M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No. 119-120 Press ~~Mis.~~

Dated 23. 2. ~~18~~ 1834

Not to be folded or roughly handled

No. 18. From Lieutenant General W. CULLEN, Resident, Travancore and Cochin; to THOMAS PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Trevandrum, 31st January 1859, No. 12.

SIR,

I have the honor to transmit a letter from His Highness the Rajah of Cochin, to the address of the Right Honorable the Governor in Council, on the subject of a case of suspected violent death in which the Palace Sarwardy Kariakar and others were stated to be implicated, and to whose examination before the Police the Rajah objects.

The case is of 4 or 5 months' standing, and formed a subject of correspondence when I was at Cochin in November last.

2. A man of the Teeroopaud Caste at Tripoontoray was found dead hanging to a tree in the month of September last. The usual examination was held by the local Tasildar, and there being no particular marks of violence, except about the neck, and no evidence to prove assault, the body was buried.

3. Thirteen days subsequently, the Uncle of the deceased appeared before the Police Officer and declared, that he had obtained evidence to prove, that the deceased had died from a blow in the Abdomen, received in a quarrel with the Sarwady Kariakar, and some Palace Attendants.

The complainant and two of his witnesses were examined by the Police, and the case was considered one that should be handed over to the Court for trial.

4. On the receipt from Government of the Petition, No. 3206, it being from the Uncle of the deceased, I referred it to the Dewan for report, and I suggested application to the Rajah for the attendance of one or two of the Palace servants, so as to complete the investigation, particularly desiring in a private note, that the Sarwady Kariakar's attendance should not be called for unless absolutely necessary, but His Highness positively refuses to allow the examination to proceed.

As per copy of letter to Dewan, 4th January 1859.

5. I have also called on the Dewan for any observations he may have to offer.

From His Highness RAVI VIRMAH, Rajah of Cochin; to the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, Governor in Council, Fort Saint George, dated 25th January 1859.

MY LORD,

I have the honor to submit for the consideration of Government the following circumstances.

2. I received an application from the Dewan, under date the 19th Instant, requesting me to cause the attendance before him of the Sarwady Carriacar or the Principal Officer of my Palace and others for trial on a charge of Murder, agreeably to instructions received from the Resident, the alleged ground for those orders being an endorsement by your Lordship's Government on a Petition, No. 3206 of 1858, from one Caneloothoo Cootten Tirroopad regarding the said case, and in which your Lordship referred the Petition to the Resident for enquiry and report. I have reason to believe that it was your Lordship's intention that the Resident should make personal enquiries as to the particulars of the case, reporting the result to Government, but that your Lordship never contemplated the expediency of the Sarwady Carriacar being delivered over to the Dewan to be tried by that Officer, a proceeding which I most strongly deprecate for several cogent and valid reasons, which I shall here take the liberty to explain as succinctly as may be consistent with a thorough comprehension of the case.

3. On the morning of the 13th Canny 1034, (27th September 1858,) the body of one Kelur Tirroopad was found suspended to a Jack Tree in his own compound in close proximity to his house. His Family gave notice of the circumstances to the authorities, and the Tassildar and others came and held an Inquest. On examination of the body by the Tassildar and numerous spectators no marks of violence whatever were visible on the body, and the medical testimony

was of the same tendency. Depositions were accordingly taken from all present; and the mother and other relatives of the deceased including Cootten Tirroopad (who now appears as prosecutor against the Sarwady Carriacar and who petitioned the Government,) gave statements that they had on charge whatever to make against any person or persons. The case being clearly one of suicide, the Tassildar recorded an opinion to that effect, and caused the body to be buried. The case was in due course reported to the Dewan and by him to the Resident.

4. It is also important to notice that a writing was found in the hand writing of the deceased declaring the resolution of the unfortunate man to put an end to his life for certain *family reasons*, but it happens that this Document, his relatives found it their interest to conceal from motives of delicacy, although there is ample, respectable and trust worthy testimony which could be produced on the point.

5. The Dewan is well known to be the implacable foe of the Sarwady Carriacar, against whom he has all along unjustly sought to prejudice General Cullen, and finding other modes of revenge impracticable, he endeavoured some weeks after the above case had been finally set at rest, to rake it up again for illegal purposes, and he found a willing coadjutor in the Tassildar who, it is worthy of remark, had originally held the Inquest and is a nominee and creature of the Dewan exercising the powers of Office upon the Dewan's own authority and without any commission from me.

