

6
Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1894

Dated 9th Sept. 1895

[Despatch Abstract.]

MOPLAH FINES.

Accepting the recommendations of the District Magistrate of Malabar that the Karkitamkunu and Vettathur desams be fixed only 50 per cent of the maximum fine and that the Palakkole and Etentanata-kara desams be exempted from the penalty and referring to that officer for orders Palayakalathil Oonnian Kutty and other inhabitants of Villathur amsam who petitioned Government on the subject of----.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Statement showing the progress made in the collection of Mohawk Outrages:

Date of purchase.	Date on which Govt either prepared to buy the furs or approved of the price recommended.	Date on which the Government lists were ready.	Date on which Govt sanctioned the lists.	Dates on which the furs were actually landed.	The amount of furs landed.	Prices relating to the buying of furs in each case.	Remarks.
(1) 12 Sept. 1855.	25 April 1856.	No information.	25 April '56.	Abt June '56 in 2 auctions; abt July '56 in some other sales; but the furs were not completely collected till Sept. 1857. 19011/8, except 20270 (bills) in Aug. 1856. Total landed in 54 lots 19011/8, 20270, 20271, 20272, 20273.	$\frac{124}{25.4.56} + \frac{1275}{5.10.57}$	X. By-bills were sent up; the 8m. was authorized & fine H. & Hudson's Company was suggested by the joint H. & P. Co.	
(2) 2 Feb. 1864.	4 July '64.	No information.	4 th July '64.	19 July '64.	2037.	$\frac{479}{4.7.64} + \frac{1181}{5.8.64}$	
(3) 8 th Sept. 1873.	23 April '74.	No information.	23 April '74.	10 April '73.	42,000.	$\frac{747}{23.4.74} + \frac{1079}{5.5.75}$	
(4) 10 Sept. 1880.	19 Oct. '80.	17 Dec. '80.	28 th Dec. '80.	No information.	4,200.	$\frac{2500}{19.10.80} + \frac{3002}{28.12.80}$	
(5) 18 June '84.	1 Nov. '84.	13 Feb. '85.	10 March '85.	do.	abt 5754.36	$\frac{2776}{1.11.84} + \frac{628}{10.3.85}$	X. The 1100 are the bills were sanctioned nearly 9 months after the date of purchase.
(6) 27 Dec. '84.	2 May '85.	July '86.	31 March '86.	do.	abt 19,600.	$\frac{1169}{2.5.85} + \frac{844}{31.3.86}$	
(7) 1 May '85.	8 Oct. '85.	July '86.	23 Aug. '86.	do.	Abt 37, ~~431~~	$\frac{2725}{8.10.85} + \frac{2336}{23.8.86}$	X. This occasion there was a delay of 15 months in sanctioning the bills of furs.

C. No.

FOR ORDERS.

* The delay in preparation amounted to 9 months in 1885, 8 months in 1886, when the amounts were large. The delay in this case already comes to 11 months.

Please see H.M.'s note in No. of 10-2-95 No. 1683. The accompanying table* shows the dates upon which nominal lists were prepared on the occasion of previous moflah outages, but it is submitted that it would be wise to defer comment until it is known what will be the amount of the assessment on this occasion. It seems obvious that nominal lists involving an assessment of Rs 4000/- would be prepared much more quickly than lists involving an amount of Rs 40,000. If H.M.'s approve the delay will be specially noted on when the final lists come up.

BW
6/9/95

5/8
579/95. 4-8-95

Delay in receipt
of Mappiah for
statements

FOR ORDERS.

H. M. V. Curri

I
To,

CURR
CURI
HIGH SECRET
GOVERNMENT OF MADRAS
31. MAY. 1895

The humble petition
Mappilla inhabitant
Walluramad Taluk

From, Pal
of

May it please Your Excellency

(1). That the undersigned
inhabitants of the above mentioned
district, and that such are shown
posed to have had complicity in
at Pandikad.

(2). That, under section
page Act XX of 1859, the Governor
was of leniency fine from,

(i) the Mappilla inhabitant
the perpetrator or perpetrators of
to belong.

(ii) the Mappilla inhabitant
he or they reside at the time of

(iii) the Mappilla inhabitant
the outrage shall have been committed

(iv) the Mappilla inhabitant

Section IX

Dated 28
Recd 31/5
Ryd 1/6

Praying that
from the petition
do not come
the Mappilla
in no way
Mappiah be

(over)

1/5/6

Delay in receipt
of Mappilla & Amshom
statements

FOR ORDERS.

H. M. Kuri

I
Do,

CURRENT NO. 2693

His Excellency the Governor in Council
Fort St. George,

The humble petition of the undersigned
Mappilla inhabitants of Vettathur Amshom
Walluvanad Taluk, Malabar District—

May it please Your Excellency,

(1). That the undersigned petitioners are Mappilla
inhabitants of the above mentioned Amshom in the Malabar
District, and that such Amshom is one of those erroneously
supposed to have had complicity in the recent Mappilla
disturbance at Paudikad.

