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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUD DEPARTMENT

CONFDL — GO

G.O. No. 1419 ~~B.P. No.~~ ~~Press~~ Mis.

Dated 30-6-1888 ~~197~~ .

Not to be folded or roughly handled

859

Memorandum on the Enquiry into the
Conduct of Rao Bahadur K Kunyan Menon
Sub Judge of North Malabar by A. F. Cox Esq
Ag District Judge of North Malabar as
Preliminary Commissioner on the 31st of
May and following days

Having been instructed by Mr Kunyan
Menon to appear for him in the above enquiry
I ask on his behalf that the Government will be
pleased consider the following observations
on the procedure followed and evidence adduced
in the enquiry, not by way of defence, for until
the formulation of a charge such would be pre-
mature, but as endeavouring to show that the
material so far elicited does not discover any
matter sufficiently trustworthy to form the
foundation of any such charge And in view
of the long and honorable career of the Sub Judge
in the Government service I crave its very
earnest and patient consideration

The Procedure has been as follows: The
instructions of the Government for the Commr
to offer immunity to whomsoever might come
forward to give evidence and whose evidence
might exculpate themselves was published
in Open Court. — The attendance of witnesses
before the Commissioner was obtained by sum
monses issued under the Seal of the District
Court and signed by the Ag District Judge as

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such Manuscripts also issued summonses
in like manner. — The Witnesses were
examined upon oath and solemn affirma-
tion — Immunity was offered to those who
were alleged by the witnesses to have given
bribes in the following terms or to the like effect:
I have heard, or I have reason to believe, or Witness
say, that you gave a bribe to the Sub Judge; now
I am authorized by Government to offer to you
that if you speak the truth and tell the whole
matter you shall not be prosecuted by the
Government and if any other should prosecute
you, you shall be pardoned as if you did give
a bribe you need not be afraid to say so but
if you do not tell the whole truth you may be
prosecuted. — As representing the suspect
I was invited by the Commissioner to cross-
examine the witnesses but this I declined to
do wishing to reserve everything in the nature
of a defence till some charge be definitely
made — I may add that I was treated
with very courtesy

In commenting on the above I have no
wish to criticize the action of the Government
nor of the Commissioner except in so far as to
point out this may possibly or probably have
affected the witnesses in the statements
made by them

In the first place then I submit with
great deference that the issue of such
summonses pretending to compulsory

Crowns and the delegation of this mistaken
authority to the Municipps and the administra-
tion of oaths and affirmations in such an enquiry,
were all ultra vires and illegal, or, at least,
most extra-ordinary. And I also submit that
a Conditional Pardon is wholly a creature of the
Statute Law and is confined to the Code of Criminal
Procedure, that it is not applicable to any per-
son till a legal complaint has been made be-
fore a Magistrate, and then, only to a person who
is already a defendant in the matter; and that
therefore in this enquiry, which is not in pursuance
of any statute, the offer was wholly illegal. Yet, if
used in strict pursuance of the Procedure Code
such an offer through legal rendus the evidence
of an accomplice or alleged accomplice untrust-
worthy (though it be admissible) inasmuch as
the witness has to earn his pardon by satisfying
the Judge or Magistrate who offers it, that he is
speaking the truth; but what is that truth, is the ques-
tion being determined; wherefore he is constrained
to make his evidence square with with what
he, the witness, rightly or wrongly, thinks the
Judge believes to be the truth. Now I submit
that this inherent evil has been immensely
intensified by the fact (if I am right) that the
offer, and all the procedure leading to it, was
illegal or at any rate extra-ordinary, and that
the procedure being so extra-ordinary could not
fail to have some cognizance in the mind of

the people and to have begotten, in the minds of those affected by it, the impression (utterly erroneous undoubtedly) that the Government was quite convinced of the guilt of the Sub Judge, and only desired means legally to establish it. Moreover, to this result, the words used by the Commissioner prefaced as they were by the expressions "I have heard", "you are suspected," "Witnesses have said that you gave a bribe &c" strongly tended, for such words, taking the natives as we found them, could not fail, in the mind of the witness, to be a cue that the Commissioner also believed the Sub Judge guilty of the bribe in question. For these reasons, I ask that the statements of those witnesses who come forward saying that they have given or assisted in giving bribes to the Sub Judge should not be relied upon unless fully corroborated by other evidence not obnoxious to this criticism.

