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LAHORE CONSPIRACY CASE.

JUDGMENT.

In re King Emperor *Versus* Anand Kishore and Others.

Charges under Sections 121, 123, 396 *and others.*

INTRODUCTORY.

We have divided this Judgment into four parts. Part I is introductory; Part II our decision on law points, including the synopsis of approvers' statements and their corroborations by oral and documentary evidence; Part III a history of the origin of the conspiracy, its development into actual waging of war and the doings of the revolutionists; Part IV discussion of the cases of individual accused.

PART I.

The complaint charges 81 accused, of whom 18 were absconders at the date of the complaint. One of the absconders, Nidhan Singh, No. 54, was apprehended after the complaint and was produced on the 1st of May, leaving 17 absconders. Of these 17 absconders, two, Buta Singh (12) and Banta Singh (6), have been arrested during the hearing of the case and tried and executed for complicity in the Walla Bridge murders and the murder of S. Chanda Singh, while Bir Singh (11) has been arrested too late to be tried jointly with the other accused. By a supplementary complaint Rur Singh was charged under the same sections as detailed in the first complaint, except with offences under the Explosive Act. On the 3rd of May he was ordered by us to be placed in the dock to be jointly tried with the other accused.

One of the accused Umrao Singh has been tendered a pardon and has given evidence for the Crown.

Of the accused persons, including the absconders, Arjan Singh, No. 3 (absconder), is a native of Lohat Badi (Nabha State), Hirde Ram, No. 27, is of Mandi; Pirthi Singh, No. 58, of Patiala State; Ram Saran Das, No. 64, of Kapurthala State; Sewa Singh No. (71) of the Nabha State, and Dalip Singh, No. 14, of Patiala State. Anand Kishore, No. 1 (discharged), Kedar Nath, No. 48, are residents of the town of Lahore. Bhai Parma Nand, No. (56), originally resident of Jhelum District, is practically a resident of Lahore.

(1) The following 24 belong to the Amritsar District :—

~~Baj Singh, No. 4.~~
Balwant Singh, No 5.
Bakhshish Singh, No. 7.
Bishen Singh, No. 9.
Bishen Singh, No. 10.
Gujar Singh, No. 19.
Hardit Singh, No. 20.
Hazara Singh, No. 25.
Jowala Singh, No. 36.
Kala Singh, No. 38.
Kehr Singh, No. 41.
Kesar Singh, No 43.
Khushal Singh, No. 45.
Lal Singh, No. 49.
Mangal Singh, No. 51.
Nanrang Singh, No. 55.
Sawan Singh, No. 69.
Sher Singh, No. 73.
Sohan Singh, No. 74.

Surain Singh, No. 75.
Surain Singh, No. 76.
Udham Singh, No. 77.
Wasakha Singh, No. 80.
Wasawa Singh, No. 81.

(2) The following 9 belong to the Lahore District :—

Gurdit Singh, No. 18.
Harnam Singh, No. 22 (discharged).
Inder Singh, No. 29.
Inder Singh, No. 30.
Jaggat Singh, No. 32.
Jawand Singh, No. 34.
Kala Singh, No. 37.
Madan Singh, No. 50.
Prem Singh, No. 61.

(3) Banta Singh, No. (6), belongs to the district of Jullundur.

(4) The following 7 belong to the Hoshiarpur District :—

Bir Singh, No. 11.
Harnam Singh Tunda, No. 21.
Jaggat Ram, No. 31.
Jawand Singh *alias* Jaswant Singh, No. 35.
Ram Rakha, No. 65.
Shiv Singh, No. 72.
Piyara Singh, No. 60.

(5) The following 19 belong to the Ludhiana District : —

Anokh Singh, No. 2.
Bhan Singh, No. 8.
Buta Singh, No. 12.
Chuhar Singh, No. 13.
Dewa Singh, No. 15.
Gurmukh Singh, No. 17.
Inder Singh, *Granthi*, No. 28.
Kartar Singh, No. 39.
Karam Singh, No. 40.
Kehr Singh, No. 42.
Kharak Singh, No. 44.
Kirpal Singh, No. 46.
Kishen Das, *Saad*, No. 47.
Nand Singh, No. 53.
Puran Singh, No. 62.
Rulia Singh, No. 68.
Sajjan Singh, No. 70.
Umrao Singh No. 78 (afterwards made an approver).
Uttam Singh *alias* Raghu Singh, No. 79.

(6) The following 5 belong to the Ferozepore District :—

Gandha Singh *alias* Bhagat Singh, No. 16.
Hari Singh, No. 26.
Nidhan Singh, No. 54.
Roda Singh, No. 67.
Rur Singh, No. 82.

(7) Harnam Singh, No. 24, belongs to the Sialkot District.

(8) Mathra Singh, No. 52, is from the Jhelum District.

(9) Harnam Singh, No. 23, is of Rawalpindi District.

(10) The following belong to places outside the Punjab :—

Jamna Das *alias* Charan Das, No. 33, of Barabanki.
Parma Nand II, No. 57, of Hamirpur, United Provinces.
Pingley, No. 59, of Poona.
Rao, No. 63, unknown.
Rash Behari Bose, No. 66.

Thus we have 33 accused from Majha ; and, if we include 4 from adjoining Native States of Patiala and Nabha to the Ludhiana and Ferozepore men, we have 28 from the Malwa tract ; if we add one from Kapurthala State and one from Mandi State to the number from Hoshiarpur and Jullundur, we have the figure 10 from the Doaba. There are only three from other districts, and five outsiders and 3 from the town of Lahore.

The following are returned emigrants :—

Accused No.	(4)	Accused No.	(28)	Accused No.	(58)	
,,	(5)	,,	(29)	,,	(59)	
,,	(6)	,,	(31)	,,	(60)	
,,	(8)	,,	(32)	,,	(61)	
,,	(9)	,,	(34)	,,	(65)	
,,	(10)	,,	(35)	,,	(67)	
,,	(11)	,,	(36)	,,	(68)	
,,	(12)	,,	(37)	,,	(72)	
,,	(16)	,,	(39)	,,	(73)	
,,	(17)	,,	(41)	,,	(74)	
,,	(18)	,,	(43)	,,	(77)	
,,	(19)	,,	(51)	,,	(78)	(approver).
,,	(21)	,,	(52)	,,	(79)	
,,	(22)	,,	(53)	,,	(80)	
,,	(23)	,,	(54)	,,	(81)	
,,	(25)	,,	(57)	,,	(82)	

We have stated that there are six accused who are subjects of Native States, two of whom are absconders ; of the remaining four, No. 14 Dalip Singh is charged with a dacoity in British territory and is triable by British Courts. He was arrested in British India carrying the proceeds of Rabhon dacoity. Hirde Ram, No. 27, is charged in respect of his action in British India. Thus there is nothing against our taking cognizance of the offences with which they are charged. Pirthi Singh, No. 58, and Ram Sarn, No. (64), are charged with offences committed outside British India, as well as with offences committed in British India in pursuance of the conspiracy. Regarding them we have to state the law according to which we have jurisdiction over them.

In *Archbold's* Criminal pleadings 24th Edition, page 33, the rule is thus laid down, and it is applicable when it is remembered that the results of the conspiracy manifested themselves in British India.

"In indictments for conspiracies or other misdemeanours, the venue may be laid in any country in which it can be proved that an act was done by any one of the offenders in furtherance of their common design R. V. Burdett, 4 B. and Ald. 95 ; 1 St. Tr. (N. S.) 1. 116.

"It has been doubted whether these rules apply to offences part of the essential elements of which take place outside England. R. V., Ellis (1899) 1 Q. B. 230 Cf. Badische Anilin and Soda Fabrik V. Basle Chemical Works (1898) App. Cas. 200, 204. But a person, who from a foreign country, initiates acts which take effect in England and are criminal by the law of England, appears to be liable to indictment and punishment in the country or place in England in which the acts took effect. See R. V. Oliphant (1905) 2 K. B 67, 75 L. J. (K. B) 15 ; 21 Cox, 192 ; R. V. de Marny (1907) 1 K B. 388 ; 78 L. J. (K. B.) 210 : R. V. Stoddart (1909) 73 J. P. 348 ; 2 Cr. App R. 217 ; 1 Russ. Cr. (7th Ed.) 52 et seq. (*a*)".

(*Archbold's Criminal pleadings* 24th Edition (page 33).

Turning now to section 121 A, Indian Penal Code, the words "whoever within or without British India conspires to commit any of the offences punishable by section 121".....clearly establish that in so far as charges under 121 A are concerned, the section itself covers conspiracies formed outside British India (see also Queen *versus* Mohd Shaffi, Government Record, Vol 42, page 103, cited at P. Kineally's Penal Code, new edition, page 74-752 W. R. 60 Criminal.)

Of course, Native Indian subjects are triable in British India for offences punishable by the Indian Penal Code committed by them outside it. (Section 4 of Indian Penal Code)

We commenced the trial of this case, sent to us by the Local Government under the provisons of the Defence of India Act, on the 26th April 1915. The Government Advocate tendered the requisite sanctions ; and the order of the Local Government with the complaint, which is a printed document of some 15 pages. The indictment in brief is, except in the case of Dalip Singh (14), a local dacoit, that a conspiracy to wage war and overthrow the British Government in India was formed in America in May 1913, and a number of Indians returned to India with that intent in 1914 In India several recruits to the organization were added. In carrying out the objects of the conspiracy, *inter alia* dacoities, sometimes with murder, were committed in order to obtain money wherewith to purchase arms ; attempts, sometimes successful, to seduce troops were made ; arms and ammunition procured, bombs manufactured, police officers murdered and revolutionary literature was circulated in America *en route* to India, and in India after arrival.

The Crown was represented by Mr. C. Bevan Petman, Government Advocate, and Mr. Taj-ud-Din Kureshi, Pleader.

The accused were represented as follows :—

Mr. Rauf Ali, Lala Bishan Nath for Anand Kishore (No. 1).

Mr. Rauf Ali for Kedar Nath Sahgal.

Mr. Rughnath Sahai for Bhai Parma Nand No. (56).

Mr. Hakumat Rai for No. (71), (76), (81), (45), (69).

Mr. Bakhshi Gokal Chand for No. (4).

For the defence of the accused who had engaged no counsel, the following were retained by the Court :—

Mr. Rauf Ali.

Mr. Rughnath Sahai.

Lala Labhoo Ram.

Dr. Shuja-ud-Din.

Dr. Alam.

Mr. Sawney.

Mr. M. L. Puri.

The Government Advocate opened the case with great clearness, taking 2½ days in giving s summary of the evidence he proposed to call in support of the complaint.

Preliminary objections by Mr. Rughnath Sahai to certain sections of the Defence of India Act and some of the rules framed by the Local Government thereunder were overruled by our order dated the 6th May 1915, which runs as follows :—

"After the Government Advocate had closed his opening address, and tendered a witness for the prosecution for examination, Mr. Rughnath Sahai, who represented some of the accused, took two legal objections ; one in regard to section 6, sub-section 1, of Act IV of 1915, and the other regarding the validity of rules 4 and 6 framed by the Local Government in pursuance of the Act. Counsel for other accused adopted his argument. After hearing counsel, we overruled the objections, promising to write a detailed order later ; which we now proceed to do.

Mr. Rughnath Sahai argued that section 6, sub-section 1, of the Act is *ultra vires* of the Legislature, because the words "any person" in the section include a British-born subject ; and it is laid down by Parliamentary Statute the previous sanction of the Secretary of State for India in Council is requisite to

enable the Legislative Council of the Governor-General to legislate regarding British-born subjects. He argued that, no such sanction having been obtained, the section is *ultra vires* even though his clients who are effected by the section are not British-born subjects (Government of India, Ilbert, page 200). In other words, the sub-section is to be wholesale rejected.

There is nothing before us to show that such sanction has not been obtained, and we cannot presume the negative; rather we should presume that all requisite formalities must have been complied with. Next, we are not called upon to decide a hypothetical case of a British-born subject claiming the privilege of the Parliamentary Statute. It is not contended that the prisoners under trial can claim the privileges of British born subjects. The sub-section is good law, so far as the prisoners under trial are concerned. "It is settled law that if an enactment is good in part, and bad in part, and the bad be devisable from the good, the latter shall be regarded as valid and binding," 9, Bombay High Court Reports 205, at page 216.

Assuming, however, that a previous sanction of the Secretary of State for India in Council was necessary, and that the bad part cannot be separated from the good part, we felt that we are debarred from questioning the validity of an Act, or a part thereof, on the score of informalities preceding the enactment. The proper remedy for the aggrieved party is to move the Legislature to repeal the Statute (Halsbury's Laws of England, Volume XXVII, page 142, where several English cases are cited.)

Besides, when we examine the section itself carefully, we fail to find that any substantive right of a subject is in any way taken away. It is altogether erroneous to think that the Court constituted under the Act has unlimited jurisdiction, or arbitrary powers to condemn any person it chooses. All that the sub-section provides is that the Commissioners can pass "upon any person *convicted by them* any sentence *authorised by law for the punishment of the offence* of which such person is convicted, and no order of confirmation shall be necessary in the case of any sentence passed by them." Reference to sections 3 and 4 of the Act will at once show that the Commissioner's territorial jurisdiction is definable; and that they can try only the particular cases sent to them for trial. No subject has any vested rights in procedure, and it is amply within the powers of the Legislature to regulate it. The words we have italicised will clearly show that, on a conviction of any person by the Commissioners, the sentence shall be according to law, with only this exception, that no confirmation of any sentence passed by them shall be necessary.

Mr. Raghnath Sahai alluded to a recent Privy Council ruling. He probably meant the one reported at 40 Cal. 391. We have carefully read that judgment. What that judgment lays down is that the Burma Legislative Council could not enact a section depriving a subject of the right to sue the Secretary of State for India in Council in Municipal Courts, when rights in private property owned by a subject are interfered with or encroached upon. This ruling has obviously no bearing on the regulation of the procedure of a criminal trial. We may note that the other sections of the Act have not been impugned. On the above grounds we overrule the objection.

With regard to rules 4 and 6 framed by the Local Government which the learned Counsel contended are *ultra vires*, we may concede that we have the power to examinet heir validity. Before we examine them, we may observe at the outset that the Defence of India Act is an enactment of a transitory nature; namely, that its operation is to cease after a given period. It has been held that Government is the judge of how the peace and security of British India can be maintained (I. L. R., 18 Bom. 636).

In viewing the rules we must bear in mind certain well established canons of construction; for instance:—

(1) The rules framed under a statute are part of an enactment. (Maxwell, page 75, 75).

(2) That remedial Acts to expedite Justice and ousting delays have to be followed. (Wilberforce on Statutes, page 231).

(3) That a general Act may be *pro tanto* repealed by a later one (Wilberforce, page 340).

(4) That rules framed under an enactment must be construed in the light of the spirit of the statute. (Halsbury's Laws of England, Volume XXVII, page 124).

The two rules which have been impugned are the following :—

Rule 4.—"When any person or persons are accused of more offences than one, and the Commissioners are of opinion that the offences are such that they should be tried together, then the said person or persons may be charged with and tried at one trial for every such offence."

Rule 6.—"When the accused appears or is brought before the Commissioners, the prosecution shall state briefly the particulars of the offence with which the accused is charged, and the evidence by which he expects to prove the guilt of the accused. As the evidence of each witness for the prosecution is concluded the accused shall be given an opportunity of cross-examining him, and after such cross-examination (if any) and re-examination (if any) the Commissioners may discharge the witness, and the accused shall not recall for further examination or cross-examination without leave of the Commissioners any witness thus discharged."

The powers under which the above rules are framed are contained in section 10, clause 6, that is to say, "any matter which appears to the Local Government to be necessary for carrying into effect the provisions of the Act relating to or ancillary to trials before the Commissioners."

It has been argued that these two rules repeal the provisions of the Criminal Procedure Code, inasmuch as one of them empowers the Commissioners to join charges and jointly try the accused, who could not be otherwise so jointly tried ; the other deprives the accused of the right of recalling witnesses after the framing of charge. Thus it is argued that the provisions of the Criminal Procedure Code have been repealed, which the Local Government had no power to do.

In support of his argument Mr. Rughnath Sahai cites Ilbert on "Government of India", page 200, and contends that the Provincial Legislature could not modify nor repeal any provisions of an Imperial Act without the sanction of the Governor-General of India. We notice two errors in the argument of the learned counsel. The first is that he confounds the Local Government, acting in pursuance of an Imperial Act in framing certain rules which that Act directs or authorises, with the Provincial Legislature. Obviously, the Local Government in framing the rules under discussion does not act as the Provincial Legislature. The second error is that it is assumed that the Court of Commissioners constituted under the Defence of India Act is a Court to which the Code of Criminal Procedure applies.

It is manifestly clear that the Court of Commissioners is not one of the Courts created under the Code of Criminal Procedure, but a Court created by a later special enactment, the object of which is to insure speedy trial of certain classes of offences in trials which may be made over to it. If the Criminal Procedure Code partially applies to proceedings before the Special Tribunal constituted under the Defence of India Act, it is by virtue of sections 5 and 7 of the Act. The former provides that—

"Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial ; and in trying accused persons shall, subject to any rules made by the Local Government in this behalf follow the procedure described by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates."

Section 7 provides that—

"The provisions of the Code of Criminal Procedure, 1898, so far as they are inconsistent with the special procedure, prescribed by or under this Act shall not apply to the proceedings of Commissioners appointed under this Act, but, save as otherwise provided, that Code shall have all the powers conferred by the Code on a Court of Session, exercising original jurisdiction."

From a reading of these two sections it follows that the Defence of India Act, together with the rules framed under it, have made the Criminal Procedure Code applicable only so far as it is not inconsistent with the Act and the rules framed thereunder.

The powers conferred on the Local Government to make rules are contained in section 10, clause VI ; the reason for such plenary powers being that no uniformity of procedure, were it prescribed in the Act itself, could have met with the varying requirements of different localities to which the Act may be extended. All, therefore, that has to be seen is whether the two above-mentioned rules which the Local Government has made are "necessary for carrying into effect the provisions of the Act relating or ancillary to trials before Commissioners."

We have seen above that the rules must follow the spirit of the enactment ; that they form part and parcel of the enactment itself ; and that they can *pro tanto* repeal an earlier enactment. It requires no elaboration of reasons to hold that joinder of charges and joint trials further the cause of speedy trial ; that the right of recalling witnesses after the charge may retard, as it indeed often does, the progress of a case and result in protraction, the very two obstacles the Act aims to strike at. Rule 6 does not, however, control the Commissioner's power to permit, where necessary, in the interest of Justice, the recalling of any particular witness for a second cross-examination.

Our conclusion is that the Local Government is well within its powers to make the two rules under discussion, which are framed in the spirit of the enactment which aims at expeditiousness of proceedings and speediness of trials, without in any way handicapping the accused persons. We therefore overrule all the objections, all of us concurring.

After recording the evidence for the prosecution, the accused were fully examined and permitted to put in additional statements in writing.

Anand Kishore (1) and Harnam Singh (22) have been discharged, and the remaining accused have been charged with the offences as detailed in the table below :—

Under sections :—

i 121, Indian Penal Code.

ii 121 A, 131, 132, Indian Penal Code.

iii $\frac{122}{109}$ $\frac{124\ A}{109}$ $\frac{302}{109}$ $\frac{395, 397, 398}{109}$, Indian Penal Code.

Accused	No.	4 + section 122.
,,	,,	5 * † + sections 122 + 396, + 395, 397, 398.
,,	,,	7 † + sections 396 + 122.
,,	,,	8.
,,	,,	9 * + sections 121, 121 A, 122.
,,	,,	10 * + sections 121, 121 A, 122.
,,	,,	13.
,,	,,	15 + sections 4, 6 of Explosives Act of 1908.
,,	,,	17 † + sections 395, 397, 398.
,,	,,	18 *.
,,	,,	19.
,,	,,	21.
,,	,,	24 + sections 396 + 395, 397, 398 + 396, 122,
,,	,,	25 * + sections 121, 121 A, 122.
,,	,,	26 + section 395.
,,	,,	27 ‡ *.
,,	,,	28.
,,	,,	29.
,,	,,	30.
,,	,,	31.
,,	,,	32 † + sections 396 + 395, 397, 398 + 396, 122.

Accused No. 33.
" " 34*.
" " 36
" " 37 * + section 4 of Explosives Act of 1908.
" " 38 † + sections 396, 122.
" " 39 † + sections 396 + 395, 397, 398.
" " 41 * + sections 121, 121 A, 122.
" " 43.
" " 44 *.
" " 45 † + sections, 396, 122.
" " 46 † + sections, 395, 397, 398.
" " 47 + section $\frac{395}{109}$.
" " 48.
" " 49.
" " 50.
" " 51.
" " 53 **.
" " 54 * + section 307, 326.
" " 55 + section 123.
" " 57 *.
" " 58.
" " 59.
" " 60 + sections 307, 326.
" " 62.
" " 64.
" " 67.
" " 68 + section 396.
" " 69 † + sections, 396, 122.
" " 72.
" " 73.
" " 74.
" " 75 † + sections 396, 122.
" " 76 † + sections 396, 122.
" " 77.
" " 80.
" " 81 + $\frac{396}{109}$ + sections 3, 4 (*a*), 6 of the Explosives Act.
" " 82.

The other three accused are charged as follows :—

Accused No. 20, sections 121, 123, sections 4, 5, 6 of the Explosives Act,
" " 14, section 395, Indian Penal Code.
" " 56, sections 121, 121 A, 132, 131, $\frac{122}{109, 111}$ $\frac{124\ A}{109, 111}$ $\frac{302, 395, 396, 398}{109, 111}$ and 124 A.

After the framing of charges, the evidence of accused was heard. Some of the accused filed lists of witnesses to be summoned from outside India, with a full knowledge, as the Court informed them, that we were powerless to enforce attendance of any witness outside India. The lists show that we were asked to summon some 50 witnesses from abroad ; including 15, stated to be Indian labourers, 3 editors of American newspapers and Mr. Bryan, formerly Secretary of State U. S. A. Counsel asked us to bear in mind that, owing to the non-appearance of these witnesses, their clients were unable to rebut the evidence for the prosecution *re* conspiracy in America to overthrow the British Government.

NOTE.— (*i*) Those marked with one asterisk are additionally charged with sections 4, 5, 6 of Explosives Act of 1908.
(*ii*) Two asterisks double counts under the same Act.
(*iii*) † represents charge under sections 3, 4, 6 of the Explosives Act.
(*iv*) ‡ represents charge under sections 3, 4, 5, 6 of the Explosives Act.
(*v*) Those marked with Plus + are charged with additonal sections noted.

In dealing with individual cases we shall bear in mind the inability of the accused to secure the attendance of such witnesses, but little capital can be made of this circumstance.

After concluding the evidence, we heard arguments for the defence and the reply of the Government Advocate, which occupied us for something like a fortnight. Arguments were finished on the afternoon of the 30th July.

We may note that Jaggat Ram No. (31) argued his own case; and Pingle and Kartar Singh declined to argue at all, either by counsel or personally.

The record is a voluminous one covering 704 pages of printed matter containing the statements of 404 witnesses for the prosecution, statements of the accused, the charges and the statements of 228 witnesses for the defence. The number of documentary exhibits totals 282.

PART II (*a*).

Before we proceed to give an account of how the conspiracy to overthrow the British Power in India was conceived, how it matured into waging war, how it was put into operation and how it failed; and before we treat each accused's case individually; it is necessary to clear the ground by first disposing of the law points raised in this case. Counsel have addressed us on the following law points:—

1. Proof of conspiracy and relevancy of evidence under section 10.
2. Charges.
3. Responsibility of accused for acts committed after their arrest.
4. Liability of dacoits under section 396, Indian Penal Code.
5. Statements to the police.
6. Confessions to the Zaildar.
7. Testimony of accomplices, and *qudsi* accomplices.
8. Legality of pardon tendered to Umrao Singh.
9. Spy's evidence.
10. Relevancy of documents found in 1909 with Bhai Parma Nand and the Judgment of Magistrate in that case.
11. Objection to the admissibility of Ichhra Singh's statement.
12. Retracted confessions.
13. *Waging war* and abetment thereof.
14. Approvers' statements.

(1) *Proof of conspiracy.*—Mr. Raghnath Sahai referred us to Archbold's Criminal pleadings, 23rd Edition, as to what proof is required to establish a conspiracy. We have the 24th Edition before us. At page 1425 the nature of proof required to prove a conspiracy is given. Practically the purport of it is embodied in the judgment of Rattigan, J, in the Delhi conspiracy case with which we agree and which may be reproduced here:—

As observed by Mookerjie, J., in his learned judgment in Pulin Bihari Das's case (16, Indian cases, page 312) "It must be remembered that direct proof can scarcely be afforded of a conspiracy.....Hence the Courts have consistently held that the prosecution is not obliged to prove that the persons accused actually met and laid their heads together, and after a formal consultation came to an express agreement to do evil. On the contrary, if the facts as proved are such that the jury as reasonable men can say there was a common design and the prisoners were acting in concert to do what is wrong, that is evidence from which the jury may suppose a conspiracy was actually formed. It is from this point of view that the overt act may properly be looked to as evidence of the existence of a concerted

intention ; indeed the conspiracy is usually closely bound up with the overt acts, because in many cases it is only by means of the overt acts that the existence of the conspiracy can be made out. But the criminality of the conspiracy is independent of the criminality of the overt acts." To a like effect are the remarks of Coleridge, J. (Rex V. Murphy, 8 C. and P. at page 310). "It is not necessary that it should be proved that these defendants met to concert the scheme, nor is it necessary that they should have originated it. If a conspiracy be formed, and a person joins it afterwards, he is equally guilty." And in a recent case Jenkins, C. J (I. L. R. 37 Cal , at page 507) stated that though "there must be agreement, there need not be proof of direct meeting or combination, nor need the parties be brought into each other's presence ; the agreement may be inferred from circumstances raising a presumption of a common concerted plan to carry out the unlawful design. So again, it is not necessary that all should have joined from the first ; those who come in at a later stage are equally guilty, provided the agreement is proved." Finally we have the dictum of Grose, J. (Rex. V. Brisac, Rev. Reps. 551) that "conspiracy is a matter of inference deduced from certain criminal purposes in common between them and which hardly ever are confined to one place."

No. 11, Punjab Weekly Reporter, 1915, pages 79-80.

To the above may be added a quotation from 9, Bombay, Law Reporter, 347 :—

"A conspiracy may be proved by other than oral evidence, by surrounding circumstances, and the conduct of the accused both *before and after* the alleged commission of the crime.

The learned Judge quotes the dictum of Lord Campbell :—

"As was said by Lord Campbell, C. J., in his charge to the jury in Regina *versus* Esdaile (1) "There may be a conspiracy without overt acts" and "it is not necessary that evidence should be given to show any formal consultation or express agreement to act unlawfully, but if you are reasonably satisfied that there was a common design to do what is charged, and that the defendants were acting in concert to do it, you may infer the conspiracy (1858, 1 F. and F 213, 237)." We may observe, however, that in the present case there is direct evidence of conspiracy against several of the accused It is only against some of those who joined the conspiracy in India after its formation abroad that some inferences will have to be deduced from their doings in India in respect of their knowledge of its aims and objects. It lies, no doubt, on the prosecution to prove that those who subsequently joined the conspiracy after its formation were initiated into its secrets. Where direct evidence is not available, knowledge of its aims and initiation into the scheme of the conspiracy can only be inferred from certain acts and other surrounding circumstances.

Section 10 —It is argued that until the prosecution establishes the existence of a conspiracy, evidence relevant under section 10 cannot be received.

The Government Advocate in his opening address gave a succinct account of the evidence he proposed to call to prove conspiracy and the membership of the accused thereof. Evidence was given at the trial without specifying whether any particular piece of evidence related to the proof of the conspiracy, or was tendered under section 10 of the Indian Evidence Act.

It was understood that until the prosecution satisfy the Court that there were reasonable grounds to believe that a conspiracy existed, evidence under section 10 would not be considered. The course adopted by the learned Government Advocate was a proper one.

Mr Mayne points out the manner in which evidence *re* a conspiracy should be produced ; that is exactly what has been done in the present case. He says :—

"Evidence of the acts of one person can only be used against another, where there is reasonable ground to believe that two or more persons have conspired together to commit an offence, or an actionable wrong," Indian Evidence Act, section 10. As it has been laid down in England, "before

you give in evidence the acts of one conspirator against another, you must prove the existence of the conspiracy, that the parties were members of the same conspiracy, and that the act in question was done in furtherance of the common design" (Archb, 1106). Of course if this rule were to be taken literally, it would be impossible ever to prove a conspiracy. The evidence would be inadmissible till the proof was complete. Practically the difficulty is got over in this way. Counsel for the Crown states the case he expects to prove, and the general evidence by which he hopes to make it out. When evidence is offered which strictly only affects one defendant, it is received provisionally against the others, subject to the undertaking that sufficient connection will be established between them as the case goes on. When the evidence is completed, it is the duty of the judge to decide whether, upon the whole facts, supposing them to be proved, sufficient connection is shown between the parties to make the acts of one evidence against the other. It is for the judge to say, as a matter of law, whether particular evidence can be submitted to the jury. It is for the jury to say, as a matter of fact, whether they believe the evidence. They are told by the judge that if they disbelieve the connecting evidence, they must disregard the evidence which assumes the connection. Where the judge tries a case without a jury, of course he performs all these mental operations himself, Criminal Procedure Code, sections 298, 299, 30 *C.* 983" (Mayne's Criminal Law, page 291).

But the confessions of co-accused, whether retracted or not, cannot be received under section 10, they have to be considered for what they are worth under section 30 of the Evidence Act (38 Cal., 169). It may also be said here that while the actions, doings, etc., of one conspirator are relevant against another, the rule is not confined to the conspirators under trial. Whatever has been done, said, or written by conspirators not under trial, *e.g.*, Har Dial, Bhagwan Singh, Burkatullah and others who are not before us, will be relevant in the case of a finding that a conspiracy existed, under section 10 of the Evidence Act. Likewise, documents found on the person of a conspirator will be relevant against another, on the same principle on which account books of a conspirator are receivable against another conspirator. (O'Kinealy's Penal Code, page 66).

In regard to the argument based on section 10 in the light of illustrations to it, we cannot do better than adopt the opinion of one of the Judges who decided the Delhi conspiracy case :—

"But I think I am justified in rejecting the idea that the Legislature intended, by a provision of the law of evidence, to create a barren, useless and merely nominal relevancy." (11, P. W. R. 1915, page 22, per Johnstone, J.)

(2) *Charges.*—Mr. Rughnath Sahai objected to the wording of the charges. We overruled his objection intimating that there was no indefiniteness or any other flaw in them. In support of our view we refer to 29 I. C. 513, at page 521 = 19 C. W. Notes, page 676, where the dictum laid down by Jenkins, C. J., in Emperor *versus* Lalit Mohan (Nani Gopal) (15 C. W. Notes 593) though not dissented from in so many words, was not approved of. We agree in the following extract from the Judgment of Sir Asutosh Mookerjee and Richardson, JJ. [29 I. C. 513, at 512 = 19 C. W. Notes 676 above referred to] :—

"The *fifth* ground on which the legality of the trial is questioned, is that persons who are alleged to be conspirators in the charge have not been prosecuted, although their names and addresses were known to the prosecution. Reference has, in this connection, been made to Emperor *versus* Lalit Mohan (Nani Gopal) (38), where it was ruled by Jenkins, C. J., that in a conspiracy case the accused can be charged with conspiracy with persons unknown, but that if they are charged with conspiracy with persons known, then such persons must be named in the charge. It is not necessary for our present purpose to determine whether the rule so stated is not too widely formulated ; but it may be observed that a different view has sometimes been maintained. Thus, in *Rex* versus *Stoddart* the legality of a conviction for conspiracy was questioned on the ground that though the prosecution knew that one Klinge was an alleged conspirator, he was not named in the indictment. In support of this objection, reliance was placed on Rex *versus* Walker, Reg *versus* Thompson and Rex *versus* Robinson, but it was overruled by the court of Criminal Appeal. That judicial opinion on the point has not been quite uniform is obvious

from an examination of the cases mentioned, as also *Rex* versus *Drakin*, Reg versus *Stroud*, Regv. *Caspar*, *Rex* versus *Bush*, Reg. *versus Esdaile* ; 2 East, Pleas of the Crown, 651, 781 ; 1 Chitty on Criminal Law, 213 ; Russel on Crimes (1909) 186, 187, 1292, 1478. The question has also been the subject of elaborate discussion in the Courts of the United States. In *People* versus *Mather*, the charge of the indictment was of a conspiracy to abduct William Morgan, who was supposed to have revealed the secrets of the Masonic fraternity. The indictment was of Mather alone and the charge of the indictment was that Mather with 'other persons unknown' had conspired, etc., although it was a fact that many of the other persons were well known. The Court held, on the authority of Reg. *versus* Herne, mentioned in the case of *Rex* verses *Kinnersley* and *Moore*, and *Anonymous* case, that the indictment against Mather alone was good ; there was a conviction and a new trial was denied. Marcy, J., observed 'In a charge of conspiracy it seems no more necessary to specify the names of the defendant's co-adjutors than in an indictment for an assault and battery to name others besides the accused who were concerned in the trespass.' Let us assume, however, that the strict rule formulated in Emperor *versus* Lalit Mohan (Nani Gopal) is well founded on principle and is supported by a balance of authorities ; that rule is clearly of no assistance to the accused in this case. That decision does not show that if all the known co-conspirators named in the charge are not placed on their trial, the trial of some without the other is vitiated. It is, indeed, open to the Court to place the co-conspirators on their trial separately : *Rex* versus *Kinnersley* and *Moore*, *Rex* versus *Oxford*, *Rex* versus *Nichols* ; *People* versus *Richards* ; *United States* versus *Miller*, Russel on Crimes 1909) 149, 180 ; 3 Chitty on Criminal Law, 1141 ; Bishop on New Criminal Procedure, Volume I, sections 464, 1022, Volume II, section 225 ; McClain on Criminal Law, Volume II, section 981."

We hold that the mention of known conspirators who are not before us or the mention of other conspirators under trial, is not necessary in the charges.

