
MALABAR.--THE MOPLAS.

ACT No. XXIII. OF 1854.

[*Received assent of G. G. on the 28th October, 1854.*

Recites the commission of murderous outrages by the Moplas.

I. *Authorizes the G. in C. of Madras to proclaim Malabar as under the provisions of this Act.*

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2. *Mopla murdering or attempting to murder any person of other class, or any person joining in or accessory to outrages by Moplas to forfeit property, the property also of those who have been killed in the course of such outrages when fact found by post mortem inquest.*

3. *Authorizes burial or burning of bodies of Moplas within the precincts of Jail.*

4. *Powers of G. in C. under M. R. 2, 1819 and Act 5, 1841 as to confinement or trial of persons, extended to offenders under this Act.*

5. *Magistrate to apply to G. in C. for orders respecting any Mopla, &c. against whom he wishes to proceed under last Section.*

6. *If after self-banishment, in commutation for trial, party returns, he shall be liable to imprisonment, &c.*

7. *Authorizes the Magistrate, with consent of G. in C., to levy fine on the district to which any offending Mopla may belong.*

8. *Fines under this Act to be levied like public Revenue and Magistrate not to be liable to any civil action.*

9. *Empowers G. in C. to annul proclamation.*

10. *Act to continue in force till 31st December, 1859.*

An Act for the suppression of the Outrages in the District of Malabar, in the Presidency of Fort St. George.

Whereas in the District of Malabar in the Presidency of Fort

Preamble.

St. George, murderous outrages have been frequently committed by persons of the class called Moplas against inhabitants of those Districts belonging to other classes, the offenders in such outrages intending therein to sacrifice their own lives; and the general law of the country is not adequate to suppress such outrages: It is enacted as follows:

I. It shall be lawful for the Governor in Council of Fort St.

Governor in Council empowered to proclaim the whole or any part of Malabar to come under this Act.

District of Malabar to be subject to the operation of all or any of the following provisions.

II. Any Mopla, who murders or attempts to murder any

The property of Moplas convicted of outrages to be forfeited.

person belonging to any other class, or who takes part in any outrage directed by Moplas against persons of any other class, wherein murder is committed or is attempted to be committed, or is likely to be committed; and any person who shall procure

George, whenever he shall see fit, by a proclamation published in the *Fort St. George Gazette*, from time to time, to declare the whole or any part or parts of the

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of the following provisions.

person belonging to any other class, or who takes part in any outrage directed by Moplas against persons of any other class,

wherein murder is committed or is attempted to be committed, or is likely to be committed; and any person who shall procure

or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same; or who, after having committed, or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance; shall, on conviction thereof, be liable not only to the punishment provided by the existing law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried; and when-

Also the property of persons killed in committing outrages.

ever any person shall be killed in the act of committing any such offence as aforesaid or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence, if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

III. If any mopla shall be sentenced to death for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court, by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him; it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail as the said Magistrate shall see fit.

IV. The Governor in Council shall have, with respect to

murder any person of other class, or
outrages by Moplas to forfeit property,
killed in the course of such outrages

of Moplas within the precincts of

1819 and Act 5. 1841 as to confine-
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Powers of Governor in Council as to the confinement or trial of persons under this Act.

the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by Regulation II. of 1819 of the Madras Code and by Act V. of 1841, respectively, regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of the said Regulation and Act, respectively, shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

V. The Magistrate of the District may cause any Mopla or other person, against whom there are in his judgment grounds of proceeding under the last Section, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

Magistrate how to act in respect to persons against whom he thinks there are grounds of proceedings.

VI. If with the previous consent of the Governor in Council any person, against whom the Governor in Council shall think fit to proceed under Section IV., shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labor, for a period which may extend to seven years, or with fine or both.

Penalty for remaining or returning within forbidden limits.

VII. Whenever any such outrage, as is specified in the 2nd Section of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize from all the Moplas within the

Levy of compensation or fine.

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umshum or the several umshums to which the perpetrator or
 perpetrators, or any one of such perpetrators of such outrages,
 shall be found to belong, or wherein any such perpetrator shall
 have been resident at the time of the commission of the outrage;
 and the said Magistrate shall assess the proportions in which
 the said sum shall be payable upon the several heads of families of
 Moplas within such umshum or umshums, according to his
 judgment of their respective means; and the said Magistrate
 shall appropriate the sum so levied as follows, that is to say, in
 the first place to the compensation of the parties aggrieved by
 such outrages, including therein compensation to the family of
 any person dying by any such outrage for the pecuniary loss
 occasioned or likely to be occasioned by such death; and, subject
 to such compensation, to the use of the Government.

VIII. All fines and pecuniary liabilities incurred under this
 Act may be levied by a Magistrate under
 summary process, in the same manner as
 the Public Revenue may be realized by a Collector; and no
 action shall lie in any Civil Court against
 the Magistrate in respect of any fine im-
 posed, or any assessment made under this Act, or in respect of
 the levy of any portion of such fine from the person or persons
 upon whom the same shall have been assessed.

IX. It shall be lawful for the Governor in Council, by such
 proclamation as aforesaid, from time to
 time, to withdraw from the operation of
 the provisions of this Act any part or
 parts of the said District which he may
 previously have declared to be subject thereto; and in like
 manner, as occasion shall require, to subject the same part or
 parts again to the operation of such provisions, or of any of
 them.

X. The provisions of this Act shall continue in force until
 the 31st December 1859.

Act how long to con-
 tinue in force.