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MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 311-314 Press Mis.

Dated 12-10 1883

Not to be folded or roughly handled

Read the following papers :—

No. 28. From G. A. BALLARD, Esq., Collector of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Calicut, 10th September 1863, No. 98.

In accordance with G. O., dated 28th January last, No. 30, I have gone fully into the claims of Ali Rajah to be treated as head of the House of Cannanore.

2. In the G. O. quoted, especial attention is directed to—

1stly. The rule by which the succession to the sovereignty is regulated.

2ndly. Whether the senior member of the family when a male has succeeded to the sovereignty.

3. I will make a few remarks on the evidence* submitted by Ali Rajah to Government.

* Vide list of documents, &c., lately submitted by Ali Rajah as given in G. O., under reply, paragraph 2.

(*a.*) This list throws no light whatever on the rule of succession, as the relationship of each individual to his or her predecessor is not shown and cannot be ascertained. The list is copied from a manuscript in the Moplah character and Malayalam language. The manuscript bears no date or mark of authority, but purports to be copy of an old family register not now in existence.

(*a.*) A list of Sovereigns who have filled the Cannanore Musnud.

The list bears internal evidence of incorrectness—five consecutive reigns covering no less than 386 years.

(*b.*) This letter acknowledges the receipt of one from the Beebee with whom the British Government originally treated, in which the said Beebee appears to have informed the Sultan that she had succeeded her uncle.

This would show that a male had been sovereign of Cannanore and had been succeeded by a female.

(*b.*) A translation of a letter addressed to the late Beebee by the Emperor of Turkey.

N. B.—The letter is not to the late Beebee but to her predecessor's predecessor.

I have been unable to ascertain with certainty whether any senior male relative existed at the time. There is no proof that any such did exist. The probability is that none did.

(*c.*) In this paper the same Beebee states that "the sovereignty of the country (Cannanore) "had been held by both male and female rulers "for a period of 1,200 years;" that her uncle reigned before her, and that on his death the Government devolved on females.

(*c.*) A copy of a statement made by the then reigning Beebee in 1794.

The cause of female succession is not shown.

(*d.*) These extracts mention the then Beebee as lineal heir to the State, and as having succeeded her uncle. They speak of the Laccadives as having been given to a Moplah family, the chief male representatives of which were called Adi or Adi Rajah "the last of whom was succeeded by his niece, the present Adi Rajah Beebee."

(*d.*) Extract from the report of the Commissioners in 1793.

This I think indicates, though it does not conclusively show, that there were *no* male representatives at the time of that Beebee's succession.

(*e. f. g.*) In *f* Mr. Conolly asks "how many Beebees have represented the House of Cannanore from the date of its starting into existence," and "what relationship that male king who long ago managed affairs" bore to "the Beebee of the time."

(*e*) A letter addressed by the late Beebee to the Joint Magistrate of Malabar, and

(*f* and *g*) A correspondence between the late Collector, Mr. Conolly, and the late Beebee.

In *e* and *g* the late Beebee states that when the State vested in the senior male member "he not only governed but managed all affairs of State," but that when a female member was

senior she signed all documents and represented the family, whilst the junior male member, if there was one, managed affairs and used the great Seal.

She states that it was in default of male successors that Beebees filled the Musnud.

Her statements appear to have been called forth by claims set up by junior female members of the family. She was anxious of course to make out as strong a case as possible for her son whom she naturally wished to succeed her.

4. The coins, books and Peon's badge produced by Ali Rajah throw no light on the
G. O., dated 28th January 1863, No. 30, paragraph 2. question of succession.

The coins show only five varieties. The Huzur Cash-keeper knew nothing of them. The Huzur Shroff had never seen any of the gold coins; but knew the silver ones.

The coins with the Seal and badge bear the inscription Sultan Ali Rajah which appears to have been the title assumed by the ruler of the time being, not the name of an individual. The earliest coin purporting to be of Hejra 1063, (A. D. 1650) bears the name "Sultan Ali Rajah" as well as the latest purporting to be of Hejra 1149, (A. D. 1736).