(3) *Responsibility after arrest.*—1. It has been contended that an accused person after his arrest ceases to be a member of the conspiracy, and is not responsible for anything that the other conspirators do or say after his arrest. In support of this view the following passage from Rattan Lal's "*Law of Crimes*" is cited :—

"Where persons have been taken into custody and are in a condition which makes it impossible for them to act in aid or furtherance of the conspiracy, that is, when so far as they are concerned, the conspiracy has come to an end, the acts of persons who were members of the conspiracy and who are still free to act in pursuance thereof, are not admissible as against them ; these acts can no longer be deemed the acts of co-conspirators." (Rattan Lal's Law of Crimes, 7th Edition of page 249).

The learned commentator has cited no authority in support of his statement of the law, but seems to us that it is erroneous. The well established rule supported by authority is the following :—

2. "Where the overt acts charged in the indictment show a conspiracy between the prisoner and others, evidence may be given of any acts committed by a co-conspirator in the execution of the common design, even if such acts occurred after the dates of the alleged overt acts and after the prisoner's arrest, if such events were the natural result of the conspiracy in which he was engaged as, *e. g.*, the breaking out of an insurrection which was the object of the conspiracy."

Halsbury's Laws of England, Volume IX paragraph 893, page 457. Citing (R. V. Horne Tooke, 1794), I East P. C. 98, R. V. Hardy (1794), I East, P. C. 99, R. V. Watson (1817). 2 Stark, 116, 127 ; R. V. McCafferty (1867), 10, Cox, C. C. R., see R. V. Stone (1796, 6 Term Rep. 527.)

(4) *Liability of Dacoits under Section* 396, *Indian Penal Code.*—It is contended that in the dacoities in which murders have been committed the accused who took part in them had no intention of committing murder, that murders were not committed "in so committing of dacoity" so as to make each and all who took part in them liable to capital punishment. It is contended that

it is only those who actually dealt the blows who are liable for murder ; but not those who were either busy in dacoity or were not present on the scene. Reference was made to I. L. R. 16 All : 437 at page 442, but we may at once point out that the authority of that ruling has been shaken altogether by a later ruling of the same High Court in a case reported at I. L. R. 17 All. 86, where it was held that if murder was committed in the course of the dacoity, it was immaterial whether it was perpetrated inside or outside the house ; or whether the dacoit charged under 396 was actually present or not. This was also the view taken in 2, Bombay Law Reporter 325. In this case the Chief Justice's remarks are very pertinent to the present case, though Candy, J., says a case can be conceived where dacoits by time and space may not be said to be "continuing to commit dacoity."

6 Bombay Law Reporter 248, P. R. 4 of 1900 (Cr), P. R. 15 of 1901, may also be cited in support of the view taken in 17 All. 86. The Punjab case R. R. 4 of 1900 dissents from 16 All. 437. The Allahabad High Court has, however, held in All. Weekly Notes, 1906, page 47, cited to us by defence counsel, that where a murder is committed solely for the purpose of escaping capture, the associates in dacoity would not be liable for murder. The facts of that case were that the dacoits, not getting any plunder owing to interruption by villagers, tried to escape. One of them, to facilitate his escape, killed one of the men in the pursuing party ; this ruling does not help the defence. Besides, it was distinguished in 17, Madras Law Journal 118, where it was held that murder committed by dacoits while carrying off stolen property is murder within the section as committed in the commission of dacoity.

We shall deal with the dacoities generally later. Suffice it to say here that murder was committed in the Sahnewal dacoity (23rd January 1915) ; also in the Chabba dacoity (2nd February 1915) Hurnam Singh (accused 24) and Jaggat Singh (32) and Kartar Singh (39) admit having taken part in the Sahnewal dacoity. The statement of accused 39 (Kartar Singh) is to the effect that, to augment funds for what he calls "a plan of bringing out a newspaper to air our grievances," some 7 or 8 men started for dacoities with inkpot bombs filled with materials not dangerous to life by Dr. Mathra Singh ; and he, the accused, was located somewhere between the Thana and the house to be dacoited to give a signal of alarm to the dacoits in case the police came. He states that he was not at the scene of the dacoity, and that he was afterwards told by Arjun Singh, one of the dacots, that while the dacoits were returning, the owner of the house seized him and, to save himself, he struck the owner of the house, badly injuring him. He called no evidence in support of his statement. The other two accused in confessing made no qualifying statements.

The statement of Kartar Singh is obviously so adapted as to try to bring himself within the purview of the Allahabad case referred to above. All. W. Notes of 1906, 47. As already pointed out, that case has been distinguised in a later Madras case. We need not discuss any hypothetical cases. It is sufficient to observe that in the absence of any evidence for the defence, we cannot draw any fine distinction between the respective acts of the various dacoits who took part in the two dacoties above referred to. The evidence for the prosecution suggests no such exonerating circumstances. We shall discuss later how many accused took part in the said dacoities. For the present, we have only to dispose of the legal aspect of the case. In short, in our opinion all those who took part *conjointly* in the dacoities, whatever their share in them, as murders were committed in committing the dacoity, are all liable to the punishment provided in section 396, namely, death or transportation.

With regard to how far dacoits are liable under section 396, despite their protest or unwillingness, to commit murder in the beginning, we will discuss the matter in dealing with the *Chabba* dacoity where this question arises.

(5) *Statements to Police*.—Some objections were raised from time to time in regard to statements to the police leading to certain discoveries. The learned Government Advocate, though in the beginning intending to prove certain incriminating statements short of confessions made to a police officer, eventually confined himself to elicitingfrom the witness just such information supplied by the accused as had led to the discoveries of a variety of articles and clues to other evidence.

Under section 25, no confession made to a police officer can be proved as against a person accused of any offence, but this section is controlled by section 27 which says " Provided that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence in the custody of a police officer so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered may be proved."

In a recent case XLI, Calcutta, page 601 (Emperor *versus* Kangal Mali) the learned Judges Woodroffe and Mookerji ruled as follows :—

" Section 25 of the Evidence Act does not exclude all statements by an accused to the police, but only confessions There is a distinction between mere admissions and confessions which are statements either directly admitting guilt or suggesting the inference of guilt of the crime charged. The general rule in the section is further subject to that which admits statements leading to discovery whether they amount to confessions or not."

Statements by an accused person to police officers pointing out the places where the offence was committed by others, or where he concealed himself thereafter, and the houses to which he went for assistance, whether regarded as information leading to discovery or as statements made by him as part of his defence, are admissible in evidence as admissions.

(6) *Bakhshish Singh's confession to Zaildar Gurbakhsh Singh, P. W.* 124.—Mr. Hakumat Rai has objected to the reception of the confession by Bakhshish Singh (7) to Gurbakhsh Singh, Zaildar, P. W. 124, on the score of its being made to a Zaildar, who, it is said, is a " person in authority ". Our attention is drawn to Punjab Record 14 of 1911 (Criminal). The facts of that case were entirely different from the present case. There the police officer was sitting a few yards off, and on the facts of the case the learned Judge treated the confession as in reality made to a police officer, " a subterfuge " as he calls it of getting a confession nominally to a third person but really to the police. It is true that a Zaildar is a " person in authority " for the purposes of section 24, and any promises held out by him would vitiate a confession, but there is no authority for the contention that every confession made to a Zaildar is inadmissible on the simple ground that he is virtually a police officer. No doubt, it is his business to assist the police in investigations, but he is not identical with a police officer in any sense.

Extra—Judicial Confessions are receivable in evidence. Such confessions can be acted upon by the Court, though cautiously. (Kesri Mal's case 24, I. C. 590 Oudh).

It has also been held that the presence of a police officer when a confession is made to a person (not a Magistrate) is immaterial. (26 I. C. page 654,=16 Criminal Law Journal 62).

Now, the circumstances under which the present confession was made are given by the witness to whom it was made. The witness took part in the investigation of the Chabba dacoity on the 7th February at the instance of Liakat Hyat. On the 8th February Surain Singh of Gilwali was brought before him from his sugarcane field ; he named Udham Singh, Prem Singh (absconder) and Bakhshish Singh. Bakhshish Singh was sent for on the 9th. He admitted in the presence of Pal Singh, Zaildar, no police officer being there at the time, that 16 men took part in the dacoity at Chabba, and that Mula Singh had said that the booty would be divided in Sant Gulab Singh's Dharamsala at Amritsar. Witness followed up the clue leading to the discovery of the three gold pieces, the result of melting ornaments by Banta Singh, goldsmith, of Virpal. In cross-examination he says that Bakhshish Singh said " he was not afraid, whatever was done was done boldly." The witness' statement stands uncontradicted. Pal Singh, P. W. 156, was called for prosecution, but no question was put to him by Defence Counsel in regard to this matter. He was again summoned by the defence as their own witness ; but even then, although he said four constables and one Sub-Inspector were in the village at the time of the investigation, the defence did not

hazard the question as to whether any police officer was present near Gurbakhsh Singh when Bakhshish Singh made the confession. Thus, there is absolutely no reason to reject the confession.

(7) *Testimony of accomplices and quasi accomplices.*—Objection is taken to the evidence of—

P. W. 125—Kishen Singh

P. W. 227—Jaimal Singh

P. W. 228—Sher Muhammad

P. W. 230—Surte Singh

P. W. 231—Abdul Alim

P. W. 269—Puran Singh

P. W. 172—Sohan Singh

P. W. 264—Sewa Singh

on the ground that these witness are either legally or practically accomplices ; and therefore unworthy of credit. Reference was made to the following authorities :

2 C. W. Notes,

21 Cal. 328

23 Cal. 361,

to show that persons who were present at the commission of an offence, and did not inform the proper authorities, must be treated to all intents and purposes as accomplices. These three cases have been reviewed in a later case, 27 Cal. 144, where the learned Judges held that the mere presence of a person on the occasion of the commission of a crime, or his not reporting it promptly, cannot make him an accomplice unless it is shown that he somehow co-operated in the offence or was instrumental in its commission.

We have another authority which negatives the view that there can be anything like a *qudsi* accomplice ; 27 Mad. 271. Let us examine what the evidence of each of these witnesses is :—

P. W. 125 Kishen Singh, *Sadh*, is a Manager of Virpali Dharamsala in the town of Amritsar. Punjab Singh (Mula Singh, approver) is introduced to him by Rai Bahadur Gopal Singh's son, Thakur Singh. Mula Singh pays him several visits. On one of these visits, he comes with two men (of whom only Pingle is identified in Court). Next time, shortly after, he comes with some relatives and a woman and solicits witness's help in securing the services of a goldsmith to melt some ornaments. He comes again some days after for a similar purpose. The services of a goldsmith are secured for him on both occasions.

In addition to this service, the witness secures him a house in Moni Chak where in a niche he places a knife, P. 38, a pistol and a tin, contents unknown to the witness. Mula Singh, on his introduction to him, had represented that he had taken up the cudgels against public servants who oppress the people, and that he was a Military Officer.

After Mula Singh's arrest Balwant Singh asked the witness if he had Mula Singh's things. He was taken to the Moni Chak house, was given pincers with which he forced open the clasp with the lock ; and smashing the leaf of the almirah Balwant Singh took away pistol, P. 25 E.

On the arrival of the Police, the goldsmith, who melted the ornaments, surrendered some gold he had ; some precious stones were discovered from the ashes where the ornaments were melted. Witness says he thought the ornaments belonged to Mula Singh's brother and his brother's wife, and that they wanted a speedy conversion of ornaments into bars, to catch a particular train. He admits in cross-examination that he did not report the matter to the police, and that Mula Singh, when placing the things above mentioned in the Chak Moni house,

had warned him not to disclose the fact. From the fact of his not reporting the matter to the police and the warning against disclosure, it is contended that the witness must be treated as *particeps criminis* ; at any rate his suspicions must have been sufficiently aroused, from Mula Singh concealing the deadly weapons, to become aware that he must be a dangerous criminal whom he helped in the conversion of ornaments. We are not prepared to believe that the witness did not suspect Mula Singh's doings as those of a criminal, but we know Indians do not realize the responsibility of reporting crime, either through indifference or dread. We are also aware how sometimes Indians who are not scrupulous enough are ready to oblige their acquaintances, even in highly suspicious doings. Our view is that he was not an accomplice, particularly when he personally derived no gain out of the whole affair. His evidence cannot be rejected as that of an accomplice, but assuming he is practically an accomplice we are not prepared to reject his testimony as a *quasi accomplice*.

But assuming his position to be that of an accomplice or very near it, we find ample corroboration of his testimony from the discovery of the bars of gold, the pincers used, the knife and the pistol. His veracity as an accomplice cannot therefore be doubted. Besides, his identification of Jaggat Singh, Balwant Singh, Harnam Singh, the men he met either with Mula Singh or on different occasions talking to Mula Singh, is another good corroboration of his testimony.

Next comes P. W. 227 Jaimal Singh.

He is a student of the Islamia School at Ludhiana, who heard the *Ghadar-ki-Gunj* read by Sucha Singh, approver. Kirpal Singh, student, made copies of the *Ghadar-ki-gunj* in his presence. He says Sucha Singh used to be visited by various people ; for example Kartar Singh (39), Ram Rakha (65), Dewa Singh (15), Kahn Singh, Dalip Singh (deceased approver), Anokh Singh (2), Sujjan Singh (70), and others. From time to time he heard Kartar Singh talk of the tyrannies of Government, of the expected advent of Hardyal with an army of Germans, of Bengalis' co-operation, &c., &c. He saw Sucha Singh bringing a certain chemical to take it to the Jhabewal factory, and a pistol with accused No. 65.

Later, he saw Sucha Singh at the Railway station on the latter's return from Jullundur with two files and a bundle of *Ghadar Sandesa* for distribution. He asked the witness to make copies of the leaflet. After Sucha Singh went away, he and Surti Singh got back a duplicator from Sujjan Singh and Anokh Singh's place. The next day, he and Puran Singh, No. 62, duplicated some dozens of the *Ghadar-ki-Gunj*. Surti Singh, who had meanwhile accompanied Pingle to do mischief at Meerut, returned ; and on being informed of Dalip Singh's arrest suggested throwing into a well the leaflets which he and Surti Singh proceeded to do. The duplicator was given over to Sant Singh temporarily, but on the arrest of Sucha Singh it was likewise thrown into a well in Sonet. Both the duplicated copies of the leaflet, P. 230, and the duplicator were recovered by the witness. We have no doubt this impressionable youth knew that Sucha Singh and his associates were on an evil path, devising means to bring about some sort of rising or disturbance, but we do not believe that he realized the gravity of the acts he was made to do. Be that as it may, he cannot escape being stigmatized as an accomplice. It is no business of this Court to examine the reasons why the prosecution chose not to prosecute him along with Anokh Singh, Sujjan Singh and Puran Singh. He is not an *accused* person before us and appears only as a witness. Treating him fully as answering the description of an accomplice, we have only to test his veracity. In the presence of the corroboration furnished by the identifications by him of Sucha Singh's associates, by the discovery of the duplicated copies he had made, and that of the duplicator, we regard this witness as worthy of credit. He had received no pardon, and the risk he was running in implicating himself is another guarantee of his truthfulness. We may note that the defence, beyond calling his evidence that of an accomplice, did not attempt to examine it in detail to test its truthfulness.

P. W. 228 *Sher Muhammad.*—He is a student and lived in a room together with Surti Singh and Jaimal Singh. Sucha Singh and Abdul Karim lived in another room. In November 1914 Sucha Singh brought *Ghadar-ki-Gunj* which he read to himself ; bits were sometimes heard by the witness. He was visited by Kahn

Singh and Dewa Singh (15). Witness goes home at Christmas ; and, on his return on 22nd January, goes to Sucha Singh, sees (39) who passed under the false name of Harnam Singh and hears him mention ingredients of a bomb of which witness remembers only two ingredients. This is all he says.

It is clear that he is not an accomplice ; nor anything approaching it. The prosecution have tendered him only to corroborate Sucha Singh with regard to his associates. His testimony stands unimpeached.

P. W. 230 *Surti Singh.*—This is another student, aged 18. He was in Islamia School in July 1914. He states that Sucha Singh used to read "Ghadr-di-Gunj" of which he and Kirpal Singh made copies ; the former was visited by 9 or 10 men, of whom he mentions (39), (65), (59), and that Sucha Singh brought inkpots which he called bombs, made chemicals, also bought a vinegar bottle. He heard of the Sahnewal dacoity after seeing the assembly of 6 or 7 men including Kartar Singh, Ram Rakha and some Sikhs. He swears to Sucha Singh's absence one night just preceding the Mansuran dacoity.

He was taken by Jaimal Singh to Puran Singh to get back duplicator (P. 20 E.), and brought it to his boarding house ; receiving instructions from Sham Lal (Pingle) how to work it. Pingle took him to Meerut and used him to hand over a bundle of books and flags to Isher Singh, Sowar ; also to ask Ishar Singh to make enquiries with regard to locality of treasuries, telegraph offices. In Court he identified Nos. 39, 62, 59, 15, 46, 32, 54 and 5. In cross-examination he admitted Sucha Singh showing him the contents of the inkpots putting them into his pocket saying that a requisite phial was not with them. This youth was one of the several students whom the conspirators made use of for their purposes. A young man who aids towards the overthrow of the Government by what he can do in the matter, cannot be excused on the score of his youth. This witness may well be pronounced an accomplice. The remarks we have made with regard to Jaimal Singh, P. 227, equally apply to this witness, namely, that his evidence is true.

P. W. 231 *Abdul Alim.*—He is a student like P. W. 230, who says he was introduced to Kartar Singh (39) by Sucha Singh who talked of mutiny ; that *lathis* were fitted to *chhavis* in preparation for a dacoity ; that out of the proceeds of Sahnewal dacoity he saw *kalma rupees* (P. 239). He mentions another gathering at Sucha Singh's place to commit the Mansuran dacoity. The witness takes active part ; his knowledge of what was going on cannot be doubted ; but it is difficult to say whether he was an accomplice in the legal acceptation of the term. Perhaps he had some sympathy with the conspirators' plans, but beyond witnessing what he states, he does not seem to have been taken into such confidence as to be assigned any work in connection with the depredations which Sucha Singh and his confederates had organized.

P. W. 269 *Puran Singh.*—Puran Singh's evidence is brief. He simply says that he accompanied Sewa Singh (71) to Lot Badi to attend a recitation of the *Granth* ; where he was asked to join dacoities and he refused to do so. There was talk there of building a fort, of organizing an army and of stealing arms from Doraha. The only objection against him is that he did not report to the police. That omission does not make him an accomplice or a quasi accomplice.

P. W. 172 *Sohan Singh.*—Sohan Singh, father of Udham Singh, approver, is not an accomplice. All he says is that he returned by the *Mashima Maru*, and that the party of Nidhan Singh (54) talked of mutiny against Government. He does not say he joined them in the talk, and he denies being of Nidhan Singh's party.

What he does admit is that in India, when he went to Masia fair, Mula Singh asked him to join in dacoities to get money to buy arms to fight Government with, and he agreed to do so.

Mere willingness to join a dacoity, however reprehensible, is neither an attempt nor a preparation to commit an offence. Not being shown to be a member of the revolutionary party, he cannot be called an accomplice by reason of merely expressing his willingness to join in some dacoity not yet determined on. Consequently, his evidence is that of an ordinary witness.

P. W. 264 *Sewa Singh.*—Sewa Singh, son of Ichhra Singh. He was clearly an accomplice. His evidence clearly points to his participation in crime.

The Local Government not having chosen to prosecute any one of the above persons whom we have held accomplices, there is nothing illegal in their being put on oath as witnesses—16, Bombay 661, P. R. 21 of 1904 (Cr.). They are not "accused" persons before us so as to forbid us putting them on oath as witnesses.

(8) *Legality of pardon to Umrao Singh.*—This man (78) was sent up for trial as an accused along with others. Dalip Singh of Jhabewal was to have been produced by the prosecution to prove incidents in connection with certain dacoities in which he had taken part with others, and preparations of bomb material, but he died before his evidence could be recorded. Mr. Scott, Superintendent of Police, on the 24th May approached Umrao Singh, a cousin of Dalip Singh, deceased, with a view to arranging for a pardon for him, so that he might be converted into an approver if he were prepared to disclose the facts truly and fully. Before that date he had not been seen by any police officer, he was removed from the Jail on the 24th May, and Inspector Ahmad Khan was directed to record his statement. He recorded it by the 26th May. (*Vide* P. W. 10 Mr. Scott *recalled*). Ahmad Khan was also recalled to show the manner in which he recorded his statement.

At the request of the prosecution we tendered him a pardon under section 338, Criminal Procedure Code, which he accepted, and examined him as an approver.

Exception is taken to his evidence on two grounds :—

(1) That he was an "accused" person in this Court. Grant of pardon to him was beyond the power of this Tribunal ; hence he remains an accused, though sworn as a witness, and is incapable of being converted into a witness.

(2) Secondly, since he had heard practically all the evidence during the trial, his evidence should be absolutely ignored.

With regard to the legal objection, it is argued that under section 338, Criminal Procedure Code, a case must be committed to a Court of Session before it can tender a pardon, that this Tribunal is a creation of a special enactment, to which cases are not committed by Magistrates but sent for trial by the Local Government. No provisions for tender of pardon being made in the Defence of India Act or the rules thereunder, we are not in order in tendering the pardon. We are not prepared to treat the omission of the power to tender pardon in the Defence of India and the rules thereunder as a *Casus Omissus*, because section 7 of that Act confers on us all the powers of a Sessions Court. Following the spirit of that section, we must read section 338 *Mutatis Mutandis*, and hold the directions of the Local Government to us to try the case as tantamount to a commitment.

With regard to the second point, his evidence in regard to occurrences outside India is strongly assailed on the ground that before he gave his evidence he had heard the evidence of approvers Amar Singh, Nawab Khan, Mula Singh and Jawala Singh ; and that if Dalip Singh had not died, this evidence would never have been available to the prosecution to fill up gaps in the proof against some of the accused.

We have given our patient consideration to this objection. Beyond a certain amount of plausibility about it, there is not much force in it. We have examined his evidence carefully in order to detect whether he had, when giving evidence, any remembrance in his mind of the stories of the approvers he had heard. We shall show later that the statements of the above mentioned approvers do not betray diversified versions of one and the same concocted story. The approvers tell their tales in their own ways, according to their own recollections. We see Amar Singh minimising the aims of the conspiracy on purpose, Nawab Khan assuming an air of self importance, Mula Singh disregarding the sequence of events and Jawala Singh telling his tale in his naive fashion. An incident prominently spoken of by one approver is lightly talked of by another,

at times some incident mentioned by one is omitted altogether by the others. Consequently, if Umrao Singh is supposed to have taken any one of these approvers as his model for imitation, whom has he chosen? He does not appear to follow any one of them in the story he has given. It is possible he may have collected the facts given by all the approvers, and woven out of them a tale of his own. We fail to notice in his story any trace of borrowing anything from the stories of any one of the approvers; nor is it apparent to us that he worked up his tale by commingling the four stories he had heard, any blending of which would have resulted in a jumble; which his evidence certainly is not.

It is hinted that the prosecution stood in need of his testimony to fill up the *lacunae* with regard to some of the accused against whom there was nothing worth speaking of. We have not been, however, referred to any particular instance in which his evidence furnishes proof against an accused person against whom there was absolutely nothing already on the record. We certainly repudiate the idea that the prosecution resorted to such tactics. But, if an approver supplies additional information, there is nothing objectionable in the prosecution availing itself of it. In dealing with individual cases we shall, of course, consider his evidence in the light of other evidence on the record. Speaking generally, we do not see our way to reject his testimony wholesale either on law or on the merits.

(9) *Kirpal Singh Spy's evidence.*—As regards his evidence, a summary of which we have given elsewhere, the learned Counsel urged no legal objection, but simply criticised it as not wholly true. The difference between a spy and an accomplice is pointed out in 19 Bom. 363 (also in 38 Cal. 96). It is useful to quote a diction of Maule, J., in Reg *versus* Mullins, 3, Cox C. C. 526, at page 53, quoted with approval by the learned Judges of the Bombay High Court in 19 Bom. 363. "The distinction is clear. A spy may be an honest man; he may think that the course he pursues is absolutely essential for the protection of his own interest and those of society.....The Government are no doubt justified in employing spies; and I do not see that a person so employed deserves to be blamed if he instigates an offence no further than by pretending to concur with the perpetrators. Under the circumstances, they are entirely distinguished in fact and principle from accomplices.....They are not such persons as it is the practice to say require corroboration (per Maule, J., in Reg *versus* Mullins, 3, Cox C. C. 526, at 531.")

We go further and point out, that the spy in the present case is abundantly corroborated almost literally by independent testimony. He has been throughout reporting his doings to the Amritsar police who suggested to him the service he readily accepted. Whatever his motives were, into which we need not enter, he has succeeded in securing the capture of some of the accused in the raid on house (I) which was manoeuvred by him skilfully. He has played his perilous roll with tact and courage; and had his telegram reached the police in time, we would have seen that Arch Conspirator, R. B. Bose, in the dock.

The warning to the Lahore Cantonment authorities based on his information, and the ruse practised by him at the suggestion of the police to loot the Lopoki *thana*, clearly point to his useful service. No attempt was made to assail or to disprove any part of his testimony except his visit to Dadhir, with which we will deal when considering the cases of accused persons from Dadhir and Marhana.

Punjab Government Branch Press, Simla,—10-9-15—No. 231—309.

(10) Relevancy of documents found in 1909 in Bhai Parma Nand's house and that of Judgment of the Magistrate.

Mr. Rughnath Sahai took exceptions to three documents—

(1) The Judgment of the Magistrate in the proceedings under section 110 of the Criminal Procedure Code against the accused,

(2) Bomb manual,

(3) A paper on which the partition of India is noted.

As regards the admissibility of these documents, we heard arguments, and reserved our order with a view to hearing Counsel more definitely as to their bearing on the case in their final addresses so as to be in a better position to judge of their relevancy.

We have given our best consideration to the matter.

It is unnecessary to decide whether the Judgment of the Magistrate in proceedings under section 110 of the Criminal Procedure Code is admissible, or not, as we have come to an independent finding on the evidence in this case that the bomb manual and the paper noting a partition of India were found in a box of the accused in the house occupied by him in the manner alleged by the prosecution. We are not prepared to believe that they were left by Ajit Singh, who is said to have sublet the house to the accused; nor that the police introduced them. The accused has called D. W. 222, whose evidence is far from definite on the subject; at the best, it only suggests the possibility of their belonging to Ajit Singh. Indeed the Counsel for the accused did not seriously contest the discovery of them in the manner alleged by the prosecution. His remarks were chiefly concentrated upon arguing that the documents discovered are irrelevant in the present case. Since we have arrived at the same finding as the Magistrate on the evidence produced in this trial, we are relieved of giving a decision on the admissibility of the Magistrate's Judgment.

With regard to the admissibility of the two documents, the bomb manual and the paper noting a partition of India, it is conceded by Counsel for the accused that they are highly incriminating documents; but he argues that in the absence of proof of continuity of the accused's attitude, and in view of want of proximity between the possession of them and the present charge, the fact that the accused once had them is not relevant under any section of the Evidence Act. Reference was made to the following extract from 19 C. W. Notes 676, at page 691-692 :—

> "No useful purpose would be served by an analysis of the special facts of each of these cases; but the principles deducible therefrom as to the law administered in England may be briefly formulated. Facts similar to, but not part of, the same transaction as the main act, are not in general admissible to prove either the occurrence of the main fact or the identity of its author. But evidence of similar facts, although in general inadmissible to prove the main fact or the connection of the parties therewith is receivable after evidence *aliunde* on these points has been given to show the state of mind of the parties with regard to such fact; in other words, the evidence of similar facts may be received to prove a party's knowledge of the nature of the main fact or transaction, or his intent with respect thereto. In general, whenever it is necessary to rebut even by anticipation, the defence of accident, mistake or other innocent condition of mind, evidence that defendant has been concerned in a systematic course of conduct of the same specified kind as that in question may be given. To admit evidence under the head, however, the other acts tendered must be of the same specific kind as that in question, and not of a different character; and the acts tendered must also have been proximate in point to time to that in question. It is plain that the principles thus formulated are of no assistance to the prosecution." Page 692.

We have read the whole of the judgment from which the above extract are made and our opinion is that it does not militate against the relevancy of these documents in the present case.

The 1st main fact in this case is accused's association in a conspiracy to wage war; the 2nd main fact is the charge of sedition by publication of *Tarikh-i-Hind*.

That possession of a bomb manual and a contemplation of dividing India after the expulsion of the present Government are undoubtedly "similar facts", cannot be doubted; the one being the instrument, the other one concerned with administrative method after a successful overthrow of the present administration; and these cannot by any stretch of imagination be characterized as foreign to the conspiracy or the seditious conduct charged in this case. The continuity of the state of mind of the accused is not disproved by any overt act. His leaving India, association with Hardyal, albeit for a short while, the facilities he afforded to the conspirators in India and the publication of the proscribed book History of India, uninterrupted by anything pointing to the opposite state of mind, are clearly proofs of continuity. With regard to proximity of the discovery to the present charge, no hard and fast rule can be laid down. What is proximity in one case, may not be so in another case; and *vice versâ*. From the fact of the detective department not being in possession of information as to what the accused has been doing from 1909 to end of 1912, it cannot be presumed that the accused mended his ways, was repentant or that there was any change in the attitude of his mind. No doubt the accused says that for 8 months after the security order he stayed at home in his village; and that for a couple of years he studied Pharmacy in California University. Standing alone neither of these facts shows that he had banished from his mind his former propensities.

Moreover, evidence *aliunde* has been given in this case of ' 'similar facts" which will, in the words of the extract, allow the reception of the documents to show the state of mind of the accused in relation to the incidents deposed to by witnesses in this case, some of which are admitted by the accused. For instance, the visits of conspirators to him for the addresses of their associates in crime, the facilities afforded to one of them to change foreign coins, incidents otherwise innocent, may be viewed in a different light if the giver of such facilities is proved to have had a bomb manual in his possession some years before.

To construe the nature of the incidents deposed to by the witness, a finding as to the state of mind of the accused is a relevant fact; and any document which helps in the formation of an opinion on that point is also relevant under section 14 of the Indian Evidence Act.

Even assuming that above quotation helps the accused in any way, we have the authority of Ameer Ali and Woodroffe, learned commentators of the Evidence Act, at pages 92-93 in support of the view of the law we have taken—

> "So also, though the collateral facts sought to be proved should not be so remote in time as not to afford a reasonably certain ground for inference, yet, such remoteness will, as a rule, go to the weight of the proffered evidence only (1)."

The above remark is based on R. V. Whiley, 2 Leach, C. C. 983, cited in R. V. Vaji Ram, 16 B., 431 (1892):

> "True it is that the more detached the previous utterings are in point of time, the less relation they will bear to the particular uttering stated in the indiotment; and when they are so distant the only question that can be made is whether they are sufficient to warrant the jury in making any inference from them as to the guilty knowledge of the prisoners; but it would not render the evidence

inadmissible," *per* Lord Ellenborough. See also *per* Lord Blackburn in R. V. Francis, 12 Cox, C. C. 612, 614.

(It may be noted that R. V. Whiley does not appear to have been cited in the Calcutta case.)

Besides illustration (p.) to section 14 lends aid to the view we are taking It is the following :—

"(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant. The fact that he said something indicating a general disposition to commit crimes of that class, is relevant."

Besides the relevancy of these documents in regard to the charge of conspiracy, they are clearly relevant to our minds to determine whether the *Tarikh-i-Hind* is an historical work written in the interests of history, or a book written with a view to spread sedition. Previous behaviour of the author may negative in a particular case an honest motive in writing a treatise on an ostensible work of history, which is really a work intended to bring the Government into contempt, and incite disaffection.

On the above ground we hold that both the documents are not liable to be rejected as irrelevant, and we shall consequentiy consider them.

(11). Objection to the relevancy of Ichhra Singh approver's statement.

With regard to this approver, it is contended by the defence that an illegal pardon had been granted to him, and that he is really an "accused person" and, on his own showing, an accomplice. We are asked to brush aside his evidence wholesale. We are not prepared to accept the learned Counsel's argument.

The facts are that under a misapprehension that he was triable in British Courts he was tendered a pardon with a view to utilize him as an approver; but, as a matter of fact, British Courts had no jurisdiction over him, as he was a subject of a Native State, and he had done nothing in British territory. Under these circumstances the learned Government Advocate warned him of the illegality of the pardon, and made him understand his real legal position. Fully conscious of the situation, he willingly gave his evidence. There can be no doubt that this witness is not an approver in the sense of a legally pardoned accomplice. His evidence must be therefore treated as that of an accomplice. But he is not sent up here as an "accused" person. What we have said in regard to some other accomplices and *quasi* accomplices equally applies to him; namely, that we treat him as a guilty person on his own showing giving evidence and running the risk which his statement may imply. Over and above what we have said with regard to the other accomplices, *e.g.*, P. W. 227-P. W. 231 we have further to remark that this witness can in no sense be called an "accused person".

By the word "accused" in section 342 is meant a person over whom the Magistrate or other Court is exercising jurisdiction—12 P. R., 1102, *per* Plowden, J.

An accomplice is a good witness even though he has been illegally discharged by the police—16 Bom. 661; followed by Chief Court in P. R., 21, of 1914 (Cr.), which also refers to 23 C., 493, and adopts the definition of "accused person" in 12 P. R. of 1902 by Plowden, J.

It is clear we have no jurisdiction over him, in regard to what he did at Lot Badi in the Nabha State. In our court, firstly he is not an accused person; secondly in regard to his main actions we have no jurisdiction over him. He is therefore a competent witness in the case.

(12) Retracted confessions.

