believe usually at Kadalaye, but I have seen him going to the house of a man named Pattayan, a brother-in-law of Ooseen Khan's, and a madman.

(The whole statement of the prisoner read over to him in Malayalam which he understands, and acknowledged by him to be correct.)

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *23rd November* 1865.

Deposition, on solemn affirmation, of Marila Kunyamba Nair, a cultivator, residing near Cannanore.

I know Ali Rajah, Hussein Kutti Haji, and P. Kunhi Amad. I know Tattankandi Kathri now present. I have heard of the murder at KunhiAmad's. I remember seeing the 2nd prisoner Kathri and Hussein Kutti Haji and Vakeel Kunhikalanthan in the verandah of the Cheriya Maliga. I was in the verandah with them. There were two or three Moplahs there at the same time. Kunhikalanthan went inside and came back almost immediately afterwards, and took the other two inside. He was not a quarter of an hour inside the house before he returned and took the others inside. I heard Kunhikalanthan say to Hussen Kutti Haji, "the Tangal is calling you." I had gone there to ask the Head Kariyastan about some land. I spoke to him about it. (*Cross examined*). It was about noon on the day previous to the murder that I saw the three men in the verandah of the Cheriya Maliga. I have got about 100 acres of land. I look after my own land. I have enough to live on, and support my relatives who live with me, ten in number. I have to borrow money sometimes. The last time I borrowed money was two years ago. I did not borrow it of Kunhi Amad, or any of his people. I have not been summoned. I was sent for Kunhi Amad. A Moplah brought me up. I have received no remuneration, nor any promise of any. I purchased the cloth I have on now from a Palghaut man in Chalat about a month go. I met Kunhi Amad six or seven days after the murder outside this Kachori, and talking with him about the murder he said to me that such and such persons were implicated and I then told him I had seen the two prisoners Haji Kathri and Kunhikalanthan at Ali Rajah's. I was refused the land. I applied to the Rajah's Kariyastan, for I know the Haji. I have often seen him before. The only time I spoke to KunhiAmad was on the occasion of meeting him outside this Kacheri. I know Kathri well. The entrance to Ali Rajah's is an arch. I some times go by it. I don't know who were the Moplahs whom I saw in the verandah. There was a man named Velluva Appa with me in the verandah. He lives near me four parambas off. I have talked with him about this case. I came to the Court with him. I don't know the Moplah who called me. He is a boy. I could recognise him if I saw him. I did not hear the Rajah's voice calling these men to go in, nor did I see him. The request for the land was made in the verandah to the 1st Kariyastan now in Court (Mammad Adigari) after the other three had gone inside. I left the Cheriya Maliga with Appu before the other three, after leaving the Maliga I went home. I have not seen Kunhi Amad since. I saw him near the Kacheri. I know Pokkar Kutti by sight. The first time I saw him was when he was at this Kacheri. Appu came with me from Chalat to Cannanore out of pure friendship. To-day is Friday, I don't remember the day of the week on which I saw the three men in Ali Rajah's verandah. I have given evidence once or twice, but am not in the habit of doing so. I don't remember having given evidence against the 2nd prisoner, nor having given evidence in the Sub-Magistrate's Court. I have given evidence in the Moonsiff's Court, but I do not remember doing so in the Taluq.

(By the Court).

I have looked at all the prisoners now present, except the 2nd prisoner. I don't recognize any of the others as having been in Ali Rajah's verandah.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *8th December* 1865.

Deposition, on solemn affirmation, of Valluwa Appu, a cultivator, residing in Chalat.

I know the Chiriya Maliga. I have heard of the murders at Kunhi Amad's. I have looked at all the prisoners now present. I know the 2nd prisoner now present, Katri. I remember some 20 or 25 days ago seeing him in the verandah of the Cheriya Maliga. Vakeel, Kunhi Kalanthan and Hussein Kutti Haji were in the verandah at the same time. I saw Kalanthan come out in the verandah, and heard him tell the Haji that the Tangal was calling him. On this all three went inside the house. I did not speak to any one. I saw Mammad Adigari now present in Court, and two or three others whom I did not recognize at the Maliga. This took place on the day previous to the murder at Kunhi Amad's.