6. The said Tassildar, in the face of his own personal inspection of the body, and his opinion placed on record that there were no appearances of foul play, and that the case was one of suicide, sent for the said Cootten Tirroopad, a personal enemy of the Sarwady Carriacar, and one who on many former occasions got up complaints against him, to give a fresh deposition in which it was represented as follows:—That on the night of the 12th Canny 1034 (26th September 1858) the Palace Jemadar, a writer of the name of Coonjoo Krishnen Nair and two others Narrana Panikar and Coonjitty Menon (the latter being persons who had long previously complained against the Dewan to the Madras Government) had gone to the deceased Kelar Tirroopad, and brought him to the Sarwady Carriacar's residence (which is situated *within the precincts of my Palace, at Tripoontorah, and close to the Palaces of myself and the several Members of the Royal Family)* that the Sarwady Carriacar desired the deceased to sign certain papers tending to exonerate the Officer from charges made by Cootten Tirroopad and that the deceased having refused to so, the Sarwady gave him a kick on the abdomen, by which he fell down and was conveyed from the place by the Jemadar and Coonjoo Krishnen aforesaid. Four Witnesses were obtained to support these statements.

7. I am unable to offer any remark on the nature of the evidence, as the proceedings were forwarded by the Tassildar to the Dewan who has since taken certain depositions with closed doors to enable him the better to carry out his illegal plans and I have not been able to obtain copies of the records although I applied to him for them. This is, I must observe, an act of disobedience of such frequent occurrence that I despair of ever being able to have my wishes attended.

8. I will however observe that the improbability of the story trumped up by the Tassildar and Cootten Tirroopad is transparent throughout, for the following reasons,—

1st. If the Sarwady Carriacar had had any interview with the deceased for such unjustifiable purposes it must be assumed that it would have been conducted in a secret matter with all precaution, and it is quite impossible that any Witnesses could on that occasion have been present at the interview or the act of homicide which followed.

2ndly. If the occurrence had taken place in the spot indicated, the least attempt to shriek, or the faintest groan must have betrayed the affair. It is absurd to imagine that an event of so grave a nature would have been altogether unknown to one or other of the numerous retainers about the Palace, or that the removal of a person in a state of insensibility would have totally escaped the observation of the several sentries they would necessarily have to pass.

Fort Saint George, Political Consultation, 25th February 1859.

3rd. That the Palace Jemadar who is accused of complicity in the affair was to my certain knowledge absent from Cochin on the night in question and for several days after, having been deputed by me to a distance of some days' journey on private affairs.

4th. That if the man had died a violent death, the appearances indicative of it would not have remained unnoticed by the Tassildar himself or by the numerous spectators who gave their evidence at the Inquest, whom curiosity itself must have induced to scrutinize the body with care, nor yet could it have escaped the practised eye of the medical practitioner called in on the occasion during a searching inquest which appears to have occupied the entire day from 6 A. M. to 5 P. M.

5th. That the Sarwady Carriacar is a person of a singularly spare habit of body and it is physically impossible he could have destroyed life by a kick.

6th. Cootten is only a distant relation of the deceased, while his mother and others represent the present charge as false and malicious.

9. The above circumstances must be conclusive to any impartial mind, even if they were not supported by the known hostility of the Dewan towards the Sarwady Carriacar and others, and his questionable proceedings in this case, as well as generally towards those who had the temerity to complain against him, as I have brought to the notice of your Lordship's Government in my former correspondence, and of the Resident in a recent communication, copy of which I respectfully enclose.

10. In conclusion, I beg leave to assure your Lordship that I am most anxious that this case should be thoroughly sifted by public investigation, but that I earnestly deprecate that the trial should be conducted by the Dewan who I have reason to believe is the author and instigator of the present proceedings, and who has consequently a direct interest, and heavy stake in effecting the disgrace and ruin of the Sarwady Carriacar, and whom I moreover regard as a corrupt and unprincipled Minister whose removal from Office I had demanded at the hands of your Lordship's Government long before the present circumstances have arisen and which point now pending the decision of the Government of Her Most Gracious Majesty.