A retracted confession has to be looked at from two standpoints, firstly what is its value so far as it affects the person retracting it, secondly, what is its value when considered against the co-accused under section 30, Evidence Act. It may be mentioned that a confession made before the trial, either judicially or extra-judicially, is relevant against the prisoner under section 21, and if adhered to at the trial, will be doubtless a perfectly good basis for a conviction. The rule of practice, however, is that if it is retracted at the trial, it is unsafe to convict on that *alone*; for the obvious reason that the possibility of its involuntariness renders it an unsafe guide to base conviction thereon. With regard to an unretracted confession section 30 gives the Court the power or discretion to *consider* it as against the other co-accused, but it never ranks as on the same footing as sworn evidence. Although section 30 makes no difference between a retracted and a unretracted confessions, yet rules of practice have recognised a distinction. To consider a retracted confession as against a co-accused is deprecated; and warnings are given by eminent Judges gainst basing any conviction solely thereon; but there is no rule of law to the effect that in no case can it be considered as against co-accused. The prudent practice is, except in exceptional circumstances, to ignore it against the other co-accused.

We need not refer to all the rulings cited to us (noted on the margin). In 16 P. R. of 1903 (Cr.) the learned Judges of the Chief Court have laid down the law with sufficient clearness. It was considered in their latest ruling reported as 30 P. R. of 1914, where the learned Judges lay down the following rules deducible from authorities:—

Authorities.
27 Cal. 295=4 C. W. Notes.
129 Queen Empress *vs.* Jadhub Das.
38 Cal. 169, I not under 10 above case.
15 C. W. N. 593=12 Crimial Law Journal 286, Nani Gopal Gupta.

"(*i*) That it is not illegal to base a conviction upon the uncorroborated confession of an accused person, provided the Court is satisfied that the confession was voluntary and is true in fact;

(*ii*) That, from the point of view of legality pure and simple the fact that a confession has been retracted, is immaterial;

(*iii*) That the use to be made by the Court of a confession, whether retracted or not, is a matter rather of prudence than of law, the business of the Court being to make up its mind, in accordance with the dictates of common sense, whether it is safe to believe the confession or not;

(*iv*) That experience and common sense shew that, in the absence of corroboration in material particulars, it is not safe to convict on a confession, unless, from the peculiar circumstances in which it was made, and judging from the reasons, alleged of apparent of the retraction, there remains a high degree or certainty that the confession, notwithstanding its having been resiled from, is genuine;

(*v*) That, when it is a question of using a confession against a co-accused, the Court would not be prepared to accept the confession *per se* as sufficient, the corroboration ought to be of the kind that not only confirms the general story of the crime but also unmistakably connects the said co-accused with the crime."

1. There is only one regularly recorded confession of Nand Singh.

2. There is one statement by Indar Singh, Granthi, signed by him and recorded by the Jailor—P. W. 192.

3. There is a substance of conversations with Sohan Singh, recorded by the Jailor—P. W. 193 (Ex. 204 A dictated to Khair Din and E. P. 204 B written by him).

In considering these confessions we have not only to bear in mind the rules for guidance stated in 30 P. R. 1914 above, but also a Calcutta case 40 Cal. 873, where it was ruled that where confession is partly false, *e. g.*, as to motive, it cannot be rejected wholesale; and when an entire statement of an accused is given in evidence, any part of it may be contradicted by the prosecution, the Court may accept the incriminating part and reject the exculpatory portion.

It will be useful to bear in mind this rule with reference to part of Indar Singh Granthi's statement which is partly incorrect, *e. g.*, as to Burman Singh and the Presidency and Secretaryship of the *Ghadar* newspaper, as well as the erroneous part in the confession by Bakhshish Singh to the Zaildar Gurbakhsh Singh (P. W. 124) where Mula Singh is inaccurately described as one of the dacoits.

Nand Singh's confession.

1. We must note here that Nand Singh, in resiling from his confession before the Magistrate, does not state he was tutored into making it. He admits he signed it. It is ridiculous to think that the police tortured him to do so. His explanation that it was a short one and was added to by the police is so absurd as to be unworthy of consideration; and carries with it its own refutation. To our minds it was a perfectly voluntary and a true statement, which proves his guilt. We will not, however, treat it as of the same value as sworn *evidence*, but only *consider* it against the other accused for the obvious reason that, when compared with other independent evidence, it represents a correct state of affairs. As against the maker of it (Nand Singh) it will be treated as a perfectly effectual confession in no way other than voluntary, though retracted at the trial.

Indar Singh's statement.

2. Indar Singh has nothing to offer by way of reasonable explanation how this statement came to be recorded. He admits it bears his signature, but says it was not read out to him. When read out to him here he states a part of it was based on hearsay, part he admitted to be true and as to another he says he never made it, namely, that it is wrong in fact. A detailed description of these parts is given later. We place this statement on the same fonting as Nand Singh's confession, except in the part where it is found on the evidence to be erroneous. It is proved by P. W. 192.

3. Sohan Singh's (74) conversation to the Jailor is altogether denied by him, but it is proved by P. W. 193. It is clear that the Jailor, though putting down the gist of the talk with the accused on different days, partly written by himself and partly dictated to Khair Din, could not have invented the facts stated in it, nor the sentiments embodied in it, from his own imagination. We absolutely decline to entertain the idea that it was concocted by the Jailor. We also overrule the argument that because Criminal Investigation Department people were there about, it is to be rejected on that score. There is authority in support of the view we take that such a conversation to a man other than a police officer is admissible even though a police officer may be present at the time—P. R. 8 of 1914 (Cr.). There is also authority for the view that a Jailor is not a police officer—20 B. 795.

It is an incriminating statement, the result of conversations which may be received in evidence against the accused; and because it was made at a time when the accused was not an "accused person" and therefore not a confession of a co-accused properly so called, it can be used as a statement of a conspirator admissible under section 10 of the Evidence Act. Consequently

we shall use this epitome of of conversations against the accused Sohan Singh and treat it as a statement of a conspirator with regard to conspiracy under section 10, Evidence Act.

(13) Waging war.

It would be a profitless task were we to attempt entering into the niceties which have gathered round the words "levying war" used in the English Statutes. The law is summed up in Halsbury's Laws of England as follows. The italics are ours :—

"To constitute a levying of war it is not necessary that blows should be struck; there must be *bellum levatum*, but not necessarily *bellum percussum*. It is sufficient, if there is an arming and arraying in warlike manner, as by enlisting and marching troops, or *if there is an assembling in great numbers with warlike intent, or a cruising in a ship with the like intent* (*g*). A bare conspiracy or consultation with a view to levying of war, though it may in some cases amount to an overt act of compassing the King's death, is not a levying of war against him (*h*)." Halsbury's Laws of England, volume IX, paragraph 880. p. 453.

[Citing—(*g*) Fost 208; 1 Hale, P. C. 131, 144, R. V. Vaughan (1696), 13 State Tr. 485, 532; R. V. Dammaree (1710), 15 State Tr. 522, 606. See also title Constitutional Law, Volume VI, p. 348. (*h*) 1 Hale, P. C. 131.]

In the Indian Penal Code, the words used are "waging war". If the words "levying war" and "waging war" are synonymous or interchangeable expressions, the above exposition of the law may be adopted in the present case and each accused's case dealt with accordingly, but there are certain Indian decisions on the subject which require examination.

Now, the accused in the present case are not charged with actual waging war, but only with abetment thereof.

We have to see first what amounts to abetment as defined in the Indian Penal Code, secondly what is the punishment for it. Abetment is defined in the Code as follows ;—

"A person abets the doing of a thing, who—

First.—Instigates any person to do that thing ; or,

(for commentary see part II, chapter IV, section 83).

Secondly.—Engages with one or more other person or persons, in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing ; or,

(for commentary see part II, chapter IV, section 84).

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing."

To understand the full import of clause (2) it is necessary to bear in mind explanation (5) to section 108, which is as follows :—

"*Explanation* 5.—It is not necessary to the commission of the offence of abetment by conspiracy, that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed."

Likewise clause (3) must be read with Explanation 2 to section 107 which is :—

"*Explanation* 2.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act."

Clause I, as the words clearly show, supposes an instigator and an instigated. We do not see how we can apply this clause to the present case without involving the case in complication. Although the Bombay High Court says that the person instigated may be an unknown person, per Heaton, J., 34 B., 394, which will be referred to presently, yet it is indeed rather a difficult task in the case of a body of men combining to do the same thing to say who is the instigator and who the instigated; we will leave this clause out of account. The second clause deals with what is called abetment by conspiracy, but in this the difficulty is that the engagement in the conspiracy does not merely mean joining a conspiracy it its initial stage of formation. To bring in an accused as an abettor under this clause it is necessary to prove that the accused was *engaged* in the conspiracy down to the time when the offence was committed or when the act was put in the course of actual execution, 10 B. H. C. R, 497, 26 All. 197, Mayne's Criminal Law, 247, 248. Moreover it is necessary in this clause that an act or illegal omission should take place in pursuance of the conspiracy. Those who form themselves into a body of conspirators, and remain in it throughout, can be brought in the clause if some act or illegal omission takes place in pursuance of the conspiracy, but not those who join the conspiracy originally but either voluntarily or involuntarily or owing to some other causes do not remain engaged in it till the commission of the offence or the putting of the act into actual execution. On the view we are going to take as to what constitutes waging war there will be only very few of the present accused who will not come within this clause. The third clause however is a very wide one; all who "intentionally aid by an act or illegal omission the doing of that thing which includes acts either prior or at the commission of the act in order to facilitate the commission of an act. But to bring any of the accused under this clause, it has to be established in what way or by what act he intentionally aided the commission of the offence.

On the charges framed we cannot discuss the provisions of the new Chapter V-A added to the Code by Act VIII of 1913 on the 27th May 1913 dealing with the punishment for criminal conspiracy as a substantive offence. But even if we do, the result is the same, because there too the offender is punishable as an abettor, which necessitates reference to the sections of the Penal Code dealing with punishments. Mr. Mayne points out that it is only a matter of convenience regarding procedure whether an accused is dealt with under Chapter V-A for the substantive offence of criminal conspiracy, or under Chapter V for abetement by conspiracy—Mayne's Criminal Law, pp. 247, 248. This is apparently doubtless a correct view in majority of cases, but the difficulty arises when the engagement of all the conspirators is not uniformly continuing down to the commission of the offence.

It is consequently far more convenient to resort, and to confine ourselves to the third clause, which is much wider in scope, and is not hedged round by any limitations or qualifications.

Assuming that in every case of abetment an abettor and principal offender are presupposed, except in clause II which is a case of mutual abetment, it is not necessary for clause 3, as we read it, to determine the identity or the existence of a principal offender. Once abetment under any one of the clauses is established, the question of punishment presents no difficulty; because in section 121 actual waging of war and an abetment to wage war are placed on an equal footing, whether the offence of waging war does actually take place or not. In the case of waging war the abetment is treated as as serious as the waging itself, though the same is not the case in several other offences where punishments are regulated according as the offence is or is not committed,—*vide* sections 115, 116.

The convenience of section 120 B is, that once an offender is proved to be a party to a criminal conspiracy as defined in 120 A, he is treated at once as an abettor for punishment without reference to the definition of abetment. In other words while section in 107 abetment by conspiracy something additional to mere conspiracy is required to be proved which is not necessary to prove in

the case of conspiracy under 120 B, because it is another form of abetment in itself, so that if the offence thus abetted (namely under 120 B) happens to be waging war, section 121 at once becomes applicable, rendering the conspirator liable as if he had himself waged war.

If the question of punishment be relegated to section 109, which however comes into play only when the Code does not elsewhere specifically provide for punishment for abetment, a finding that the offence abetted has been committed is necessary to mete out the same punishment to the abettor as it provided for the commission of the offence itself.

If we are relegated to section 109 we are quite prepared to hold that in the present case the offence of waging war has been commited.

The question then is, what do the words " waging war " mean.

In 37 Cal. 467 at page 505, the learned Chief Justice observes :—

" It is argued on behalf of the Crown that it was intended by the framers of the Indian Penal Code to reproduce the English law of treason in its entirety, that is to say, not only the Statute Law, but also the interpretation placed on it by the cases. But any one who has studied the history of section 121, which was a part of the law of the land before its incorporation in the Indian Penal Code, and the literature on the subject, must know that this was not the intention of those who framed the provision." ..... " I think it right to refrain from discussing in detail the meaning of section 121, for in the circumstances the question does not arise."

In the same case Carnduff, J., at page 518 observes :—

" And, thirdly, I agree in considering that the expression ' wages war,' which is used in section 121 of the Penal Code, must be construed in its ordinary sense as a phrase in common use in the English language, and that it is impossible to hold that any of the overt acts alleged in this case amount to the offence provided for by that section."

In the short note the overt acts sought to amount to waging war are given.

" The expression ' *wages war* ' in section 121 of the Penal Code must be construed in its ordinary sense, and a conspiracy to wage war, or the collection of men, arms and ammunition for that purpose, is not waging war."

Mr. Mayne at pages 278 and 279 in an able comment does not seem to approve of the *dicta* in this case. He cites 34 Bom. 394 in support of his view. It is useful to quote the words of Heaton, J., for the distinction he has drawn between an act to inflame and excite a state of mind and an incitement to action.

" Per Heaton, J. :—Under section 107 of the Indian Penal Code there may be instigation of an unknown person.

The word ' abet ', as used in section 121 of the Code, has the same meaning as is given to it by section 107. The ' abetment ' meant by section 121 is not necessarily confined to abetment of some war in progress. There may be, and usually, is instigation of rebellion before rebellion actually begins : that kind of instigation is under the Code abetting waging war against the King.

So long as a man only tries to inflame feeling, to excite a state of mind, he is not guilty of anything more than sedition. It is only when he definitely and clearly incites to action that he is guilty of instigating and therefore abetting the waging of war" (34 Bom. 394 per Heaton J.).

We need not discuss the soundness or otherwise of the Calcutta case, because the view we take steers clear of that case. It is not simply the collection of men and ammunition on which we hold " waging war " proved, but a good deal more, as will be evident presently from the historical part of this judgment.

(14) Approvers' testimony.

It has been contended by every one of the Counsel for the defence that—

(*a*) Approvers' testimoney should be presumed, as tainted evidence, to be untrue; it should not be acted upon without corroboration by untainted evidence in material particulars.

(*b*) That the corroboration in material particulars should be not only with regard to the crime, but in respect of every accused; corroboration as to one accused is not sufficient to convict another.

(*c*) That one accomplice's testimony is legally not a corroboration of the other.

(*d*) That if an accomplice is disbelieved in part, the whole of his testimony is to be rejected.

(*e*) That there is no independent corroboration in the present case.

(*f*) That the confessions, particularly when they are retracted, can not be used to corroborate accomplices.

A number of authorities have been cited before us in support of the above propositions. Before referring to the authorities cited by the defence Counsel and the Government Advocate in reply, we may at the outset quote the conclusion arrived at by Sir Donald Johnstone, J., in the Delhi Conspiracy Case. He says :—

"Notwithstanding section 114 and illustration (*b*), the Courts are not tied down in any technical way; but it is their duty when deciding (*i*) whether any corroboration of a particular accomplice is required, (*ii*) what amount or kind of corroboration is required, to look at the question as a prudent man, desiring to avoid error and to arrive at the truth, would look at it."

The learned Judge studied the cases cited before him; every Punjab case was cited before him in addition to 10 C. 970, 29 C. 782 of the Calcutta High Court.

There are many more on the subject which we will discuss. It may be mentioned in passing that, although their Lordships of the Privy Council did not entertain the appeal in the Delhi Conspiracy Case, they nevertheless characterised the practice of corroboration of accomplices' testimony as a "prudent" pratice, which clearly conveys the idea that the rule of requiring corroboration is not a rule of law, but only a rule of practice. This coincides with what Plowden, J., ruled in P. R. 14 of 1894 (Mamun *versus* Queen Empress).

"It is by no means a rule of law, but it is a true proposition, that the evidence of an accomplice requires just as much or as little corroboration as is needed to convince the mind of a prudent person that the facts alleged against the accused are proved."

In addition to the cases cited at the bar, we have consulted some others also.

Let us first notice the argument of the learned Government Advocate.

He argues that—

(*a*) it is discretionary with the Court to raise the presumption that an accomplice is unworthy of credit unless corroborated in material particulars. The present is a case in which the Court should treat accomplices as ordinary witnesses, because each accomplice's story carries conviction in itself and needs no corroboration;

(*b*) (2) the rulings cited by the defence do not touch upon the proviso (*b*) to illustration (*b*) which is the following :—

> "A crime is committed by several persons, A B. C., three of the criminals are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable." In the rulings cited by the defence we do not know how the accomplices were captured, nor whether they were kept apart. They do not at any rate show that the attention of the courts was drawn to the proviso (*b*) to illustration (*b*) ;

(*c*) in the present case, except Umrao Singh who had heard the evidence of some of the accomplices before he turned an approver, all the approvers made their statements under circstances which negative the idea of any previous concert. Consequently, the presumption that an accomplice is unworthy of credit ought not to be raised at all in the present case ; and if raised initially, it is rebutted by the circumstances that the accomplices were kept apart, and yet corroborate each other in the account each gives of the crime. Once it is granted that the above propositions are true, it logically follows that it is unsound to hold that one "tainted evidence" can not corroborate another "tainted evidence" ; for, if the presumption of untrustworthiness is not raised, an approver's evidence cannot be stigmatized as "tainted" The accomplices in the present case rank with ordinary witnesses, and, if they in the main agree, each corroborating the other, no further corroboration is needed ;

(*d*) the necessity for corroboration as to each accused is based on the assumption that an accomplice is presumably unworthy of credit. But if the accomplice is believed on account of the intrinsic worth of his testimony from the circumstance of being kept apart from other accomplices, and nevertheless giving the same story in substance, it is contended that one accomplice must be treated as corroborating the other, therefore no corroboration by any other independent evidence would be necessary ;

(*e*) that it is not correct to say that if an accomplice's testimony is in part not true, that the whole of it should be rejected : the rule "*Falsus in uno falsus in omni*" has always been departed from in India. The observations of the learned Judges in in the Delhi Conspiracy Case regarding Dina Nath, approver's, testimony were referred for ;

(*f*) that there is over-abundant corroboration by independent testimony in the present case ;

(*g*) that the confessions, though retracted, are none-the-less confessions of co-accused and are referrable to for corroboration.

Before we deal with these arguments, let us go over some of the cases.

This is a case in which Sir John Edge, C. J., discusses the rule of practice with regard to accomplices' evidence very lucidly. In his opinion, corroboration by independent evidence is not indispensibly necessary. If the evidence carries conviction, no corroboration is necessary. Straight, J., in substance agrees with him ; he would treat each case on its own merits. Broadhurst, J., requires corroboration in material particulars.

9 All. 528.

It was ruled that the accomplice's evidence should not be acted upon without corroboration in material particulars, except in a case in which a Judge, from the evidence itself, feels no hesitation in believing it without corroboration. But if corroboration is needed, it should be in regard to every person the accomplice's evidence affects, and a co-prisoners' confession is not a corroboration.

1 All. Law Journal 110.

The rule is that an accomplice must be corroborated, not only as to the narrative of the offence, but also in regard to the particular accused who is charged with an offence.

12 Criminal Law. Journal 537 (Oudh).

To the same effects as 12 Criminal Law Journal 537.

18 C. W. notes. 550.

In order that a co-accused's confession be considered against the other accused, corroboration by independent testimony is needed.

19 C. W. notes. 584.

In order that a co-accused's confession be considered against the other accused, corroboration by independent testimony is needed.

XIV Bombay 115 at p. 119.

Although the evidence of an accomplice is of higher value than the confession of a co-accused; yet, in most cases, it is treated on the same footing for all practical purposes. The judges refer to 38 B. 156.

24 I. C. 153, Madras.

35 Madras, 397 Full Bench of five Judges.

In this case the whole subject of the value of accomplice's evidence is fully thrashed out.

The question before the Court, as formulated in the reference, was:—

Does the evidence of an accomplice require corroboration in material particulars before it can be acted upon; is it open to the Court to convict upon the uncorroborated testimony of an accomplice if the Court is satisfied that the evidence is true?

Benson, Wallis, Miller, J. J., held that the Court is not bound to presume than an accomplice is unworthy of credit unless corroborated in material particulars. Abdul Rahim, J., was of opinion that, except in special circumstances, the Court should raise the presumption referred to in illustration (*b*).

Sunder Ayyar, J., generally agreed with the *dictum* of Sir John Edge in 9 All. 528; but was of opinion that the proper course is to make the presumption, unless there be special occasion for not doing so.

In addition to the above, there was al o a subsidiary question in the case, namely, whether a previous statement of an approver can be received as corroborative of his testimony under section 57, Indian Evidence Act. Sunder Ayyar, J., would not treat it as corroboration at all; the other Judges held that no hard and fast rule capable of a mechanical application can be laid down. It may be so in some cases, in majority of cases it is only a repetition.

In addition to the above, we would like to quote a passage from 27 Madras 71, where that eminent Indian Judge Sir Bhusham Ayyangar is reported to have said:—

"It is doubtful whether the practice which has become 'hallowed by time' is not one of the instances in which the law of the country is subtilized for the protection of individuals (including notable corrupt officials), and not for the furtherance of justice. . . . The rule of corroboration results in a strong temptation to suborn evidence to corroborate. It acquires undue importance and this and the approver's testimony are both easily credited." The net result is that there may be cases in which the Court may not raise the presumption that an accomplice as such is unworthy of credit. The question then is whether

the present is a case in which we should not start with a presumption of untrustworthiness of the accomplices' evidence? Here there are no less than eight approvers, in addition to an illegally pardoned accomplice, and a few witnesses who are called by defence Counsel as "practically accomplices."

Now, what is the test to determine whether in a particular case the Court should not make a presumption under illustration (*b*) section 114 and dispense with corroboration in material particulars.

It is clear that an accomplice is a self condemned man; it is not his respectability which is his recommendation. It must be, therefore, the intrinsic worth of his story which may induce the Court not to raise the presumption of his untrustworthiness. The proviso (*b*) to illustration (*b*) is one of the tests which may usefully be employed to justify a Court in placing an accomplices' testimony on the same footing as that of any other witness. Leaving hypothetical cases aside, we have that test pre-eminently in the present case. The following table will show the dates of arrest, dates of statements before the police and Magistrates and the stations where each approver's statement was recorded; we ; have also included in this table Ichra Singh the illegally pardoned accomplice:—

Approver.	Arrested.	Police.	Magistrate.	Station.
1. Amar Singh ...	19th February 1915	3rd March 1915 ...	From 6th April 1915 to 14th April 1915.	Lahore,
2. Mula Singh ...	13th February 1915	From 12th March 1915 to 14th March 1915.	From 6th April 1915 to 10th April 1915.	Amritsar
3. Jwala Singh ...	30th November 1914	9th Deeember 1914	From 6th April 1915 to 9th April 1915.	Ferozepore,
4. Nawab Khan ...	19th December 1914	(*Once*) 23rd and 24th December, (*Again*) from 25th December to 10th January.	From 14th April 1915 to 1st May 1915.	Jullundur,
5. Narain Singh ...	14th February 1915	,,,	From 14th April 1915 to 17th April 1915.	Ludhiana,
6. Sucha Singh ...	23rd February 1915	,,,	From 7th April 1915 to 13th April 1915.	Ambala.
7. Ichra Singh ...	14th February 1915	,,,	From 14th April 1915 to 17th April 1915.	Ludhiana,
8. Udham Singh ...	19th March ...	,,,	From 6th April 1915 to 7th April 1915.	Amritsar,
9. Umrao Singh ...	23rd February 1915	26th May 1915 ...	...	...

From the above table it is clear that the police officers at Lahore, Amritsar and Ludhiana were conducting investigations *re* dacoities reported to them. Until the approvers made full statements, the police were not sure whether there was a common origin for the dacoities committed on different dates in different districts. It may be true some information was in the possession of the Criminal Investigation Department as to the doings of Hardial and his lieutenants and confederates; and we may perhaps presume also they were more or less aware of the trouble which emigrants on their arrival in India were likely to give. They must prior to their arrival have got hold of some copies of the *Ghadr*, and similar revolutionary literature issued by the *Yugantar Ashram*;

but, that they could have known all that the approvers have stated, before their statements were recorded, is obviously a physical impossibility. No concert of the approvers between themselves to concoct stories which each was to relate has been made out. On the contrary, it is established beyond a shadow of doubt that all approvers were kept apart and had no sort of communication, direct or indirect, with each other.

Were they tutored by anybody to make the statements? If so, by whom and when?

To entertain an idea of this description we would have to—

(*a*) assume the existence of a genius, a master mind, possessed of a marvellous power of concocting fiction, and a still more marvellous power of manipulation of a story in half a dozen clever settings so as to defy the detection of a common source, or to assume the existence of several men with wonderful capacities of concocting imaginative stories in a conference and of thereafter preparing so many diversified presentations, and making various approvers commit them to memory and faithfully reproduce them without any aid;

(*b*) suppose a superhuman retentive memory in approvers capable of retaining the inordinately long stories learnt by them;

(*c*) credit the real authors of the stories with a knowledge of all the towns and factories in America and elsewhere, some of which are not even noted in ordinary *extant atlases*;

(*d*) presume pre-knowledge of all the Urdu poems and Panjabee doggrel so fluently recited in Court by some of the approvers from memory.

If the above assumptions are wholly unwarrantable, have then the approvers invented these false stories independently of each other, and if so, on what theory can the *consensus* in them be explained?

We would have to credit each of the eight approvers with possession of some second sight or occult power capable of knowing the stories which every one of the others has manufactured to explain away the innumerable concidences, certainly not fortuitous, which we find in their statements.

As the Government Advocate puts it, following the rule of *reductio ad absurdum*, we must reject all the above theories without a moment's hesitation and hold that their statements are true.

Parts of the stories of some of the approvers are common; stories of others are independent and relate to different sets of facts. For instance:—

Amar Singh swears to incidents *re* the formation of the conspiracy in America, its development on the voyage back to India on the Korea, and principally to the doings of the conspirators at Lahore and Amritsar.

Much of the same is sworn to by Mula Singh, with the addition of details as to the disposal of the proceeds of some of the dacoities, and some additional incidents occurring at Amritsar and surrounding villages.

Jowala Singh swears principally as to what occurred on the voyage by the *Mashima Maru*, and the plans for looting the Lahore Cantonment. Nawab Khan swears as to what occurred in America and on the voyage of the Korea with greater richness of detail and and the doings of the conspirators in the Malwa tract.

Narain Singh and Udham Singh swear to dacoities organized by the conspirators.

Sucha Singh testifies principally in regard to the collection of materials for the manufacture of bombs, the circulation of revolutionary leaflets, and his mission to tamper with troops, in addition to his visits to Lahore and Amritsar the two central seats from which all directions were issued. Umrao Singh

swears to some incidents in America by way of additional information, and to the dacoities at Mansuran and Sahnewal. It follows therefore, firstly, that we have not to deal with one story put into the mouths of all the approvers and related differently, nor, secondly, with the employment of a number of accomplices as approvers in order to make a show of overwhelming evidence; but each approver swears to some common facts and a great deal more apparently not known to the others.

The line of argument adopted by all the counsel is, that the testimonies of all these approvers stand in need of corroboration. Some have argued that their statements are discrepant; which, of course, implies that either they had forgotten the stories they were tutored to tell, or that they do not emanate from a common source. Nothing specific has been urged as to why Amar Singh, Mula Singh, Narain Singh, Udham Singh, Sucha Singh should make the statements they have made, beyond some hazy and indefinite accusations of substituting or naming wrong persons, or of exaggeration to save their own necks, and a few accused attribute personal enmity on behalf of some of the approvers.

With regard to Jowala Singh, it is alleged that he is a disreputable character and ought to be disbelieved. He is, doubtless, a disreputable character; drink and rowdiness or other propensities to commit crime are put forward disentitling him to credit. We do not agree in this argument. He is no worse than bomb-makers, dacoits, revolutionists, as the other accomplices are. The question is not, what is his character? All accomplices are blackguards on their own showing, and the question is, is he an accomplice *now* speaking the truth, liable if he fails to do so to be landed in the dock according to the terms of his pardon? We have no reason to disbelieve this man.

As to Umrao Singh, the objection of the counsel is that he had heard most of the evidence; and that his evidence with respect to what occurred in America implicating some of the accused, would not have been available if Dalip Singh, approver, had not died; because if alive he would have been produced, and this approver would not have been tendered pardon. But he did not hear Sucha Singh's statement, nor the evidence which followed Sucha Singh. Nothing is seriously urged as to his evidence *re* the Mansuran and Sahnewal dacoities. With regard to his evidence about the presence of some of the accused at the *Ghadr* Press, and some minor additional information as to what occurred in America, we fail to see how his evidence can be brushed aside simply because he became an approver at a late stage of the trial.

Nawab Khan has been singled out for a severe attack by all the counses for defence. He is stigmatized as a fanatical Muhammadan, more a spy than an accomplice. His evidence is also criticised in some detail by comparing it with that of Mula Singh and Amar Singh to show certain discrepancies. Counsel seem to have overlooked that if this man were a spy, they were weakening their position; because, as such, his evidence would not require corroboration, but itself would serve as corroboration of the testimony of other approvers. It is true that he himself admits that sometimes his behaviour erroneously led to a belief in the minds of some of the conspirators that he was a spy; but this is another proof of his out-spokenness, he could well have repudiated that assertion without any fear of contradiction. The view we take of him is, that he is a vain and boastful adventurer, at times carried away by the fascination of a Hindu and Muhammadan union; another time he sees things going in such a way as to make him suspect that the ostensible union of interests has beneath the surface only the advancement of Hindus. His zeal for co-operation, though endeavoured to be kept up by flattering assurances, had unconsciously slackened, but had not altogether vanished when he arrived in India. In India he was entrusted with important work and some sort of freedom of action. Active co-operation by conspirators, and a speedy accomplishment of the task were expected by him; but he was not given a supreme control of affairs in the tract which was to be the scene of his activities, and so, after a few unproductive and abortive dacoities and aimless wanderings, luke-warmness set in, and eventually his zeal languished. After his arrest he agreed to disclose the conspiracy to secure a pardon; also promising to supply the police with such information on the sly as he was able to obtain.

That he was considered a person capable of influencing his co-religionists in America is evident from the fact that he was greatly sought after there. He is the " Nabu Khan " in Indar Singh Granthi's confessional statement ; he was regarded as a man of some capacity worth using as a tool of the conspiracy in India, or else he would not have been asked to return to India as early as possible with only the clothes he stood in. His sympathy with his co-religionists in Turkey happened opportunely to coincide with the propaganda of the revolutionaries of another religion.

It is next argued that he mentions so many facts and incidents, exaggerating colouring and embroidering them all, which neither of his confederates, Mula Singh and Amar Singh, allude to ; omitting some they mention in their statements. This does not detract from his veracity. Nature has not gifted all men with equal memories ; which accounts for the mention of some facts in one man's deposition which are omitted by the other.

There is another reason also for some errors of omission. All three of these approvers stated their stories in narrative form before different Magistrates who recorded them in the same manner, occasionally interrupted by a question so to clear up some obscure point ; and, although in the present trial, their statements were elicited by questions, yet the basis of the questions were their magisterial statements.

In no particular has the evidence of any one of the approvers been found wrong or disproved, except in regard to the date of an unimportant Phagwara meeting which was misstated by Amar Singh. Nawab Khan has cleared up that date and the Government Advocate's explanation regarding the errors is satisfactory. There is one discrepancy between Nawab Khan's and Amar Singh's statements which needs notice.

It is true that about the visit to the German Consul Amar Singh and Nawab Khan do not agree ; the former says he also went there, the latter says not. This may be due to Nawab Khan's failure of memory ; or, possibly, he has arrogated solely to himself what he regarded an important Commission.

After considering the legal literature and the testimonies of the approvers, and all the surrounding circumstances, we are of opinion :—

(*a*) That we do not feel called upon to make the presumption of untrustworthiness under section 114 Ill. (*b*), in view of proviso to (*b*), this proviso being exactly in point in the present case.

(*b*) We shall treat their testimonies as those of ordinary witnesses to which we will not apply the maxim *Falsus in uno Falsus in omni*, which is, according to Mr. J. B. Norton (Commentator of the Evidence Act), a somewhat dangerous maxim everywhere, but especially in India (Legal Maxims by Sri Nawas, p. 416).

(*c*) Treated as ordinary witnesses the approvers need not be corroborated if their evidence carry conviction, as in the present case.

(*d*) Each approver giving an account of the same facts in common with others must be treated as corroborating the other, not as presumably untrustworthy accomplices, but as ordinary witnesses.

We shall presently give in substance the evidence of the eight approvers *seriatim* for comparison as to the matters in which they agree, and as to what additional information each supplies. We shall then treat of corroborations ; but, before we do so, we may observe that there are only a few of the accused persons against whom there exists only the approvers' statements : in the case of a large number of them there is abundant, against some overwhelming corroboration, while against some there is direct evidence of guilt of an independent and trustworthy character. We will also show that, far from the police cooking stories for approvers, it is the approvers in fact who gave clues of several criminals, of articles, subjects of dacoities, of arms and ammunitions, bombs, and their materials ; and also gave information leading to the discovery of revolutionary literature and the machines which multiplied it, and

of tricolors and the like. The defence counsel, when talking of corroboration, conveniently ignore these discoveries ; and seem to think that oral testimony is the only form of corroboration. The present case, it must be said to the credit of the police, is scrupulously free from any "padding." Yet we have over abundant corroboration oral and documentary ; and where the only evidence against an accused is that of an approver, we will when treating individual cases carefully weigh it.

We may deal in the first place with the documentary corroboration.

CORROBORATION A—(DOCUMENTS).

The following are the documents which materially corroborate the approver's statement :—

(*i*) Exhibit P. 98 A. B.

(*ii*) Exhibit P. 150 series and Ex. P. 151 A, B, C, D and F, Ex. P. 152, Ex. P. 153 A.)

(*iii*) Exhibit P. 190 A.

(*iv*) Exhibit 190 B.

(*v*) Exhibit 190 C.

(*vi*) Exhibit 190 D.

(*vii*) Exhibit 205.

(*viii*) Exhibit 227.

(*ix*) Exhibit 260.

(*x*) Exhibit 273.

(*xi*) Exhibit 274.

(*xii*) Exhibit 299.

(*xiii*) The *Ghadr* newspaper, Ex. P. 300 A.