I will now proceed to discuss the evidence in each case separately, and, for convenience, on separate sheets:—

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Case No 7

The witnesses are
1 J.L. Rosario (Vakil)
2 Edwin Sherman
3 C Abdool Kader
4 Ochuda Mallen
5 Koodiyé Raman
6 Puvadan Raman
7 Raman Marar
8 Goundan Nair
9 Narayana Kurup
10 Ammaju Row
11 Kakkath Kunhi Pakki
12 Vayalil Kunhiji
13 Chundan Nambiar
14 Pydal Nair
15 Alvarez
16 Mr Richmond (Vakil)
17 P.C. Kunhamad
18 Geo Laport
19 Kottayath Ramunny
20 Mr Le Mesle Vakil

Setting aside for the present the 4th Witness, the evidence is as follows

According to the 1st 6th 7th and 8th Witnesses, the Plaintiff in the suit (now dead), while the suit was pending, reported to the 1st Witness and his fore-mentioned, the 7th & 8th Witnesses, and also to the 6th Witness, that a proposal had been made to him by the 11th Witness, that he, the Plaintiff, should give a bribe to the Sub Judge; and subsequently reported to the 4th Witness who was managing the suit told the 6, 7, & 8th Witnesses that "it was arranged".

Now these conversations being of such old date, it is quite possible that these witnesses are now unconsciously grafting on to their memories, which must necessarily be weak, matters which have in reality only come to them by recent rumour. It is far easier

to believe this than that the two Vakeels the 1st & 6th Witness, having had such direct admissions made to them, should have accepted the decree and, by remaining silent for two whole years, seem to connive at a flagrant bribery.

Next the 2nd, 3rd and 15th witnesses show that the deceased plaintiff obtained, on the 20th Feb 1886, from the Bank at Coonanore, upon a Bill of Exchange, the sum of Rs 1500; and further that on the 23rd of the same month was paid away by the deceased plaintiff for the Jeu expenses of the suit, the sum of Rs 1000. But no connection is traced between this money and that which is alleged to have been given to the Sub Judge

Again the 9th Witness shows that, after the decree, he applied for a refund of the value of certain stamps which had been wrongly received by the Court, and states that at the first the Sub Judge was disinclined to allow it, but that after his attention was drawn to the suit and the Order of the High Court authorizing such a refund, he allowed it. I submit that no inference of corruption can be drawn from such change of opinion. It is not suggested that the first omissions of the Fiscal was sinister, and had he refused still, after the authority was quoted, it could have been unjust.

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The 13th & 14th witnesses, peons, show that during Mr Kumpan Menons time at Tellicherry peons did not accompany him to and from Court, and that one of them was kept to house duty only. If it be suggested that this to allow parties facilities for coming to the Sub Judge with bribes en route, we must infer the same with regard to the other Sub Judge, Mr Ramachandrier, for the same practice prevailed in his time.

The remaining witnesses, being the 10th & the 12th and the 15th & the 20th, are to show that the 11th Witness, the alleged go-between, was once, in a different suit, and at a widely different time, appointed a commissioner to examine certain accounts; and that at times he had been seen at and near the Sub Judges house. I submit that this is utterly irrelevant, and only shows that the Sub Judge had some knowledge of the man, which, seeing that he was a lawyer, is not strange.

The 4th Witness remains and he testifies directly to the giving of the bribe by himself to the Sub Judge.

But he stands practically alone; he is himself admittedly corrupt and seeking to earn his immunity; and the only corroboration offered (if it can be called such) is that he is said to have mentioned the

circumstance at or about the time & the witnesses above spoken of. Again the one sole circumstance connecting the Sub Judge with the transaction, the giving into the Sub Judges own hands, has not even this shade of corroboration; and it is very significant that, when he first was examined, he said nothing about this the crowning feature of the present deposition. On the other hand, it be urged that the "signs" referred to by this 4th witness, are a proof of the truth of his whole story and of the complicity of the Sub Judge, I would point out that there is no extrinsic evidence of these signs having been made before the fact, nor any of the fulfilment of the second (though it is manifest that, at a corner of the road, with a cart standing at the bend, it was inevitable that the Sub Judges carriage should so slowly) And as to the first sign, with the knowledge by the Witness that in point of fact the hearing had been brought forward it was easy in the extreme for him to put it into the predictive form as in many another post facto prophecy. And at the very worst it only points to this that the man Pakki the 11th Witness used the rumours afloat as a means to make himself seem to be an agent of the Sub Judge and so dupe the parties into giving him the money