The books are principally registers of leases, title deeds, &c., signed apparently by male members.

The late Beebee, it will be seen above, declared that whether male or female members exercised the sovereignty, the managing male members granted title deeds and used the great Seal.

Little therefore in elucidation of the present claims can be gathered from these exhibits.

5. Ali Rajah has produced nothing further before me that supports his case.

His Vakeel has simply gone over the old ground, or made quite unsupported assertions.

6. On the other hand the Karnastan of the present Beebee has adduced little or nothing to support her claims. He has not been able to show that a female has succeeded when a senior male member has been in existence.

7. Both Karnastans allow that when the late Beebee ascended the Musnud there were no senior male members.

Both allow that Maramakatayam, or succession through the female line, is the rule of the Cannanore family.

The Beebee's Karnastan however contends that not only does succession through females prevail, but that only females succeed. There are several Tarwads in Malabar in which this rule holds, but the custom is quite exceptional.

Nothing is adduced to prove that it holds in the Cannanore family save unsupported statement, and the fact that since the British connection with the house females only have succeeded.

8. I subjoin two copies of the Cannanore sovereignty which though not conclusive are worthy of some attention.

1. In a translation from the Dutch of Jacob Canter Visscher, A. D. 1743, (edited by Major H. Drury, Madras Army) it is stated that the then sovereign of Cannanore was a Prince called Ali Rajah, that the Malabar laws of succession held good in his domains, the sister's son being the rightful successor.

2. The following is from Buchanan's travels:—

"The only male at present in the family is a lad, son of the Beebee or lady of Cannanore, who "manages the affairs of the family during "his minority. The succession goes in the "female line as usual in Malabar. The chil- "dren of the son will have no claim to it and "he will be succeeded by the son of his niece, "who is the daughter of his sister. This "young lady has lately been married in——"

"The young chief, with the father and husband "of the young lady who [illegible] authority, received the company in the dining room, but "did not eat at table."

9. On a careful re-consideration of the whole subject, I must now express my opinion,

That it is certain that anterior to the British connection with the Cannanore family there were male sovereigns.

That the balance of probability is that there was no senior male member alive when the Beebee of 1776 succeeded.

That there were no senior male member alive when the two following Beebees succeeded.

That the existence of any rule or established custom securing the succession to females, to the exclusion of senior males, is not proved in any way.

That there is nothing whatever to show that the succession of females since the British connection with Cannanore was due to aught but the absence of senior male members.

And that on the late Beebee's death there were no grounds as far as any established rule of succession in the family is concerned, to set aside Ali Rajah and declare the present Beebee head of the House of Cannanore.

10. I am not sure that in previous correspondence a wrong interpretation has not been put on Mr. Conolly's words. He does not distinctly say that none but a female could succeed; though I confess that when I addressed Government about a year ago on the subject, I was under the impression that he intended to convey that meaning and that he was right in doing so.

I was then new to Malabar. I had found the present Beebee installed. I perhaps mistook the opinions expressed by my predecessors, and I was certainly unduly influenced by the fact that our original treaty had been entered into with a Beebee and that Beebees only had succeeded since.

11. For obvious reasons I submit this report confidentially, and I beg to await the orders of Government as to any further steps in the matter.

No. 29. MINUTE by the Honorable T. PYCROFT, dated 21st September 1863.

I have gone carefully through this letter and all the previous papers connected with the case, and it appears to me that the opinion expressed by Mr. Ballard in paragraph 9 of his report, is well founded.

2. If so, the Government must recognize Sultan Ali Rajah as Rajah of Cannanore, and place him in possession of the property of the House of Cannanore both in the Laccadives and on the Continent of India.

3. But under date 4th September 1862, this Government reported to the Government of India adversely to Sultan Ali Rajah's claims. To that report, as far as I am aware, no answer has been received. It may be best then to send these further papers to the Supreme Government, and request their instructions, stating at the same time what our own opinion is. Mine is what I have said above.