(Cross examined).—I went to the Cheriya Maliga, with Mavila Kunyambu Nair. It was about two o'clock when we got to the Cheriya Maliga. We stayed there about half an hour. The Haji and the two others were still at the Cheriya Maliga when we left. Kunyiambu went to the Maliga to get a bit of land. I heard him ask Mammad Adigari for it. He was told to come again in two days, when he could get an answer. He did not get a direct refusal. I have 30 gardens besides about 300 acres of land. I have known Kunyiambu ever since I was a child. I had no business in Cannanore on the day that I went to the Maliga. I have known Hussein Kutti Haji for about two years by sight. I have known Kathri for about a year and a half. I have not received a summons in this case. Yesterday Mavila Kunyiabu said to me "you remember going with me to Cannanore on the day before the murder. Kunhi Amad was sent to me to ask me to give evidence. You must give evidence too." There was no little Moplah boy with us as we came in. I have received no remuneration for the waste of my time, nor any promise of any. I had no communication with any body about the case on my way here. I heard of the murder the day after its occurrence. No Constable came down with me to this place. Some Constables told me of the murder. They are my friends, and live near me. I did not inform any one of what I saw in the verandah of the Cheriya Maliga. I have given evidence twice before. On those occasions I got no remuneration, but I was summoned. I turned up as suddenly* in each case. I had no reason to volunteer information on this subject before. I only do it now because I am asked. I did not see, nor hear Ali Rajah on the day I was in the Cheriya Maliga's verandah. I have been at Chalat since then. It was either a Sunday or Monday that I was at the Cheriya Maliga. I have seen Mavila Kunyi ambu several times since the murder, but we have never talked about the men in the verandah till yesterday.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct).

CANNANORE,
8th December 1865.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

* This addition was made at the request of Ali Rajah's counsel, the witness made the statement, but I did not consider it necessary to read it.

(Initialed) J. H. GARSTIN,
Acting Joint Magistrate.

Examination of the 6th prisoner, Vakeel Kunhi Kalanthan.

(Prisoner was duly warned).

Q. Where were you on the night of the murder?
A. In my house.
Q. Who lives with you?
A. My wife, mother-in-law, and brother-in-law.
Q. Does Kunhi Amad's servant, Ahmad, usually live with you?
A. No. He usually lives at Kunhi Amad's.
Q. Are you related to Ahmad and Mohedeen Kutti?
A. I am.
Q. Were you not once a Vakeel in the Moonsiff's Court?
A. I was.

ceremoney in my house on the occasion of the death of my grandmother, and in consequence of Ali Rajah's order the Mukri would not come to my house, nor any of the neighbours. I have been obliged to get a Pariah barber to shave me in consequence of the order. The very day after the murder at Kunhi Amad's the barber came as usual and the Mukri, and no objection existed any longer to burying the dead. There was a general talk throughout the town that something was going to happen to Kunhi Amad. Nothing can take place in the town without the Rajah's consent and knowledge. I am in bodily fear of Ali Rajah's people, especially of his Kariyastans Thayilkandi Mammad, Neduwatagather Abdul Kadar, Konatta Ibrahim Kutti and his brother Kunyad Kutti, Manimuttunna Sayad, Nangamadi Ahmed, Sayad Ali, and Uliyandi Kunhi Amad, and I am in great fear of harm from the persons occupying the lower storey of the house where I live, named Parayilagather Kammah and his Andudravan Mohedeen Kutti and his brother-in-law Kyprath Mammali. They are relatives of my own, but on friendly terms with Ali Rajah. Their women nurse Ali Rajah's children. I did not see Ali Rajah upstairs during the time his Kariyastan was speaking to the crowd below. Nor did I see Pallikalagatta Abjeed as the crowd was so great. I am not in any way connected with Kunhi Amad, or Pokkar Kutti, nor in their employ.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct).

CANNANORE, 21*st November* 1865.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Re-examination, on solemn affirmation, of Parayilagatta Mohedeen Kutti.