(*xiv*) *Ghadr Sandesa* P. 23.

(*xv*) *Ghadr ki-Gunj* P. 6.

(*xvi*) *Ilan-i-Janj* P. 28.

(*xvii*) Some minor exhibits.

We give a brief description of these *seriatim*.

(1) The exhibit consists of (1) P. 98, A. B., two slips of paper found during the search of the Mochi Gate house after the police raid of the 19th February. It has been proved to be in Rash Behari's handwriting. An expert (P. W. 170) has compared it with (P. 188) his proved handwriting, the standard handwriting being proved by P. W. 162. In slip (A) a part is unintelligible, a part undecipherable. Whatever can be read or reasonably studied in the light of other facts leads to the following results.

The writer mentions an appeal to Muhammadans to join, and to *pardah* houses being wanted to avoid detection. Frontier Muhammadans are to be sought to supply arms and ammunition. "*Printing*" meaning thereby printing literature, is spoken of, also the amalgamation of Hindus and Muhammadans "Rupees 2,000" are mentioned ; but not whether this amount was received or disbursed. The abbreviation "Nidh"=Nidhan Singh ; "Ich =" Ichhra Singh ; "Randhir" probably the *ex*-Tahsildar, an agitator mentioned by Ichhra Singh ; "Jagar" is possibly Ujjagar who accompanied Sucha Singh to tamper with the troops ; "Uttom" is the absconder (79), who had a seven-chambered revolver (P. W. 198) and who gave money Rs. 1,000 to Nidhan Singh (P. W. 268). The coming of "two Jats" is mentioned. "Information about R." &c., means probably revolvers, etc., "gold to ready to-morrow" probably refers to melting of gold ornaments. "A. S." very likely is Amar Singh. "Form" cannot be anything

but Kohli forms. Five ℔. is corrected to 4 ℔ ; probably potash. We cannot make out anything of " B's address" ; possibly B may be Narindar Banerji—(see Mr. Denham, P. W. 396). " Two houses + 1 " means three houses, but we can make nothing of the figures.

Slip (B) " two + 1 houses " obviously means another house rented. " Printing " means, of course, literature. Below Rs. 250 occur " Pundit Ram, " the amount may have some connection with the name, or may be unconnected.

There are some figures again of which one cannot make out anything. There is one word " transposition " ; and as there seems to be an apostrophe on " s " after " *trans*," it may be " trains' position " the position of a train which it was proposed to wreck ; or it may mean " transposition " of figures above this word. In slip A the words " address of B " occur. In the slip B the words " Narander or Nara Sunder's full address " appear. Zenana Muhammadan houses for store and residential purposes are referred to, and Muhammadan workers are said to be wanted. One Muhammadan is to be got (for) Asr. house (= *Amritsar* house) and " one for each of the other houses ".

To give a clearer idea we reproduce the slips as they are with our comments opposite. It is hardly necessary to point out that these two slips materially corroborate the evidence as to designs and incidents :—

P. 98 A.

Discovered from house No. (2) *Gwal Mandi* house.

P. 93 A.

(1) COLUMN I.

B.'s address, Loan Rs. 200	May be Narender Banerji, (Denham) P. W. 396.
Appeal, Muhd. ...	Appeal to Muhammadans to join.
Storied houses ...	One-storeyed houses will not do.
Frontier Muhammadans. Help in A. and A.	Frontier Muhammadans must be taken in hand, they will help in arms and ammunition.
Safe place for retreat and training.	Obvious.
Printing ...	Obviously seditious literature.
Amalgamation H. and M, ...	Amalgamation of Hindus and Muhammadans.
Orders and workers in other places.	Obvious.
Co-operation ...	...
Money. ...	...
(First two letters obscure) Man returned or not with what success.	Somebody was deputed for some work, inquires whether he has returned, with what success.
Arrangement for stay in a Muhan house family house.	Obvious.

COLUMN II.

Uttom	... Absconder (79) *alias* Raghu Singh who took part in Rabhon dacoity (3rd February 1915). Had a 7-chambered revolver which he left with Ichhra Singh (P. W. 198), p. 256. See also P. W. 268 as to money given by him (Rs. 1,000) to Nidhan Singh.

Prips communitcation	...	Cannot make anything of this.
Money Rs. 2,000	...	Either Rs. 2,000 had come in or were required.
50 = 12 or 18 ; 80 = 20	...	Nothing can be made out of these figures.
Nidh to Ich.	...	Nidh. evidently means Nidhan Singh. Ichh. means Ichhra Singh.
		Note.—Nidhan Singh did go to Ichra Singh to arrange for removal of explosive materials from Jhabewal to Lohatbadi.
Randhir, Uttom, Jagar = Send those must [illegible word (sic ?)] join.		Randhir is the *ex*-Tahsildar mentioned by Ichhra Singh as a seditionist. Uttom is the man also mentioned at the top of the column, absconder (79). Jagar may be Ujjagar, the man mentioned by Sucha Singh who accompanied him with pamphlets to cavalry at Ambala p. 280.
		A Bengali may have omitted "Uj" and and only noted "Jagar."
Infor. about R. & C.	...	Probably information about revolvers, etc., perhaps cartridges.
Gold to ready to-morrow	...	Probably conversion of gold ornaments into gold bars.
A. S. goes Batala Saturday.		Probably A. S. means Amar Singh, approver.
Two houses + 1	...	Clear.
Rupees to be sent. B come Sunday.		Cannot make anything as to who is B and where rupees sent.
5 lbs. 4 lbs. forms.	...	Refers to 5 lbs. of potash, which perhaps turned out to be only 4 lbs. "Form" probably mean "Kohli forms."
(Obscure) probably to-night, 2 Jats.		Probably means to-night two Jats came in.

P. 98 B.

COLUMN (1).

2 + 1 houses	...	Makes 3 houses.
Printing	...	Printing leaflets, presumably.
S 50.....12 55.....6 80.....20	... ...	Cannot make anything of this.
Transposition	...	There seems to be an apostrophe on the s of trans. May be trains' position, to wreck it ; or transposition of the figures above.
Ram to come for M.	...	M. may mean mutiny or Mian Mir, the latter probable.
Narindar's (or Nara Sunder) full address.		Possibly the Bengali mentioned in Mr. Denham's statement, 396 P. W., as Narinder Banerji.

COLUMN (2).

Muh. occupied and rented house for store and work. Also in this connection Muh. workers one Muhd. Muhd. wanted.	}	Obviously a secure place of *zenana* residence to avoid detection.
A'sar house	...	Means Amritsar house.
One each for other places.		

(ii). **Exh. P. 150—F. G. Exh. P. 150—(A.-F.) Exh. P. 152, Exh. P. 153.**

Exh. P. 150 F. G.	...	Are a decipher code key and the key to vowels.
Exh. P. 151 A. B. C. D. F.	...	Cipher papers found on the person of Inder Singh (28).
Exh. P. 151 E.	...	Is a slip in pencil noting figures of armies and police.
Exh. P. 152	...	Is a decipher record of cipher papers P. 151 A, B, C, D, E.
Exh. P. 153 A.	...	} Exercise book.
Exh. P. 152 B.	...	

Of these the cipher code keys do not require any specific mention, except that they were supplied by the accused Indur Singh, *Granthi* (2). The document we are principally concerned with is P. 152 in a literal cipher, which this man pretended at Hong-Kong was a religious tract, and was thus allowed to bring with him. Compare Nawab Khan's statement in this respect.

Composed in different metres, it is a call to Indians to revolt against the English ; accusing the latter of having reduced India from a garden to ashes, and of having drained all the wealth of the country. The spread of diseases like plague is ascribed to them ; cow-killing is prominently mentioned to excite Hindu sentiment ; and the use of animal charcoal in purifying sugar is also mentioned in order to prejudice Indians against the use of foreign sugar. Reference is made to Ram Singh, the founder of the Kuka sect ; and Tilak, Arabindo Ghose, Kanya Lal, Dhingra, Ajit Singh are referred to as martyrs. Allusion is made to Hardial as a living martyr. He is described as Dial (beneficient), a man who is preaching mutiny loudly ! India, described as a sleepy lion, is exhorted to arouse herself from slumber and expel the whites who are stated to be exploiting India to the point of devastation. They are spoken of as "Christians becoming proprietors of the land," and are also accused of spreading disunion between brother and brother.

A Ghazul (poem) recited by the Amar Singh in Court (*Bharat Mata ki Faryad*) (P. 60) is copied in this in full. So is the poem "*Hindustan Hamara*" too well known to require description. Arya Samajis and the Khalsa are implored to unite.

In fact, all that can be perverted with the object of poisoning the mind of the reader or the hearer is given in this document. No useful purpose will be served by reproducing here all the diatribes levelled at the British. It is impossible to conceive that this *granthi* could have composed it on his own initiative. One can easily detect the influence of Hardial's lectures and writings which every stanza betrays. The part ascribed to the accused by the approvers is amply borne out by this paper. A suggestion that their evidence is a pure fabrication of their imagination is absolutelty negatived by the perusal of this effusion. The accused has the audacity to deny that he ever had it, or supplied the key, or read it to P. W. 89 (Sukha Singh).

In 153 A, which is an exercise book, English words are given with their equivalent in Gurmukhi. Curiously enough, the name of Hardial appears in this ; but the accused in his statement says this is some Hardial from whom he used to receive telegrams from Washington, but whom he did not know personally.

Exhibit 151 E. is a sheet of paper written in pencil, in which the armies of Germany, Italy, France, England, Turkey, etc., are noted in figures.

On the reverse is noted the strength of the *police* force, but it is not stated which country the police belong to. Figures of police constabulary and of various higher police officers of different grades are noted. This paper, the accused admits, is in his hand-writing. Can we not infer from this the working of the mind of this man? What earthly necessity had a Sikh itinerant preacher to keep a note of the numerical strength of the armies of European nations, and the statistics of a police force in British or foreign territory?

Exhibit 153 *B.*—This forms the credentials of the accused (28) from "The Pacific Coast Khalsa Dewan Society," which the "*Ghadr*" shows was a revolutionary institution.

The object of his return to India can be well gathered from the literature this man was found in possession of. It is absurd to argue that the Jailor, or the C. I. D. people, fabricated all these writings in order to implicate the accused.

Exhts. P 190 A, B, C, D.
(iii)
(iv)
(v)
(vi)

(3) Exh. 190 A.
(4) Exh. 190 B.
(5) Exh. 190 C.
(6) Exh. 190 D.

These four exhibits may be dealt with together.

Exhibit 190 A is a Sararoga trunk with a false bottom, and

Exhibit 190 B is similar.

Exhibit 190 C consists of two *Ghadr-ki-Gunj* and three Gurmukhi copies of the "*Ghadr*" (found in Exhibit 190 A), dated 9th June 1914, 30th June 1914, 14th July 1914.

Exhibit 190 D is an Urdu edition of the "*Ghadr*" found in Exhibit P 190 B (dated 16th December 1913).

On the 25th March 1915 P. W. 175 Mr. Clements of the Customs Department in Calcutta was ordered to look for two packages marked "K. R. M.", or any combination of these letters on board the *Kawachu Maru*. Two crates bearing the letters K. R. M. were found, in which were the two trunks—P. 190 A and 190 B with false bottoms. In addition to the letters *K. R. M.* the crates bore the marks K. Ram. They were taken to Delhi sealed up and handed over, on the 1st April 1915, to Mr. Petrie; they were opened in the presence of Sir Charles Cleveland, Mr. Connolly and Mr. Petrie; and were found to contain some arms, ammunition, and other implements. In one of them copies of the *Ghadr-ki-Gunj* and Gurmukhi *Ghadr* (P. 190 C), and in the other an Urdu edition of the *Ghadr* (P. 190 B), were found. Mr. Petrie (P. W. 348) confirms the statement of P. W. 175 (Mr. Clements).

The names of the consignor and the consignee are not disclosed in the present trial, for obvious reasons.

We have heard the approvers Amar Singh and Mula Singh say that during the voyage back to India, Ram Rakha and Amar Singh, Jat, of Kotla, got off at Yokohama to purchase arms. We have also heard that arms were expected from abroad. "K. R. M." or "K. Ram" can mean no other than Kanshi Ram who was convicted in the Ferozeshahr murder case. This is corroborated by Nawab Beg (P. W. 349), Jailor, who says that he heard Kanshi Ram in jail before his execution telling his father that he expected some things from America, and that he should have a care for the things. As noted before, the latest *Ghadr* in the packages is dated 14th July 1914. Kanshi Ram arrived by the SS. *Lama* on the 14th November 1914, in company with Ram Rakha (65), absconder and one Amar Singh, Jat, of Kotla (P. W. 354, Mr. Slattery).

There is no moral doubt in our minds that Amar Singh, Jat, of Kotla, and Ram Rakha who, as the approvers say disembarked at Nagasaki, were commissioned to purchase arms: the "important work" as it was called at the time.

If this is not corroborative of the approvers' statement with a vengeance what else could be ?

(vii) Exhibit P. 205 (Tilak's release).

This is a sheet of paper in Gurmukhi (probably a rendering of another one in Urdu). In the centre is a lithographed portrait of Tilak, found in a pocket of a coat in the trunk of the accused 73, Sher Singh. Of course he denies having ever had it, but he is unable to give any explanation of how it found its way into his coat pocket. This man was, on arrival, interned in the Montgomery Jail; and was thence taken to Campbellpur Jail. He says that his baggage was taken over by officials at Calcutta; and that in jail his keys were taken from him by the Darogha, that when a search was made, nothing incriminating was found; and that some days later the jail officials gave him a list to sign, which he did. Some eight days later to his surprise Sukha Singh told him that the leaflet had been found in his *Granth*. P. 205.

Amir Ali (P. W. 195) says that the accused did not deny that it was his. Accused is a man who came from Canada, and reached India in *Tosha Maru*.

This exhibit is, in fact, a special number of *The Hindustan Ghadr* announcing the release of Tilak on the 17th June. Tilak is praised for his exertions in the cause of "national service!" He is said to have discomfited Gokhale and Feroz Shah Mehta at Surat and to have come out from jail as brave as before. Other leaders are called jackals. The crux of the paper is in the words "He has grown old and weak. It is our duty to prepare all Indians for a big mutiny, to start secret societies and presses in India, to preach mutiny, to avenge Tilak and other lovers of the country, and drive the British out of India; and establish free Government there."

After the following, it is idle to urge there was no call to Indians to roll up and return to India for mutiny:—

"O Indian brothers come, let us go to our country. We have earned a good deal of money . . . . . Let us exchange blows with the tyrannic Europeans and make cups of their skulls to drink water from, before we expire."

Such is the nature of the document with which Sher Singh (73) came to India. If approvers say he lectured on board during his voyage back, or at some meetings in America, they are not far from right when we consider the mandate of the *Ghadr* party he had in this possession when he started for India.

(viii) Exhibit P. 227.

Ghazanfar Hussain, P. W. 336, while searching the house of Indur Singh, goldsmith of Patiala, found this exhibit which is a note-book said to belong to Kartar Singh, goldsmith. It it in cipher; but the entry we are concerned with is in ordinary Gurmukhi words *Unis ki Tiari*=Readiness for the 19th. We shall see that the date of a general rising was originally fixed for the 21st, but was accelerated to the 19th. Indur Singh, goldsmith, is the man who, in conjunction with Sunder Singh, goldsmith, melted the ornaments obtained in Jhanir and Rabhon dacoities (Ichhra Singh, approver, P. W. 198). This corroborates the statements of approvers, who say the date was expedited. Indeed even Kartar Singh, 39, admitted in his statement that Kirpal Singh, spy, was humbugged by him, when he was told that the date was changed. That the date of rising was changed admits of no doubt. *Unis ki Tiari* cannot have any other meaning but the 19th as the date of rising.

(ix) Exhibit P. 260.

This is a poem in Punjabi composed after the fashion of what is popularly called a *Bárá Máhá*. It was found in Nand Singh's (53) house on the

3rd March (P. W. 287, Mit Singh). It is the most venomous effusion conceivable. Verses for each month and with different refrains; the burdens of the songs being the slaughter of Europeans, men and women, the burning of churches and the expulsion of the British from the country.

White men are spoken of in the most malignant and abusive language as burners of temples, destroyers of mosques and Gurdwaras. Exhortation to revolt is couched in the most inflammatory terms. Ajit Singh and others are spoken of as martyrs. Japan and China are mentioned as instances of how Asiatic powers have reformed themselves. Services of Sikhs in wars under the Imperial Standard in Persia, Tibet and Hong-Kong are mentioned, and it is bitterly complained that they are now treated like coolies.

In short a worse composition appealing to the lowest passions of humanity cannot be imagined.

(x) Exhibit P. 273.

This was a note-book found on the roof of Amir Chand, victim of the Mansuran dacoity (P. W. 300, Hyder Ali, Sub-Inspector). Curiously enough in this memo-book the very first entry is a date 15th *Maghi* in pencil in Deva Nagri which is exactly the date of the Mansuran dacoity—27th January 1915. There is no other possible explanation of why this date is noted in the memorandum except that the dacoits must have fixed the date beforehand.

Amidst a good many jottings which only the writer can make out, the names of Lal Singh, Surain Singh, Bulwant Singh and Bir Singh are noted. "District Amritsar" is noted after Satiala, a village in that district. Bulwant of Satiala and Bir Singh, we may remark, were in the gang which committed the Mansuran dacoity according to the evidence.

(xi) Exhibit P. 274.

This is a slip in Gurmukhi on which the names of the Ferozeshahr murderers are noted :—

Jewan Singh,
Bakhshish Singh,
Lal Singh,
Juggat Singh,
Dhian Singh,
Kanshi Ram,
Rahmat Ali.

This paper was found by Prem Singh, Lambardar (P. W. 331); who made it over to P. W. 317, who in turn gave it to the police.

Evidently it was dropped by one of the nine dacoits who committed the dacoity at Rabhon on the 3rd February 1915. It is good proof of the connection of the Rabhon dacoits with the Ferozeshahr murderers; in other words, good corroboration of the conspiracy.

(xii) Exhibit P. 299.

This is a paper found on the person of the Anarkali murderer. The words in it are :—

Pind kala Singhian da.

Harnam Singh Pulian number chhabi (26), *Lachhman Singh* (P. W. 364).

P. W. 385 Jamadar Buta Singh, of the 26th Punjab Infantry, tells us that his regiment went to Hong Kong in 1912. Towards the end of 1913 and the beginning of 1914 the General forbade sepoys going to the Gurdwara; where, he was informed, seditious lectures were delivered. There were, however, some sepoys who secretly used to go there. Among them was one Harnam Singh of Kala Singh in the Kapurthala State; and his brother's name was

Lachhman Singh. At Hong-Kong a number of sepoys applied for discharge. Harnam Singh and seven others were sent to Ferczepore Depôt with a view to separate them from the Regiment: the witness returned with them and was deputed on recruiting duty. He returned from recruiting duty in November 1914. In January 1915, about the time when the Lieutenant-Governor was about to visit Ferozepore, he noticed a person in *Sadhu's* dress, who appeared to him to be mad.

The matter was reported to Captain Cargill; the guard on the magazines was doubled; and orders were passed that no returned emigrants were to visit the lines; and the witness was ordered to make inquiries and report. He enquired from sepoy Bhan Singh and from the sepoy Harnam Singh mentioned above. The former told him that the *Sadhu* was Kartar Singh (39), who was visiting sepoy Teja Singh; that others had gone off to a meeting near the range; and that the 8 sepoys returned from Hong-Kong were among the audience. Harnam Singh, on being questioned, told the witness that a revolution was contemplated; and how it was to be accomplished. He said he had a pistol; but the ammunition he had did not fit; and, when asked to give it to the witness for repair, he declined to do so. The matter was reported to Captain Cargill. These sepoys were subsequently discharged on the 19th February; and Subedar Mawaz Khan (P. W. 387) was directed to see them off from the railway station.

Captain Cargill (P. W. 386) tells us that on receipt of information of seditious meetings in Teja Singh's hut in the lines, which was confirmed by Buta Singh, Subedar (P. W. 385), he sent the two ring-leaders, Harnam Singh and Teja Singh, on short leave; and meanwhile obtained requisite sanction to discharge them, which he did on the 19th February.

Mawaz Khan was deputed to buy tickets and entrain 5 sepoys, Harnam Singh, Teja Singh, Phuman Singh, Labh Singh and Ishar Singh; but on the 20th February Labh Singh, one of the five, was caught in the lines with a heavy stick, the *chhavi* head of which had been taken by an Afridi.

Mawaz Khan (P. W. 387) says he heard that five had returned; but that only one (Labh Singh) was caught.

We know that Arjan Singh, *alias* Sujjan Singh, the Anarkali murderer, shot the police officer Mahsum Ali on the 20th February, that is to say, one day after the discharge of Harnam Singh, sepoy, and the same day that the discharged sepoys returned, out of whom only one Labh Singh was caught in the lines at Ferozepore. The address of Harnam Singh, and of his brother noted on the slip we are discussing is indicative of the connection of the Anarkali murderer with the disaffected sepoy Harnam Singh and his brother. The reason for noting the name of the village was obviously with a view to finding them whenever needed for future association in the cause of the revolt.

(xiii) "The Ghadr" and "The Ghadr Hindustan", P. 800.

We have not only perused the portions of this newspaper marked as Exhibits P. 59, P. 60, P. 61, P. 62; but we have taken a survey of all issues from the first one of 1st November 1913 to that of the 15th September 1914. The day of its issue was changed in December 1913 to Tuesday the *Mangal* of the Hindus, the name of Mars, the proverbial god of war, with a remark that some of the readers know the reason why. Below the name of the paper appear the words "*Ghadr*, enemy of the British Government—a weekly Urdu and Gurmukhi newspaper." The first page opens with the heading "The exposure of British Government" and 14 counts of calumnies, needless to detail, are recited; the last count being "56 years have elapsed since the last mutiny of 1857, another one is urgently needed."

Its salient features are—

(1) Perversion of figures and statistics on various subjects, *e.g.*, settlements, railways, canals, exportation of wheat, epidemic, &c., &c., calculated to bring into disrepute and contempt the British Government of India.

(2) Accounts of revolts, revolutions, past and present, in various countries of the world, to serve as models for emulation by Indian subjects.

(3) Translation in Urdu of Savarkar's history of the Indian mutiny of 1857 issued in instalments in every issue.

(4) Appreciative notes *re* Tilak, Arbindo Ghosh, Ajit Singh, &c., the so-called "martyrs".

(5) Approval of political murders and political dacoities in India.

(6) Sympathy and admiration for Germans.

(7) Incitement to Indian subjects to rebel as promptly as possible; and exhortations to Indians in America to return to India quickly for revolution.

(8) Wholesale condemnation in the foulest language of every paper, every institution and every individual that has or had the misfortune to differ from the views of the *Ghadr* party.

(9) The language employed throughout is either vitriolic, or disgustingly abusive, and looking to the class of people for whose consumption it is meant, perhaps it is designedly so.

(10) Announcements of meetings of the *Ghadr* party, and accounts of proceedings thereof from time to time. In short, its exclusive *raison d'être* is to bring about a rebellion in India. No stone is left unturned to achieve that object. Its columns are devoted to maligning the British to the best of its power; imputing all the basest motives to the English, even to ascribing plagues and famines to them. They are described as drainers of the wealth of India, desecrators of religious places and bent upon extirpating Indians like aborigines in other countries.

We do not propose for obvious reasons to touch on (1), (2), (3), (4) and (9). For our purpose it is only necessary to deal with subjects (5), (6), (7) and (8).

In the issue of 29th November, political dacoities in Bengal are approvingly mentioned, and it is no mean satisfaction to the *Ghadr* party to learn that men of respectable families in Bengal take part in such dacoities.

In the issue of 23rd December, the throwing of bombs and dacoities for the purpose of obtaining money for revolution are applauded. We must remember in this connection that both of these articles appeared before any regular meetings inviting the Indians in America for revolution were held. The paper was started on the 1st November, and we have, within two months, approval of what was going on the Bengal.

In the issue of the 26th May 1914, after some meetings of the *Ghadr* party in America had been held, it is mentioned that political dacoities in Bengal were on the increase to the embarrassment of the Bengal Government. This is also an open approval of dacoities in Bengal.

In the issue of the 16th June, it is stated that the accused in the Delhi Conspiracy case were innocent, yet in the same breath it is stated that the book on poisons to kill Europeans found in the possession of one of the Delhi conspirators has caused a consternation, and that Rash Behari Bose, if apprehended, will be found, it is said, to have a large party at his back. In various issues of the paper murders of police officers and other Government officials are prominently reported with a certain amount of satisfaction.

In the issue of the 15th November the following passage occurs :—

> "The Germans have great sympathy with our movement for liberty, because they and ourselves have common enemy (the English).

In future, Germany can draw assistance from us, and they can render us great assistance also."

In the issue of 4th August, under the title of "Bugle of War" Indian subjects are exhorted to assist Germany. It is also sympathetically remarked that Germany, single-handed, will not be able to achieve her object.

In the issue of the 21st July there is a review of the journal issued by a society called *Ahbáb-i-Hind* (Indian friends) published at Zurich, in which appeared an article by a German Professor Dowson under the heading—"Our brothers in the East." This paper is issued in German under the name "Pro India." The subjects treated therein are the Delhi Conspiracy case, famines during the English period and a translation in German of Bryan's article "The English Government in India."

The first issue of the journal is dated 1st June, aud the issue of the *Ghadr* we are speaking about gave briefly a translation of the leading article in styled it "Ourselves," in which it was stated "that it will give accurate news of the world; that the English want to perpetuate their rule in India and elsewhere, and for that reason they hold the Suez Canal and Egypt; that all European nations should be kept well informed as to the what is going on in India; and that the publishers of 'Pro India' know all about the revolutionary movement and its authors."

Thus the interest which Germans take in Eastern affairs, and their sympathy with revolutionary propaganda, are conveyed to the public through the columns of the *Ghadr*.

In the issue of the 18th August, Indians are advised to assist the brave Germans.

In the issue of 1st September much satisfaction appears to have been felt from the tone in which the supposed sinking of British ships and news of supposed German victories are reported.

There is not an issue in which there are not most virulent diatribes against the British Government, both as a race of white men and as rulers of India.

In the issue of the 15th November it is stated in unmistakeable terms that the time for petitions is gone, and, that no time should be lost in rebelling. The Rani of Jhansi is held up as typical of a Hindu brave lady whose portrait, it is said, raises the temperature of an Englishman to a fever heat of 107 degrees. This Rani of Jhansi is harped on in more than one issue. In this issue a reference is made to the weakness to which Government is reduced over the Cawnpore Mosque affair. It is stated that the Government is rotten, and will collapse at the very first touch, that the time is very near when the flesh of Europeans will be eaten by vultures; and that many a Cawnpore well of the Mutiny days will come into existence.

In the issue of the 29th November the Sikhs are specially incited to cause rebellion.

The issue of the 23rd appears in saffron—the colour of martyrs. In it, rebellion in India for which no time should be lost, is unequvocally preached.

In the issue of ths 31st December the address of the Lieutenant-Governor of the Punjab (styled as "Deputy robber") to Sikhs at Amritsar is ridiculed.

In the issue of the 6th January an account of the meeting at Sacramento on the 31st December is given fully, which throws a flood of light on what was the trend of sentiment at this meeting. We are told that by means of lantern slides certain statistics exposing the English Government were exhibited. Pictures of Arabindo and Kishen Kumar were displayed; similarly, mottos

like "Mutiny comes," "Go on" were also shown. The gist of Hardyal's lecture at the meeting is given to the effect that the British Government is in the last throes, Germany is ready to fight her; that Afghanistan is progressing; that in Bengal the revolutionary party is swelling in volume, rendering Government powerless; that Muhammadans are also in favour of the movement; that the Sikhs are incensed against the Government; that like the proverb that "a jackal when his death draws nigh thinks of going towards the city" the capital is removed from Calcutta to Delhi, where the Mutiny of 1857 is not yet forgotten; and that all lovers of the country should go back to the mother-land and raise the standard of revolt.

In the issue of 13th January Indians are urged to go to Kabul; learn the art of making arms; and bring loads of them to be distributed in all districts of the Punjab.

In the issue of the 17th February Indian soldiers are incited to desert, by a comparison of their pay with that of European soldiers.

In the issue of the 24th February some figures of land revenue are given with the object of making the *zamindar* class believe that the British Government is rack-renting.

In the issue of the 10th March the attitude of Muhammadans is given prominence to by a statement that they, too, have agreed at a meeting at Sacremento on the 4th March to join the *Ghadr* party.

In the issue of the 31st March, a long poem of 31 verses in Punjabi is published. Out of this one verse may be reproduced here by way of example—

"Chalo chalie desh nun yudh karne
"Eho akhri bachan farman ho gai."

Translation :—

"Let us go to our country to fight, this is our last compact and the command."

In the issue of the 7th April, there is a contribution by Hardyal, in which he asks all Indians to go back to India, saying that no time should be lost; and that they should count on his life-long co-operation. It may be remarked in passing that this arch-conspirator, enjoying perfect immunity from the clutches of the law, directed a mutiny from abroad without any danger to himself.

In the issue of the 9th June it is said the police, the armies, and the population of Native States are to be requisitioned for the purpose of the mutiny.

In the issue of the 16th June appears a metrical translation in Urdu of the "Marseillaise," and every soldier of mutiny is enjoined to secure recruits in every village.

In the issue of the 23rd June the soldiers of the mutiny are preached to practise self-denial of every description till the object is gained. Throwing up service by sweepers, cooks and other menial servants of the Europeans is insisted on.

The issue of 1st July is a special number, commemorative of Tilak's release, in which a rebellion, as retaliation for his transportation, is preached.

In the issue of the 14th July a long contribution appears from the pen of Hardyal detailing the propaganda of mutiny; and another one from a supposed Muhammadan writer under the heading (omitting an abusive word from it) "*Maro.....farangi ko.*"

In the issue of the 21st July appears a long article in vindication of anarchism; the gist being that all kings are enemies of agricultural communities.

In the issue of the 28th July a letter purporting to be by Ajit Singh urging "patriots" to rise is published. In this issue, just a week before the declaration of war between England and Germany, war is anticipated. Indians are told to be ready for revolution, and to be ready to start the moment the war is declared.

In the issue of the 4th August the declaration of war is mentioned in a foot-note, and a long article under the title of "The bugle of war" is issued, to which reference has already been made.

In the issue of 11th August, a cartoon appears showing how the nations of Europe are embroiled in war, and what a golden chance it is for Indians to liberate themselves from the foreign yoke.

In the issue of the 18th August, the Delhi Conspiracy Case is welcomed with satisfaction. It is also stated that the *Ghadr* is receiving an advertisement through that case. Indians are advised to draw their monies from treasuries and banks; and not to receive paper money, but only metal, so as to create a panic. It is also said that Indian troops will be ordered to the front, as an item of news. It must be mentioned here that within a fortnight or so of this issue, Indian emigrants begin to roll up, and sail in different boats back to India.

In the issue of the 1st September, advice to go back to India for mutiny is repeated. It is also anticipated that Turkey, in spite of admonition by the English, will ally herself with Germany. A Muhammadan patriot writes an article *re* the forthcoming Anglo-Turkish war.

In the issue of the 8th September, that is to say, about the time that some emigrants had started and some were preparing to return, another poem in Punjabi appears; of which the following lines are fully indicative of how Indian emigrants were duped into a belief of German victories and shown why they should go back speedily to their country:—

(1) "Mulk wich mucha deo ghadar jaldi
"Hun lok bhi rang wata chale."

(2) "Ugar gia frang tha paj sara
"German fatah England te pa chale."

(3) "Lea mar France da mulk sara
"Raré rùs wi dand bhana chale."

Translation:—

(1) Go back to your country soon for mutiny; the people have been transformed.

(2) The Faranghi has been exposed; Germany is going to defeat England.

(3) Germans have taken the whole of France; and Russia, too, has been dismantled.

After the above, it would be sheer lunacy to talk of constitutional agitation or the starting of a newspaper to air grievances as the aims and objects of the returned emigrants.

(*a*) Lala Lajpat Rai is condemned in regard to advice which he had given in the *Zamana*, in regard to the selection of proper persons as leaders. According to the *Ghadr*, that advice ought to have been that there can be no leaders other than the leaders of the *Ghadar*. In another issue, he is taken to task for abandoning his allegiance to Tilak, and taking Gokhale as his model. It is said of him that the author of Mazzini's life, the deliverer of sensational speeches in Congress, has sunk down to membership of a municipality, and that whenever a critical occasion arises, his behaviour is like that of a cat mewing.

(*b*) Gokhale, than whom no Indian commanded greater respect and confidence both among Europeans and Indians; whose services in the cause of India are too well-known for us to descant on, is ruthlessly treated; and is

called a coward; and several other opprobrious epithets are applied to him. In another place he is described as "the phonograph of Government."

(*c*) Even Ghandi is belittled by the remark that the fascination of Gokhale, when he met him in Africa, proved too strong for him; and that he has deteriorated from a bold man into a coward like Gokhale.

(*d*) Lala Munshi Ram of Gurukul comes in for a good share of chastisement for allowing his institution to be visited by the Viceroy; and for his assertion that the Hindu religion is repugnant to the idea of revolt against the Sovereign of the realm.

(*e*) Rai Ram Saran Das of Lahore, a gentleman of high position, does not escape reproach for inviting His Honour the Lieutenant-Governor to his son's wedding. The epithets used with regard to Europeans generally had better be omitted.

(*f*) A Sikh contributor to Rahim's newspaper called *The Hindustani*, who gratefully recognised the sympathy of His Excellency the Viceroy on the emigration, is severely censured for using the word "beloved" with regard to His Excellency.

(*g*) The Maharaja of Kapurthala is hardest hit for allowing the Viceroy to praise his ancestors for their loyalty to the British Crown. The Maharaja of Patiala is not only not thanked for his munificent gift to a Sikh High School; but he is taken to task for it; it being said that a Sikh school, under the supervision of Europeans, was not a fit subject to bestow the gift on.

(*h*) Some newspapers, too, come in for a share of censure. The *Loyal Gazette* is reproached for its tone of loyalty; and the *Rajput Gazette* is smitten hard to because it suggested the suppression of the *Ghadr* party.