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Case II

The Witnesses are

1 P Ramanan
2 P Krishnan
3 K Thangoony Nair
4 P Govindan Menon
5 Kooth Kannan
6 Kunnath Manayil Vasudevan Nambu
7 P Sothamanian
8 T.V. Krishnan Nair
9 Kelappan Nambiar
10 Chandu Raman Nair
11 Kanayi Kanna Nair
12 Eswaran Embrandiri
13 M Kunhambu
14 Krishnan Mallan
15 Annapai Row
16 K.P. Krishnan Nair
17 Kandoth Kannan
18 Mangath Gopala Menon
19 Govindan Embrandiri

Two points are required to make out this case viz 1st that a bribe was given by the 6th witness to the 3rd, 17th witness and 2nd that this was on behalf, & and with the knowledge, of the Sub Judge

The 6th witness that he himself gave the bribe thus Rs 135 to the 17 witness and Rs 1300 to the 3rd witness and for the latter obtained the acknowledgement Ex A he states likewise that he had an acknowledgment for the first sum by itself but the 17 witness after award got it and destroyed it Afterwards he recovered Rs 20 from the 17th (along with Ex F) through the 11th Witness received and Rs 450 from the 3 Witness and with the latter sum received the letter Ex B from the 11th witness also speaks to this latter fact missing to pay the remainder — There is no further evidence of these facts and the only corroboration of them is the existence of

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A B and T and a statement by the 18th witness that the 6th Witnesses related the matter to him just before the closing of the Court, a date which is long after the question of bribery had become sub judice. On the other hand, the 6th witness shows himself complete by admitting that he himself initiated the matter, and the other witness is entirely under his influence; and further the witnesses 3 and 17 referred to by them totally deny the transactions. The writings of A.B and T have it is true been spoken to, with more or less hesitation by the 1st & 2 witnesses, but such evidence is notoriously unsafe, and the other, moved, writings put in for comparison show quite sufficient differences from those in question to render the matter still more uncertain.

The 8th witness says he saw the 6th witness once at the house of the 3d witness; and the 9th & 10th witnesses each once saw the 6th witness pass through the Sub Collectors office where the 3d witness was employed, as many others are, but without seeing him speak to any one. — Surely this is worthless

The 7th 12th 13th 14th and 19th witnesses speak to various loans made to the 6th witness But no connection is shown between these loans and the sums said to have been paid by the 6th witness to either the 3d or 17 witness as a bribe.

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The statement of the 5th witness shows misconduct on the part of the 4th witness who was ~~as~~ in Telicherry on behalf of the Sub Judge but is irrelevant & the question in issue and there is nothing to show that such misconduct was by the direction of the Sub Judge it certainly was unknown to him for he was at Shivamore.

The foregoing relates to the 1st point and rests almost solely on the contradicted testimony of the untrustworthy 6th witness and his servant At the most it goes no further than to show the receipt of money by the 3rd witness

As to the 2nd point the statements of these ~~two~~ 6th witnesses, and there is nothing more, is totally uncorroborated; for outside it, there are only the statements of the 11th witness, that the 6th witness went once to the Sub Judges house, and that of the 15 & 16th, who saw him by the entrance to the house on a day when many people, like those witnesses themselves, were going to pay their respects on his removal to Mangalore.

I submit there is nothing here worthy to be put in opposition to the long and honorable career of the Sub Judge

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Case III

The Witnesses are

1 Oliath Narayan Ali
2 Shesha Giri Prabhu Giri
3 Komber Poker Haji
4 Kottayath Kannoony
5 T.C. Narayana Kurup

In this case, the only evidence of any bribe is the statements made by the 3d witness the alleged bribor, who, in this matter, is utterly uncorroborated. And Katchath Kunhi Patcki, the man through whom, as he says, the bribe was initiated and arranged, though constantly in attendance, was not examined in reference to this matter.

It is undoubted that the 3d witness did receive from the 1st witness, through the 2d witness, the sum of Rupees 1100, even as, before and after the receipt of the R 1100, he received other and considerable sums upon the same account, viz: advances on coffee. That he received the money at night is unimportant, as the 2d witness shows that the 1st witness' office was kept open till near midnight. Further the money was in eleven notes, but, beside the 3d witness' naked statement, there is nothing to connect such money with that said to have been given to the Sub Judge; whilst, to the contrary, is the fact that the 3d witness speaks as positively of twelve notes as the 1st & 2d witnesses do of only eleven.