I was at the wedding of Kunhi Amad's daughter. I was annoyed in consequence, I could not get shaved. There was a ceremony at my house after the marriage at Kunhi Amad's, and in consequence of the excommunication no one would attend, except one or two Cannanore persons whom I fancy were ignorant of the curse, or otherwise they would not have come. When I said that the barber came as usual on the morning after the murder, I meant that any objection to his coming ceased the very day after the murder. I went to the barber's to get shaved, between the excommunication and the murder, but the barber refused to shave me. I am not an intimate friend of Kunhi Amad, nor of Abjeed. I went to Kunhi Amad's on the morning after the murder. There was a considerable crowd there. Abjeed was there. I went there at about 9 A. M., and stopped for about an hour. I walked about looking at the rooms. I did not observe what Abjeed did. I did not tell Kunhi Amad that I could give evidence in his favor. Two days after the curse, I went to Kunhi Amad and told him I had been affected by it. I was called by a Constable on the day I gave my evidence, on the 21st November. I did not get any money, nor have I had any remuneration given me for loss of my time nor any promise of such. I am a Merchant, but have no partner. My nephew a boy of ten or twelve is looking after my business to-day. I was in the crowd when the excommunication was pronounced. I saw Assanar and Mussa Kutti in the crowd. I did not see Abjeed there. I did not see either Assanar or Mussa Kutti at the marriage at Kunhi Amad's. I did not complain about the refusal of the barbers to shave me, because I could get others. My grandmother died forty days before the excommunication. It is usual to perform a ceremony on the 40th day after death, and it was on the occasion of this ceremony that the Mukri who buried her refused to come because of the excommunication. He gave that as his reason on my asking him. I never was in the Bibi's employ. I did not accompany Kunhi Amad to the Court this morning, nor on previous occasions. When I went to the barber's to get shaved, he refused to do so, assigning as a reason the Rajah's order that I was not to be shaved, because I had attended Kunhi Amad's festival.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *8th December* 1865.

Deposition, on solemn affirmation, of Puthiyapurayil Anderman, a Merchant of Cannanore, residing in the Cantonment.

I am in the habit of going to the Jemmat Palli in Cannanore town. I was there last Friday. I go there every Friday. I was there the Friday before last. The service was over about 1-30, or 2 o'clock P. M. After service was over that day, the Mukri gave notice to the congregation that Ali Rajah had sent orders that after the service was over all the people were to go to the Chiriya Maliga. I went with the rest. There was a great crowd there. I should say one thousand persons. Ali Rajah's Head Kariyastan, Mammad Adigari (Thayitkandi Mammad is known by this name) addressed the crowd, forbidding them to go to Ponmanichi Kunhi Amad's house, and forbidding coolies to work for him, and barbers to shave him, because he had celebrated his daughter's marriage without Ali Rajah's consent, and that the order was to apply to all those who were his friends (*avanodu kudiya al*) some of the people in the crowd cried out that they would obey the Tangal's order. The Kariyastan said a great many words, but I could not hear all he said, there was such a crowd. The address was delivered from the window of the upper storey. I could not see Ali Rajah himself at the time, as there was a number of persons upstairs, but Mammad said what he said was by Ali Rajah's order. I was not present at the wedding at Kunhi Amad's. I am not employed under Ponmanichi Kunhi Amad in any way, nor under Pokkar Kutti, nor am I related to either of them.

(Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.)

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *22nd November* 1865.

Examination of the 2nd prisoner Tattankandi Kathri, residing in the town of Cannanore, a Merchant.

The Court is about to ask you some questions, which you can answer or not as you please, but your answers will be liable to be used against you.

Q. Are you in Ali Rajah's employ?

A. I am not.

Q. Are you in the habit of visiting the Chiriya Maliga?

A. I go there if there is any ceremony or festival, and if I want anything of him.

Q. Is Hussen Kutti Haji in the habit of going to the Chiriya Maliga?

A. I never saw him there. I don't know whether he goes there or not.

Q. What sort of character does Hussen Kutti Haji bear?

A. He is a reckless good-for-nothing sort of man. He eats rice cooked by Pariahs. He sold some gardens to Ponmanichi Kunhi Amad and Moossa Sett for 6000 Rupees of which Kunhi Amad sold one garden for 4000 Rupees.

Q. Where were you on the night of the murder at Kunhi Amad's?

A. I was in my own house, close to the Mohedeen Palli, in a paramba, regarding which I had a dispute with Pokkar Kutti.

Q. Was any one in the house with you?

A. Yes, my children, my wife, and my wife's grandmother.

Q. At what time did you go home that night?

A. At a little after 8 o'clock.

Q. Did you see Hussen Kutti Haji that day?

A. No, I did not.

Q. Did you go to the Cheriya Maliga that day?

A. No, neither during the day time, nor at night.

Q. Does Hussen Kutti Haji's wife live in the Topa?

A. Yes.

Q. Is she on good terms with her husband?

A. No.

Q. Does she visit the Cheriya Maliga?

of the house, this was at about 8 or 9 P. M; that he went into his house and immediately afterwards went to Kunhi Amad's; that he waited at dinner on Kunhi Amad and Pakkar Kutti; that after dinner hearing a call he went downstairs where he found the prisoner Hussen Kutti Haji who asked to see Kunhi Amad; that he carried the message to Kunhi Amad, and that while delivering it he heard a cry, that on this Kunhi Amad and Pakkar Kutti ran towards the backstairs, and on their way encountered Hussen Kutti Haji; that on Kunhi Amad being wounded he ran downstairs and bawled out.