4. Or we might seat Sultan Ali Rajah on the Musnud at once, and report to the Government of India that we had done so; but the course that I have suggested in the preceding paragraph seems to me the preferable one.

5. There may perhaps be yet another course open to us. It is always unpleasant to Government to have to decide claims to succession to property. That is the legitimate province of Courts of Law. The possessions of the Cannanore House in the Laccadives, are not within the jurisdiction of any Madras Court, but those on the mainland—bazars, lands, &c., at and near the town of Cannanore—may be. Sultan Ali Rajah might be directed to sue the present Beebee (whom this Government have already recognized) in the Civil Court of Tellicherry for the property in Malabar, it being understood that if he made good his claim in the Zillah Court, and, in the event of an Appeal, in the High Court, the Government would recognize him as Sovereign of the (Southern) Laccadives also.

(Signed) T. PYCROFT.

No. 30. MINUTE by the Honorable the PRESIDENT, dated 23rd September 1863.

Mr. Ballard's report does him credit. It is clear, concise and yet brings before the Government the whole of the facts of the case which can be established. I take the same view that he does of the claim of Ali Rajah, whom I believe to be the rightful successor to the late Beebee.

He is, however, the successor to property and rights of a very mixed character. In Malabar, I suppose, it is to private property, and *perhaps*, to Revenues arising out of payments to a sort of feudal superior; in the Laccadives, has the rights which appertains to a sovereign Prince. The Courts of Law would be the proper adjudicative upon claims to private property, but it belongs to the Government to decide questions involving claims to feudal or sovereign right.

It might happen that the Courts of Law would take a different view of the rights of the claimants, to that which would commend itself to the Government, which would lead to awkward complications. As then it is probable that the claim to private property would be conceded at once to the feudal superior, I should be disposed to adopt Mr. Pycroft's first suggestion, and submit the whole to the Supreme Government with an expression of our opinion, and an explanation of the reasons which led us to form an erroneous opinion in 1862.

(Signed) W. T. DENISON.

No. 31. MINUTE by the Honorable E. MALTBY, dated 30th September 1863.

I concur in the opinion of the President and the Honorable Mr. Pycroft, that although inheritance goes in the female line in the Cannanore family, the Collector has now shown that females only succeed to the headship of the House, in default of male heirs. The first course proposed by Mr. Pycroft should therefore be followed, as suggested by the President. Adverting to paragraph 13 of the Collector Mr. Ballard's letter of 18th July 1862, the head of this House should not, I think, be allowed to assume the title of "Sultan" in official correspondence. His proper designation seems to be "Rajah of Cannanore."

(Signed) E. MALTBY.

No. 32. ORDER THEREON, 12th October 1863, No. 311.

The foregoing letter and the previous correspondence will be submitted to the Government of India, with reference to the letter addressed to that Government under date the 4th September 1862, No. 354, and the Supreme Government will be informed that having now before him the further information furnished by Mr. Ballard, the Governor in Council is of opinion that Ali Rajah should be recognized as Rajah of Cannanore and should be placed in possession of the property belonging to the House of Cannanore both in the Laccadives and on the Continent of India.

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

No. 33. To the Secretary to the Government of India, Foreign Department, with the Governor General, Simla, dated Fort Saint George, 12th October 1863, No. 312.

In my predecessor's letter of the 4th September 1862, No. 354, a report was submitted on a claim preferred by Alee Rajah to be recognized as the successor of his mother, the late Beebee of Cannanore, and with reference to which he had addressed petitions to the Government of India. It was stated that from the commencement of British connection with the House of Cannanore, or from 1784, the sovereignty had always been enjoyed by a female as Beebee, while the usual business of the State had generally been transacted by a male member of the family under the designation of Rajah; and that, in the opinion of this Government, the claim of the Alee Rajah to succeed to the sovereignty was inadmissible and had been rejected.