But even if the bribe were given, there is in the statement of the 5th witness a strong indication that the money was paid to the man Kunhi Patki and not to the Sub Judge, Kunhi Patki having

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during the Scarcity; for when this Kumbi Pakki, in a subsequent case, demanded Rs 300 as for the Sub Judge, the 3 Witness thought him a cheat and refused to pay it; and in the 5th witness' previous statement to the Ag Dist Judge, in the first stage of the matter, he then said that the 3d witness had said he paid to Kumbi Pakki. In stating support of the position, that the Sub Judge had nothing to do with it, is the fact that, except as to a small part, the judgment given was against the alleged bribor and he was intensely dissatisfied. It is true that the 4th witness, the 3d witness' vakil, says that, after judgment had been reserved, he was sent for to re-state his argument; but this was in open Court and a circumstance which might often quite innocently happen.

There is therefore only the evidence of one man, and he confessedly corrupt, against the hitherto unblemished career of the Sub Judge

Case IV

The Witnesses are

1 T.C. Ryan Kurup
2 V K Kuttty Kurup
3 Narayath Krishnen Marer
4 C.O. Shangara Adiodi
5 Mr Gopala Menon
6 Velu Iravibrar
7 Annaya Row
8 Imbichcomy Nair

This case rests upon the alleged statements of the deceased party to the suit, one Unni Adiodi, as narrated by the 1st & 4th witnesses. According to these statements, the alleged bribe was suggested by, and given to, one Eswaran Patter (not forthcoming but according to the 7th witness a dependent of the Sub Judge) by direction of the Sub Judge; and upon the statement of the 2 witness who says he, ~~was~~ in an eaves dropping way, saw and heard such direction given.

Against the reception of this tale are, (1) the inherent unreliable character of statements given not under any sanction, (2) the uncertainty arising from incorrect repetition and 3 the danger arising from the facility and safety with which dead mens tales may be imagined. And there is still further the absolute contradiction by the 3rd witness of one of the more striking, though collateral, incidents spoken of, viz: the application to this witness for a loan on the pledge of jewels. Again, the details of the 1st witness' statement as to the deceased's consent to withdraw the suit

and his subsequent retractation of that on the very next morning, are inconsistent with the 8th witness' statement that the withdrawal was spoken of in Court.

Exhibit A has been put in to confirm the 1st witness' account of the statements said to have been made by the deceased; but, beyond his statement, there is positively no evidence of the genuineness of that exhibit, and it is not a little remarkable that the deceased, who was living within 1/4 miles of his sons residence and nearer still to his office, should adopt the expedient of writing when a word would have been as easy to say him. The evidence of the 2nd witness in the same direction is depreciated by the fact that the deceased who was the witness' karnavan kept accounts, in which so large a payment if made would be sure to appear, yet those accounts are not produced.

Exhibit C and the depositions of the 5th & 6th witnesses concerning it are irrelevant, as it is not shown to have been instigated by the Sub Judge. Neither are they in accordance with the alleged statement of the deceased who is made to speak of an amendment of the plaint, which C clearly is not.

The statement of the 8th witness as to an alleged change in the bearing of the Sub

Judge is upon the face of it an afterthought

There is no evidence whatever that the money was ever paid to the Sub Judge

I submit that upon the whole the evidence is far too unreliable for the foundation of a specific charge against the Sub Judge

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Case V

The witnesses are

1 M Mannavan	5 Ganapathyadan Marar
2 Mordeen Khan	6 Annaji Row
3 Palayil Kannan	7 M Ramoony Iambiar
4 Antony Pereira	8 Mr L. Rosario

At the most the only facts disclosed by the evidence are (1) that one Jayakat Vasudevan Tirumumbu had an appeal in the Sub Judges Court (2) that one Kunhi Raman his amandravan (now deceased) managed the litigation and (3) that about the 8th March 1887 some 2000 Murick Kals (Krony plants upon which the pepper vine climbs) were received from Kunhi Raman at the Jayakat House for shipment to Beypore and thence carried to Shoranore on behalf of the Sub Judge