I have looked at the note book before the Court (Inspector D'Cruz's Note book here produced). The notes on pages 62, 63, 64 and 65, regarding this case were written by Captain Bloomfield, and contain accurately what was stated by Amad, and he admitted it was correct. I think it possible that this murder could have been committed without Ali Rajah's consent or knowledge, because he knew that Kunhi Amad had repeatedly complained about him, and that therefore suspicion would fall on him if anything happened to him. It is my opinion and belief that the murder would never have been committed but for Ali Rajah's having issued the orders regarding Kunhi Amad which he did.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

(Signed) J. H. GARSTIN,
Acting Joint Magistrate.

CANNANORE, *24th November* 1865.

Deposition on solemn affirmation of Pallikalagatta Abjeed, residing in Cannanore.

I am not a relative of Ponmanichi Kunhi Amad's, nor in any way connected with him. I am in the habit of going to the Jammat Palli. I went there last Friday week. That was the second day after the wedding at Kunhi Amad's. I was at the wedding. I am a Kariyastan of the Chiriya Beebees. There was a notice given out after the usual service last Friday week by the Mukri's son Kunhi Amad. He stopped the congregation at the door and said, "don't go away, any of you, you are all to go to the Chiriya Maliga. It is the (Tangal's) Rajah's order. The Chiriya Maliga is where Ali Rajah lives. The reason the Mukri gave was that Ali Rajah wanted to give some orders relative to the wedding at Kunhi Amad's. I went to the Chiriya Maliga after all the others had gone there. There was a great crowd of people. They all went to the Chiriya Maliga. There were about 1000 persons there, some inside and some outside the Mittam, and some within the building. A Kariyastan of Ali Rajah's, named Tayilkandi Mammad, then addressed the crowd from the window of the upper storey. He said "you have all heard how Ponmanichi Kunhi Amad has celebrated the marriage without the consent of this house, (ivvidattinde samatham kudathe) have you not?" some people in the crowd answered "yes." He then said, "what do you think?" Again some voices replied "whatever is the order of *ivvida* (*i. e.* of this house, of Ali Rajah)". He then said "let none who live in this place go to Kunhi Amad's house to a festival, nor at the time of a death, let the barber not shave him, and don't admit him into your company, neither the Mukri nor Kazee are to go to his house. This order is to apply to all those who attend the wedding." He also said that neither Kunhi Amad nor any one dying in his house was to be buried in the usual burial ground. He then addressed the crowd, saying, "are you determined? have you made up your minds (*orachuvo? kalpana anusarichuvo? satyam thanneo?*) to obey the order?" and was answered by a cry of "satyam" (yes). The crowd then dispersed. Besides myself there was Parayilagatta Mohedeen Kutti and some Valliapatnam and Tellicherry people, at the marriage at Kunhi Amad's. The Valliapatnam Kazee's brother-in-law performed the ceremony. I did not see Ali Rajah upstairs while the Kariyastan was addressing the crowd. There was a number of people, Pramanis and others upstairs. I did not see Parayilagatta Mohedeen Kutti in the crowd at the Chiriya Maliga. The order of Ali Rajah has affected myself and my family because I was present at the marriage. The barber has refused to shave me, and if a death took place in my family, I don't know what the consequences would be. I am obliged to employ a Pattan barber who shaves the officers. I don't know his name. He is a tall thin man, with a short black beard.

Note.—Ali Rajah is commonly called a Tangal in conversation.

(The witness here made a correction.)

I am not the Beebees Kariyastan now. I was, but I ceased to be so from the time that Ali Rajah got the possession of the Tarwad property. Since the murder at Kunhi Amad's, the barber has voluntarily come and shaved me. Everybody in the town knew of the order. There was great fear among them, because of Ali Rajah's order. I don't live within a mile of Kunhi Amad's.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, 21*st November* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Re-examination on solemn affirmation of Pallikalagatta Abjeed.