(*i*) Next comes a well-known institution of Hindus, called the Hindu Sabha of the Punjab. It is denounced as the concentrated folly of the province; a "body of fools" with the word "Hindu" preceding its name. In another place the members are spoken of as "worms of the gutter." It is reprimanded for asking for posts and privileges from Government. The whole of its propaganda is condemned. Not only the said Hindu Sabha is condemned; but that institution which has carried on pre-eminently almost all political agitation in India, namely, the "Indian National Congress," falls miserably below the standard of the *Ghadr* party. Their deputation to England is pooh-poohed as a *band of beggars*. The "Servants of India Society," founded by Mr. Gokhale, comes in for a good share of vile epithets which are too fully flavoured for reproduction.

(*j*) Rai Bahadurs are called *Bundars*. "Honourables" are called "Honor *Bails*," the oxen which drag the chariot of the Government.

(*k*) Government service is strongly denounced as slavery.

We may here consider the *Ghadr-di-Gunj* and *Ghadr Sandesa*, which are excerpts from the poetical effusions of the *Ghadr* reprinted in pamphlet form.

XIV.—Ghadr Sandesa, p. 23.

The *Ghadr Sandesa* consists of 6 stanzas to begin with; then a song of 9 stanzas and another of 5 stanzas. It is, in substance, a brief replica of the *Ghadr-di-Gunj*, but is adapted to events of later date, *e.g.*—

(1) "Our enemy is involved in serious trouble in Europe. He is hemmed in by the German lion. The only delay is on your part. Turkey, China, Egypt, Kabul and also Germany are on our side. Gird up your loins, O Indians!"

(2) Stop now the export of grain to England. Be determined to take to your houses all the wheat lying at railway stations. Break the railway lines, cut telegraph wires, and give yourselves to the

demolition of bridges. If any men of the police or army come across you, preach your mission to them. Let us start a rebellion, O lions! This is not an opportunity that should be allowed to slip."

The Cawnpore Mosque and Rakab Ganj are mentioned to excite religious sensibilities; *zamindars* are told of assessment of *banjar* lands, etc.; title-holders are ridiculed; lambardars' and zaildars' offices are spoken of as hollow honors.

The whole of it is an appeal to arms to extirpate Europeans.

XV.—Ghadr-di-Gunj, p. 6.

This is a compilation of 22 cantoes with a few songs at the end. It purports to be the first of a series of *Ghadr* pamphlets. The first edition of 1914 consisted of ten thousand copies, Gurmukhi edition. It was issued originally in Gurmukhi; and later, an Urdu edition was announced in the issue of the *Ghadr* dated 23rd June 1914.

The contents of the *Ghadr* are requisitioned for the compilation of this pamphlet. The British, as a nation, all white men as a race, and the English Government in particular are all maligned in a spirit born of a depraved nature. Facts are not only distorted but most maliciously perverted to appeal to the lowest passions of Indian subjects. In the most open, defiant and unmasked manner mutiny is preached. All sense of decency has given place to foulest abuse of the worst possible vulgarity. The entire pamphlet is meant to incite the masses against the British Government. For our present purpose, it is only necessary to refer to some portions in order to show the perversion of facts; and to mention some of the suggestions as to how to bring about a revolution :—

Perversions.	*Suggestions.*
1. Our children are thirsting for knowledge. Colleges are certainly started, but not to impart knowledge.	1. Establish secret Raj societies; make friendship with the Mahrattas and the Bengalis.
2. Respectable persons are wandering about and have no homes.	2. First deal with the traitors to their motherland; and then sit on the chests of your enemies.
3. Look how they have ruined the gardens like Shalimar by giving feasts therein.	3. Commit dacoities at some places.
4. They, faithless enemies, have violated the privacy of our sisters and daughters.	4. O Hindus, Sikhs, Muhammadans make haste! Be supporters of one another!
5. They have drained all the money from India, and taken it to England.	5. Drink the blood of the nation of the infidel Christians; quench your thirst and appease yourselves!
6. Bulgaria nominally picked up a quarrel with Turkey while really tyrannical England waged war secretly.	6. Empty bragging is of no use. The time has come to wage war!
7. They could not come here had they not been brought by the Nabha and Patiala States: they conquered the Punjab with the help of those who were not faithful to their country. Nabha and Patiala did acts which are not done by even a *chandal*, *i. e.* (lowest dregs of society).	7. On perusal of the *Ghadr* I learnt that the time has come to set up rebellion.

Perversions.

8. The Khalsa College which was started has now been taken possession of by white monkeys. Sunder Singh, Majithia, ruined it.

9. (Talking of mutiny) Several thousand children and women weltered in blood for the sake of their country.

10. The tyrannical Europeans have plundered the country; and so on.

Suggestions.

8. If cow, swine and *Jhatka* are causes of disputes between Indians, the whites are eaters of all three.

9. Go and arouse the armies; why are you sleeping O wielders of the sword, O Musalmans, Pathans, sturdy Dogras and the brave warlike Sikhs !! The power of the European is not great. All Indians should make a united attack.

10. When will the Khalsas (Sikhs) unsheath their swords and slaughter the whites in large numbers?

11. Prepare for mutiny quickly! Why have you given up the desire to regain the country?

12. It is our duty to support "the *Ghadr*"; think of it as your child. Besides, it is our duty to set up mutiny.

13. Hardyal, a promising youth of Bhart Varsh, has become popular, O Singhs!

14. Stanza xiv is in praise of the *Ghadr*.

15. We should suck the blood of all Europeans!

16. Let us first practise with a knife thoroughly, lest our minds should become frightened on seeing a spear.

17. We should commit dacoity on the Government, and awake the whole of the Punjab. We should fight guerilla wars at some places, and adopt such measures as are feasible. O brothers! rise like Bengalis!

18. We should raise the beautiful three-coloured standard.

19. If the English remain here for 25 years more, no trace of us will be left, O brothers! Make hasty preparation for rebellion!

20. Being influenced by observances of *Chhut Chhat* (scruples of interdining) and caste divisions, they took a wrong step. Such things created factions.

21. Stanza xxi praises the leaders of Mutiny of 1857.

22. Let us break jails, and release the men who served the nation and remained faithful in their love for the country.

23. Go to your country and set up rebellion at once!

Perversions. *Suggestions.*

24. It is time! Plunder the treasuries! the doors to martyrdom are open.

25. Be determined to wage war!

26. Come let us go to our country at once, and preach sermons to the armies to the effect that we must kill the whites and cut them to pieces. Be determined to hoist your flag!

Sikhs are excited by reference to the doings of their Gurus; Muhammadans are similarly excited by reference to the Balkan War, for which England is blamed. Political convicts and Hardyal are praised to the skies. It is clear from the above that murder, plunder, the looting of treasuries, the breaking open of jails, removal of scruples of interdining and abolition of caste prejudices, friendship with Mahrattas and Bengalis, are measures in the scheme of the mutiny; even the tricolor is mentioned.

EXHIBIT P. 28.

XVI.—Declaration of war (*Ailan-i-Jang*).

This is brief and not in metre. It paints India as down-trodden and trampled on by foreigners. It is said that the whole of the produce of the country is exported and drained off, Indian soldiers are sent to the front, and are pushed to the fore-front; Europeans being kept in the rear. Lovers of the country like Tilak, Balraj and others are convicted without any fault on their part. Muhammadans are incited by reference to England fighting Turkey; and the change in Egypt by putting in another Sultan is also stated. Past glorious deeds of ancestors of Indians are expatiated on; the "pork-eaters" should be killed. It is said that mutiny has broken out in the whole of the country. Hindus and Muhammadans are exhorted to make common cause and establish a republic in India. A bright future is held out in this world; and, in case of death, a place in paradise.

NOTE.—The mention of Balraj's conviction shows that it was composed after the Delhi Conspiracy had concluded.

XVII.—Some other exhibits of minor importance may also be briefly summarized.

P. 9 A, P. 9 B and P. 9 C.—P. 9 C is a note, dated 16th February 1915, by way of lease executed by Ram Saran Das (64), who passed by the name of Jumna Das. P. 9 A and P. 9 B are receipts for rent. Amar Singh, approver, and Ram Saran Das rented the house. (House No. 1). It was found empty on the 31st January 1915; and remained so till 14th February. On the latter date Amar Singh was there. It was relet on 16th February 1915 for another month (*vide* P. W. 341). Ram Saran Das (64) is the man who stated himself to be "Jumna Das", and wrote the lease. He is not identified in Court by the witness, who could only say by way of identification that he had prominent teeth. Amar Singh, approver, proves his identity. His handwriting on P. 9 C could not be compared with his writing in the copy book P. 140; as P. W. 53, who identified the writing of the accused before the police, denied his ability to do so in Court.

P. 10 A and P. 10 B.—P. 10 A is the receipt for rent, dated 16th January 1915 of another house (No. 2) in the name of Charan Das. P. 10 B is a blank stamp intended for drawing up a lease. This man, who passed as "Charan Das", is identified as Jumna Das (33): Amar Singh at the time assumed the name of Karm Chand.

P. 12.—is the counterfoil receipt dated 2nd January 1915 for Rs. 5 advance made by Amar Singh for bomb cases to the owner of the Raghu Foundry given to Amar Singh in the pseudonym of "Fatteh Singh." On suspicion arising the contract was cancelled on the 23rd January 1915.

P. 22.—Is a copy of *Ghadr-ki-Gunj* found on search in house No. 2 on the 22nd February, along with the *Ailan-i-Jang* and several other articles *e.g.*, "M. S. Kohli" forms, pistols, pliers, etc., etc.

P. 30 *B.*—Books of Kirpal Singh (46) found in house No. 1. A copy-book out of a bundle has been identified as Kirpal Singh's (P. W. 227).

P. 39.—Is the address of "*Rao*" given to Mula Singh, approver, and found in Hardit Singh's shop (P. W. 94, P. W. 95). "Vinayat Rao" stated in it is not a myth (P. W. 396 Denham).

Ps. 40, 157 *and* 158.—Relate to the renting of Mussammat Atri's house in Baba Atal Chauk (Amritsar). Mula Singh's copy of letter P. 40 (P. W. 102).

P. 51.—A lithograph copy of the *Ghadr Sandesa* in Gurmukhi, which Amar Singh showed to Mula Singh in Lahore Cantonment as a sample of copy struck from the duplicator.

P. 82.—This is a slip of paper, found on Amar Singh with the following couplet in Urdu, Translation = the heart of *Baghi* (rebel) is burning with the fire of enthusiasm. The martyrs blood will work wonders some day.

P. 97.—A lithograph page of the *Ghadr Sandesa* found in house No. 2—(P. W. 16).

P. 101.—Fifteen copies of *Ilan-i-Jang* found in search of house No. 2—
11 copies in Gurmukhi.
4 copies in Urdu (P. W. 17).

P. 104.—Bundle of *Ilan-i-Jang*, Urdu, Gurmukhi, Bhasha, found in house No. 2 (P. W. 17.)

P. 108.—A slip of paper, with the following names in pencil found in house No. 2 (P. W. 17.)

In English ...
- Udham Singh, accused (77).
- Dalip Singh, most probably the deceased approver.
- Sudh Singh (not known).
- Roor Singh (82).

In Gurmukhi ...
- Mit Singh (P. W. 287), the man whose horse was bought by Arjan Singh, Anarkali murderer, and Ganda Singh (16), through Nand Singh (53).
- Uttam Singh (79), absconder.
- Randhir Singh (probably the *ex*-Tahsildar spoken of by Ichhra Singh as an agitator.
- Rur Singh (82).

This slip is corroborative of the association of the conspirators noted thereon; the mention of Mit Singh may well be taken to corroborate the story of the sale of his horse.

P. 110 *A.*—Macmillan Atlas leaf with pp. 11 and 12 missing—found in house 2.

P. 110 *B.*—Map of Delhi
P. 110 *C.*—Map of Lahore
} found inside P. 110 A.

P. 112.—Map of the Punjab, and on the reverse map of India, found on the person of Parma Nand, II, the missing leaf pp. 11 and 12 out of P. 110 A.

What is noteworthy is that some cantonments in the Punjab map are marked with cross marks while other stations, Burdwan, Delhi, Balasar, Monghyr and Ajmere are underlined. On the margin of this map the address of a man at Amritsar is noted, who Parmanand II said travelled with him; the former was promised a book for his child by the latter. Parmanand admits taking off the leaf from an Atlas (which was, as he says, already in house No. 2) with Amar Singh's permission; but he says the marks were present before. It requires no stretch of imagination to hold that the conspirators had an atlas and maps; and that the markings thereon were intended for topographical information to enable them to carry out their designs. They would not have taught Parmanand that Hindu philosophy which he pretends he came to learn

in the Punjab. Had all the details of the conspiracy been unravelled the connection of the Monghyr, Balasar, Burdwan, etc., would possibly have been cleared up.

P. 125.—This a note book of P. W. 33, a chemist at Lahore, in which there appears an entry of the sale of 5 lbs. of potash, dated 20th January 1915, which the witness obtained from Messrs. Plomer & Co., for Amar Singh, approver: also the price of an acid bought by the witness from Kilo Mull. A further large order for 100 lbs. was also given to the witness. Curiously, 5 lbs. noted in Exhibit P. 98 slips A and B is scored out and 4 lbs. noted instead.

P. 127.—It is an entry in the register of Mul Chand's *serai*, which corroborates Amar Singh story of stopping there under an assumed name, though his father's name is correctly given.

P. 129.—Is a copy of the *Ghadar Sandesa* buried near the Islamia College at Peshawar, unearthed when the spot was indicated by Parmanand II, This is an important discovery showing the journey of that man to the Frontier for circulation of such literature among the troops. He denies the discovery on his information; but says he was taken to be identified at Peshawar. This is, of course, nonsense. Who was to identify him at Peshawar? It is proved beyond doubt that on his pointing out the spot, the paper was discovered; and that he dug it up with his own hands. (P. W. 17 and P. W. 213).

P. 197.—This is a note book in which Pingley (59) wrote in English in pencil the recipe for the preparation of a certain acid; and also dictated it in Hindustani to Nadir Khan, P. W. 206, about the 22nd or 23rd March at Meerut. Here the 10 bombs and corresponding 10 bottles for carrying liquid to explode them were found in the regimental lines; which matter will be discussed when discussing the charges against Pingle. All that is necessary here is to point out that Pingle's knowledge of how to manufacture one of the explosive ingredients of bombs is established beyond a shadow of a doubt. Pingle finally admitted it to be in his hand writing. This evidence also corroborates the approvers; statements that the tampering with troops was one of the plans in the scheme.

P. 230.—This is a bundle of papers (*Paigham-i-Ghadr*) found in a deserted well of a garden attached to the *Dharamsala* of P. W. 201 on the 23rd February. The name speaks for itself and requires no comment. It is a corroboration of Sucha Singh, approver's, statement with regard to how the "*Paigham-i-Ghadr*" was composed and multiplied by duplicators; and how the bundle was thrown into a well (P. W. 227, P. W. 230).

P. 235.—It is a copy of the *Ilan i Jhang* in Urdu, which P. W. 236 got from Amar Singh, bugler, a cousin of Sucha Singh, who told him that Sucha Singh, "Dalpat Singh" a Mahratta (Pingle) and Kartar Singh had arrived in the lines with leaflets; some of which were in Gurmukhi, asking him (Amar Singh) to distribute them among the sowars in the cavalry. What could be better proof of attempts to tamper with troops in the manner of which Sucha Singh, approver, has told us?

P. 236.—Is a copy of notice under the title of "*Naaar Mauqa*" in the writing of Sucha Singh, P. W. 207.

It is said in it that war has broken out; it is a golden opportunity to liberate Indians; news from front is wrong; ten per cent. of Indians will not survive this. English are suffering defeat after defeat; mark how Bengal Hindus are flinging away their lives like toys.

P. 237.—Bomb recipe given by Umrao Singh, approver, 361 to Sucha Singh, P. W. 207; and jotted down on a Gurmukhi booklet (P. W. 216, P. W. 215).

Ps. 243, 244.—17 copies of the "*Ghadr Sandesa*," and twelve copies of "*Yudh Goshna*" in Sanskrit, given by Rash Behari (66) to P. W. 207 Sucha Singh to distribute among the troops.

In addition to these, a copy of the *Ghadr Sandesa* (Gurmukhi) not marked as an Exhibit, brought to Mr. Lamacroft P. W. 389 by an Indian

officer was also found on the road between the two depôts on the occasion of a party of some 30 men getting into a train at Ludhiana and alighting at Ferozepore Cantonment on the 19th February.

We have now dealt fully with the corroboration of approvers' testimony by documentary evidence.

This testimony is further corroborated by—

B—discovery of articles.
C—the evidence of one approver supporting that of another.
D—independent testimony.
E—statements of accused.

It is unnecessary for us at this stage to detail these corroborations; it suffices for us to say that when we come to deal with the general history of the case and the specific individual cases, we will find that practically every incident deposed to by the approvers is supported by corroborative evidence of one or other of these classes, and in the case of the rest majority of the incidents by evidence of all classes.

Wherever any incident or the implication of any particular accused is referred to by only one approver, and is not supported by corroborative evidence of one or more of these classes, we have given full consideration to that fact in weighing the evidence.

(15) We shall now refer to the confessions of Nand Singh, Indar Singh, *Granthi*, and Sohan Singh, which stand on a somewhat different footing from corroborations. As we have shown, they can be used as confessions against the persons making them, and we are entitled in law to consider them against the other accused.

Confessions of—

(1) Nand Singh;
(2) Indar Singh;
(3) Sohan Singh.

The purport of Nand Singh's confession is as follows:—

Nand Singh.

He has been abroad 8 years. He had left India with some Mussalman Rajputs of Halwara (village of Nawab Khan), and was in Frazer Company's service along with other Punjabis, until he took up service at Portland. Bhagwan Singh, *Granthi*, came over in 1913 to Vancouver from Hong Kong, and began preaching sedition in the *Gurdwara* in the Frazer Mills (where the accused was then employed), as well as in Vancouver Hall. In the latter place Seth Rahim from Bombay acted as interpreter for English-knowing audiences. The *Granthi*, after a stay of three months, was turned out by the Vancouver Government. Some local Punjabis, including the absconder (79) and the accused, raised money for a suit in Court to get him back. While the case was pending, copies of the *Ghadr* began to be received, to which the accused subscribed. He gives the names of 30 Punjabi Sikhs (not accused in this case) who used to listen to its contents. Some of these men sent copies of the *Ghadr* to their villages in India. He sent one to the *Patwari* of Bheni.

From Vancouver the accused goes to Golden City, a suburb of Frisco. Here too the *Ghadr* and *Ghadar-ki-Gunj* were read, accused names 34 Punjabi Sikhs who heard them read (including 79 absconder Uttam Singh). Some money was collected here (700 dollars) to be sent to India, he cannot say for what purpose. Another subscription was raised to aid *Komagata* passengers in August 1914. He relates the *fracas* between Uttam Singh and Mohar Singh, who protested against using the *Gurdwara* for speeches, leading to Police intervention.

The next thing the accused does is to purchase 4 pistols at Victoria another one being bought by his fellow-passenger Hardit Singh at Kobe, Japan.

The party of the accused Hardit Singh, Chanchal Singh, Gopal Singh (not accused) and some others (names unknown) took passages to India per *Mosico Maru* (Mexico Maru). The steamer called at Nagasaki, Kobe, Maji, Shanghai and Hong Kong. At the last place search was made. One pistol was taken away from under Chanchal Singh's pillow, which, though belonging to Chanchal Singh, Hardit Singh stated was his, and the latter was detained at Hong Kong. The remaining four pistols were concealed by the accused and his companions in a coal bunk ; Gopal Singh being directed to keep a watch over the leather bag containing them. They were eventually brought to the *Gurdwara*, where the accused passed the night, and after being in the temporary custody of one Pir Bakhsh, these four pistols were handed over to Dr. Mathra Singh (52) at his request, who was living in those days at Hong Kong. The party then leaves for India *per* steamer *Jardine* (this means some boat of the Jardine Company), halted at Penang for 8 or 9 days, where the rations become exhausted. The British Consul was approached, and a voyage back to India was arranged. Accused relates an episode of a European girl falling oveboard. The passengers feared they were being overtaken by the *Emden*, and it was suspected that the Europeans who plunged into the sea to pick her up were going to save themselves, leaving the Indian passengars to the mercy of that depredator ; but suspicions were soon allayed on this true facts becoming known. The boat reached Calcutta. The Hong Kong passengers were not severely searched, but others were. The accused and his four companions, Hardit Singh, Gharib Singh, Roor Singh and Parem Singh were allowed to go to the city for 24 hours only. The accused parted company with Gharib Singh, Roor Singh and Parem Singh. Hardit Singh and the accused then went to Ishar Singh and Kanshi Ram, to inquire about their luggage, which Gopal Singh was to have brought on ahead, but were told that it had not arrived. The accused started by train to Amritsar to see the *Dewali* there: but got down at Ludhiana. Accused meets Sohan Singh (74), Bakhtawar Singh (not accused) and Jowand Singh (35) at the *serai*, Kartar Singh 39, whose ubiquity is remarkable, meets them here, and is directed by Sohan Singh to go to Amritsar.

On the voyage, revolutionary songs were recited. Some passengers had the *Ghadr-ki-Gunj*. Sohan Singh told the party to go to Amritsar, and put up in a *dera* near the clock tower. The accused admits that the object of the emigrants in returning to India was to go back armed, and raise a rebellion against the British Government. The programme was only known to the committee. (This shows that some sort of committee had already been formed). The Jardine boat carried a lot of returned emigrants.

His wanderings.

He reaches Amritsar. A "Doctor" of Hong Kong (Mathra Singh) meets him at a *Halwai's* shop, and tells him that the pistols have not arrived ; directly they arrive (he says) he will hand them over to Hardit Singh, who was authorised by the accused to represent him on the committee. He returns to his village, after a short stay at Hardit Singh's village (Jullundur District), and, receiving his luggage from Gopal Singh at Goraya Railway Station, he remains in his village for 10 days. He is visited by Jaggat Singh of Binjal and Arjan Singh (?), the Anarkali murderer, then a stranger to him who are going to their villages, intending to see Nawab Khan on the way.

Some four days after he goes to Lotbadi at the invitation of Ichhra Singh and supplies information as to returned emigrants which the latter wanted. Nearly a week after he is visited by Sundar Singh of Majha, who takes him to Sotala, a village 3½ *kos* off, to see Kartar Singh. There a policeman was making enquiries.

He goes to Lotbadi again, where Ichhra Singh and Sunder Singh assure him of a number of men being available for mutiny, and say that guns can be bought in Patiala. Next day he meets Nawab Khan at his village, and receives similar assurances. Nawab Khan tells him to be at Ludhiana next day, and bring Kishen Singh of Dhurkote also, which he does. At Ludhiana, he comes across several returned emigrants, and meets Nawab Khan at the *takiya*. The

latter directs him to go to Ferozepore by the morning train next day, but he misses it. He then goes to *Chapar*, thence to Brandi, and thence back to his village. Sudh Singh, who had met him at Ludhiana, had directed him to go to Heeran. He could not go there owing to the injury to his foot by a thorn (a fact very insignificant in itself, but strangely corroborative of Nawab Khan's statement).

About a week after, Hardit Singh (of Doaba) requests him to come to Doaba to meet several people of similar ideas there. He leaves for Ludhiana, and starts for Jullundur ; breaks journey on the way at Guraya Station, and passes the night at Dallewal (Hardit Singh's village). Hardit Singh takes a revolver and a stick, and with accused goes to Phagwara, where they meet the ubiquitous Kartar Singh, who is busy collecting men. At his instance accused goes to Basant Singh's village, Pancha Nangal. Here he is informed by him of the abortive dacoity at a Rawal's house in which Nawab Khan, Jowand, Gandha Singh (16) and Hari Singh had taken part.

Next day, Hardit Singh, Basant Singh and the accused go to Jowand Singh's village (Nangal) and meets Hari Singh* and Jowand Singh and Piyara Singh (60), the latter of whom said he was going to the *Amawas* fair, to the *Majha*, and to ascertain about the doings of the men there. He goes thence to Bir Singh's village (11) at the suggestion of Hari Singh, thence to Piyara Singh's village (60), thence with Piyara Singh to Jowand Singh's village (35) Nangal. Piyara Singh and Hardit Singh go to Panch Nangal (Basant Singh's village) to bring more men. One Tara Singh of a village near Hoshiarpur is asked to lend his pistol, or to accompany. The party are to meet at Burowalyan village. They go to Bir Singh's village (Bahowal), where the accused is told that Bir Singh is at a *dera* between Burowalyan and Bahowal, he repairs to that place and finds Nawab Khan, Kartara, Gandha Singh, Waryam Singh, Bhagwan Singh, Bir Singh and a goldsmith (name unknown) Rulia Singh, Basant Singh, Hardit Singh. The goldsmith leads the party in small bands to a village, where a dacoity is to be committed. Eight more men join, making up altogether sixteen men. (There is some error here, 12 inclusive of accused were already there, so six must have been added.) These men are armed with sword-sticks, pistols and *lathis*. Nawab Khan has a sword-stick, which is at times held by Kartara. It is discovered that there are military officers in the village, and the owner of the house to be dacoited also has arms. The project is given up, and the party breaks up, each band taking different routes. The accused reaches Phagwara and goes on to his village.

Some ten days after Gandha Singh and Arjan Singh pay him a visit to buy, through him, Mit Singh's horse. The animal after purchase is kept with the accused. On the purchasers going away to Lohatbadi, he takes the animal to Raikot, where a meeting of the Singh Sabha is to take place. Ichhra Singh is there, he, the accused, took delivery of the animal. Gandha Singh rode the horse and left for Lohatbadi. Accused stays one night at the *Chaubara* of Ichhra Singh at Raikot, attends the Singh Sabha, and returns to his village.

Another week passes. He goes with his nephew Harnam Singh to Kanoka village to see his sister. On the way be meets Uttam Singh (79) who informs him of Kishen Singh's arrest, and that he fears his own arrest and the accused returns to his village.

Nearly another week passes. Uttam Singh takes him to Chhauna village. Buta Singh is not there ; so they return to Lohatbadi, where the accused meets Ichhra Singh, who inform them of two guns being available, one of them for £10, and asked them to buy it, agreeing to buy the other himself. Uttam Singh furnishes £10, and gives them to the accused. He gives them to Buta Singh, who promises to secure the gun. The accused retures to his village.

Four more days pass. Uttam Singh and Udham Singh (approver) come to take him to Lohatbadi. Udham Singh goes to Ludhiana, and accused and

*NOTE:—It is doubtful whether he is No. (25).

Uttam Singh go to Lohatbadi, the latter fearing arrest having had run away from his village. Buta Singh tells accused that he could not secure the gun. The accused returns home.

Six days more pass. Udham Singh takes him to Lohatbadi to attend the Singh Sabha, where he finds Ram Rakha, Arjan Singh, Waryam Singh (Amli), and Hari Singh.* Ichhra Singh is asked by Sundar Singh for money to buy guns. He suggests a dacoity at Janair. Eleven men then agree to commit it. The following is the list of participants in the Janair dacoity :—

*Note.—In the light of other evidence this is (26).

1. Sunder Singh, Talagarwala,
2. His companion, name not known. He is Karm Singh, absconder (40).
3. Ghanda Singh,
4. Arjan Singh.
5. Waryam Singh,
6. Hari Singh.
7. Sewa Singh.
8. Arjan Singh, II.
9. Rukha.
10. Narain Singh.
11. Accused.

The accused states that he had a pistol supplied by Ichhra Singh ; and that others were armed with pistols, swords, *chhavis*, etc. The accused gives a description of this dacoity and says that Narain Singh took the two boys of the house aside to prevent alarm, and that the hammer which Gandha Singh had brought got broken. In the same dacoity another house was looted. When the villagers collected, Gandha Singh fired a pistol. The party took stock of their booty. Sunder Singh's companion had walked off with stolen jewellery robbed from the second victim. Sunder Singh and Gandha Singh follow the former's companion ; and the remaining 6, including the accused, return to the *Gurdwara* of Lohatbadi. Ichhra Singh's pistol was returned to him and the accused returned to his village. On the way he gets back £9 out of the £10 given to Buta Singh for the gun which could not be secured.

Another week passes. Uttam Singh and Udham Singh come to him and inform him of Nidhan Singh and Puran Singh's desire to see him at the canal minor. During conversation with them, he learns from Uttam Singh that the latter had committed a dacoity, and that out of the spoils, amounting to Rs. 1,400, Rs. 1,600 were given to Nidhan Singh, and the balance distribnted among the dacoits. Nidhan Singh and Puran Singh come with Mit Singh as promised. Nidhan Singh has a talk with Uttam Singh, the purport of which is not revealed to the accused. Puran Singh is said to have a pistol, which Uttam Singh and Udham Singh suggest should be bought, but, on inquiry, Puran Singh says it is with a relation of his, so it is not bought. Ten or fifteen days pass without any incident. Then Arjan Singh and one Balwant Singh of the "golden teeth" come to accused's house, inform him of the arrival of Indar Singh, Harnam Singh and another Arjan Singh (3). Chuhar Singh of Lilan comes up also on a camel, which is later given over to Ichhra Singh. They go away after seeing the fair. Next day, Indar Singh and Harnam Singh came again, and tell the accused that the police have home to Lohatbadi and arrested Ichhra Singh. It is arranged that the gang of the above-mentioned men should form into two parties to commit another dacoity. Sewa Singh, son of Ichhra Singh, points out the spot where bomb material is concealed underground in a pond. Indar Singh and Uttam Singh dig it out, and hide it under some reeds outside Buta Singh's village (Chhauna).

The accused then gives a rambling account of a projected dacoity at some village near Dhuri, three or four miles off to one side of Nabha Railway Station. The gang consisted of :—

1. Indar.
2. Arjan.
3. Chuhar.
4. Balwant.
5. Harnam.
6. Accused,
7. Sewa Singh, son of Ichhra Singh.

The project was, however, given up ; Chuhar going to his village and Sewa Singh and the accused back to accused's village Kaila. At night Chuhar and Gandha Singh bring 9 empty *lotas* of brass and tin, and leave them at the accused's house. Gandha Singh takes with him Sewa Singh and Chuhar Singh to fetch bomb material to fill them, which they do the next morning. Sewa Singh and Chuhar leave, and Gandha Singh remains with the accused. He asks accused to buy some chemicals, twenty small phials, and *regmal* (sand-paper), which he obtains from Raikot. On return from Raikot, he is apprised of the search of Kartar Singh's house. The accused keeps the articles brought from Raikot in his wheatfield. The former bomb material is kept by him in Kehru's house, while the *lotas* are kept in his own house and are later also removed to Kehru's house. Gandha Singh comes and crushes a couple of glass bottles into pieces, and, with the accused's aid in pounding bomb material, fills the *lotas* with them, and goes away. The accused removes the bombs, etc., to Buxa Singh's house. Three days after, Chuhar Singh asks for 6 bombs as well as 6 glass phials and the bottle of acid. The accused goes with Chuhar Singh to the spot where Ganda Singh and Arjan Singh are waiting for him. The bomb materials are tested ; but found weak in ignition. Then, Chuhar Singh goes to his village. Gandha Singh directs Sewa Singh and Arjan Singh to go to Ludhiana to bring a bottle of acid to Doraha under the Gurthali canal bridge. They go as directed. The bombs are taken to that place by the accused ; and Gandha Singh and Balwant Singh of the "Golden teeth" and Harnam Singh arrive there, also two English-knowing boys. It is resolved to blow up the sepoys guarding the bridge ; and rob them of their guns ; but the courage of the party fails. The bombs are buried under the canal bank. One of the boys promises to get more men from the Lahore side by the 26th. The accused returns to his village. Accused hearing of Chuhar Singh's arrest conceals the bomb material in Bur Singh's house in a wheat field . A couple of days later Mit Singh comes with a constable and takes him out to the canal bank, where he is arrested by Haider Ali and Fazal-i-Imam, police officers. In making the confession, the accused admits he was never given to understand that he would be pardoned. He says further that Uttam Singh suggested return to India to overthrow the Government ; that Nidhan, Uttam Singh and Kartara were leaders ; that he did what they told him to do. The return to India was for the deliberate object of causing a disturbance and turning out "the English dacoits ;" and to commit dacoities to obtain money in order to get arms for the purpose ; and that the *Ghadar* newspaper had created these feelings in his mind.

Indur Singh Granthi's confession.

Indar Singh made a statement in jail which was recorded by Ram Ditta Mal, Jailor, on the 15th November. When examined by us he calls part of it "hearsay" (marked blue); part he says he never related to the jailor (marked red); while he admits a part marked black : but we cannot conceive that the Jailor has concocted the portions denied by accused. We have the evidence of Ram Ditta Mal, P. W. 192, which we entirely believe, that Indar Singh did make the whole of the statement himself, and quite voluntarily. We shall give below those portions under (A), (B), (C).

(A). The part admitted is to the effect that accused left his village some seven years ago. After giving an account of his career in different places, at length,

Admitted.

he is allowed to land at Stockton through the good offices of the British Consul; where he works as a priest of a Sikh temple for about one year. He often visits San Francisco and admits there was there a secret society called the *Ghadar* party (*Yugantar Ashram*), of which Hardyal was President. Hardyal absconded to Switzerland; and his security was confiscated.

(B). Ram Chand was the Vice-President of *Ghadr* party.

Denied.

(1) Kartar Singh wearing a hat.
(2) Shiv Singh wearing a hat (identity with 72) not established.
(3) Basant Rae wearing a hat.
(4) Kartar Singh, II, wearing hair,

were its members, in addition to others whose names accused does not know.