To connect this transaction with the pending appeal there is merely the hearsay statement of the 5th witness the Vakeel gumastah who says that just before the hearing (which took place on the 29th June the shipment having been on the 8th March) this Kunhi Raman told him that he was going to see the Sub Judge to talk about the case and ask if he wanted anything in addition to the Murick Kals already sent and that subsequently this Kunhi Raman who was then insolvent had told him that in his Schedule of debts one of Rs 1000 was incurred to pay back money he

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had borrowed to pay the Rs 1000 spoken of

Nothing of this last is corroborated in any one particular and the litigant himself for whom this said to have been done has not been examined Moreover the tale about the Rs 1000 is manifestly an invention for in the first place it would be the actual litigant and not his agent Kunhi Raman who would be the debtor and next he, the actual litigant being well off as his Vakil the 5th witness shows would not have needed to borrow

Railway vouchers have been put in and the 7th witness examined to show that there must have been at least 4000 Drumich Rals For the case the number matters nothing but it hardly strengthens the case to prove that the first four witness have sworn falsely

I submit that our case has now been made out calling for an answer

Case VI

The witnesses are

1 I Skangaren Iasin	6 V Kunhammad Kutty Haji
2 Mammaru Haji	7 V Ahmed Haji
3 Kavalaseri Poker	8 I.L. Rosario
4 PK Kunhi Poker	9 Moovanseri Poker
5 K Kunhi Ali	10 Mathilakathe Pakki

In limine I would draw attention to the fact that this case is more than three years old which fact in itself must make the memory of the witnesses little trustworthy

The evidence is as follows:

The 2nd witness, the alleged bribor, says that Kakkath Kunhi Pakki introduced the matter to him and arranged for the payment of Rs 1000; that he then sent to his brother Ahmed to send the money and that this was brought the next day by another brother the 9th witness, who also confirms this bringing; that he afterwards took this money to Pakki's house and finally, with Pakki, went to a certain lane and gave it to the Sub Judge in his carriage. The 3rd witness, opportunely meeting his friend the 2nd witness, saw the carriage incident.

The 1st witness a vakil (in other cases) for the Plaintiff in the suit in which the 2 witness was Defendant, as to confirm this witness, says, that being told by the Plaintiff's father, that the 2 witness had given a bribe, he asked him and he, in the presence of several others, told

Form A

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from it was so, and gave him full particulars.

The 7th witness details a sort of comedy performed by the man Kunhi Pathi in coming to him by mistake for his opponent the 2nd witness, and revealing the fact of the bribe. This witness, after two or four months, related this circumstance to the 8th witness, who speaks to such a narration.

The 4.5. & 6th witnesses lent various sums to the 2 witness which, however, the brother the 9 witness says had nothing to do with the Rs 1000 in question; and the 10th witness a stamp vendor sold a stamp to one Andersman, but no connection is shown to exist between the witness, the purchaser, or the stamp and any person or thing in the case.

The whole of the evidence, therefore, that any bribe was offered to or accepted by the Sub Judge, hinges upon the faith to be attached to what the 2nd and 3rd witnesses have said; for no connection is therewith shown between the Rs 1000 mentioned and the Sub Judge; and of these the 2nd, the principal in the whole matter, admits that when first examined by Mr Cox, the same immunity having been offered and the circumstances having been precisely the same, his statement was totally false; and as to the other the 3rd witness, the very opportuneness of his coming on the scene renders his tale highly suspicious. Further, the story of the 1st witness as to the admission of the bribing by the 2 witness is intrinsically improbable in its facility and

and Jubberity; and it says little for the honor of the witness that he could, so easily and so long, seem to connive at a crime so blatantly confessed.

The evidence of the 3rd witness is second hand hearsay, and, at best, carries us no further than that of the 2nd witness, also hearsay, and he in turn takes us only to Kunhi Pakki who, though in attendance, was not called. In this 2nd witness' statement there is one glaring impossibility: Kunhi Pakki is represented as being in the belief that he is talking to the 2 witness to whom he is made to say "you know you promised Rs 2000 and only gave Rs 1000" yet this 2nd witness says that it was not 2000 but 1000 that was promised and what was promised was given. How could the 2000 be a mere mistake in narration: for it is explain that the whole joke turns.

Thus I submit the whole story breaks down.