I was turned out of my Kariyastanship after Ali Rajah got the management of the family property. I have been once since to get his blessing, and got it. I am an old inhabitant of Cannanore. Kadalayekaran Assanar was among the crowd when Kunhi Amad was excommunicated. He was not at the Kunhi Amad's daughter's marriage. I made no complaint about the barbers being prevented from shaving me. I and Kunhi Amad had frequent talks about the excommunication. Kunhi Amad did not suggest my saying what I have said already. Parayilagatta Mohedeen Kutti was under the same difficulties as myself, so he told me. We have not talked together about the matter. I don't remember P. Mohedeen Kutti being present when I had the conversations with Kunhi Amad. I did not see him. I went to see Kunhi Amad on the day after the murder and talked to him about it. I know Kurukandi Mohedeen Kutti. I don't remember seeing him at Kunhi Amad's on the day after the murder. There were several persons there that morning. I have known Chalil Pokar ever since he was a boy. I was at Kunhi Amad's from 8 in the morning until 8 the following night. I am not a man to be paid for my services. I am a merchant since I lost my Kariyastanship. My younger brother Mammikutti is my partner. I was summoned to give my evidence in this case. I gave it on the 21st November and was summoned on that occasion. I told Kunhi Amad I could depose to the facts that I have deposed to. I have known K. Mohedeen Kutti for 10 years, by sight. He is not a friend of mine, nor is Chalil Pokar.

(Translated by the Court.)

The Assanar I saw in the crowd is a Pramani of Cannanore.

Translated in Malayalam to the witness who understands it, and acknowledged by him to be correct.

CANNANORE, 8*th December* 1865. (Signed) J. H. GARSTIN,
Acting Joint Magistrate.

Deposition on solemn affirmation of Parayilagatta Mohedeen Kutti, residing in Cannanore.

I am in the habit of going to the Jammat Palli. I went there last Friday and the Friday before that. I was at Ponmanichi Kunhi Amad's daughter's marriage, on a Wednesday, about 15 days ago. I went to the Jammat Palli on the Friday after the wedding. The service is over on Fridays at about 1 o'clock in the forenoon. On the Friday before last as the congregation was leaving the Mosque the Mukri's son Kunhi Amad said to them "it is the Tangal's order that you are all to go to the Maliga after the service is over, to receive some orders in connection with Kunhi Amad's marrying his daughter." I went with the crowd to the Maliga. I should say there could not have been less than 1000 men assembled. The more respectable persons went upstairs, the others remained in the mittam. The Kariyastan, Thayilkandi Mammad, addressed the crowd from a window upstairs saying words to this effect. "You must not admit Kunhi Amad into your company, and you must not visit him. The barber is forbidden to shave him. The Mukri from going to his house, and if he dies you must not bury him. Coolies are forbidden to carry his bales and bundles and to work for him. This order is also to extend to those who were at the wedding." I have been affected by the order, for the very next day there was a

compelled to seek for aid to your honor through a petition submitted on the 13th of Thoolam, on which your honor were good enough to issue favorable orders, and the Rajah's designs consequently having been frustrated, his animosity unfortunately towards me is raised to its highest degree, and he is now plotting different plans to disgrace, hurt, and involve me in troubles.

2. On Friday the 19th of Thoolam when a large congregation assembled during day at a Mosque in the Cannanore Town, the Rajah sent thither a Karriastan, by name of Needovattakath Abdool Kadar, to call the assembly to Arrakal who accordingly appeared before the Rajah. The Rajah then directed his Head Karriesten, Thyila Kandy Mamud, to inform the assembly that they were prohibited from having any intercourse, interview, or dealings of any kind with me for having celebrated a ceremony without his permission, also to withhold similar transactions from all such people of the country who attended at the ceremony, and to prohibit coolies, boatmen working under me, and further threatened to excommunicate them from Mosques and moreover from being interred after death within the precincts of Cannanore should they dare go against his wish. The Karriastan communicated the same to the people who were, moreover, made to take their oath by touching the Alkoran to the effect that they would conform to the wishes of the Rajah; further the barbers of Cannanore have also been prohibited to shave myself and all those who were present on the marriage day, and they were, moreover, threatened of not being permitted to reside within the Rajah's domain should they go against his wish.