11. I now address your Lordship under a firm confidence that your Lordship will take a just and impartial view of all the circumstances and direct that the case may be thoroughly investigated by an independant European Officer or by any other Court or Commission which your wisdom may suggest, so that while the ends of justice are secured, the parties concerned may not be allowed to fall victims to the uncompromising hostility of the Dewan.

From His Highness RAVI VIRMAH, Rajah of Cochin; to Lieutenant General W. CULLEN, British Resident of Travancore and Cochin, Trevandrum, dated 28th October 1858, No. 30.

SIR,

I beg to enclose for your information copy of a Petition from Narrana Panikar and others, parties who appear to have personally represented to the Governor in Council the oppression practised by the Dewan towards them.

2. I have already on more than one occasion called your particular attention to the improper conduct of the Dewan towards those who have dared to accuse him, but I regret to observe that the objectionable proceedings I had noticed are still pursued with as much rancour and virulence as ever. If these practices are continued, they will not only shut out from the people the means of obtaining protection but eventually induce the unfortunate men to leave the country in despair.

3. It is a remarkable fact that the very parties who complained against the Dewan and their relatives are now accused of grave offences and it would be apparent to any unprejudiced mind that these men have been singled out for vengeance and that the charges against them are the result of design.

4. Some time ago, a person having hanged himself, an inquest was held on the body, and from the proceedings recorded on the occasion, as well as the medical testimony, it was clear that the case was one of suicide. This case, which had been finally set at rest, has now been raked up for certain illegal purposes, and a complaint obtained from one of the deceased's relatives charging the Sarwady Carriacar, and other Palace servants and some of the Dewan's accusers of wilful murder, although this very complainant had deposed at the inquest that the deceased committed suicide, and that he had no charge to make against any person. It is also worthy of notice that the same Tassildar who had held the inquest does not now hesitate to proceed with the case as one of murder, and that the said Tassildar is a nominee and creature of the Dewan, exercising the powers of office upon the Dewan's own authority and without any Teetoorom from me.

5. I beg you will give your careful and earnest consideration to the circumstances set forth in the accompanying Petition, and that you will adopt prompt and effective measures to prevent the irregular proceedings referred to, as well as those which would appear to be in contemplation against the Officers of the Palace, and which, I regret to say, are quite in keeping with the Dewan's past conduct generally.

6. Requesting the favor of an answer at your earliest convenience.

From Lieutenant General W. CULLEN, Resident; to His Highness the Rajah of Cochin, Trevandrum, dated 3rd November 1858.

HIGHNESS,

I have the honor to acknowledge the receipt of your Highness' letter, No. 30 of the 28th Ultimo: with it's enclosures.

I have no knowledge of any complaint by Petitioners addressed to the Governor in Council.

Translation of the Prosecution of Kanayatha Cootten Teeroopaud, aged 32 years, residing at Neendacurray Proverty, Nuddavil Moory in the Canianore District, before the Police Officer of the said District, dated 26th Kunny 1034, or 10th October 1858.

Prisoners.

1st. Paramashuara Iyen, Surwaddy Carriagar attached to the Palace of His Highness the Rajah at Tripoontorah.

2nd. Karoolly Iyapa Menon, Head Peon in the Palace, residing at Poonoothoray Moory in Nettoor.

3rd. Malatha Cuddacooyee Kristna Menon in Coondanoor Moory, Nettoor Proverty.

4th. Malayatha NallaKettoo Vettil Koonhettee Menon, Chundracar in Coondanoor Moory, Nettoor Proverty.

5th. Poolloollee Narayana Puniker in Nettoor Moory, Nettoor Proverty.

6th. Andipilly Iyapen Menon in Poonoor Moory; Nettoor Proverty.

7th. Embram Muddathil Coonhy Kristnen residing at Muddamoory, Neendacaray Proverty.

Prosecution.

My younger brother Kalara was on the morning of the 13th of this month found suspended from a Jack tree situated to the South East side of my Muddom and dead—and the circumstance was immediately brought to the notice of the Head Villagers, Proverticar and others, when the Police Officers repaired thither and asked me how it happened; to which I replied that as I was then much grieved I promised to enquire the cause and report it afterwards.