Case VII

The witnesses are

1 K Molenderi Poker	6 Ayechoth Mamood
2 Dr Richmond	7 Soobramanian Iyen
3 K Kunhi Ahmod	8 Dr Fernandez
4 A Paker Kutty	9 P Chandu
5 K I Raman Nambiar	10 Imbrechowy Nair

In this case, the 6th witness and the 1st witness respectively are the 1st and 8th Defendants, but with differing interests, in R.S. 31 of 1886, in connection with which, the 6th witness is said to have given the bribe.

This 1st witness says that he was asked by the 6th witness to contribute Rs 250 to a bribe which was to be given to the Sub Judge; and that he, thereupon told his vakeel the 2 witness (who is also the vakeel in charge of the enquiry and witness for prosecution) that bribes were talked of, to be given by the Defendants, and asked his real opinion on the merits of his case; and that in consequence of that opinion he refused to subscribe: He then goes on to say that the matter was arranged, and that, though not subscribing, he was associated in the giving of the bribe and saw the 6th witness give Rs 1500 to the Sub Judge. He told Dr Richmond of this also on the very next day; but this gentlemen then, as before, kept silence, and has done so till, ten months afterwards, he gives evidence in this enquiry to confirm if possible the 1st witness

The bribe is said to have been arranged through

the 9th witness a servant of the Sub Judge.

The 7th & 8th witnesses say, that at some time, not that in question, the Sub Judge had desired that the 9th witness, his old servant, might be employed as an Ameen.

As against the Sub Judge, there is no other evidence; whence it is seen that the case depends solely on the statement of the 1st witness, which, unless his own speaking of can be so called, is altogether uncorroborated, and, as remarked before, it is easier to think that the 2d witness' memory is at fault than that he should connive at the bribe.

On the other hand this statement of the one, who is the sole foundation for the case, is absolutely contradicted by the 6th witness, whose acts he is reporting; Chandu the 9th witness who is said to have arranged the matter though examined is not asked a single question on this point; and there remains the significant fact, that the Judgment was most favorable to the Plaintiff whereas it is the Defendant who is said to have given the bribe.

Should the Sub Judge be called upon to answer such an ill founded charge?

Case VIII

The witnesses are

1 Moidu
2 C Shangaran Nair
3 M Gopala Menon
4 Annaji Row
5 Chandu Nambiar
6 Pedoli Chandu

None of the evidence goes any further than that of the 1st witness.

This witness says that his mother had an appeal before the Sub Judge, and, pending that, one Kumbi Pakki came to him, as from the Sub Judge, and said that the Sub Judge wished to buy his palanquin. He, witness, refused to sell, but offered to give it; and such that message Pakki went away. Two or three days after this, the Sub Judge went to the place to inspect the property in dispute in the appeal; but it is not suggested that anything was then said about the palanquin. Subsequently, several months after Judgment had been given in the appeal, the same Pakki came again and said that the Sub Judge wanted the palanquin, upon which the witness, disbelieving this words, went and spoke to the Sub Judge himself, when again the Sub Judge wished to buy the palanquin; but instead of selling the witness gave it.

The other witnesses simply speak to the possession by the Sub Judge.

It is submitted that upon Moidu's own statement there is no case whatever: for the first proposal to buy ceased to exist;

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and the message as to the giving, if conveyed, of which there is no evidence, was not acted upon; and months after the decree it is purchase, not the perfecting of a previous gift, which is asked for. Finally there is no indication whatever that the receiving of the palanquin by the Judge had any connection with the appeal which he had formerly decided

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Case IX

This case was not proceeded with

Case X

The witnesses are

1 Brangath Rosals Menon
2 Edwin Sherman
3 L.L. Rosario
4 P. Krishnan Nair
5 Goundan Nair
6 P.M. Kunhi Assen Kutty
7 Vayalil Ahmed Kutty Haji
8 Chulakandi Hasen Kutty

The sole evidence led in this case, as against the Sub Judge, consists of casual and fragmentary remarks said to have been made by the 7th witness, the alleged bribor, to various persons, some two years or more ago. These remarks can hardly have been thought serious by the persons to whom, and when, they were made; or they would, it is to be presumed, have been brought to the notice of the authorities; and if unimportant then, they cannot scarcely be thought more important now, unless, as is possibly the case, they have been magnified through the haze of distant memory.