2. Alee Rajah having subsequently submitted a Memorial* in which he contended that the senior member of the family, whether male or female, had always been recognized as the head or reigning Rajah, and having submitted certain documents (some &c.,) in support of his assertion, the Governor in Council deemed it proper to refer his claim to the Collector of Malabar for further investigation. Alee Rajah, who was then at Madras, was instructed to return to Malabar and to tender to the Collector such evidence as he might be able to adduce in support of his assertions.

* A copy is enclosed for reference.

* Proceeding 12th October 1863, No. 30.

1st. As to the rule by which the succession to the sovereignty is regulated.

2nd. As to the fact that the senior member of the family, when a male, has succeeded to the sovereignty.

3. The result of the inquiry is reported in Mr. Ballard's letter of the 10th ultimo, from which it appears,

1st. That anterior to the British connection with the Cannanore family, there were male sovereigns.

2nd. That the balance of probability is that there was no senior male member alive when the Beebee of 1776 succeeded.

3rd. That there was no senior male member alive when the two following Beebees succeeded.

4th. That the existence of any rule or established custom securing the succession to females, to the exclusion of senior males, is not proved in any way.

5th. That there is nothing whatever to show that the succession of females since the British connection with Cannanore was due to aught but the absence of senior male members; and

6th. That on the late Beebee's death, there were no grounds, as far as any established rule of succession in the family is concerned, to set aside Alee Rajah, and declare the present Beebee head of the House of Cannanore.

4. The Governor in Council concurs in the conclusions at which the Collector has arrived, and is of opinion that Alee Rajah should be recognized as Rajah of Cannanore and should be placed in possession of the property of the House of Cannanore both in the Laccadives and in the Continent of India; but as the matter has been already under the consideration of the Government of India, he deems it right to refer the case to His Excellency the Viceroy and Governor General for his instructions before taking action on the Collector's report.

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

Exd. T. McMootry.

Letter from Collector of Malabar 10 Sept 1863
on the claim of Sultan Ali Rajah to the
Island of Cannanore -

I have perused carefully this letter and all the previous papers connected with the case, and it appears to me that the petition of presented by the Kulkundiapana of this Port is well founded -

2. If so, the first measure necessary is to restore Sultan Ali Rajah as Rajah of Cannanore & place him in possession of the property the House of Cannanore now holds in the Laccadives and on the

Continent of India.

3. But under date 4 Sept 1862 this port exported to the ports of India & countries to Sabaetan Ali Rajah's claim to that export, as far as I am aware, no answer has been received. It may be best then to send them further papers to the Superintendent and request their instructions, stating at the same time what our opinion is - which is that I have said above - 4. Or we might enclose the Rajah's letter

alone

& must send export to the ports of India that we have done so - but the course that I have to pursue - but in the preceding para seems to me the proper one.

There may perhaps be yet another course open to us - It is always unpleasant to put to have to decide claims to succession & questions. That is the legitimate province of Courts of Law - The pretensions of the Commissioner Rama in the Laccadives are not within the jurisdiction of any British Court - but Rama on the main land - Cayan - Cannanore

at and sum = court of Cameroon —
may be. Sultan Ali Raja might be
directed to send a present Rebel (Sha
Kay) for him abroad) recognized in
the Civil Court of Tellicherry for the
purpose in Malabar — it being un-
derstood that if he must prove his claim
in the Tellicherry Court, and in the event
of an appeal, in the High Court, the
Government would also recognize
him as Sovereign of the (Sonkum)
Location also ——

J. Hyde

21 Sept. 1863

Pol. 1863 Sept.
Bo. Oct.

Minute by the Hon'ble
Mr Peacock.

Dated 21st Sept.
Rec'd 13 Oct. 1863.