Having subsequently inquired into the cause,—I was given to understand that the 1st Defendant Surwaddy Carriacar who had received from me a bribe of a pair of Diamond Ear-rings and two diamond rings valuing at 400 Rupees in all, with a promise of causing my pension in arrears to be given to me and for the restoration of which I had made complaints to the Resident and the Dewan, sent for my younger brother Kalara on the 12th Instant, 8 o'Clock P. M., through the Defendants from 2nd to 7th to Letchmy Tope, where the 1st Defendant resides, for the purpose of extorting from him (my brother) a receipt acknowledging the restoration of the above Ear-rings

and rings at my desire, a Receipt was framed in hand writing of the 7th Defendant, which after being perused by the 1st Defendant was handed over to my brother for the purpose of his signature being affixed to it, when my brother said that he would not sign it without having received the property. That the 1st Defendant observed thus "Do you black-guard change the word, and are you obstinate?" and then got up from the chair and gave me a kick, expressing at the same time that he would cause him to sign it and that there were means for so doing and said to the Defendants from 2nd to 7th to cause him to sign the receipt in question. That in consequence of which the 2nd, 6th and 7th Defendants held him (my brother) by the hand, and took him down to the yard. That the 3rd, 4th and 5th Defendants had since joined the party and insisted on his signing it by using offensive language and ill treated him severely, from the effects of which (latter) he died.

The following Individuals are the eye witnesses of the deed committed on my brother for his refusing to sign the receipt written by the 7th Defendant Coojee Kristna at the desire of the 1st Defendant.

1st. Ellia Maddathil Coonjoo Menon residing at Neendacurray Proverty in Nuddawa Moory.

2nd. Coondayatha Naraina Menon, residing in Nuddava Moory.

3rd. Wamana Naiken Bappy of Thoroor in Nuddava Moory,

4th. Kopoolle Kittoo Nair, residing in Nettoor Proverty.

As the aforesaid Individuals had informed me of the occurrence, I beg they may be summoned, examined, and redress afforded to me.

(True Translation.)

(Signed) VENCATA ROW,

Dewan.

(True Copy.)

(Signed) W. CULLEN,

Resident.

From Lieutenant General W. CULLEN Resident of Travancore and Cochin; to the Dewan of Cochin, dated Trevandrum, 4th January 1859, No. 13.

SIR,

I beg to forward for your early enquiry and report an original Petition received from Government on that case of suspicious death, *viz*: of Kelloora Teeroopaud of Tripoontoray, and which you have already brought to my notice in your letter, No. 675 of 10th November last, and in the copy of the Police Examination received with your letter, No. 703 of 27th of the same month.

In my letter, No. 1898. of the 18th Ultimo, I suggested to you to apply to the Palace for the other parties necessary to complete the investigation of the case, for the Police proceedings you have sent me, independent of the Government call for a report, clearly render their deposition necessary; I beg therefore that you will explain the matter to His Highness the Rajah who, I feel assured, will be desirous that every proper assistance should be afforded for a full and impartial enquiry into a case of so suspicious a nature.

It has been observed to me that the present Petitioner did not make any charge of violent death on the first Police examination, immediately the body was discovered, but he had not at that time had proper opportunities of making enquiries, and he now declares that, although he could not then assign any cause for the death, he subsequently obtained the information on which his present charges are founded. Without therefore imputing a direct charge of deliberate murder against any one, there is great suspicion of violence attended with a fatal issue, and which will therefore require a public Police enquiry.

No. 19. ORDER THEREON, No. 119; dated 23rd February 1859.

The Right Honorable the Governor in Council is unable to accede to the request preferred by His Highness the Rajah of Cochin in his letter of the 25th January last, that the charge against the Surwady Carriacar be investigated by an European Officer or by any other Court or Commission. The case cannot be withdrawn from the cognizance of the ordinary Tribunals. It would seem to be now pending before the Head of Police. His Highness will therefore be requested to cause the attendance of the Carriacar before that authority.

2. The Dewan will not be permitted to take any part in the Proceedings. The case will be conducted in the same manner as any case of a similar nature would ordinarily be carried on. The Resident will watch the course of it, and will report to Government whether it is committed to the higher Court, and if it is, in what manner is has been disposed of, with his own opinion on the subject. General Cullen will submit to Government full copies with Translations of the proceedings when the investigation has concluded, and if the Carriacar be convicted, any sentence that may be passed will not be carried into effect, until it has been considered by Government.