Lectures were delivered frequently at the *Yugantar Ashram*. He attended two of them at Stockton, by Ram Chand, Vice-President, Ram Chundra, student, and Kartar Singh. The gist of the lectures was that the war between Germany and England furnished the most favourable opportunity for expelling the English from India by a general massacre of Europeans. He heard a third lecture by Barkat Ullah to the same effect who asked Hindus, Muhammadans to join to turn the English out of India. He also said that the Germans were ready to assist Indians in expelling the British from India. There was a general impression in America that the German Consul was offering assistance in funds, etc., to Indians, with the object of causing riots and mutiny in India. Four or five men—

Jaggat Singh,
Bhagat Singh,
Nubboo Khan,
Dhanpat,
Barman Singh,

were sent to India by the Society to spread disaffection among Indians. The first three accompanied him from California. At Manila, Jaggat Singh lectured on mutiny in India. No lecture was given at Hong Kong. It was at Hong Kong that "Burman Singh" and Dhanpat joined him.

At Rangoon accused threw away all copies of the "*Ghadr*", but copied out some pages from it, namely, those found in his possession. A man by name *Kishen Singh* got on the ship at Hong Kong. He was consulted by Dhanpat, Burman Singh and other members of the Society. At Rangoon a proposal was made to start a press and issue the *Ghadr* newspaper. Accused was not taken on the staff as he did not know English. The above-mentioned men, disguised in rags, were allowed at Calcutta to leave. Accused gives marks of identification of the above-named men; and a translation of the paper in cipher. At the end of the identifications, in the "brief notes", it is stated that these men landed in India to start a press and print the *Ghadr* newspaper; that they would work at night and do other business in the day time. When the mind of people in cities and towns, and of the troops were influenced by its writings, there would be riots and mutiny in India. The idea was to loot treasuries, commit dacoities, and plunder rich people for the aforesaid purposes.

(c) Similar lectures used to be delivered in all villages and towns in America where Indian emigrants were working; and money was subscribed by

Hearsay.

Indians in America for the *Ghadr* party, the members of which were honorary workers getting only free rations,

It is clear from the above that this man, by calling part hearsay, denying the most incriminating part which affects him and others, and admitting the unimportant portion means to retract his statement; but, as already observed, we cannot imagine how the Jailor was in a position to invent the facts stated. We have discussed elsewhere the value of a retracted confession; the same remarks will apply to this statement, which we regard as a confession, since the accused copied the *Ghadar* and had cipher paper in his possession, and was asked by the conspirators to work on the staff of the *Ghadar*.

We may note that Burman Singh is stated to be identical with Parma Nand II (*vide* Sukha Singh, P. W. 89), but if Parma Nand II did not go to America at all he says he did not, Burman Singh could not be Parma Nand II. "Jaggat Singh" was afterwards stated by the accused to be Jaggat Ram, accused; and in this he is right from the identification he has given of Jaggat Ram,

Exhibit P. 204 A.

Jailor's notes of conversation with Sohan Singh.

This exhibit reproduces the substance of Sohan Singh's statement to the Jailor. He states that the reason of his internment was that his ideas became liberal on account of his residence in America. He came back to India for want of work there and became acquainted with Jawand Singh on board ship. Bhai Bhag Singh, *Mahant* of the Gurdwara at Vancouver, arrived with his wife from Peshawar. He was allowed to land with much difficulty, on offering security in the sum of 5,000 dollars. Subsequently, an order was issued to the effect that his wife could not be allowed to remain in the country. The matter was reported to a Sikh Conference in the Punjab; and a representation was sent to the British Government; any amount of security was offered, but the Vancounver Government got displeased and was determined to turn Indians out. The present priest there is Balwant Singh.

On the 2nd November 1914 accused stated that he has great sympathy with Balraj and other accused in the Delhi case; that their appeals would not be accepted; that they would be executed; and thereby attain everlasting life. He said further that Soofi Amba Parshad has assumed a Muhammadan name, and was carrying on a newspaper in Egypt, where a war would break out when the first ball fell on London. (Presumably the first bomb from Zepplin.)

He also stated that one-eighth of the Indian population is engaged in national service and mentioned Ajit Singh, who (he said) was in Switzerland, and Hardyal and Sheo Karnan (possibly Shamji Krishan).

Kabul (said accused) was also a place of refuge for nationalists. Rash Behari Ghosh was probably in Kabul. He (the accused) was one of the party who do national service in America. The Jailor was asked to tell Balraj in the Central Jail that one of the members of the American party was in Multan District Jail and that means should be devised to secure his escape; so that, being rescued, he might be safely taken to a place of refuge.

Accused further said that he had known beforehand of the bomb thrown at Delhi. He spoke of Jwala Singh, Mula Singh and Kesar Singh (who resigned service in the army as a *Jamadar*) workers in the national cause in America. They were sent to India to preach, lest Germans should take the place of the English and keep Indians in the condition they were now in. Accused said he feared that they too have been arrested.

He said that some of the members of his party were working in the Turkish Parliament, and that he hoped they would succeed.

Exhibit P. 204 B.

On 14th November we find him asking the Jailor to suggest some five or six men, regardless of religion, for national service; but not of *Dina Nath's* type; and assuring the Jailor that, after he starts serving the country, a member of the party will instruct him to use invisible ink for correspondence with fellow-members.

On the 14th, the Jailor wanted to know from him how to distinguish a member of the party from other persons in order to communicate his thoughts; and accused promised soon to tell him.

On the 15th November, the Jailor intimated to him his willingness to leave Government Service. Accused advised him that he could do better whilst in service. He advised the Jailor to send boys to America and Germany to learn how to make arms; to understand machinery, and to be able to make dynamite. He also added that members of the National Party were learning in Germany how to make æroplanes. The Jailor expressed his desire to learn and was told to wait till he (this accused) was released; when he would be able to make requisite arrangements.

Accused then talked about war; and expressed his view that an alliance between Turkey and Germany would cause trouble to the Hindus; because in case Germany should succeed, of which he was sure, Turkey would intercede for Muhammadans. When reminded of his ideas of Hindus and Muhammadans messing together, and making common cause, accused said Muhammadans were apt to be selfish; but that self-government must be obtained at all costs and that Republican Government should be striven for afterwards.

Sohan Singh denies engaging in conversation with the Jailor. Unless we could believe that the contents of the documents were the product of the Jailor's imagination, which we are not prepared to do, the evidence of the Jailor must be accepted. The contents speak for themselves.

The Jailor could not have evolved from his inner consciousness the names of Kesra Singh, *ex Jamadar*, Balwant Singh, Bhagwan Singh, Sheo Karan. He could not in one breath have advocated a union of Hindus and Muhammadans in a common cause, and at the same time have felt dread of Muhammadans getting the upper hand through the intercession of Turkey, in the event of German victory.

The general trend of the talk is practically the same as is disclosed in the evidence regarding the aims and objects of the consipiracy.

We are now in a position to turn to the general history of the case.

642

PART III.

The History of the Conspiracy and War.

INDEX TO PART III.

A.—THE REVOLUTIONISTS IN AMERICA—

(1) The beginning of the Conspiracy and War.
(2) Preparing for the Migration.
(3) The Objects of going to India.

B.—THE RETURN TO INDIA.

C.—THE REVOLUTIONISTS IN INDIA—

Outline of Proceedings in India.

I.—*Internal Arrangements*—

(1) Use of false names.
(2) Post office accused.
(3) Houses in Amritsar.
(4) Houses in Lahore.
(5) Arrangements to meet in India.

II.—*The Gatherings of the Revolutionists*—

(1) Meetings.
(2) The revolutionists in Amritsar.
(3) The revolutionists in Ludhiana.
(4) The revolutionists in Lohatbadi.
(5) The revolutionists in Lahore.
(6) The revolutionists in Jhar Sahib.

III.—*Activities of the Revolutionists*—

(1) The marauding gangs in November-December.
(2) The seduction of students.
(3) The seduction of villagers.
(4) The seduction of troops.
(5) The use of revolutionary literature.
(6) The manufacture of bombs.
(7) The collection of arms.
(8) The dacoities.
(9) Contributions of money.
(10) The looting of treasuries.
(11) Procuring of animals.
(12) The murder of Europeans, Officials and Indian Loyalists.
(13) Jail breaking.
(14) The Revolutionary Flag.
(15) The destruction of railways and telegraphs.
(16) Local collections of men for the rising.
(17) The arrangements for the rising.

IV.—*The Spy and the Collapse.*

D.—THE CONNECTION OF THE REVOLUTIONISTS WITH GERMANY.

E.—FINAL CONCLUSIONS.

A.—THE REVOLUTIONISTS IN AMERICA.

(1) The beginning of the Conspiracy and War.

Wherever there is Government there is some dissatisfaction, whether that dissatisfaction be ill-founded or not, but it is no part of ours to discuss the physchological reasons for the conspiracy under trial. We have simply to state the facts and trace, as far as the material before us enables us to do, the inception, progress and collapse of the conspiracy and war with which the prisoners at the bar are concerned.

Sedition in 1907.

We know that in 1907 a wave of sedition passed over India including the Punjab: we know too that that wave of sedition has kept ebbing and flowing since then, and that some of the leaders of 1907 have been perforce compelled to find refuge in foreign countries.

Origins on the Pacific Coast.

It is from the Pacific Coast of America that the present conspiracy derives its origin, and the two main centres were Vancouver and San Francisco,—Vancouver to start with, till its importance was finally eclipsed by San Francisco.

Vancouver.

The prosecution has not considered it necessary to place before us much evidence in regard to Vancouver, but we know from the confession of Nand Singh (p. 407) that one Bhagwan Singh, a noted seditionist, arrived there at the end of 1912 or beginning of 1913 and commenced a series of lectures against the British Government in India. He also started lecturing in the Vancouver Hall, remaining there for three months, filling, as Nand Singh says, "his audience with revolutionary ideas."

Bhagwan Singh was eventually deported, but not before the seeds of mischief had been sown among the Indians in Vancouver.

We know also from Nawab Khan (p. 122) that Vancouver had become a place where so-called politics were eagerly discussed in 1911-12.

Hardial in San Francisco.

About the same time one Hardial arrived in San Francisco.

This person is a well-known seditionist, a man of moderate position in life, who was awarded a scholarship by the Punjab Government in Oxford, which after enjoying until practically its close he made a show of resigning.

He appears while in England to have become imbued with an extraordinarily passionate and unreasoning race-hatred and to have developed into a monomaniac; dangerous because he appears to have possessed a certain power of speech and because he thereafter devoted himself to inoculating others with the same views of intense race-hatred.

He has apparently created an impression that he is a man of intelligence, but our mature opinion is that though he possesses cleverness of a kind, he is either a person of unbalanced mind devoid of intelligence, or an unscrupulous scoundrel, who has no thought for the tools he employs in his campaign of race-hatred.

No man of intelligence could possibly have conceived that there was any chance of success for the sordid conspiracy we have now to deal with, and we can only conceive that if he is to be credited with any intelligence at all he had not the slightest compunction in sending his dupes to certain destruction, provided only that in doing so he could cause to the Government in India some temporary annoyance and anxiety.

He is equally a man devoid, in our opinion, of any trace of moral or physical courage, for while inducing his dupes to go to a certain fate he has carefully kept himself and his leading lieutenants out of the reach of danger.

This individual appears to have first appeared in San Francisco towards the end of 1912 or beginning of 1913, and to have lectured in that city on atheism. He was attended at this lecture by Parmanand (56) and one Thakur Das, and explained to Nawab Khan (p. 122) that his object in preaching atheism was in some obscure way to create a breach among Christians.

The result of his arrival in San Francisco was to imbue his hearers with political ideas, and among his earliest converts were Nawab Khan, Kesar Singh (43), Balwant Singh (6) and Kartar Singh (39).

The flame of sedition began to spread slowly over California and Oregon in which States there were a number of Indian emigrants.

The Hindustani Association in Oregon.

The first fruits were the establishment in Astoria (Oregon) of a Hindustani Association towards the end of 1912 or beginning of 1913. At a meeting, which was addressed by one Munshi Ram, one Karim Bakhsh, Nawab Khan, Kesar Singh (43), Balwant Singh (6) and Kartar Singh (39), Kesar Singh was elected President and Balwant Singh Secretary and the avowed objects were—

(*a*) receipt of vernacular papers from India ;

(*b*) importation of youths from India to America for education with a view to their devoting their lives to "national" work in India ;

(*c*) weekly meetings to discuss politics ;

the result of which in the words of Nawab Khan was that "members began to feel for their country."

Nawab Khan also tells us (p. 142) that the "Hindustani Association" had much the same ideas as the subsequent Hindi Association with which we will presently deal. He states (p. 147) that it aimed at the unity of Indians of all creeds, education and opposition to the British Government.

It was not only at Astoria that a society of this sort was formed, for Amar Singh tells us (p. 61) that there was an Indian Association in Portland (Oregon) founded by one Kumar, which, however, speedily dissolved.

Hardial's tour in May 1913.

It is clear, therefore, that at the beginning of 1913 there was a certain amount of inflammatory material about in the Pacific Coast States.

It was this material which Hardial in May 1913 proceeded to start to fan into a blaze.

(*a*) St. John.

In St. John (Oregon) there were a number of Indian residents including Kashi Ram (Ferozeshahr murderer), Ram Rakha (65), Thakur Das, a famous seditionist, Amar Singh and others.

Hearing of Hardial they invited him to St. John in May 1913. This was the beginning of Hardial's peregrinations in the State of Oregon. He came according to Amar Singh (p. 61) to St. John accompanied by Permanand (56). The latter parted company with Hardial there and Hardial stayed a week in St. John lecturing and proposing to start a revolutionary paper called the *Ghadr*.

(*b*) Bridal Veil.

From here he went to Bridal Veil (Oregon) where he addressed a meeting which was attended by Shiv Singh (72), Harnam Singh (21) and others not accused before us

Here he lectured in a similar strain and raised some 700 or 800 dollars for his projected newspaper.

(*c*) St. John.

He returned to St. John next day and Indians from Linton and Portland, neighbouring towns, were called to attend a meeting. This meeting was attended by Sohan Singh (74), Udham Singh (77), Ram Rakha (65),

Kashi Ram (Ferozeshahr murderer), Thakur Das, Amar Singh and several others. The subject of the addresses was the same, subscriptions were collected, the printing of a newspaper at San Francisco was decided upon and committees to collect funds were started in St. John, Linton and Bridal Veil. In St. John the executive officers were Kashi Ram, Thakur Das and Amar Singh.

(d) Astoria.

Amar Singh tells us (p. 62) that from St. John Hardial, with Kashi Ram, Thakur Das, Ram Chand and others, went to Astoria (Oregon) where he heard a Management Committee, on which Hardial and Nawab Khan were members, was appointed to run the *Ghadr* newspaper.

Nawab Khan gives us a very full account of this meeting.

He tells us that he first heard from Thakur Das that Hardial and Parmanand (56) were going to visit Oregon State, and later heard Hardial alone would come. Thereupon the Hindustani Association deputed Karm Bakhsh and Kesar Singh (43) to bring Hardial to Astoria. He came accompanied by Ram Chand, Thakur Das, Kashi Ram (Ferozeshahr murderer), Sohan Singh (74), Kesar Singh (43) and others. An important meeting was held and addressed by Ram Chand and Hardial.

The gist of Ram Chand's address was that the British Government should be expelled from India and Hardial spoke to the same effect.

He referred to collections in St. John, Woodland, Bridal Veil and Portland, to the despatching of Parmanand (56) to start work in India, and to a forthcoming meeting at Secrámento. A large collection was made and a committee appointed to raise more funds. On this committee Sohan Singh (74) was President, Karm Bakhsh, Vice-President, Hardial, Secretary, Munshi Ram and Kashi Ram Assistant Secretaries, Kesar Singh (43), Balwant Singh (6) and Nawab Khan members. It was definitely decided to start the *Ghadr* at San Francisco. The society of revolutionists was called the "Hindi Association of the Pacific Coast" and the press the "Yugantar Ashram." It was decided further to distribute the *Ghadr* freely in India and elsewhere and the meeting was celebrated by a banquet that evening where seditious literature written by Lala Lajpat Rai and others was distributed. After the banquet Hardial interviewed various Indians including Kesar Singh (43) and Rulia Singh (68), subscriptions were raised to bring Ajit Singh, the seditionist of 1907, to the United States and Hardial lectured again the next day to the effect that Indians were now preparing to expel the British Government from India.

(e) Wina.

From Astoria Hardial proceeded to Wina (Oregon) where a similar speech was delivered and subscriptions raised, and from Wina he went to St. John.

(f) St. John.

This return visit to St. John is also testified to by Amar Singh (p. 62), and both Amar Singh (62) and Nawab Khan (p. 124) state that from St. John Hardial returned to San Francisco.

The Hindi Association of the Pacific Coast.

In connection with the committee of the Hindi Association, all concern with which Sohan Singh (74) denies, Mula Singh (p. 89) tells us that he was told he was the President of the Revolutionary Society in the Oregon State, and Hardial was the General Secretary of Indian Revolutionary Societies, and Nand Singh (p. 409) speaks of his intimate association with the *Ghadr*.

Indar Singh (28) in his confession (p. 335) stated there was a secret society in San Francisco of which Hardial was President, Ram Chand Vice-President, Kartar Singh (39), Sheo Singh (72) and others were members.

The *Ghadr* newspaper.

The next step that was taken was to establish the *Ghadr* newspaper. The first issue of this paper is dated 1st November 1913.

Amar Singh tells us (p. 62) that he joined the staff with Ram Chand in December 1913, when Hardial, Gupta Kartar Singh (39) and Harnam Singh (21) were on it and later Jaggat Ram (31), Pirthi Singh (58), Mahbub Ali and Inayat Khan joined.

A Gurmukhi edition was started in January 1914, and a Gujrati one later. The management of the paper was in Hardial's hands till he was compelled by the United States authorities to leave the States in March 1914 when it was taken over and run till August 1914 by Barkatulla, Bhagwan Singh, who had been expelled from Canada, and Amar Singh himself.

Jaggat Singh, accused, tells us the workers on the *Ghadr* were Hardial, Kartar Singh (39), Pirthi Singh (58), Ram Chand, Bhagwan Singh, Barkatulla, he himself, Mahbub Ali, Inayat Khan and Amar Singh.

Kartar Singh (39) admits he was on the staff as also does Pirth Singh (58).

Nawab Khan (p. 140) informs us that Kartar Singh told him in December 1914 at Jullundur that he had been associated with the first issue of the *Ghadr* in which also Ram Chand, Jaggat Ram (31) and one Kidar Nath were concerned and how a Gurmukhi Press was obtained from England.

Umrao Singh (p. 333) tells us he heard in America that the *Ghadr* was conducted by Kartar Singh (39), Basant Singh, Ram Chand, Munshi Ram and Hardial and that later Pirthi Singh (58) joined the staff.

We need not here describe the nature of this paper; we have already seen that it was a paper of violent *anti*-British nature, playing on every passion it could possibly excite, preaching murder and mutiny in every sentence and urging all Indians to go to India with the express object of committing murder, causing revolution and expelling the British Government by any and every means, and holding up to admiration and as examples to follow every seditionist and murderer who sprang into temporary notoriety.

Distribution of the *Ghadr* in America.

It was this paper that every means were taken to distribute widely among Indians in America.

Nand Singh in his confession (pp. 408-409) tells us that in Vancouver the paper was received by Hari Singh, *Granthi*, and one Bhag Singh, where it was read out to all Indians there and when he moved to Golden City the paper was also received there and read out to assembled Indians and subscriptions were levied on them to keep it going.

Mula Singh tells us (p. 89) that Sohan Singh (74) showed him the *Ghadr* at Portland in November or December 1913, and that about 100 *Ghadrs* used to be received weekly at the Saw Mills, and it was maintained by voluntary subscription, and was read out to all indians at weekly meetings.

Sohan Singh (p. 243) tells us that wherever he was in America the *Ghadr* came and he occasionally subscribed to it.

Umrao Singh (p. 333) says he was introduced to it by Pirthi Singh (58), and he afterwards subscribed to it.

Indar Singh in his confession (p. 387) says it was freely distributed in China, Japan and Hong Kong and Jamadar Buta Singh of the 26th Panjabis tells us (p. 350) it came frequently to the men of the regiment in Hong Kong.

Work of the Hindi Association.

Not merely was the paper distributed, work was undertaken in various ways by the Hindi Association.

The *Ghadr* itself tells us that in order that the "war" may be a success it is necessary to start newspapers, publish books, send them to India,

learn military exercises, and appeal to foreign nations for help, and for this object the Hindi Association of the Pacific Coast had been founded with branches at Portland, Astoria, Saint John, Sacremento, Stockton, Bridal Veil and elsewhere.

It also tells us that a similar body at Berkeley organised a big meeting there, that another meeting was held under its auspices in Sacremento in December 1913: that in Stockton in February 1914 a committee was established to open branches in various parts of California and that in March 1914 its President had started on a tour.

Amar Singh (p. 83) tells us the objects of this society were those of general opposition to the British Government and men were to refrain from all communication with their relatives till its aims were achieved.

Jaggat Ram (accused 31) on page 460 says vows were taken in the interests of equality and liberty—those ominous words which are always prostituted to base uses in revolutions—and Nawab Khan tells us plainly the idea of expelling the British Government from India was ever present.

The *Ghadr* constantly preached the formation of these secret societies. "Establish secret societies" it says in one poem. "Let us form a secret society of those who perfer death and make the foundation firm by opening branches everywhere" it says elsewhere, and again "Start secret societies and think of the previous mutiny," and yet again it says that in America it is easy to form secret societies.

Personal contact with Indians was also resorted to by some of the leaders. Mula Singh tells us (p. 89) that Sohan Singh (74) stayed with him 5 or 6 days and he learnt all about the *Ghadr* from him, and that a large number of Indians had imbibed ideas of revolution.

The holding of seditious meetings.

The holding of meetings side by side with the propaganda of the *Ghadr* was decided on.

These meetings are continuous from December 1913 to August 1914. The accounts of some of them we derive from the *Ghadr*, the accounts of others from witnesses present.

(a) Sacremento, dated 31st December 1913.

The first we have any record of is one held as Sacremento on the 31st December 1913.

Nawab Khan tells us (p. 124) that in December 1913 he heard that Har Dial was in the habit of lecturing frequently in Sacremento, and that large crowds of Indians attended.

The issue of the *Ghadr* of the 23rd December announces a meeting at Sacremento on the 31st which will be addressed by Hardial and "patriotism" preached. The issue of the 6th January 1914 gives a full account of it.

It was called under the auspices of the Hindi Association, poems were read, violent seditious speeches delivered, the point of which was emphasized by lantern slides. Portraits of famous seditionists and murderers were displayed on the screen and revolutionary mottos likewise exhibited, and finally Hardial told them Germany was preparing to go to war with England, and that it was time to get ready to go to India for the coming revolution. It is significant that so early as December 1913 Hardial was aware of the contemplated designs of Germany, and suggests some connection between his efforts to raise a rebellion and that country.

(b) Berkeley, dated 1st February 1914.

The next meeting we know of was at Berkeley on the 1st February, an account of which is given in the *Ghadr* of the 10th February. This was addressed by Hardial and an American anarchist of the name of Owen.

It was followed by a meeting at Stockton on the 15th February. The issue of the *Ghadr* dated 27th January announced that "patriotism" would be preached by Hardial and Ram Chand and the nature of the "patriotism" preached is described in the issue of the 17th February. It was a largely attended meeting; songs were sung, seditious speeches delivered, and a flag was unfurled and vows taken to extirpate the British and henceforth all promised to devote their earnings to the cause of mutiny. The meeting was followed by an evening gathering, where the magic lantern was again brought into play and the usual pictures of murderers and seditionists portrayed, and the supposed iniquities of the British Government were illustrated.

(c) Stockton, dated 15th February 1914.

This was followed by another meeting on the next day, where similar vows were taken, and speeches made, and a resolve come to to hold meetings all over America to proclaim war.

This meeting was attended by Nawab Khan: he tells us (p. 124) the hall was hired by Jaggat Ram (31), that Jaggat Ram (31), Hardial and Kartar Singh (39) spoke, that Bishen Das manipulated a bioscope and that a subscription list was opened to expel the British Government from India.

The *Ghadr* also informs us in its issue of 10th March that another meeting was held by the President of the Hindi Association at Sacremento on the 4th March, where mutiny was preached to an enthusiastic audience which promised to join.

(d) Sacremento, dated 4th March 1914.

The same issue announces another forthcoming meeting at Sacremento on the 22nd March where Hardial will attend to preach mutiny and the issue of the 17th March repeats the announcement.

(e) Sacremento, dated 22nd March 1914.

The issue of the 24th February advises meetings every month to discuss how the mutiny can be furthered, and the issue of the 31st March tells us of a large meeting at San Francisco on 25th March at which the impending arrest of Hardial formed the theme for violent speeches by Americans and Indians. Hardial *inter alia* announced he would go to Germany and prepare there for the coming mutiny.

(f) San Francisco, dated 25th March 1914.

About this time there was a meeting at Astoria. Mula Singh (p. 89) tells us that in March there was a meeting addressed by Ram Chand and Amar Singh, where seditious poems were recited and Ram Chand urged the audience to shake off the British yoke. A little society of their own was formed with Kesar Singh (43) as President with the object of overthrowing the Government, and put into practice the teachings of the *Ghadr*.

The meeting was attended by many including Sohan Singh (74), Kesar Singh (43), Udham Singh (77), Kashi Ram (the Ferozeshahr murderer), Ram Rakha (65), Rulia Singh (68) and Amar Singh and all vowed they would go back to India to start a revolution there. After that weekly meetings were held in Astoria, where the members were regaled with extracts from the *Ghadr*.

(g) Astoria, March 1914.

The *Ghadr* of the 21st April announces that a successful meeting was held at Alesandro near Los Angelos on the 26th March for the purpose of preaching mutiny.

(h) Alessandro, dated 26th March 1914.

The next meeting we hear of is one announced in the issue of 31st March 1914 to be held at Stockton on the 13th April under the auspices of the Khalsa Diwan Society, and Mula Singh (p. 90) tells us Sohan Singh (74) was sent to attend it from Astoria.

(i) Stockton, dated 13th April 1914.

We then hear from the *Ghadr* of the 19th May of a series of meetings at Fresno, Upland, Oxnard and Los Angelos, held on 10th May.

(j) Fresno, Upland, Oxnard, Los Angelos, Claremont dated 10th May 1914, May 1914.

It was at Upland that Nawab Khan tells us (p. 124), Sohan Singh (74), the President of the Hindi Association, tried to persuade him about this time to throw in his lot once more with the revolutionists.

Umrao Singh (p. 334) also tells us of weekly meetings at Claremont and that he attended a meeting at Upland in May 1914 where the audience was exhorted to shed its blood in expelling the British from India.

The month of June saw a perfect avalanche of meetings.

The first was at Astoria on the 7th June 1914. The *Ghadr* of the 26th May announces the meeting and the issue of the 16th June gives a full account of the gathering. The usual songs and speeches were delivered, and the audience assembled again on the 8th and 9th June, vowing to fight and die in the coming mutiny.

(*k*) Astoria, dated 7th June 1914.

Mula Singh happened to attend this meeting, though he is mistaken as to the date. He says (p. 90) it was attended by 200 or 250 men. Bhagwan Singh was president and violent speeches were delivered by Bhagwan Singh, Barkat Ulla and Sohan Singh (74), each and every one of them advising the audience it was time to hasten back to India and start a revolution there.

The issue of the 16th June also mentions a meeting at Wina on the 9th June, where mutiny was preached with great enthusiasm.

(*l*) Wina, dated 9th June 1914.

The issue of the 14th July tells us there were meetings at Washington (Oregon) on the 11th June, Aberdeen on the 13th June, and Seattle on the 15th June, where many members of the *Ghadr* party were enrolled and the issue of the 23rd June announces that a great meeting was held at Portland on the 14th June. It was commenced with a procession and a band, and the usual lectures were delivered, the audience vowing to join in the coming mutiny and to expel the British from India.

(*m*) Washington, dated 11th June 1914.
(*n*) Aberdeen, dated 13th June 1914.
(*o*) Seattle, dated 15th June 1914.

(*p*) Portland, dated 14th June 1914.

Mula Singh was present at this meeting, but post-dates it.

The President was Muhammad Din and the main subject was the detention of the *Komagata Maru* and the usual seditious speeches were delivered.

A very large meeting was held at Stockton on the 3rd July.

(*q*) Stockton, dated 3rd July 1914.

It was announced in the *Ghadr* of the 16th June and of the 30th June and a full account is given in the issue of the 14th July. Over 700 Indians were present, and the gathering sat from 9 A. M. till 12-30 that night and Indians from Canada and Mexico attended. Songs were sung and the customary speeches indulged in.

The same issue tells as that meetings were held at Elton (Cal.) on the 5th July and Jersey (Cal.) on the 7th July, where vows were taken to go to India to liberate it.

(*r*) Elton, dated 5th July 1914.
(*s*) Jersey, dated 7th July 1914.

The next meeting we hear of is one held at Oxnard on the 26th July.

(*t*) Oxnard, dated 26th July 1914.

It was announced in the *Ghadr* of the 14th July and reported in the issue of the 4th August.

At this meeting Nawab Khan was present. Bhagwan Singh and Barkatulla spoke and it was announced that the time for the rebellion had come, the British were to be expelled from India, as war in Europe had commenced. Funds were appealed for and collected and Barkatulla told Nawab Khan Great Britain would be compelled to join in the war, and that rebellions would break out in Egypt, Ireland, South Africa and elsewhere, and it was a splendid opportunity to go to India, seduce the troops and start the rebellion there.

Umrao Singh was also present at this meeting and says Wasawa Singh (81) and Gurdit Singh (18) attended. He also mentions (p. 334) that violent speeches were delivered by Barkatulla, Bhagwan Singh and others, calling on the audience to go to India, and that subscriptions were collected.

Declaration of War.

War was declared by Great Britain on the 4th August. The meetings we have just been considering are meetings where the seeds of sedition were sown, and a promise held out of a mutiny at some future date, a date apparently known to be near at hand by the leaders of the movement. There is ground in this for suspicion that the leaders knew beforehand of Germany's intention to start the great war months before it did break out; otherwise it is difficult to understand these promises of a rising in the near future.

Meetings to organise the return to India.

However that may be the meetings that followed were not merely meetings where sedition was preached and Indians were exhorted to be ready to go to India when the occasion arose—they were meetings in which it was preached the time to go to India had come and the listeners were exhorted to proceed at once, and we date the beginning of the war waged by the accused from this period as distinct from the conspiracy to wage it which had been going since early in May 1913.

Two of these meetings were announced in the *Ghadr* of the 4th August, one at Fresno for the 9th August and one at Sacremento for the 11th. The war in Europe is mentioned, and the audience were to hear of the proposed mutiny in India.

Special articles on the war were published in the issues of the 28th July and the 4th August and these articles which have already been described should be borne in mind in connection with these notices.

(a) Fresno, dated 9th August 1914.

The meeting at Fresno was attended by four witnesses who have given evidence before us—Nawab Khan, Sohan Singh, Soba Singh and Umrao Singh.

Nawab Khan tells us (p. 125) that the meeting was addressed by Barkatulla, Bhagwan Singh and Ram Chand. The audience was exhorted to leave for India at once; arms would be supplied in India on arrival, and the time had come at last, while England was at war, to expel the British from India. Subscriptions were collected and a list of volunteers prepared, in which 200 or 300 Sikhs promised to go to India at once.

Sohan Singh (p. 243) says Ram Chand, Bhagwan Singh and Barkatulla preached revolution and promised arms would be ready in India, and among others at the meeting he saw Wasawa Singh (81) and Suba Singh.

Suba Singh (p. 244) says he also saw Wasawa Singh there, and heard Barkatulla, Bhagwan Singh and another speak.

Umrao Singh (p. 334) was also present. Some 500 or 600 men attended, including Rur Singh (68), Nidhan Singh (54), Indar Singh (28), Dhian Singh (the Ferozeshahr murderer), Jawala Singh (36) and Bhan Singh (8). He mentions the same three speakers who opened a list of those ready to return at once to India as war had broken out and he also says subscriptions were collected.

(b) Sacramento, dated 11th August 1914.

At the Sacremento meeting Amar Singh and Mula Singh were present.

Amar Singh had, as we will see shortly, been beating up recruits in Oregon, and was hastening with them to San Francisco, when he stopped at Sacremento for the meeting. 5,000 or 6,000 men were there. Barkatulla, Bhagwan Singh, Ram Chand, and one Mahmud spoke urging the audience to seize the opportunity of the war and go to India. He tries to belittle the proceedings, but he admits they were to go to India at once, and many agreed to do so,

Mula Singh (p. 91) says he too stopped at Sacremento *en route* to San Francisco. He puts the number down at 500. The president was Barkatulla and he himself spoke. The audience was exhorted to go at once for the revolution in India ; 5,000 or 6,000 dollars were raised to buy passages and arms, and the audience was told, so that they might catch it, that a ship was shortly sailing from San Francisco.

We will see shortly that there was a sudden rush of Indians to San Francisco, but before we come to the actual preparations to leave we may refer to some other meetings in which exhortations to proceed to India at once for war were delivered.

Indar Singh (28) in his confession states he attended two meetings at Stockton, where the audience was told that as war had broken out Indians should go to India at once, and massacre all Europeans. The speakers included Barkatulla and Ram Chand.

(c) Stockton.

He also says similar lectures were delivered in all villages and towns in America where Indians were living.

Amar Singh tells us (p. 63) there was a meeting at Portland on 7th August 1914, where all present vowed to go to India at once, and cause a rising.

(d) Portland, dated 7th August 1914.

Finally another meeting was announced in the *Ghadr* of the 15th September to taken place at Fresno on the 23rd.

We have now traced the various meetings in America, and have seen how they grew from Hardial's pilgrimage of May 1913 till the seed he and others then sowed developed into a formidable organization to cause mutiny resulting in the resolve to go to India when war broke out. We will now proceed to trace the beginnings of the migration to India.

(2). Preparing for the Migration.

We may note here incidentally that the *Komagatu Maru* had set sail from Vancouver in July 1914, and there is no doubt that this episode was seized upon to further inflame the excited feelings fanned by the *Ghadr* newswpaper.

At Shanghai.