3. I am a Commissariat contractor for supplying bread, beaf, &c. With a view of causing breach in my contract, the cattle slaughterer, who has long been with me, was also prohibited to perform his work, consequently I was compelled to procure another slaughterer, by name Pottachillakath Amud, whom I had to bind down by a contract on the 5th instant, this person's service has also been deprived.

4. I further beg to state that several persons are appointed to disgrace and beat me in exposed place, and have been fully assured that measures would be taken to prevent any evidence being deduced should life be endangered.

5. My Karanavar, Ponmanichee Vallia Coujee Amud, aged nearly 90 years is now confined to bed from infirmity and illness. I have prepared a grave for him which is paved and filled with dry sea sand at my own cost within the Arrataka* Pally according to our long existing form, and at the same place where the demised of our family have hitherto been interred from the time of my ancient ancestors who secured the site at their own cost for the use of Tarward. This statement will be proved to your honor should you be good enough to have inquiry made. The Rajah has prohibited my Karanaven being interred in the grave reserved for him should he expire. Moreover the Karriastans are prepared at the instruction of the Rajah to bury therein any poor individual who may die in Cannanore within three or four days.

* Originally built by my ancestors.

6. There are several people living in the Rajah's paramba, and trading in buildings belonging to Arrakal. Moreover as he has been endowed with the charge of realizing all Revenue within the karar limits, he has impressed into the minds of the people that the house of Arrakal is the authority, and that Her Majesty's English Government have no political control over Cannanore, consequently the ignorant people of Cannanore are ready to perpetrate any unlawful act at his command. Should the Rajah cause any harm being done to me, I regret to say that I will find it utterly impossible to produce a single individual to give evidence in my behalf.

7. Her Majesty's English Government in India is so benevolent, finds all means to preserve the distressed subjects from all unjust fears. I implore your honor will highly be pleased to take the foregoing into consideration and preserve me similarly by permitting me to enjoy all the indulgences of free trade, &c., tolerated by the Government. Moreover, I beg to state that if the grave reserved by me for my Karanavan be appropriated by the Rajah for others it will be a matter of great grievance to me. Moreover, I fear that great out-break, or assault, will be caused by the Rajah should I have occasion to inter my Karanaven in the aforesaid grave. I therefore solicit that you will be pleased to investigate the matter, and adopt measures to free me from all the distresses in which I am envolved.

To

CAPTAIN A. D. CLAY,
Cantonment Magistrate, Cannanore.

The petition of POOMONJEEAGATH CHERRIA COONJEE AMUD, Contractor for the supply of Troops in the Cantonment of Cannanore.

SHEWETH,

That your petitioner begs leave to represent the following circumstances, most humbly beseeching that early measures will be taken to remove the grievances comp'ained of.

That owing to a grudge the Rajah of Cannanore owes petitioner, his Principal Karristhan, Thayil Candy Mahmod, had incited and set up four of Rajah's people, named Thattan Kowdry, Kahnichancandy Coonjee Moossah, Eddapet Coonjee Amod, Soopiaragath Abdool Royman to annoy and insult petitioner by prohibiting several people from coming and assisting the marriage of his daughter, and petitioner being made aware of this and other plots they had schemed was obliged to apply to the Joint Magistrate of Malabar for the assistance of the Sub-Magistrate of Cannanore to keep the peace on this occasion, and having obtained his order on the subject, petitioner had sent for the Cowdies of Tellicherry and Ballipatam, and got the ceremonies of the wedding of his daughter performed without any interruption.

That as nothing could have been effected, as was intended by the Rajah and his people to be done, the above named four individuals having resorted to the alternative of annoying petitioner by prohibiting the barbers, Addiam and Avoowasker, from attending to shave petitioner and those belonging to petitioner's house, as well as to the guests invited by petitioner for the wedding. And having done this, they also prohibited Moopan Choondenavada, the Amood (the cooly maistry) from allowing the coolies used to be employed for carrying and removing bales of wheat arriving by vessels for the use of petitioner's contract of bread, to undertake and perform such services. And notwithstanding which, the abovenamed four individuals had also deprived petitioner of the services of the slaughterer (Mookree) engaged for the Kurkanee, and thus petitioner being deprived of his services was obliged to engage another slaughterer by the name of Pattichelagathi Amod upon a written agreement to serve for a period of one year on a monthly pay of 6 Rupees. Whose services also, petitioner begs to state the abovenamed four individuals had deprived by resorting to the same measure.