3. Ordered that the following letter be forwarded to His Highness the Rajah of Cochin, through the Resident.

No. 20. To His HIGHNESS RAVI VIRMAH, Rajah of Cochin, &c., &c. &c. dated Fort Saint George the 23rd February 1859, No. 120.

HIGHNESS,

I have had the honor of receiving through the British Resident your letter to me of the 25th Ultimo, and its enclosure, relative to the charge of Murder which has been brought against your Surwady Carriacar.

2. It will doubtless be in your Highness' recollection that this was one of the subjects mentioned in the conversation, which I had the pleasure of holding with you at your Palace in the month of November last, and that on that occasion I endeavoured strongly to impress upon your Highness the importance of your exhibiting to all your subjects your reverence for the Laws and constituted Tribunals of the Cochin State, and of requiring all your servants of whatever rank to submit to them.

3. That advice I would now very earnestly repeat. It is not in my power to order that the accusation against the Carriacar should be investigated by any European Officer or by any Commission or Court other than that under the cognizance of which it would fall in the ordinary course. The charge is, I understand, at present pending before the Head of Police, and the Surwady Carriacar should be directed to attend before that Officer.

4. I have instructed the Resident, that the Dewan is not to be permitted to take any part in the proceedings. The case must be conducted in the same manner as any case of a similar nature would be. General Cullen has been directed to watch the course of it, and to report to my Government, whether it has been committed to the Higher Court, and if it is, in what manner it has been disposed of, with his own opinion on the result. He has also been desired to obtain and submit to me full copies, with translations, of the proceedings, on the enquiry being concluded, and in the event of the Carriacar being convicted to cause the sentence whatever it may be to be held in abeyance, until my Government have had the whole investigation before them.

With my best wishes for your Highness' health and happiness.

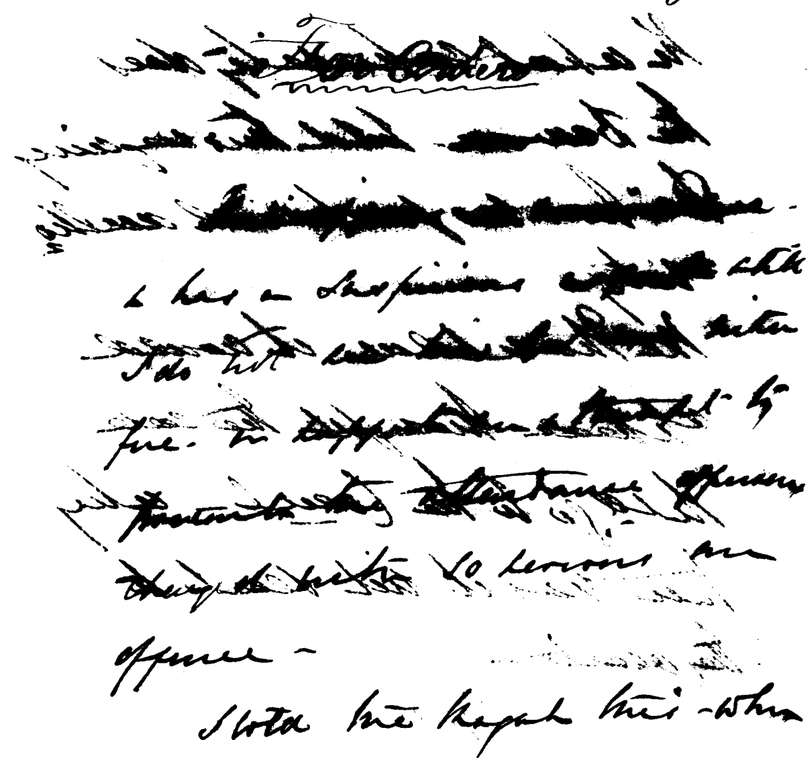
Fxd. J. A. Wilson. (Signed) HARRIS.

Political (S

No. 195

From The Resident at Travancore & Cochin

Dated 31st January 1859



Seen him at Cochin.