No 357

Opinion on the
Execution of the Law of
inheritance of the
Cawnapore family

M. Ballantine's report does him
credit - it is clear, concise, & pat-
tings before the Govt the whole
of the facts of this case which can
be established - states the same
views that he does of the claims
Ali Nazah, whom I believe to
be the rightful Successor to
Shi Lali Bibi -
He considers the succession to
property & rights of every kind
hereditary - In Malabar, I suppose,
that is private property, and
perhaps, the Revenues arising
out of payments to a sort of
Feudal Superior - in Bo
Canara has this right often
appertains to a Sirkargir Service

The country Law would be the proper adjudication upon claims to private property, but it belongs to this Govt to decide questions involving claims to feudal or Sovereign right.-

It might happen that the Courts of Law would take a different view of this right to the claimants to that which would commend itself to the Govt which would lead to awkward complications. As then is probable that the claim to private property would be conceded at once to the feudal superior should he dispose to adopt the Ryerson fund suggestion

and submit this whole to the Supreme Govt with an expression of our opinion & an explanation of the reasons which led us to form an erroneous opinion in 1862.

W Dennison

23 Sept 67

No. 358
Opinion on the
question of the line of
inheritance of the
Cannanore family

Dated 23rd Sept 1863
Rec'd 13 Oct 1863

No 358

Opinion on the
question of the line of
inheritance of the
Cannanore family

Minute of the Hon'ble
the President

Letter dated 3rd Oct 1863

Dated 23rd Sept
Rec'd 13 Oct 1863.

No 358

Opinion on the
question of the line of
inheritance of the
Cannanore family

I concur in the opinion of the President and the Hon'ble Mr Bayley that although the relationship does on the female side in the Cannanore family, the Collector has now shown that females only succeed to the headship in default of male heirs. The first course proposed by Mr Bayley should therefore be followed, as suggested by the President.

Adverting to P/3 of the Collector Mr Baber's letter of 18 July 1862, the head of this House should not "think, be allowed to assume the title of "Sultana" in official correspondence, his proper designation seems to be "Rajah of Cannanore"

30 Sept 1863

E. Ravenscroft

Pro. Ct.
Pol. 1863 Dept.

Report to the Honble
E. Bradley

Encl. A. 3 1/2

Dated 30 Oct
Read 18 Oct

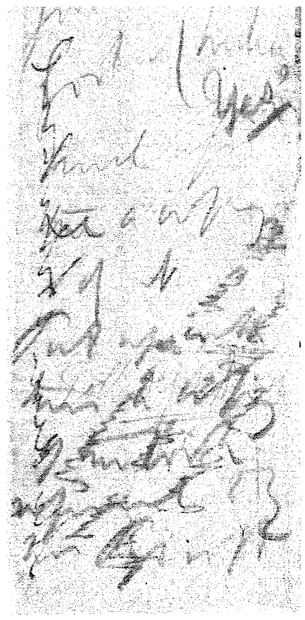
No 359

Opinion on the
question of the loss of
inheritance of the
Caucasus family

The book was
sent with an Officer
Evening 3rd Nov 1863

My dear Admiral

In writing on this subject
to the Secretary of State I omitted to
refer to a letter from Count
Nesselrode to Count Pahlen of a
notice of Caucasian in Castri
Vaschni's letters which make
very strongly in favor of a male
succession. There are two passages
at pages 30 & 119 - but the letter
is printed in most of the pamphlets
a copy of the book might be
sent to Mr Secretary Bradley
and to Mr Secretary



Rec'd Oct.
Political 1863 Dept.

From The Collector of Malabar
To The Chief Secretary to Government Fort St George
Dated 11th Sept 1863.
Rec'd 14th

No 333 No 98

Submitting his views on the claim of Sultan Ali Raja to the Mussulmans of Cannanore.

Jas Cadell

No 311 of 12th October 1863.

The foregoing letter and the previous correspondence will be submitted to the Govt. of India with the opinion that the letter addressed to that Govt under date the 6th September 1862 No 354 and the Supreme Govt. will be informed that having now before him the further information furnished by the Collector the Governor in Council is of opinion that Ali Raja should be recognized as

Encl. in Despatch

No. 312.