It will be superfluous to add the several other instances of the trouble, annoyance, and inconvenience they have put petitioner to, but what petitioner has now brought to your Honor's notice, particularly of the steps they have taken of depriving petitioner of the services of the employers essentially required for the use of the Bread and Beef Contracts to involve him into inextricable difficulty and loss, petitioner humbly prays that your Honor will be pleased to take early measures to institute an inquiry, and put a stop to such unlawful proceedings.

And your petitioner as in duty bound will ever pray.

(Signed) POOMONJEEAGATH CHERRIA COONJEE AMUD.

CANNANORE, 10*th November* 1865.

No. 98. ORDER THEREON, 15th January 1866, No. 59.

Before passing Orders on the foregoing letter, the Governor in Council directs that it be referred to the Advocate General for his opinion:

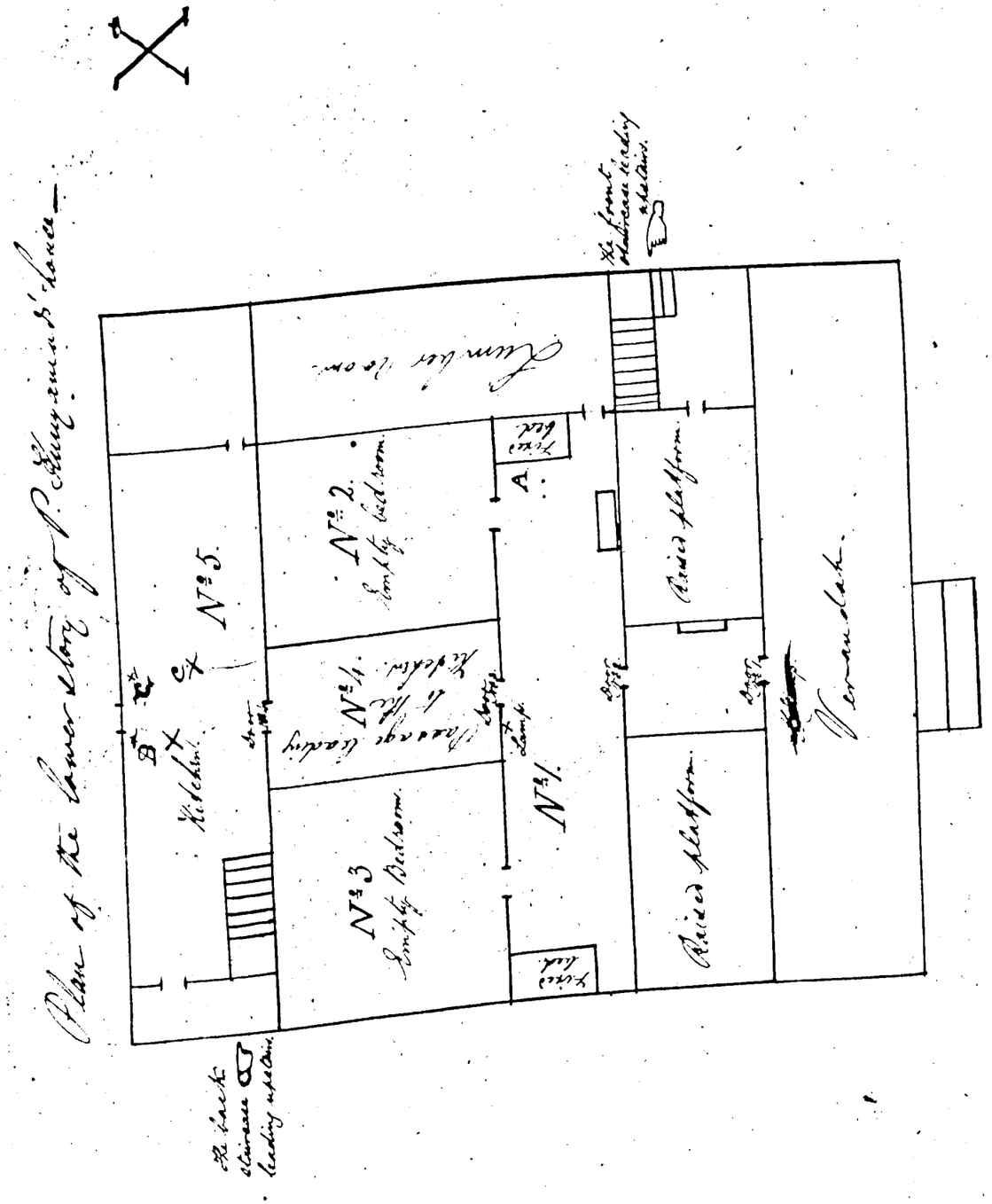
1st, as to the sufficiency of the evidence for the commitment of Ali Rajah for trial by the Session Court on a charge of having instigated the commission of the murders referred to.