The statements reported to were made to the 1st, the 3rd and the 5th witnesses (the 5th being clerk of the 3rd). No two of these witnesses speak of any one conversation, hence each is unconfirmed. I regret that I have misLaid the 1st witness' deposition & cannot refer to it in detail. All that is said to have been said to the 3rd witness is, that he, the alleged bribor, had seen the "Begman" who told him, that if he gave Rs 5000, the suit would be decided in his favor; he offered Rs 2500 but that sum was rejected. Nothing more was said to this witness, save that the man afterwards denied that he had said that.

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Next, the alleged bribor is said to have told the 5th witness, that the Sub Judge demanded Rs 5000 but he had settled for Rs 3.000 this witness forgets all else that was said, and the other persons, whom he mentions as having been present, seem to have forgotten even that: for they have not been called
The 3d witness, in addition, says, that he once saw the alleged bribor on the public road which leads, as well to the Sub Judge's house, as to the houses of a multitude of other people, and that this incident was somewhere about the day on which the ~~alleged bribor~~ man had discounted Bills for Rs 2800 with the 2d witness, who is agent of the local Banks. This discount was on the 1st Decr 1885

The 4th witness is called to show that he, witness, a vakeel, once told another vakeel that he, witness, had heard, not from the party himself, that the Sub Judge had taken a bribe in the suit in question. — Can the attenuation of hearsay evidence further go than this?

No connection is shown between the money obtained by the 7th witness, and what is ~~suggested~~ said to have been paid to the Sub Judge.

The 6th witness lent to the 7th witness Rs 500, after the event, which may or may not have been repay in part the Bank loan: it matters absolutely nothing how that was repaid.

Against all this, is the 7th witness, himself,

upon whose sole words all the evidence is
founded, and he denies the whole, notwith-
standing that he was on his oath, and had
immunity pressed upon him by the Court who
told him emphatically that it would not
again be offered to him; and he has ever
denied it from the beginning; long before
this enquiry began.

I submit that on this case no
charge can seriously be brought

Alfred G. Gower

Counsel for
Rai Bahadur
K Ramjan Menon

Madras
26th June 1888

To the Hon'ble
H. E. Stokes
Chief Secretary to Government
Ootacamund

Sir

Herewith I have the honor to enclose, on behalf of Rai Bahadur V. Kunjan Menon Sub Judge of North Malabar, a Memorandum upon the procedure followed and evidence adduced at the enquiry, ordered by the Government, into the conduct of the Sub Judge, as held by A. J. Cox Esq Acting District Judge of North Malabar, and to request that the same may be laid before the Government along with the deposition and report sent up by Mr Cox

I greatly regret that, having been compelled to be almost continuously travelling since the enquiry closed, I have unavoidably made delay in preparing the memorandum, but earnestly trust that this delay may not be allowed to debar my client the advantage of having the memorandum duly considered with Mr Cox's report

I have the honor to be Sir
Your obedient Servant
Alfred G. Gover

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CP 2778

Judicial (1888) Dept

For orders: —
After answer to the writs, might
these papers be sent to Mr. Cox?

U.L.
28. 29 June

From
C. G. Gover, Esq.

Necessary order in
30th June 1888 No. 114/9
Recorded. The Govt have
already sanctioned the
prosecution of the subs
Judge on two of the heads
of charge. The others are
reserved for future
consideration - U.L.

U.L.
29 June.

Mr. Cox having
kindly undertaken to
peruse this document I forward it
to him for that purpose

PMM
28 June

I suppose Dwiggs knows he
is to join the others who are
said to have been prosecuted
as co defts.

Yes Co 4382
U.L.

R/26 June 1888
Encl.

Subs memo on procedure
followed and evidence adduced
at the ongoing by Mr. Cox in the
absence of Subs Judge Kanjee
Lumor

A.G. Gover Esq Bar at Law, Madras
A 7 Cox Esq. Dist Judge Tellicherry
with memo

Tellicherry
30/6

32 U.L. 32

My dear Cox,
I am to send you for perusal a original
Memorandum wh. has been laid before
Govt by Mr. Gover on behalf of the Sub-
Judge. A copy of the G.O. passed thereon
accompanies. Prob: you have heard most
of what is in the Memo. before. You
may keep the Govts since
paper as long
as you have
occasion for it.

U.L.
29 June

A. Cox Esq
at Mr. Judge Tellicherry

Confid[l]

D. O. by Mr Cox

Spec

1419
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ORDINARY, MS.

Public Department.
G.O., dated 30 June 1875
No. 417 1419

Confidential

When given for copying

[Despatch Abstract.]

3382

1. No 632