It is, we think, from the evidence before us probable that the intention of Gurdit Singh in taking the *Komagatu Maru* to Vancouver with the full knowledge that admission to Canada would be refused was partly to create an episode which would inflame Indians quite as much as any genuine desire to obtain ingress to Canada, for Jawala Singh, who was himself at Shanghai at the time the ship sailed for Vancouver, tells us (p. 113) that Gurdit Singh announced if he was refused admission to Canada he would return to India to turn the British out.

However that may be, there is no doubt the incident led to the organization of part of the migration.

Jawala Singh tells us (p. 114) that Harnam Singh (23) and Vir Singh came to Shanghai to collect men and money to go back to India for a rebellion. Sedition was preached in the *Gurdwara*, a sketch of the new republic was pictured, the *Ghadr* distributed, and agents in advance despatched to India. We will see later that the Shanghai men were picked up by Nidhan Singh (54).

Vancouver.

The same incident was utilized in Vancouver. Nand Singh states in his confession (p. 410-411) that after the *Komagatu Maru* had sailed one Mansa Singh sent a letter to Uttam Singh (79) to come to Vancouver. A number of men went there, and having procured arms, arranged to sail from Victoria.

Oregon.

Amar Singh at the beginning of August started touring in the north of Oregon collecting recruits, in order to proceed to wage war at once.

He tells us (pp. 62-63) that several Indians determined to return to India to demand their rights and shed their blood in getting them, and hearing several others were going back after the *Komagatu Maru* they resolved to do the same.

He went from St. John, where he was temporarily, to Linton, Bridal Veil, Wina and Astoria where Udham Singh (77), Balwant Singh (the Walla bridge murderer) (6), Ram Rakha (65), Kashi Ram (the Ferozeshahr murderer), one Dalip Singh, Shiv Singh (72), Amar Singh, Kaku Singh, Dhan Singh, Harnam Singh, Mula Singh (approver), Kesar Singh (43) and several others agreed to come. Calling at Portland and Sacremento *en route* they reached San Francisco in the middle of August.

San Francisco.

Mula Singh (p. 91) also gives evidence to the effect that after the Sacremento meeting he and others came on to San Francisco to catch the boat they were told was about to sail, meeting Harnam Singh (21) at Stockton.

Nawab Khan (p. 125) came down to San Francisco more or less by accident at the end of August, but he too was roped in to sail for India.

Umrao Singh (pp. 334-35) states that after the Fresno meeting Pirthi Singh (58) came and told him a ship was sailing for India on the 29th. He hastened to arrange his affairs, and got to San Francisco on the 24th August, where he met Amar Singh and a number of persons not accused, but including the famous Bhagwan Singh and Munshi Ram. He saw Mula Singh at Stockton.

The men he saw in and near San Francisco preparing to set out for India were Mula Singh, Harnam Singh (21), Ram Rakha (65), Sher Singh (72),

Indar Singh (30), Rur Singh (82), Indar Singh (28), Dhian Singh (Ferozeshahr murderer), Jawala Singh (36), Jaswant Singh (35), Bag Singh (4), Pirthi Singh (58), Kesar Singh (43), Bhan Singh (8), Nidhan Singh (54), Rulia Singh (68), Udham Singh (77), Amar Singh (approver), Mangal Singh (51), Jaggat Ram (31), Arjan Singh (the Anarkali murderer), Nawab Khan and several others. Barkatulla and Bhagwan Singh were at the Ashram and most of these accused he met at the Ashram or the press.

We have now, so far as we have been able to do so, seen how bodies of men were collecting at Vancouver, Shanghai and San Francisco to set sail for India. We will shortly trace their various journeys home, but before doing so it is incumbent on us to determine clearly what was the object with which these men collected. It is of importance because a number of men were interned on arrival in India and they had no opportunity of doing anything in this country, but if it be shown that revolution and war was their common object and that certain acts were committed in pursuit of that common object, then each and every one leaving America for India with this object is responsible for every such act done.

(3) The objects of going to India.

We have, now that we have seen men collected for going to India, to ascertain why they were going.

Such of them as admit having returned with ulterior objects urge they were coming either for a constitutional agitation or to start a press and paper of the nature of the *Ghadr*, only toned down to suit the legal requirements of India.

The *Ghadr*.

The *Ghadr* itself we have already seen is a frankly revolutionary paper.

It and its progeny holds up to admiration all sorts and conditions of mutineers, murderers and sedition-mongers and counts among its heroes the Nathu brothers, Gangadhar Tilak, Arabindo Ghose, Ajit Singh, Savarkar Bhagwan Singh, Hardial, Barkatulla, Krishna Verma, Madame Cama, Ram Chand, Amba Parshad, the Nana Sahib, Mangl Pande, Bans Gopal, Liakat Hussain, Hesrat Mohni, Pindi Das, Nand Gopal, Hoti Lal, Lajpat Rai, Hem Chandar Das, Awad Behari, Amir Chand, Balraj, Khudi Ram Bose, Kanhya Lal Dat and Madan Mohan Dhingra, and says that many of our brethren have been hanged. "They performed their duty," it says "and set an example for us to follow." . . . . "A band of men belonging to the above party has arrived in America . . . . from here; they will make an attack on the enemy."

It advocated going to India with the express object of creating a rising in conjunction with the enemies of the Empire, and advocated the murdering of all Europeans and loyal Indian subjects and it advocated the overthrow of the existing Government and the foundation of a republic. Its language throughout was sanguinary and unmistakeable and in order to achieve the object it had in view it urged the following among other measures :—

(*a*) the seduction of Indian troops,
(*b*) the masacre of all loyal subjects and officials,
(*c*) the setting up of a revolutionary flag,
(*d*) the breaking of jails,
(*e*) the looting of treasuries,
(*f*) the seduction of youths,
(*g*) the propogation of seditious literature,
(*h*) union with foreign enemies,
(*i*) the commission of dacoities,
(*j*) the procuring of arms,
(*k*) the manufacture of bombs,
(*l*) the foundation of secret societies,
(*m*) the looting of thanas,
(*n*) the destruction of railways and telegraphs, and
(*o*) the seduction of villagers.

When we come to deal with the particular methods adopted in India to carry out the main design, we will briefly refer to such advocacies, but we are now concerned to show that not only in the *Ghadr*, and in the meetings which took place in America and elsewhere was revolution and war preached, but that it was the express object of the emigrants in sailing to India. We will also show later that each and every one of the methods advocated by the *Ghadr* to effect a revolution was in the minds of the revolutionists when leaving America while on the way to India and after reaching India.

It will perhaps be advisable here to give a few extracts from the *Ghadr* the *Ghadr-di-Gunj* and the *Ghadr Sandesa* to establish that what we have

stated was the preaching of the paper in regard to war is not an interpretation which the paper will not itself bear.

In the poems we find the following among many many others :—

(*i*) "The time to draw the sword has come .... the time has come to wage war .... the time has come to set up rebellion ; let us jump into the battle-field."

(*ii*) "Make rapid preparations for mutiny so that every trace of this iron rule may be obliterated."

(*iii*) "Make preparations for a mutiny hastily."

(*iv*) "Deputations have ended in smoke .... take up sword and shield in your hands."

(*v*) "The first mutiny broke out in 1857, since when 57 years have now elapsed. The next mutiny has taken place in the 57th year. .... It is our duty .... mutiny."

(*vi*) "Deal with the Europeans in such a way that they might remember it across the seas. .... Show your bravery in the battle field. .... Use your arrows and guns. .... Prepare hastily for mutiny."

(*vii*) "We should fight guerilla wars, and adopt such measures as are feasible."

(*viii*) "Come enter into the battlefield."

(*ix*) "Fight for the country .... kill the whites."

(*x*) "All our mistakes will be wiped out when we fight for India."

(*xi*) "The drum of mutiny is beating .... Make hasty preparation for a rebellion."

(*xii*) "Let us go to our country to wage war. These are the last words."

(*xiii*) "We are going to wage war against the Europeans."

(*xiv*) "The time of war is drawing near."

(*xv*) "Go to your country and set up rebellion at once."

(*xvi*) "We will form ourselves into armies and fight in the field of battle."

(*xvii*) "The work can never be accomplished without the sword."

(*xviii*) "Be determined to expel the tyrants. Drink their blood to your heart's content."

(*xix*) "Take up the sword .... what has been effected by petitions heretofore."

(*xx*) "Let us start a rebellion .... The ememy is entangled in difficulties .... He is hemmed in by the German lion .... Let us all go together."

The articles in the *Ghadr* are not one whit behind the songs it publishes. A few extracts will suffice—

(*i*) "The whole world is expecting you to rise up and extirpate the English."

(*ii*) "Real war has now been commenced against the enemy."

(*iii*) "Begin waging war against the British Goverement. .... Set up a mutiny at once in India."

(*iv*) "Rise, rise. Set out for your country. Prepare for a mutiny."

(*v*) "The English Government has a very infirm footing in India and if you are resolute you can extirpate it."

(*vi*) "Fifty-seven years have elapsed since the mutiny of 1857, and another mutiny is badly needed. To-day we start a war against the English Government. What is our name ? *Ghadr*, what is our work ? *Ghadr*."

(*vii*) "The object of this movement is that the people of India should start a mutiny, uproot and destroy the English Government like a worm-eaten tree and establish a national Government."

(*viii*) "It is our duty to prepare for a big mutiny.... and drive the Europeans out of the country."

A particularly sanguinary poem was found in P. 260—Nand Singhs' pocket-book.

"Kill or die".... It runs .... "The Government of these tyrants will not last any longer..... The time of thy departure has come .... Let us kill the white..... Take the country even at the cost of your lives..... Be ready for a rebellion..... Kill the wicked and tyrannic European..... It is very easy to kill him. Do not leave any trace of him..... Do not leave him till you have taken his life..... Extirpate the whole nation..... Set fire to all the churches. .... Kill all Europeans, men and women, show them no mercy..... Kill them to a finish..... Sacrifice them on the altar of the sword..... Spare neither parents nor offspring..... You should flay Europeans alive, so that they may remember it for ages to come..... Without a rebellion our lives will always be unhappy. Make a rebellion hastily, you have not more than a year at your disposal. Kill the whites and fill the rivers with their corpses. We will go up to England shouting kill, kill."

There is no question either as to what is to be done when all Europeans have been killed and the Government overthrown. Amar Singh knew they were out for "colonial self-government to be obtained by force," and the Swaraj of the revolutionists is clearly defined by the *Ghadr*.

"Drive away the infidel and be the independent rulers of India."

"Happiness is afforded by Republican Governments.... like (*inter alia*) .... China .... and Sourthern America;" and Sohan Singh told the jailor in Montgomery "we should always aspire for Republican Government.... the fundamental principle of the party was to acquire self-government by any means" and the glorious era of "Swaraj" is to be inaugurated by a complete remission of all revenue; presumably the new Government is to be run by means of dacoities, for we know that the dacoits out for "colonial self-government" assured their victims whom they robbed, killed and mutilated of their tender solicitude for their welfare.

Let us see lastly the *Ilan-i-Jang*—The Declaration of War:—

"Now is the time to rise and put Europeans to death and free your country of them .... I am telling you of a war declared .... It has spread all over India..... Can you sit idle while a war is going on..... You will join in this war..... You should unite together, uproot the present Raj, and establish a republic."

Amar Singh.

Amar Singh has to some extent tried to whittle down the extreme revolutionary objects with which the party left America, but even he (pp. 62 *et seq.*) says they left with the object of demanding their rights and shedding their blood in getting them. He tells us also they determined on this course when they heard the *Komagatu Maru* had returned to India for that purpose, that at Portland oaths were taken to go to India to demand their rights, and never to go near their homes till their objects were achieved, and, if necessary, to raise the army in India in mutiny. We have seen too how he hastily beat up recruits for the purpose in Oregon, and how *en route* to San Francisco he stopped at Portland and Sacremento.

At Sacremento he says they were urged to seize the opportunity of the war to demand their rights while the British troops were away at the front, and at Hong Kong Sajjan Singh of Canada advised them to go on and shed their blood as nothing could be got by demands, and they determined to do so. On board ship the passengers were harangued to obtain their rights and to attack

Government. He does say that the use of force was first mooted at Hong Kong, but he also says that they intended to use force ere ever they left San Francisco. He knows the *Ghadr* was all for force, and he understood they were out for "colonial self-government" to be obtained by force if necessary.

Mula Singh.

Mula Singh (pp. 89 *et seq.*) tells us he learnt in America from Sohan Singh that there were many Indians prepared to shake off the British supremacy, and that at the Astoria meeting in March 1914, after they had been urged to return to India, he argued that if an opium-sodden people like the Chinese could establish a republic surely Indians could do so. Their object was to follow the lines adopted in China and other countries where revolutions had occurred and to carry out the teachings of the *Ghadr* and overthrow the British Government.

When Hardial was arrested they decided to leave off work, and go back to India for revolt, and the Astoria meeting in June was called to discuss means to adopt.

When the *Komagatu Maru* returned they made up their minds to go to India for a revolution: it was a time for deeds and the days of words were passed.

They went to San Francisco and *en route* at Sacremento they were told a ship was ready for them.

At Yokohama and *en route* the talk was always rebellion, and they used to discuss before starting the subject of dacoities, murdering the British and tampering with the army, and at San Francisco they resolved to starts a rebellion in India.

Things in fact had come to such a pass owing to the incitements that there was no further occasion for agitation: they were all ready to get their "rights" by force in India. He himself had made up his mind to make all possible sacrifices to raise a rebellion in India, though they had formed no estimate of the strength of the Government they had decided to overthrow.

Jawala Singh.

We will see shortly what Jawala Singh says were Gurdit Singh's objects in case the *Komogatu Maru* was refused ingress to Canada, but he tells us further (pp. 114 *et seq.*) that in Shanghai Nidhan Singh and Dhian Singh urged that opportunities for rebellion were favourable, war had broken out, and all should go to India to turn the British out. There was never any mention of constitutional agitation. The visit to Hazur Sahib at Madras by Nidhan Singh and others was to invoke a blessing prior to assuming the Government of the country. They came, he says, not to commit dacoities, but to turn the British out, and dacoities were only incidental.

Nawab Khan.

Nawab Khan is equally clear as to the objects. Hardial had taught them to expel the British, the meetings in America always harped on that subject and they were asked to go to India to seduce the troops, spread anarchy and take up arms.

To his protest that he had no money to sail on the *Korea* he was told "what need have you of money, you are going to lay down your life," and the parting advice of those who saw them off was to raise rebellion and loot the rich.

At Manilla the driving out of the British was the theme of speeches and on the *Toshu Maru* the resolutions passed were to attack thanas, get arms, loot treasuries and loyal Indians, destroy post offices, lines, bridges, patwarkhanas and jails and get the Indian troops to rise and to murder every Indian who opposed them. When they got to Penang they wired to the *Amrita Bazar Patrika* to know if the rebellion had broken out.

Umrao Singh.

Umrao Singh also tells us (pp. 334 *et seq.*) that they set out for rebellion purely and simply, and at Hong Kong the subject of speeches was to turn the English out by force—it was no time for deputations, it was the sword that would secure everything.

Nand Singh in his confession (pp. 412-424) tells us what his object was.

Nand Singh.

"The teachings of the *Ghadr* were that "we should go back armed to India "and there create disturbances and fight against the British. For this "purpose we purchased arms and came to India. . . . We returned from "America to create disturbances here, to kill Englishmen, and drive away "the British Government. We bought and collected arms for this purpose, "we prepared bombs for this purpose, we committed dacoities to get money "to buy arms and ammunition, we had come to fight . . . but we did "not know how we would benefit our country."

Indar Singh in his confession (pp. 385 *et seq.*) tells us the teachings in the Ashram and elsewhere were to start a mutiny during the war, and expel the British, and *en route* lectures were delivered to that effect.

Indar Singh.

We need not labour this point more. It was clearly the avowed object in America before sailing, *en route* to India and in India itself, and we will show later how in every act of the conspirators this and this only was the object in view—mutiny, murder and the overthrow of the British Government.

B.—THE RETURN TO INDIA.

Advance Agents.

Before the departure of the main body of men from America it appears that a certain number had been sent on in advance.

Jawala Singh (p. 114) has told us Gurdit Singh of *Komagatu Maru* fame had already sent his emissaries to India.

Inder Singh (28) (p. 386) says that 4 or 5 men, *viz.*, Jaggat Singh, Bhagat Singh, Nubbu Khan, Dhanpat and Barman Singh were sent by the society to spread disaffection in India. An attempt has been made to identify these names (which are admittedly fictitious) with certain of the accused, but we are not fully satisfied as to the identification of all of them, nor is it really material. The point is that the statement does show men were sent in advance.

We do know, however, that Kartar Singh (39) left America by the *Nippon Maru*, and arrived in Colombo on the 15th or 16th September (*vide* his own statement, p. 480), that is nearly a month before the main bodies began to arrive.

Sohan Singh told the jailor also that advance agents had been sent to India to preach.

We have seen from the confession of Nand Singh (p. 411) that there was a body of men ready at Victoria.

SS. *Mexico Maru.*

He gives a list of men who sailed with him on the SS. *Mexico Maru* from Victoria. None of them are before us. The vessel touched at Nagasaki, Kobe, Shanghai and eventually reached Hong Kong. Here we may leave them for the present as Hong Kong formed a sort of half way house.

He tells us, however, that more ships came from America and Canada, and among others Sohan Singh (74) and Bakhtawar Singh were passengers thereby.

SS. *Korea.*

The most important vessel to leave San Francisco was the SS. *Korea* which left for Hong Kong on the 29th August.

The following accused admit they sailed by her, and we note against each the names of the witnesses who saw them on board :—

Piara Singh (60)	...	Umrao Singh, Amar Singh, Nawab Khan.
Indar Singh (30)	...	Umrao Singh, Amar Singh, Mula Singh, Nawab Khan.
Pirthi Singh (58)	...	Amar Singh, Mula Singh, Nawab Khan.
Jagat Ram (31)	...	Ditto ditto.
Kesar Singh (43)	...	Ditto ditto.
Mangal Singh (51)	...	Ditto ditto.
Jawala Singh (36)	...	Amar Singh, Nawab Khan.
Udham Singh (77)	...	Ditto ditto.
Inder Singh (28)	...	Amar Singh, Mula Singh, Nawab Khan.
Nidhan Singh (54)	...	Ditto ditto.
Rulia Singh (68)	...	Ditto ditto.
Sher Singh (72)	...	Amar Singh, Nawab Khan.
Rur Singh (82)	...	Ditto ditto.
Bhan Singh (8)	...	Mula Singh, Nawab Khan.

In addition to these men who are before the Court, Amar Singh and Nawab Khan admittedly sailed. Amar Singh and Nawab Khan state that Arjan Singh (the Anarkali murderer) was on board, Amar Singh states Banta Singh (the Walla bridge murderer) was there, and he, Mula Singh and Nawab Khan testify to Ram Rakha (65) sailing.

Amar Singh (p. 63) states there were 70 Indian passengers in all (the others not being before us), and Nawab Khan puts the number at 61.

Before leaving San Francisco the men were divided into gangs under different leaders.

Umrao Singh (p. 335) states that among the leaders were Nidhan Singh (54) and Mula Singh and he, witness, was allotted to the former gang.

Mula Singh (p. 91) says Nidhan Singh (54) and he were leaders, and to him were assigned Kesar Singh (43), Udham Singh (77), Mangal Singh (51) and Indar Singh (30), he being appointed chief leader.

Nawab Khan (p. 125) tells us they were told to act under the instructions of Kesar Singh (43), Jaggat Ram (31) and Jawala Singh (36).

The ship touched at Yokohama, Kobe, Nagasaki and Manilla, eventually reaching Hong Kong.

It is admitted that Parmanand (57) joined the ship at Yokohama, and that Nidhan Singh (54), Indar Singh (30) and Piara Singh (60) left at Nagasaki for Shanghai, the purpose of which we will see later.

It is also proved (*vide* p. 126) that at Yokohama Amar Singh, Jat, and Ram Rakha (65) disembarked and (*vide* p. 63) that Jiwan Singh (Ferozeshahr murderer) and a Hafiz came on board at Manilla.

We may here note very briefly a few incidents on board *en route* to Hong Kong.

Amar Singh (p. 63) tells us that owing to knowledge of a search at Hong Kong, Nawab Khan, Rur Singh (82) and Jawala Singh were deputed to search the passengers resulting in some *Ghadrs*, *Ghadr-di-gunj* and other cypher writings being found on Indar Singh (28). He also says that Jagat Ram (31) and Nawab Khan landed for a short time at Manilla and that at Manilla a seditious meeting was held on board where seditious poems were recited; that there was a second search just outside Hong Kong; and that on board there were communal arrangements for feeding irrespective of caste or creed, and continual harangues were delivered.

Nawab Khan tells us (pp. 126 *et seq.*) that they had daily meetings on board and extracts from the *Ghadr-di-gunj* were recited by Parmanand (57) and others; that near Manilla Jagat Ram (31), Jawala Singh (36) and Kesar Singh (43) searched the passengers for arms and literature, when Amar Singh and Pirthi Singh (58) handed over certain bundles of literature; and after Manilla another search was conducted by Nawab Khan, Jawala Singh (36) and Rur Singh (82) which resulted in seditious literature being found and thrown overboard including cypher writings of Indar Singh (28). He also says that at Kobe he with Kesar Singh (43), Jawala Singh (36) and Piara Singh (60), visited a ship in harbour coming from Canada, and the men on board told them they were on the same errand to India. He states also that at Manilla they received seditious visitors, and that Jagat Ram (31) and he landed, addressed a meeting there urging men to come to India as England was involved in war with Germany and got promises from Rahmat Ali Khan (Ferozeshahr murderer), Jiwan Singh (Ferozeshahr murderer) and several others.

This incident at Manilla is corroborated by Indar Singh's confession. He says (p. 386) that Jaggat Singh, *i.e.*, probably Jaggat Ram (31), delivered a lecture there exhorting people to cause a mutiny in India.

We may also leave the *Korea* passengers for a while at Hong Kong.

SS. *Siberia.*

The SS. *Siberia* left San Fransisco on the 5th September. Harnam Singh (21) was probably on her though he is not quite certain.

Mula Singh, however, we know, sailed by her, also Umrao Singh and Dhian Singh, one of the Ferozeshahr murderers, and several others—both Mula Singh and Umrao Singh tell us so.

This vessel called at Honolulu, Yokohama, Nagasaki and thence to Shanghai where her voyage ended.

At Yokohama, the ship was visited by Amar Singh, Jat, and Ram Rakha (65) who, we have already seen, had disembarked at that port and Jaggat Singh (32) was also seen by Umrao Singh there. Both Mula Singh and Umrao Singh refer to these facts. Mula Singh stayed awhile at Nagasaki and came on to Shanghai by another boat.

In Shanghai.

At Shanghai these two men met Nidhan Singh (54) who we have seen left the *Korea* at Nagasaki. They also met the Canadian boat which had brought Sohan Singh and others and also the men who had been gathered together by Gurdit Singh's advance agents.

Mula Singh gives us an account of what happened in Shanghai. He says (p. 92) that Nidhan Singh (54) was given Rs. 500 by the *Gurdwara* for national purposes in India, and that arms were obtained there from a German, and he also tells us the bulk of men sailed on the 15th October. He himself stayed behind, but eventually sailed on the 30th October from Shanghai to Hong Kong, where, however, he stayed only a day.

We have already seen what Jawala Singh has to say about the occurences at Shanghai.

SS. *Mashima Maru.*

The ship that sailed from Shanghai to Hong Kong on the 15th October was the *Mashima Maru.*

Two of our approvers Umrao Singh and Jawala Singh embarked on her.

Umrao Singh (p. 335) states that Roda Singh (67), Nidhan Singh (54), two Amar Singhs, Jawala Singh, one Hari Singh, Wariam Singh, Balwant Singh, *sowar* (whom we will meet with later), Dhian Singh (Ferozeshahr murderer), and several others sailed, 60 or 70 in number, of whom 30 were revolutionists. He tells us that before sailing Mula Singh provided Nidhan Singh with arms.

Jawala Singh (p. 114) also tells us he was one of Nidhan Singh's party leaving Shanghai and that they eventually reached Hong Kong and he mentions Amli, Dhian Singh (Ferozeshahr murderer), and Chanda Singh (also a Ferozeshahr murderer) as passengers by her.

Sohan Singh (p. 226) also sailed by this boat and identifies Harnam Singh (23), Roda Singh (67) and Nidhan Singh (54) as passengers. Nidhan Singh's party consisted of 70 men and he tells us there were continuous speeches by Nidhan Singh against Government and talks of winning victory. He also tells us the *Mashima Maru* was chartered by Nidhan Singh who paid several of the passengers' fares himself.

At Hong Kong.

We have now traced to Hong Kong passengers by the *Korea*, *Mashima Maru*, the *Siberia* and the *Mexico Maru.*

In addition to these boats the *Canada Maru* with Sher Singh (73) arrived about the same time from Vancouver with 30 or 35 men, nearly all revolutionists; and another boat whose name we do not know came from Manilla bringing along Jagat Ram (31), Rahmat Ali and Jiwan Singh (Ferozeshahr murderers).

The gathering of all these returning revolutionists at Hong Kong, where they were detained for some time, naturally resulted in various incidents there. We only propose to touch on these briefly.

Amar Singh (p. 64) tells us there were several seditious meetings at the *Gurdwara*, attempts were made to tamper with the troops there, the German Consul at Canton was visited to render assistance, and he describes negotiations with the Police authorities allowing all the assembled men—other than those on the *Mashima Maru* who were already booked through to Colombo—to proceed by the *Toshu Maru* on 12th October.

Jawala Singh (p. 115), who was on the *Mashima Maru*, did not land but some did, and Bhan Singh (8) came and lectured on the *Mashima Maru*.

Nawab Khan (pp. 127-28) describes violent speeches at the *Gurdwara*, the attempts at seducing troops and the appointment of a central committee of revolutionists consisting of Kesar Singh (43), Jawala Singh (36), Jagat Ram (31), Rur Singh (82), Ram Singh not accused, Sher Singh (73), Nidhan Singh (54), Pirthi Singh (58), Amar Singh approver, Sajjan Singh not accused and himself.

Inter alia they arranged to meet on the 17th November at Ladowal.

He also tells us that he, Rur Singh (82), Ram Singh and Sajjan Singh went to the German Consul at Canton to get his help for the coming revolution, and received from him a considerable amount of encouragement, and they were urged by him to start the revolution at once.

He also describes the negotiations with the police authorities which resulted in the main body sailing by the *Toshu Maru*.

Umrao Singh (p. 336) also refers to speeches at the Hong Kong *Gurdwara* by Kesar Singh (43) and Parmanand (57) where he met Bakhshish Singh (Ferozeshahr murderer), Sher Singh (73), Nawab Khan and others.

Jai Singh (p. 341) who came on the *Canada Maru* also attended meetings at the *Gurdwara*, where Sajjan Singh, Kesar Singh (43), Sher Singh (73) and Indar Singh (28) spoke and rectied poems of a seditious and inflammatory nature and Nand Singh (p. 411) says he visited the *Gurdwara* where arms were collected.

Sailing of the *Toshu Maru* and *Mashima Maru*.

These two ships, the *Toshu Maru* and the *Mashima Maru*, left Hong Kong practically together, the former for Calcutta, the latter for Colombo.

Both reached Singapore and Penang together where they parted company, the *Toshu Maru* calling at Rangoon and reaching Calcutta on 29th October, and the *Mashima Maru* Colombo on 25th October.

On the *Toshu Maru* the following men sailed, the accused admitting the fact and the witnesses named proving it :—

Jaggat Ram (31)	...	Amar Singh, Lehna Singh, Kesar Singh, Nawab Khan, Santa Singh, Kala Singh.
Pirthi Singh (58)	...	Amar Singh.
Kesar Singh (43)	...	Amar Singh, Kesar Singh.
Jawala Singh (36)	...	Amar Singh, Kala Singh.
Shiv Singh (72)	...	Amar Singh.
Rulia Singh (68)	...	Ditto.
Sher Singh (73)	...	Amar Singh, Lehna Singh, Kesar Singh, Santa Singh, Kala Singh.
Indar Singh (28)	...	Amar Singh, Kala Singh.
Parmanand (57)	...	Amar Singh, Lehna Singh, Kesar Singh.
Bhan Singh (8)		

Mangal Singh (51).
Rur Singh (82).
Udham Singh (77).
Rahmat Ali Khan ...
Jiwan Singh ...
Arjan Singh (Anarkali murderer). } Amar Singh.
Sajjan Singh ...
Kaku Singh ...
Sundar Singh ...

Nawab Khan and Amar Singh and several others.

Nawab Khan says that in addition to the revolutionists there were 150 men on board, Amar Singh that in all there were 250 to 300 men, Jai Singh (p. 341) some 250, and Lehna Singh some 200.

We have already seen who the passengers were on the *Mashima Maru* from Shanghai to Hong Kong. The same passengers continued to Colombo and it appears that Ganda Singh (16) joined at Singapore (*vide* p. 336), Harnam Singh (23) taking passage from Hong Kong.

It will be convenient first to describe what took place at Singapore and Penang when the ships were in harbour together and then deal with certain incidents on the ships while on their voyage.

At Singapore.

Umrao Singh tells us (p. 336) that in Singapore the *Mashima Maru* was visited by Parmanand (57)—an episode of not much importance in itself beyond showing there was close touch between the two rescues.

Amar Singh says (p. 64) they were allowed to land and Nawab Khan went to see friends of his in the Singapore Guides.

Nawab Khan (p. 131) says he did land and tried to seduce the troops there, while others who came on board were seditiously spoken to by Parmanand (57), Jawala Singh (36), Jaggat Ram (31), Sher Singh (73) and Rur Singh (82), and Jai Singh corroborates this latter incident in so far as Jawala Singh and Sher Singh are concerned.

At Penang.

At Penang, however, the evidence is that much more serious action was taken.

The boat was detained there for some days owing to the Emden being in the Bay of Bengal, and here the travellers learnt of the Budge Budge affray.

Nawab Khan (p. 131) states he met Nidhan Singh (54) and the leaders from both ships assembled, decided to get arms, seduce the troops, and loot Penang and four parties were formed to approach the troops, to find out where arms could be bought, to enquire what arms there were in the thanas and to wire to the *Amrita Bazar Patrika* newspaper to find out if rebellion had started in India.

Favourable reports were brought in except in regard to the wire, to which no reply came.

They decided then to go to the Governor of Penang and if their ship was not allowed to go, to loot the town the next day. A meeting was held in the *Gurdwara* and he, Kesar Singh (43), Jawala Singh (36), Jagat Ram (31), Rur Singh (82), Sher Singh (73), and Nidhan Singh (54) went to see the Governor. The result of the interview was that arrangements were made for the ships to sail and the *Tosha Maru* left for Rangoon.

Amar Singh (p. 64) also testifies to the deputation to the Governor of Penang, and states that at Penang they "propagated the desirability of unity."

Jawala Singh (p. 115) attended lectures at the *Gurdwara*, addressed by the wife of Jiwan Singh (Ferozshahr murderer) and others expounding the tyranny of the British Government and urging them to fight, and the men of Penang were appealed to and Umrao Singh tells us (p. 36) that Nidhan Singh (54) lectured against Government in the *Gurdwara*.

On the *Toshu Maru*.

On board the *Toshu Maru* between Hong Kong and Calcutta we are told by Amar Singh there were continuous lectures and readings from the *Ghadr-di-gunj* by Nawab Khan, Sajjan Singh, Jaggat Ram (31) and Parmanand, and Rangoon saw further attempts to "propagate unity."

Nawab Khan (p. 129), as we have seen already, tells us the committee resolved on the most revolutionary methods and further decided to meet at Ladhowai on 17th November.

He tells us also the revolutionists were divided into 8 gangs of 16 men each; he was made a gang leader and had *inter alia* under him Rulia Singh (68), Bhan Singh (8), Arjan Singh (the Anarkali murderer) and Rahmat Ali (the Ferozeshahr murderer).

He also refers to the recitation of poems by Parmanand (57).

Attempts were made in Rangoon to seduce troops and get arms without avail and an attempt to lecture in the *Gurdwara* was nipped in the bud.

Jai Singh (p. 341) also heard speeches of an inflammatory kind by the leaders, Jawala Singh (36), Jagat Ram (31), Kesar Singh (43), Sher Singh (73), Arjan Singh the (Anarkali murderer), Parmanand (57), and Nawab Khan.

Lehna Singh (p. 346), who joined the boat at Penang, heard speeches relating to revolution and the murder of Europeans and thought all the American emigrants were revolutionists; Kesar Singh, from Singapore, heard Jagat Ram and Parmanand deliver songs and revolutionary speeches, discussing looting the thanas and sahukars, and refusing to pay revenue.

Santa Singh, also from Singapore (p. 347), used to listen to discussions by Sher Singh, Jagat Ram and others about going to the Punjab and fighting the English; so too did Kala Singh (p. 347), who also mentions Jawala Singh (36) and Indar Singh (28) as speakers.

On the *Mashima Maru*.

We have not so much information about the *Mashima Maru*, but Jawala Singh (p. 115) says daily lectures took place where the *Ghadr-di-gunj* was recited, and oaths taken on the Granth binding the revolutionists together. They all agreed to meet at Amritsar, stop the collection of revenue, burn the houses of all opposed to them, seduce the troops and loot the Government treasuries.

The two ships duly arrived at their respective destinations.

Other ships.

This, however, does not exhaust all the ships. Indar Singh (30) came along by an unknown boat; Piara Singh (60) and Harnam Singh (24) arrived by the *Foo Singh* on the 16th October and Nand Singh arrived by the *Nam Sang* on the 13th October along with Sohan Singh (74) and Jawand Singh (35). Nand Singh (p. 411) tells us also of the Penang deputation and that on the *Nam Sang* songs and speeches were indulged in, and the *Ghadr-di-gunj* read. The *Salamis* arriving 29th November 1914 brought in Sohan Singh and Wasawa Singh (81), Balwant Singh (5), Pingley (59), and Gurdit Singh (18), who tried his hand at

lecturing on board, and the *Ley Sang* which arrived in Calcutta on 14th September carried Jaggat Singh (the Ferozeshahr murderer). The *Lama* arriving 12th November 1914 brought Ram Rakha (65) and Kashi Ram (the Ferozeshahr murderer); the *Fan Sang* arriving on 30th November 1914 carried Indar Singh (29); the *Katanu Maru* arriving at Colombo on 7th January had as passengers Bag Singh (4), Hazara Singh (25), Bishan Singh (9), Kehr Singh (41), and Wasaka Singh (80), and the *Nam Sang* arriving on the 23rd January carried Jawand Singh (34), and Kala Singh (37).