(2). That, under sections IX and X of the Mappilla
Act XX of 1859, the Government have no doubt the
power of levying fine from,

(i) the Mappilla inhabitants of the Amshom to which
the perpetrator or perpetrators of the outrage is or are found
to belong.

(ii) the Mappilla inhabitants of the Amshom in which
he or they reside at the time of the commission of the offence.

(iii) the Mappilla inhabitants of the Amshom in which
the outrage shall have been committed

(iv) the Mappilla inhabitants of any of the first two kinds
of Amshoms above mentioned and also those of the Amshom in which
after the perpetration of any such outrage, the offender is found,
if those inhabitants refuse or fail to deliver up the offender,
when called upon by the Magistrate to do so.

(5). That your petitioners beg to submit that none
of these conditions exist in respect of the petitioners' Amshom;
Amshom Moidu one of the offenders supposed to belong to our Am-
shom had long ceased to be of our Amshom and was a
native of Karyavatta Amshom as will be seen from the documents
filed with a petition to the District Magistrate in January 1895.
He sold his houses as far back as in 1882 & established

2.

himself in Kanyavattam keeping a Mappilla school there; hence he cannot be considered to belong to our Amshom or to reside in it. The conditions I and II mentioned in Section IX do not therefore exist and as to the III, the scene of the outbreak, namely the place where it broke out and the place where it finally came to a close are at some distance from our Amshom about 20 miles each and the only connection that your Excellency's petitioners, or their Amshom has had with the recent outbreak is that the outlaws passed through a corner of the said Amshom cooking their food in the out-houses of the Sivavalapetta Pagoda (temple,) and that no outrage was committed to any person or property in the said Amshom. This cooking of food by the perpetrators of the outrage does not amount to an outrage contemplated by the Act. Since no damage was done to the temple, the rioters not having even entered the shrine. Your Excellency's petitioners admit that one Cheruthala Ahamad an inhabitant of our Amshom, was for a while foolishly persuaded by the rioters to join them. But your Excellency's petitioners and other Mappillas of the Amshom were able to dissuade him and bring him back to the path of loyalty and your petitioners further arrested and handed him over to the authorities over and above provisioning and accompanying them to the scene of fight, where they remained rendering what little assistance that lay in their power until all the offenders were killed. The above mentioned facts would prove that the third condition described in Section IX did not also exist and as for the offence mentioned in Section X no requisition has been made under that section and even in the absence of such a requisition your Excellency's petitioners delivered up the above mentioned Ahamad who belongs to our Amshom. Hence, the petitioners' Amshom is not affected by section X.

(4.) That your Excellency's petitioners do not therefore come within the purview of the Mappillah outrage Act as none of the conditions mentioned in sections IX & X of the Act exist in respect of our Amshom.

(5.) That the present agricultural year is one of extreme dearth and that the major portion of the inhabitants of the Amshom find it difficult to live even

even and that if now the scanty crops and other properties they have are confiscated it will lead to absolute destitution and hence further riots as may be expected when able-bodied persons are made to starve. Your excellency's petitioners submit that the levy of the fines would in petitioners' anguish lead only to further complications as it is illegal and substantially unjust.

(6.) Petitioners' statement regarding the non-domicile and non-residence of Kinkimoidu, and the non-commission of any outrage in our Amshon, and the arrest & delivery up of Cherruthala Ahmed will be borne out by the police report and other papers connected with the outbreak.

(7.) Your Excellency's petitioners therefore pray, that no fine may be levied from the petitioners' Amshon as they do not come under the provisions of the Mappilla Act and as such levy would leave your Excellency's petitioners in extreme poverty and difficulties—

For such act of kindness and gracious justice the Petitioners shall, as in duty bound, ever pray—

Calicut 3
28th May 1895.

1. Polayakalathil Oomian Kutty. Deshabatti
2. Thora Kattil Rayan
3. Kappungal Rayan
4. Kattrayil Mammoo
5. Kammuthodiyil Moidappa
6. — Do — Mammed Haji
7. Polayakalathil Maginkutti Haji
8. — Do — Cheria Oomian Kutty
9. — Do — Mahomed Ali
10. Mukkat Unni Mammoo
11. — Do — Mammoo
12. Ambakath Alo
13. Puthenkot Porumia Hajee

Judicial Department.

ENT NO. 2693.

So. 636: 27.3.95 mi

588: ^{18.3} 176: 125.95 mi (46).
176: 125.95 mi

So. 2797: 19.11.94 u

1/2 2186/194 sc

So 1527: 20 June 95 mi

Cs

H. MOBERLY

22 JUN. 95

Endorsement No 14/16

Referred to the District Magistrate
of Malabar for remarks. Cus 2368
(By order) Mag 95

13/6/95

Lowell Davidson

Ag. Under Secretary

Cotacamund
19th June 1895

To.

The District Magistrate, Malabar.

13/6-95



Subject

at no fine may be levied
on the 'Amsam' as they
are under the provisions of
the Act and as they were
incurred in the recent
break at Pandikad.

176 725.1-95 mi please.