Political

To

The Secretary to the Government of India

Foreign Department,

with the Governor General

Simla

Sir,

In my predecessor's letter
of the 24th September 1862,
No. 354, a report was sub-
-mitted on a claim preferred
by Alee Rajah to be recog-
-nized as the successor of
his mother, the late Bibee
of Cannanore, and with
reference to which he had
addressed petitions to the
Government of India. *
It was stated that from
the Commencement of
British Connection with
the House of Cannanore,
or from 1784, the Sovereignty
had always been enjoyed

Sep

* A Copy is enclosed for reference.

by a female as Beebee, while the usual business of the State had generally been transacted by a male Member of the family under the designation of Rajah; and that, in the opinion of this Govern-ment, the claim of Alee Rajah to succeed to the Sovereignty was inadmis-sible and had been rejected.

2. Alee Rajah having subsequently submitted a Memorial in which he contended that the Senior Member of the family, whether Male or Female, had always been recognized as the head or reigning Rajah, and having to submit certain Docu-ments, Coins, &c. in support

Read 28 January 1863 N° 30

support of his assertion, the Governor in Council deemed it proper to refer his claim to the Collector of Malabar for further investigation. Alee Rajah, who was then at Madras, was instructed to return to Malabar and to tender to the Collector such evidence as he might be able to adduce in support of his assertion.

1st — As to the rule by which the succession to the Sovereignty is regulated.

2d — As to the fact that the Senior Member of the family, when a male, has succeeded to the Sovereignty.

3. The result of the Enquiry is reported in Mr Ballard's letter of the 10th Instant, from which it appears,

1st — That anterior to the

the British Connection with the Cannanore family, there were male Sovereigns.

2d – That the balance of probability is that there was no Senior Male Member alive when the Beebee of 1776 succeeded.

3d – That there was no Senior Male Member alive when the two following Beebees succeeded.

4th – That the Existence of any rule or established Custom securing the succession to females, to the Exclusion of Senior Males, is not proved in any way.

5th – That there is nothing whatever to show that the succession of females since the British Connection with Cannanore was due to aught but the absence

of Senior Male Members; &

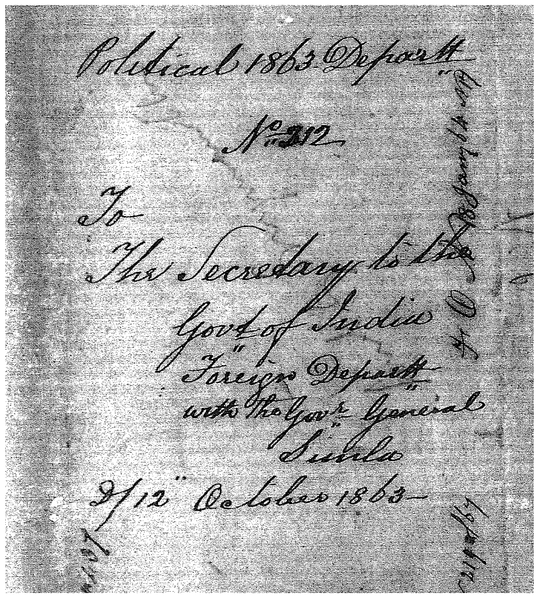
6th – That on the late Beebee's death, there were no grounds as far as any established rule of succession in the family is concerned, to set aside Ahee Rajah, and declare the present Beebee head of the house of Cannanore.

4 The Governor in Council concurs in the conclusions at which the Collector has arrived, and is of opinion that Ahee Rajah should be recognized as Rajah of Cannanore and should be placed in possession of the property of the House of Cannanore both in the Laccadives and in the Continent of India; but as the matter has been already under

the

the
Consideration of the Govern-
ment of India, he deems
it right to refer the
Case to His Excellency
the Vice Roy and Governor
General for his instructions
before taking action on
the Collector's report.

Fort St George
12th Oct 1813


Political 1863 Depart.

No. 212

To

The Secretary to the

Govt of India

" Foreign Depart.

" with the Govr General

" Simla

9/12 " October 1863