At

[illegible] does
he Dewan [illegible] company
[illegible] and
[illegible] Mr Madhava Rao would
[illegible] the case
[illegible] to the Court — why
then was it not sent to
the Court —

Well

[illegible] Here is
a case "Black ... Each man"
the King or his Minister can
do what ever they please as
far as forms & proceedings are
concerned —
The Rajah thinks it is a ruse
of the Dewan to murder his Confidential
Servt in trouble [illegible] victim of his
[illegible]
I think it looks rather like
a frame-up.
Why the man shd hang
himself because the Trapper-Dorno
kicked him if he kicked him
at all — is not apparent
Shd look into before [illegible]

Political Department

No. 119

Extract from the Minutes of Consultation

Dated 23d February 1859

Read the following Letter from the Resident of Travancore and Cochin

Fort Cochin 31st January 1859 No. 12

To

The Right Honorable the Governor in Council &c

I am unable to accede to the request preferred by H. H. the Rajah of Cochin in his letter of the 25th January last, that the charge against the Vurriadgy Carriacar be investigated by an European Officer or by any other Court or Commission. The case cannot be withdrawn from the cognizance of the ordinary Tribunals. It would seem to be now pending before the Head of Police. H. H. will therefore be requested to cause the attendance of the Carriacar before

Ordered that the following letter be forwarded to His Highness the Rajah of Cochin thro' the Resident.

Disp.d 24th Nov.

No. 120.

To

His Highness Rama Verma,
Rajah of Cochin.

8vo ——— 8vo ——— 8vo

Highness,

I have had the honor of receiving thro' the British Resident your letter to me, of the 25th ultimo and its enclosure relative to the charge of murder which has been brought against your Sunnady Carriacar.

2. It will doubtless be in your Highness' recollection that this was one of the subjects mentioned in the conversation, which I had the pleasure of holding with you at your Palace in the months of Nov.r last and that on that occasion I endeavoured strongly to impress upon

Your

before that authority.

2. The Crown will not be permitted to take any part in the proceedings. The case will be conducted in the same manner as any case of a similar nature would ordinarily be carried on. The Resident will watch the course of it, and will report to Government whether it is committed to the higher Court, and of the manner in which it has been disposed of with his own opinion on the subject. The Advocate General & Collector will submit to Government for their opinion on the translations of the proceedings when the investigation has concluded, and if the Accusation be overruled, any evidence that may be hereafter will not be carried into effect, until it has been considered by Government.

To The Resident of Travancore & Cochin. Disp.d 24th

Ordered

your Highness the importance of your exhibiting to all your subjects your reverence for the laws and constituted tribunals of the Cochin State, and of requiring all your servants of whatever rank to submit to them.

3. That advice I would now very earnestly repeat. It is not in my power to order that the accusation against the Carriacar should be investigated by any European Officer or by any Commission or Court other than that under the cognizance of which it would fall in the ordinary course. The charge is I understand at present pending before the Head of Police, and the Surnady Carriacar should be directed to attend before that Officer.

4. I have instructed the Resident, that the Dewan is not to be permitted to take any part in the proceedings. The case must be conducted in the same manner as any case of a similar nature would be. General Cullen has been directed to watch the course of it, and to report to my Government, whether it has been committed to the Higher Court, and if it is, in what manner it has been disposed of with his own opinions on the result. He has also been desired to obtain and submit to me full copies with translations of the proceedings on the enquiry being concluded; and in the event of the Carriacar being convicted to cause the sentence whatever it may be to be held in abeyance, until my Government must have had the whole investigation before them.

With my best wishes for your Highness' health & happiness I remain

Your Highness's

Copy to the Resident of Travancore & Cochin } Dispd. 24th

Compd. [illegible]

[illegible]

Fort St. Geo. 25 Feby.

Political 1859 Depart

№ 119

Extract from Cons. of Govt

of 25 February 1859

Read

Inform the Resident of Travancore Cochin that the R.H. the Governor is unable to accede to the request preferred by H.H. the Rajah of Cochin in his letter of the 25 January last that the charge of Murder against the Servedy Cariacar be investigated by an European officer or by any other Court or Commission the Case cannot be withdrawn

Fort St. Geo. 15th Dec.
№ 36 of 1859
Replied to by the Secy of State for India of 29th March № 10 of 1860

from the Magistrate of the Ordinary Tribunal, Request Genl Cullen to watch the trial and Report whether it is Committed to the higher Court

1860.

26

C.G.Z. 1859.
Pol. 25.