CURRENT NO. 4030

Malabar District Magistrate's Office
Calicut. 19th August 1895

No 1439
mag

From.

H. Moberly Esq.
Ag. District Magistrate
Malabar.

To.

The Chief Secretary
to Government, Judicial Department
Cotacamund

Sir,

As promised in para 14 of my letter
Refon Cus. 1690 dated 27th June 1895, I have
the honor to submit the following remarks
on a petition from the Moplah inhabitants
of Vettathur amsam referred to me with
endorsement No 14/16 of 19th June 1895.

2. The petitioners say that "Kunhi
"Mordin, one of the offenders supposed to
"belong to our amsam had long ceased to
"be of our amsam, and was a native of
"Kariyavattam amsam as will be seen
"from the document filed with a petition
"to the District Magistrate in January 1895".
On this the Special Assistant ^{Collector} ~~Magistrate~~
to whom the petition was referred for
inquiry and report, remarks: "This
"allegation is not true. The Vettathur
"Moplah had his permanent residence
"in Vettathur amsam, and returned

There

these, as a rule, every night, from the
School which he conducted in Chem-
-muniade dream of Kariyavattam
Amsam. The document which was
relied on to prove that this man had
no residence in Vethathur appear from
the Walluwanad Talukdar's inquiry
to be a spurious sale-deed, forged for
the purpose of defeating the creditors
of the Mallali's father."

3. The second reason urged for
exemption from fine is that no outrage
was committed in their amsam. On
this Mr. Gillespie remarks:—"A portion
of the Tiruvallapetta temple in which
the fanatics made a halt appears to
have been burned, although the reports
say nothing about this outrage". I
can only say that had there been evidence
that a portion of the temple had been
burned, Mr. Bradley would certainly
have referred to it. Mr. Bradley has
not found that the fanatics committed
any outrage in Vethathur amsam; and
I presume that Government will accept
Mr. Bradley's finding.

4. ~~The third ground of appeal~~

4. The third ground of appeal
is that petitioners arrested and made
over to the authorities one Cherudala
Ahmad, an inhabitant of their amsam,
who attempted to join the fanatics.
This allegation is true.

5. The fourth ground of appeal
is that they helped the authorities to quell
the disturbance. The only help which
some of the petitioners afforded was
that they housed and fed the then Sub
Magistrate and his clerk when they were
pursuing the fanatics.

6. The fifth ground of appeal is
that the present agricultural year is one
of extreme dearth. From the middle of
November 1894 till April 1895 there was
no rain. In April and May 1895, the
rainfall was insufficient, and hence
the Chaman crop has been almost a
complete failure. The monsoon was
very late in bursting. The husplaks
of Vethathur and other amsams are
generally very poor and there is no
doubt that the imposition of a fine
on them, in a bad season, will press
hardly on them.

7. As

7 As, however, an inhabitant of
the Amsam joined the gang, the Moplah
inhabitants of the Amsam are certainly
liable to a fine. The Palakkale and
Etintanatakara decans, which Mr. Bradley
proposed to fine at 50 per cent of the
maximum rate, are at some distance
from the Tiruvallapetta Temple; and
it seems hard to fine them simply
because they belong to the Vettathur
Amsam. I beg to recommend that
they be exempted from fine. The
Karkitamkunnu and Vettathur decans
should, however, be fined. The Tiru-
vallapetta Temple is in Karkitamkunnu,
whilst the Mollak Kunhi Moideen was
a resident of Vettathur. In consideration
however of the fact that Cherudala Ahmad
was prevented from joining the fanatics
and was subsequently made over to
the authorities, I beg to recommend
that these two decans be fined only
50 per cent of the maximum fine.

I have the honor to be,
Sir,
your most obedient servant.

J. M. Roberts
Ag. District Magistrate,

Judicial Dept
CURRENT NO. 4030

1683: 10-8-95
1115: 24-5-95
636: 27-3-95
176: 25-1-95
2727: 19-11-94
2374: 1-10-94
2186: 8-9-94

From

Chief Secretary
Malabar
23 AUG. 1895
GOVERNMENT OF

The Chief Secretary
to Government
Judicial Department
Kochi

No. 1439
Wap.

Dated 19th August 1895
Despd 21-8-95
Rev 23rd do

Encl - Cno 2693
Subject:

Thoplah fines

Returning with remarks
the petition from the in-
habitants of Vethathur
Aucam, praying for
exemption from

1683 195
1683 195

(Foroden)

Foroden

As to whether the Dms recommendation
may be approved? The custom is
clearly liable to fine. Mr Bradley's
recommendation were based on the "active
sympathy" shown by the inhabitants
p. 35 of G.O. 2186 of 1-7-94

21-7-95

Attention is invited to the remarks
in para 6 of this Dms letter
5/8/95

I would accept the Dms
recommendation in his
honor? 6/9/95
W 7 Sep

19th September 1895, No. 1894

1. The recommendation made in
para 7 of the Dms letter
will be accepted

2. The Dms will be referred to
the Dms who has received order
regarding this petition
6/9/95

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

OF GOVERNMENT.

STATEMENT WITH DITTO.

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