2nd, whether, adverting to the nature of the crime of which Hussen Kutti Haji has been convicted, viz., the murder of three persons of the Moplah caste, the case is one which can properly be dealt with under the provisions of Act XX of 1859, and if so, whether in Mr. Norton's opinion the facts established are sufficient to justify the deportation of Ali Rajah under the provisions of Section 6 of the Act in question.

(True Extract).

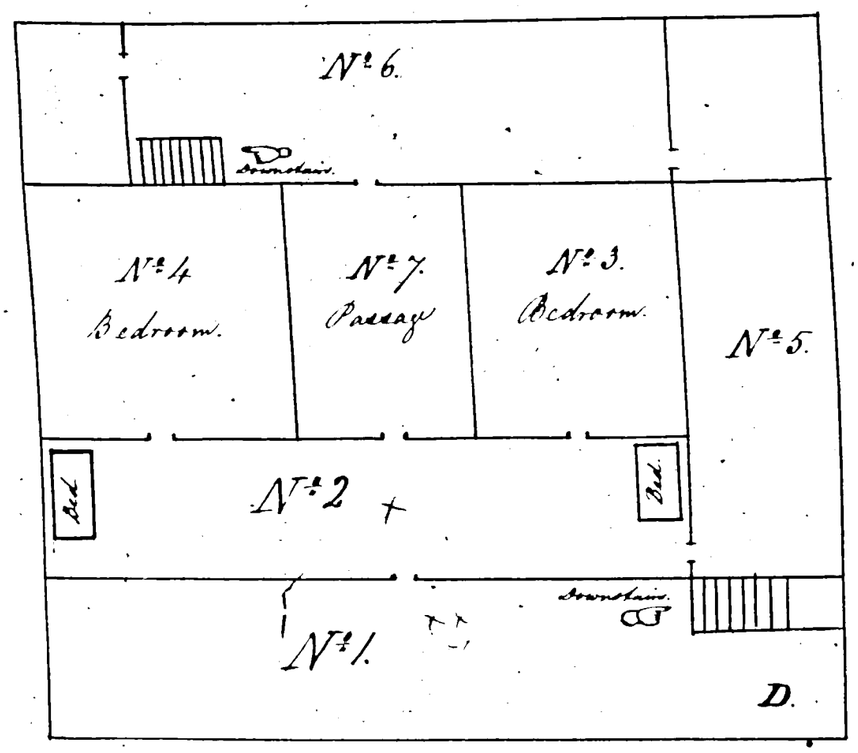
A. J. ARBUTHNOT,
Chief Secretary.

To the Government Solicitor.



Y

Upper Story - Plan.



Judl. 24 & 24 / 3.11.65
Pol 25.30 / 2.10.65
22.23 / 28.1.64
5.16 / 5.7.64

Judicial Department.

PROCEEDINGS of the **MADRAS GOVERNMENT.**

Read letter from the Magistrate of Malabar

dy 6 Jany 1866. No 60.

Order thereon. 15 January 1866. No 69.

Before passing orders on the foregoing letter the Governor in Council directs that it be referred to the Advocate General for his opinion,

1st as to the sufficiency of the evidence for the commitment of Ali Rajah for trial by the Session Court on a charge of having instigated the commission of the murders referred to.

2d

2d, whether, adverting to the nature of the crime of which Hussèn Kutti Haji has been convicted, viz. the murder of three persons of the Mapilla caste, the case is one which can properly be dealt with under the provisions of Act XX of 1859 and if so, whether in Mr Norton's opinion the facts established are sufficient to justify the deportation of Ali Rajah under the provisions of Section VI of the Act in question.

Govt Solicitor.

with Master's letter vide Encl

Judicial 1866. Department.

No. 59

PROCEEDINGS OF GOVERNMENT.

F.R. 1866

Dated 15th January 1866

31-7-24

Press No. 2755, G. M.—14-11-65—500.

97-98.