Bishan Singh (10) and Gurmukh Singh (17) were passengers by the *Komagata Maru*.

It must not for a moment be thought that this exhausts all the returned emigrants. There were we understand some thousands who came, but we are only concerned with the accused before us and associates of theirs who have already been brought to justice.

C.—THE REVOLUTIONISTS IN INDIA.

Outline of Proceedings in India.

HAVING seen how the various revolutionists found their way back to India we come to a discussion of their activities in this country.

We propose first to give as concise a historical sketch as possible, reserving the details relating to such matters as dacoities, manufacture of bombs, procuring of arms, seduction of troops, etc., to be discussed in separate sections relating thereto. By this method we think we will attain to greater clarity.

Internments on arrival.

Of the men who returned by the various ships a number were interned on arrival, and however much they might have wished to participate in revolution they were rendered thereby incapable of causing further trouble.

The men who were so interned were Indar Singh (28), Jawala Singh (35), Kesar Singh (43), Mangal Singh (51), Sher Singh (73), Sohan Singh (74) and Udham Singh (77).

Two other men Bishen Singh (10) and Gurmukh Singh (17), who were passengers by the *Komagata Maru* were originally interned but released on the 27th January 1915, and 3rd December 1914, respectively, and they proceeded to celebrate their release by at once joining the revolutionists at liberty.

A few others were restricted to their villages, but paid no heed to the restrictive orders.

Return of others to Punjab.

The revolutionists who were not interned, some of whom evaded arrest at Calcutta by various ruses, and some of whom were let through, found their way up to the Punjab by various means.

Ex the *Tosha Maru* Amar Singh, Pirthi Singh (58), Shiv Singh (72), Rulia Singh (6), and Arjan Singh, the Anarkali murderer, were railed to Raewind and came on then to Lahore, and Jaggat Ram (31), who evaded arrest and others came up by devious ways. We will see later that some of these men had arranged to get each other's addresses from Permanand (6).

These men wandered about for a few days without doing anything overt.

Ex the *Mashima Maru* the passengers split up into two, one lot going to the Hazur Sahib in Madras and thence to Delhi, the other coming straight on to the Punjab. Before parting these men were told by Nidhan Singh (54), to collect at the shop of one Siri Ram at Moga (p. 115).

The Moga gang.

This latter body did assemble at Moga and the gang included Nidhan Singh (5), Roda Singh (67), Jawala Singh, approver, Ganda Singh (16), Chanda Singh, Dhian Singh (Ferozeshahr murderers), one Dalip Singh, Amli and others. The gang was later joined by a number of others including one Hari Singh, Kashi Ram, Lal Singh, Jiwan Singh, Jagat Singh, Bakhshish Singh, Dhian Singh and Rahmat Ali Khan (Ferozeshahr murderers).

The first mentioned lot wandered about intending to commit dacoities, etc., till the 23rd November.

They then found themselves at Badowal.

The Ladowal meeting.

In the meantime the various leaders had assembled at Ladowal on the 17th November as arranged at Hong-Kong, on the *Tosha Maru* and at Calcutta.

An account of this meeting is given by Nawab Khan (p. 134). He had been wandering aimlessly about to and fro from his village trying to get in touch with different conspirators meeting at different times Rulia Singh (68), Arjan Singh, the Anarkali murder, and Jagat Singh (the Ferozeshahr murderer), and on the 7th he proceeded to the Ladowal meeting.

Assembled at this meeting were Pirthi Singh (58), Ram Rakha (65), Jiwan Singh (Ferozeshahr murderer), Jaggat Ram (31), Kartar Singh (39), Kashi Ram (Ferozeshahr murderer), Nidhan Singh (54), Jaggat Singh (Ferozeshahr murderer), Nawab Khan himself and others.

The preparation of bombs and issue of literature were referred to, but the main decision arrived at was that various treasuries should be looted.

The leaders were directed to collect their men, and the 19th November was fixed on for a meeting at Moga in order to perfect their designs.

This Ladowal meeting is admitted to have taken place by some of the accused, and it is corroborated by Amar Singh and Nathu Khan.

Nathu Khan (p. 343) is a tonga driver who drove Nawab Khan there along with Pirthi Singh (58) and others, and Amar Singh, who was not himself present, tells us (p. 67), Jaggat Ram (31) told him of the projected meeting, and on the 18th November he met Jaggat Ram (31), Rulia Singh (66) and Pirthi Singh (58), the former telling him Nidhan Singh and others had met and discussed methods to be adopted, and he was also informed of the meeting at Moga for the 19th.

The Moga meeting.

The meeting at Moga duly took place on the 19th.

Amar Singh tells us (p. 67), Kashi Ram (Ferozeshahr murderer), Nidhan Singh (54), Kartar Singh (39), Nawab Khan, Jaggat Singh (32) and Pirthi Singh (58) were present. The collection of money, the starting of the rising, dacoities, seduction of troops and looting of treasuries were discussed, but the main result arrived at was to attack the magazine at Mian Mir with the aid of a traitorous sepoy on the 25th November, and the leaders were told to get their men ready and meet for further discussion of plans at Badowal-Mullanpur on the 23rd.

Nawab Khan (p. 135) also gives us an account of the Moga meeting on the 19th. It had, as we have seen, been convened to make arrangements for looting certain treasuries, and it was attended by Kashi Ram, Kartar Singh (39), Jiwan Singh, Amar Singh, Nidhan Singh (54) and others. The proposal to loot treasuries was dropped as Kartar Singh (39) said Permanand (56) considered it too risky, and in its place he told the meeting Permanand (56) had arranged with a sepoy to raid the Mian Mir magazine on the 25th. It was decided accordingly that the leaders should collect their men and meet again at Badowal on the 23rd to discuss their arrangements, and receive a report from Nidhan Singh and Kashi Ram as to whether the proposal was feasible.

The attendance of Amar Singh at this meeting is corroborated by Bishambar Das (p. 198) with whom Amar Singh stayed at the time.

The Phagwara meeting.

Amar Singh refers to meeting certain of the revolutionists at Phagwara in the interval where some points in connection with the revolution were discussed, but he is not clear as to the date, and as it was only an interlude further reference to it at this stage is unnecessary.

The Badowal meeting.

The important meeting of the 23rd November was duly held between Badowal and Mullanpur stations, and it is sometimes referred to by us as the Badowal, sometimes as the Mullanpur meeting.

Both Amar Singh and Nawab Khan were present.

According to Amar Singh, Nidhan Singh (54), Jagat Singh, Dhian Singh, Kashi Ram, Jhanda Singh, Rahmat Ali Khan, Jiwan Singh (all Ferozshahr murderers) and others of Nidhan Singh's gang were there, also Kartar Singh (39), and some others.

We have seen that Jawala Singh has told us Nidhan Singh's Mogha gang found themselves at Badowal on the 23rd, and though he did not attend the meeting, he saw Kartar Singh besides the men of his own gang.

Nawab Khan (p. 135) tells us he himself sent Rahmat Ali Khan to the meeting, which was attended by Gandha Singh (16), Chanda Singh, Dhian Singh, Kashi Ram, Kartar Singh (39), Nidhan Singh (54), Amar Singh, Jagat Singh and others, there being also a party of Nidhan Singh's near the place.

Nawab Khan tells us the report of Nidhan Singh and Kashi Ram was favourable, and they decided to collect men from different parts to attack Mian Mir. Amar Singh gives us (p. 68) a very similar account, and Jawala Singh (p. 117) tells us Nidhan Singh after the meeting instructed his man to meet at Mogha on the 24th for the attack on Mian Mir on the 25th.

Umrao Singh (p. 336) who since his arrival had been hunting about for his leader Nidhan Singh met him at Ludhiana, in company with Pirthi Singh (58), Jaggat Singh (32), Kashi Ram, Arjan Singh (the Anarkali murderer) and Rahmat Ali, and heard him tell his companions to be at Badowal, and he also heard of the proposed attack on Mian Mir and the assembly of men at Mogha preparatory to it from Lal Singh.

The Mian Mir affair.

The details of this attempt on Mian Mir on the 25th will be duly given elsewhere. It suffices to say here that men were duly collected for the purpose, some assembled there, others preparing to go were stopped by urgent messengers from Lahore, and the whole affair resolved itself into a miserable fiasco.

The Ferozeshahr murders and of the Mogha gang.

In its place it was projected to attack the Ferozepore Arsenal on the 30th November, Nidhan Singh's party. Kartar Singh and others met at Ferozepore and to fill in the time till the 30th, Nidhan Singh's party set off to loot the Mogha Treasury. The result of this episode was that some of the men met Bisharat Ali, Sub-Inspector of Police, and Jawala Singh, Zaildar, while going to Mogha; these two men were murdered, some of the gang were killed, others captured and duly hanged later, others who had gone by train, *viz.*, Roda Singh (67) and Jawala Singh were arrested at Mogha and kept in custody, while some others, and notoriously Ganda Singh (16) made good their escape. This was the end of Nidhan Singh's gang as a separate entity.

Nawab Khan's gang.

Some of the refugees came to Nawab Khan in Halwara, including Ganda Singh, and he proceeded to form a marauding party, the composition of which was constantly changing,—the individuals who joined it, it is unnecessary here to detail, and we need only say Kartar Singh and Nidhan Singh were from time to time in it.

This gang projected *inter alia* dacoities, attacks on tahsils, railway bridges and police posts and wandered about in Jullundur, Kapurthala and Hoshiarpur with these objects, but achieved nothing. The gang seems to have gradually dwindled away, and Nawab Khan apparently got tired of the hope.

lessness of the designs. At any rate he was arrested on the 19th December after a few days of inactivity.

This was the end of Nawab Khan's gang. We may mention that in November, certain seditionists had got to work among the students at Ludhiana and also with Ichra Singh at Lohatbadi, but though these persons were inflamed, and ready for mischief, they did not assume any real importance till much later.

The arrival of Mula Singh.

Mula Singh, approver, who subsequently became the director at Amritsar, arrived in India on the 26th November, but beyond securing a house for himself and getting into communication with other revolutionists he remained practically inactive till the end of December.

The lull in December.

The break up of the Ferozeshahr gang and the dwindling away of the Jullundur-Hoshiarpur marauders, and the arrest of so many of the leaders in November and December, including Nawab Khan, Jaggat Ram (who was arrested in Peshawar on 23rd November), Pirthi Singh (58) who was arrested at Ambala on the 8th December, resulted for the time being in a short period of quiescence.

The release of the *Komagata Maru* men, and the renewed activities of the conspirators.

There was not an end of the war, for there was constant inter-communication between the revolutionists, but they seem to have been void of any directing spirit for a time. We think it probable that the violent activities which recommenced at the end of December and beginning of January were not unconnected with the release of the interned *Komagata Maru* men, which occurred at that period. We know that to some extent the revolutionists left America in the wake of the *Komagata Maru*, and expected to find India in a blaze on their arrival, and we think that it is not improbable that the release of these men encouraged the revolutionists to take further action.

The Kapurthala meeting and the coming of Pingley.

At any rate we do know that at the end of December matters began to assume once more a serious aspect. Pingley (59) came up-country at the end of December, and met Amar Singh taking him to Kapurthala, where Nidhan Singh (54), Kartar Singh (39), Parmanand (57), Ram Sarn Das (64) and he himself met. *Inter alia* bombs were discussed and Pingley mentioned that the Bengal party was prepared to co-operate.

The Virpali Dharmsala meeting.

Shortly after on the 31st December there was an important gathering at the Virpali Dharmsala attended by Kartar Singh (39), Parmanand (57), Harnam Singh (23), Pingley (59), Nidhan Singh (54), Mathra Singh (52), Harnam Singh (54), Hirde Ram (27), Jaggat Singh (32), and Balwant Singh (5).

Both Amar Singh (p. 69) and Mula Singh (pp. 95-96) give us an account of it, and the presence of Jaggat Singh (32), Nidhan Singh (54), Balwant Singh (5) and Mula Singh is further testified to by Thakur Singh (p. 260).

From these three witnesses we gather that the revolution was discussed, the looting of treasuries again mooted, the contribution of money considered.

the seduction of troops, the collection of arms, the preparation of bombs, and the commission of dacoities brought into prominence.

Part of the gathering adjourned to Sant Gulab Singh's Dharmsala, where an experimental bomb was made and tried with success, and the proposal originally made by Pingley to bring up a Bengali expert adopted.

Manufacture of bombs.

Emissaries, as we will see in the section dealing with the manufacture of bombs, were sent out to Lahore to collect materials. Some were got in Amritsar, and Nidhan Singh and others proceeded to Jhabewal, there started a factory for the preparation of materials for bombs, bringing in several Ludhiana students to help. Materials were there prepared for some time in January, until the head-quarters were removed to Lohatbadi in the Nabha State.

The coming of Rash Behari Bose.

A house was procured from Mussammat Atri in Amritsar and Pingley went down-country, and brought up Rash Behari Bose and other Bengalis, who stayed there until the beginning of February, and Rash Behari Bose with Mula Singh as his right hand man in Amritsar assumed the direction of affairs.

Several of the revolutionists visited Rash Behari Bose in Mussammat Atri's house, but their general place of meeting was Sant Gulab Singh's Dharamsala, and it was from there they set out for their various predatory expeditions and it was there they returned to.

Activities in Ludhiana and Lohatbadi.

From Amritsar Kartar Singh (39) extended his activities to Ludhiana, making Sucha Singh, a student, one of his right hand men there, and Gandha Singh (16) and Nidhan Singh (54) kept in touch with Lohatbadi, where Ichra Singh and Narain Singh, approvers, operated from.

The dacoities.

It was from these two places, Ludhiana and Lohatbadi, and the Jhar Sahib, that towards the end of January and beginning of February dacoities were committed at Jhanir, Rabhon, Sahnewal and Mansuran, crimes we will consider in detail later, and it was from Amritsar that the Chabba dacoity was committed early in February, partly by men concerned in the other dacoities partly by other recruits.

The arrivals at Nanak Singh's chaubara.

We may here mention that the revolutionists were constantly on the look out for new recruits and we may note *passim* that on the 11th January, a new body of emigrants, who had come up from Madras, were met at Nanak Singh's chaubara in Amritsar by Nidhan Singh and Mula Singh and were induced to help and did take part in further operations in February.

The beginning of the end.

It was the Chabba dacoity that was really the beginning of the end. Some of the local men were soon arrested and information was obtained that Mula Singh was involved in the arrangements.

Lahore as head-quarters.

Rash Behari Bose moved his head-quarters at that time to Lahore, taking with him Amar Singh and others. Five houses in all were secured there for purposes connected with the revolution.

The importance of Amritsar as a centre began to decline, and as a result of the enquiries in the Chabba dacoity Mula Singh was arrested on the 13th February and we hear nothing more of Amritsar as a centre.

In Lahore under the leadership of Rash Behari Bose it was decided on the 12th February to start a general rising on the 21st February.

The date for the rising.

From the very beginning of the movement, as we will see, attempts had been made to seduce troops by the distribution of literature and personal contact, but after the 12th February emissaries were sent out to several cantonments to announce the coming rising on the 21st February. Troops were to rise throughout the country on the receipt of news of the outbreak in Mian Mir and arrangements were made to collect gangs of villagers in Lahore to participate.

Preparations for the rising.

Bombs were prepared, arms got together, flags prepared, a declaration of war drawn up, instruments for destroying railways and telegraph wires collected and everything was put hastily in train for the general rising on the 21st February.

The spy.

Unfortunately for the revolutionists they had overlooked the vigilance of the police.

As a result of the Chabba dacoity, Liakat Hyat Khan, Deputy Superintendent of Police, suspecting the crime was the work of returned emigrants arranged with Bela Singh, Zaildar, to employ a spy who could get into touch with them. The man employed was Kirpal Singh. He had a cousin one Balwant Singh, a sowar in the 23rd Cavalry, who was himself involved in the projected rising, and through him he got into touch with Rash Behari Bose and Amar Singh in Lahore. By representing himself as a revolutionist and being vouched for by Nidhan Singh (54), who had known him in Shanghai, and Balwant Singh, he was accepted as an active member and as the man to carry on Mula Singh's work after the latter's arrest. He pretended to enter heart and soul into the work of the revolutionists, and so heard of the rising being fixed for the 21st and to delude the leaders went off to Dadhir to arrange for men to come in from there. He was, however, constantly in communication with the police, and so far as the Dadhir people were concerned was arranging to have them arrested on the 20th February.

The change of date.

Suddenly on the 19th February he discovered that the revolutionists had become suspicious of him. On the 15th February, when there was a large meeting in Lahore he had wired to Liaqat Hyat Khan to come up from Amritsar to arrest the gathering. The wire was delayed and the police arriving late at Lahore were met by Kirpal Singh at the station, and he told them it was too late. He was seen at the station by some of the revolutionists when he was supposed to have gone to Mian Mir to convey to the troops there the message that the 21st had been fixed for the rising, and it was this fact that led to his being suspected.

The result of this suspicion was that the date for the rising was antedated to 19th February—messengers were sent out as before to the troops, and to collect men and that night was to see the conflagration start in Lahore.

The police raid.

Kirpal Singh found this out on his return from Dadhir and told the Amritsar police who were in Lahore waiting for a raid on the morning of the 10th.

He remained in the Mochi Gate house throughout the 19th waiting for the leaders to assemble before giving a signal to the Police, but by the afternoon, though the principal leaders had not collected, having reason to believe those present intended to murder him he gave a pre-arranged signal to the police. The house was raided, some of the revolutionists captured, and the centre of organization was broken. Rash Behari Bose appears to have fled, others of the revolutionists disappeared, others from time to time have been arrested.

The collapse of the revolution.

The centre broken, the rising in Lahore never took place and the other proposed risings in India collapsed as the signal of the rising in Lahore was never given.

Accused and approvers as arrested gave information which resulted in the discovery of the ramifications of their designs, so far as they have been placed before us.

After efforts in Meerut and Sargodha.

Though the rising, however, had failed and the centre destroyed, some efforts were made even after to reorganize, and to seduce troops from their allegiance by Pingley, Kartar Singh, Jagat Singh and Harnam Singh, and these will be dealt with in their appropriate places.

We are not in a position to say whether there has been a reconstruction of the revolutionary party since the 19th February. We know of acts committed in furtherance of the objects thereof, such as murder, subsequently by original members of the party, but on the evidence which has been produced before us in this case we have nothing to show that any reorganization has been made since that day.

The sketch we have given is only a rough one, and we have now to fill in the details by taking each branch of the activities of the revolutionists separately and by discussing some of the episodes more fully.

We propose to discuss the various arrangements, and activities of the revolutionists in India in the following order :—

I.—Internal arrangements—

(1) Use of false names.

(2) Post Office accused.

(3) Houses in Amritsar.

(4) Houses in Lahore.

(5) Arrangements to meet in India.

II.—The gatherings of the revolutionists—

(1) Meetings.

(2) The revolutionists in Amritsar.

(3) The revolutionists in Ludhiana.

(4) The revolutionists in Lohatbadi.

(5) The revolutionists in Lahore.

(6) The revolutionists in Jhar Sahib.

III.—Activities of revolutionists—

(1) The marauding gangs in November-December.
(2) The seduction of students.
(3) The seduction of villagers.
(4) The seduction of troops.
(5) The use of revolutionary literature.
(6) The manufacture of bombs.
(7) The collection of arms.
(8) The dacoities.
(9) Contributions of money.
(10) The looting of treasuries.
(11) Procuring of animals.
(12) The murder of Europeans, Officials and Indian Loyalists.
(13) Jail-breaking.
(14) The revolutionary flag.
(15) Destruction of railways and telegraphs.
(16) Local collections of men for the rising.
(17) The arrangements for the rising.

IV.—The spy and the collapse.

I.—INTERNAL ARRANGEMENTS.

(1) Use of false names.

ONE of the incidents which is brought frequently before us in this case is the use of false names.

The use of false names is no crime in itself, but when we find a number of persons associated, several of whom consistently use false appellations, the natural conclusion is that they are doing so to conceal something. The matter is no doubt a small one in a case of this magnitude, and it will suffice if we merely indicate the various appellations by which the accused were known.

Rash Behari Bose (66) was not known by that name to any of the revolutionists—he is known as the "Fat Bengali," "Satindar Chandar," "Chuchandra Nath Dutt" and "Satish Chandar" as occasion arises; Pinglev (59) varies his name to "Sham Lal," "Dalip Singh," "Dalpat Singh," "Dhanpat" and "Zinda Singh;" Mula Singh is just as often known by the name of "Punjab Singh" as by his real name. Amar Singh has called himself Ram Singh, Fattah Singh, Ram Rakha, Thakur Das and Karm Chand; Kartar Singh has adopted the names of Naurang Singh Harnam Singh and Ishar Singh at different times; Ram Sarn Das (64) has used the name of Jamna Das; Jamna Das (33) has an *alias* of Charn Das and another of Ram Singh; Nawab Khan has on occasions rejoiced in the name of Hidayat Khan. Hirde Ram (27) hired houses in the name of Ramji; the famous Ganda Singh (16) is equally known by the name of Bhagat Singh; Arjan Singh (the Anarkali murderer) used "Sajjan Singh" as one of his *aliases*, and Jaggat Ram (31) when arrested called himself "Ram Rakha."

Kirpal Singh in going to Dadhir with instructions for Wasakha Singh was told to tell the latter to call himself "Bachan Singh" in Delhi; the famous Banta Singh, the executed murderer of Walla Bridge fame, sometimes called himself "Balwant Singh;" Gurmukh Singh (17) is known by the name of Anup Singh as well as by his proper appellation. Harnam Singh (23), absconder, has varied his name to Arjan Singh. Jagat Singh (32) is also Jai Singh; Jawand Singh (35), another famous absconder, is just as often Jaswant Singh. Jawala Singh (36) has given an *alias* of Santa Singh, Piara Singh (60) that of Karm Singh, and Uttam Singh (79) goes also by the name of Ragu Singh.

Rulia Singh (68) is called by some witnesses Rur Singh and Kidar Nath is referred to by Mula Singh as Amar Nath.

(2) Post Office accused.

It appears to have been one of the arrangements of the revolutionists that the whereabouts of different members of the party should not be fully known to all the others and consequently when, on occasion it was desired to get into touch with each other, enquiries had to be made from persons whom we have described as "Post Office" accused.

How far these particular accused were or were not revolutionists and fully cognizant of the aims of the others we will deal with fully when we deal with the individual cases, and we will there also deal with whatever other activities they engaged in.

We must always bear in mind that one of the persons to whom reference was constantly being made for aid or directions was Mula Singh, the chief agent in Amritsar.

(1) Bhai Parmanand.

The first of these "Post Office" accused is Bhai Parmanand (56).

Amar Singh (p. 65), states that when on the *Korea* Jaggat Ram (31), one of the leading members of the staff of the *Ghadr*, told him that if he wanted to find out his whereabouts in India, he was to enquire in Lahore from Parmanand (56),

and he also said he had given the same instructions to Parmanand (57). He gave witness a full description of where Parmanand (56), could be found. He further asserts that Jaggat Ram repeated these directions at Moghal Sarai Station.

He further alleges that on arrival in Lahore Pirthi Singh (58) and he went to Parmanand's house enquiring for Jaggat Ram (31), and he was told that as soon as Jaggat Ram turned up, he would be informed of his whereabouts.

A few days after when again in Lahore he went once more to Parmanand (56), who told him Parmanand (57) wanted to see him and gave his address as the Arya Samaj Mandir at Anarkali, whither he went and found him.

Parmanand (56) admits the visits of Amar Singh and the substantial accuracy of the witness' statement, and we will deal with his defence in regard thereto later, and Jaggat Ram (31) also admits giving the witness directions to ask for his address from Parmanand (56).

Permanand (57) admits stopping at the Arya Samaj Mandir, and this fact is further established by the evidence of Todar Singh (p. 182), P. Gobind Shastri (p. 182) and Narain Das (p. 182) who all saw Parmanand (57) at that place.

There is also the evidence of Mula Singh (p. 95) connecting this accused with a similar matter.

He says that on arrival in India he went at the end of November to the shop of Bhai Permanand to enquire for the address of Kashi Ram (who was one of the Ferozeshahr murderers, a crime committed on 27th November 1914), Kashi Ram having told him to enquire there while in Shanghai. He also enquired as to Kartar Singh (39), and was told, what is perfectly correct, that Kashi Ram had gone to Ferozepore. He also told him Jaggat Ram had been arrested in Peshawar (the arrest having taken place on 23rd November 1914) and told witness to keep away from his shop, as his, Permanand's, name had been mentioned. He also states Permanand told him Sohan Singh (74), who was interned on arrival, had been arrested.

This visit of Mula Singh's is denied by the accused. Mula Singh does not assert he ever saw Permanand on any other occasion, yet he identified him (under circumstances considered later) on the jail parade.

(2) Naurang Singh.

The second of these accused is Naurang Singh, a tailor in Amritsar. We will see that this accused first met Mula Singh about 26th November at the Golden Temple, and was the person who was engaged to arrange for houses at that city.

Mula Singh tells us (p. 93) he told his own father he could always find his address at Naurang Singh's shop; at Tarn Taran he gave his Amritsar address (p. 95) to Jaggat Singh (32), Lal Singh (49) and Indar Singh (30), and on returning to Amritsar he heard a stranger had been enquiring for him at Naurang Singh's. He also tells us (p. 96) that the day after the experimental bombs he met Kartar Singh (39) and Jawand Singh (35) at Naurang Singh's shop and on p. 99 he mentions meeting a Bengali there enquiring after him. This Bengali proved to be Rao, the precursor of Rash Behari Bose.

Thakur Singh (p. 200) says Mula Singh told him if he ever wanted to find him he should enquire either at Naurang Singh's or Hardit Singh's, and he states he met Mula Singh later at the former's.

Kirpal Singh (p. 84) informs us that when he was asked to get into touch with Mula Singh, his cousin Balwant Singh, sowar, told him to enquire from Naurang Singh to whom he went, but the latter refused to give him particulars at first, but eventually he found out from him Mula Singh had gone to Lahore and could be found at Madan Singh's.

Liakat Hyat Khan (p. 151) tells us Mula Singh told him Naurang Singh was one who kept in communication with all conspirators, and Ali Haidar Khan tells us Mula Singh was arrested at Naurang Singh's.

(3) Madan Singh.

The third man is Madan Singh (50). Liakat Hyat Khan says that Mula Singh told him he was a "Post Office," and Kirpal Singh (p. 184) informs us that when hunting for Mula Singh he went to Madan Singh on Naurang Singh's directions. On 12th February Madan Singh told him he was in Lahore, but when they got to Lahore they found Mula Singh had gone back to Amritsar.

Hardit Singh.

The fourth accused is Hardit Singh (20).

Amar Singh (p. 87) tells us he got to know of Hardit Singh from Mula Singh and whenever he wanted to find Mula Singh he enquired from Hardit Singh.

Hardit Singh's shop adjoins Naurang Singh's, and Mula Singh tells us (p. 97) that Hardit Singh brought Ram Saran Das (64), whom he did not know before to him. He also deposited the address of Rao with accused.

He also states (p. 104) that he met accused Kharak Singh (44) and Sajjan Singh at Hardit Singh's house, who told him they wanted to meet the Anarkali murderer, Kartar Singh (39) and Jaggat Singh (32) and to join the party.

Kishan Singh, *Sadh* (p. 209) refers to meeting Mula Singh at Hardit Singh's and Sahib Singh (p. 224) states he saw Harnam Singh (24) there.

(3) The Amritsar houses.

Amritsar became the head-quarters of the revolutionists when Mula Singh arrived on the 26th November.

The Baba Atal House.

Mula Singh on arriving in Amritsar says (p. 93) he attended a meeting at the Golden Temple in regard to some water trouble, and Naurang Singh (55) spoke there. He was told Naurang Singh would help to secure him a house and Naurang Singh did secure it for him and he had his things removed to that place.

Kaka Singh (p. 201), the owner of this house in Baba Atal, tells us Naurang Singh (55) brought Mula Singh to him and at his request he leased it. He states Mula Singh simply left his box there and the house remained unoccupied until eventually Mula Singh brought the police.

Naurang Singh (55) p. 375 merely admits so far that he referred Mula Singh to this house, if vacant.

Mussammat Atri's house.

Amar Singh (p. 69) tells us that at the meeting at the Dharmsala on the 31st December, it was decided to procure a second house suitable for the Bengali expert who was shortly expected and this proposal was repeated early in January, some time after the experimental bomb affair, with the idea that bombs should be made there.

Mula Singh (p. 98) tells us that after the 12th January he told Naurang Singh (55) to secure a house suitable for the Bengali expert and Hardit Singh, (20) was got to write a letter to the owner, one Mussammat Atri, and the letter (P. 40) was sent by the hand of Madan Singh. This house was in Chauk Baba Atal and after it had been secured from Mussammat Atri, Pingley (59) saw it, approved of it, and went and fetched up Rash Behari Bose, who lived in it without leaving it for 15 or 16 days, when he left for Lahore as he was receiving too many visitors.

Jamna Das (p. 375) admits having lived in this house with Rash Behari Bose, and there is no question this house was obtained for and lived in by that person.

Dasondha Singh (p. 201), who lives opposite, says Hardit Singh (20) came to him and asked if Atri's house was to let. He gave him Atri's address and wrote her a letter and Mussammat Atri (p. 201) says Madan Singh (50) brought her a letter saying the house had been let, and she received the rent in due course.

Madan Singh (p. 398) admits taking the letter at Naurang Singh's request to Atri and having received the keys of the house which he handed over to Naurang Singh.

Naurang Singh (p. 374) admits referring Mula Singh to Hardit Singh to find out if the house was available, and having suggested that Madan Singh should take the letter to Atri; and Hardit Singh (p. 370) admits making enquries about it from Dasonda Singh. Their respective explanations will be dealt with more fully when we come to deal with the individual cases.

We will also consider the various visitors received by Rash Behari Bose in this house in due course.

Chak Moni house.

There was yet a third house hired in Chak Moni for Mula Singh, the whereabouts of which seem to have been carefully concealed from everyone.

Mula Singh tells us (p. 100) that he asked Kishan Singh, *Sadh*, of the Virpali Dharmsala to arrange, after the Mansuran dacoity, for another house wherein to hide incriminating articles. In this house he placed certain bomb materials, etc., locking things up in an almirah.

Thakur Singh (p. 200) states Mula Singh asked him at the Virpali Dharmsala to arrange with Kishan Singh, *Sadh*, for rooms for him, and he spoke to the latter, and Kishan Singh, *Sadh* (p. 209), says Thakur Singh recommended Mula Singh to him as his friend.

Mula Singh came to him some time after, and after helping him to get the Chabba and Mansuran dacoity proceeds disposed of, he got him at his request a house in Chak Moni, where Mula Singh placed a tin, a knife, a pistol and other things.

We will see in the sections dealing with arms and bombs that after Mula Singh's arrest Balwant Singh (5) came and removed these articles and they were brought into Lahore by Parmanand (57) and Sajjan Singh, consequently when Mula Singh on the 25th February took the police nothing was found there save broken cupboards.

The Virpali and Sant Gulab Singh's Dharmsalas.

In addition to these three houses, both Amar Singh and Mula Singh constantly refer to the Virpali Dharmsala in Amritsar as a place where revolutionists met, and also Sant Gulab Singh's Dharmsala.

In regard to the former the *Sadh* is Kishan Singh, and the *Mahant* of the latter is Sant Gulab Singh, who tells us (p. 199) that Mathra Singh (52) came to him and asked permission to occupy a lower room. Later he saw Harnam Singh (23), who lived with Mathra Singh, and subsequently Mula Singh and 2 or 3 other men came there.

We will see how constantly this place was used, and that a stone slab stained with chemicals and 2 powders were found there.

(4) The Lahore houses.

The Hiring.

After the meeting of the 31st December when the experimental bomb had been successfully made Amar Singh states (p. 70) it was decided to hire a

house in Lahore for the manufacture of bombs and accordingly about the 15th January he and Ram Saran Das (64), came into Lahore in search. He states they rented the house of one Mehtab Rai outside the Mochi Gate. Ram Saran Das gave his name as Charan Das, son of Jamna Das, and receipts were made out accordingly (P. 9 A. B.) for two portions of the house hired separately.

An agreement (P. 9 C.) said to be in Ram Sarn Das' handwriting was also executed.

A second house in Gawal Mandi was also obtained from the agent of R. B. Ganga Ram in the name of Charan Das, son of Jamna Das, a receipt (P. 10 A.) being given, and a deed of lease (P. 10 B) was obtained by Amar Singh in the name of Karam Chand, but never executed.

Amar Singh states that for this house he bought 4 charpais in the bazar.

About the 30th January Amar Singh was sent with Jamna Das (33), servant of Rash Behari Bose, to Lahore, and about the 2nd February Rash Behari Bose, accompanied by Kirpal Singh (46), moved to the Goal Mandi house from Amritsar. Kirpal Singh's bedding, etc., were placed in the Mochi Gate house, and he (witness) purchased domestic utensils (P. 18 A. E.) in the bazar.

Mula Singh (p. 98) states that Ram Saran Das (64) came to him at Amritsar, telling him he had hired two houses in Lahore and handed over to him the 3 receipts (P. 9 A. B., 10 A.), which he gave to Hardit Singh (40), for custody, and then went off to Kapurthala.

When they had been secured Pingley went to see them and approved of them, and then went off down country to bring up the bomb expert.

Liakat Hyat Khan (p. 152) testifies that these 3 receipts were found in the house of Hardit Singh on the 4th March.

With reference to the hiring, Mehtab Rai (pp 326, 327) speaking of the Mochi Gate house, says two men came to him on the 16th January, calling themselves Jamna Das and Amar Singh, and he leased the house in two parts, giving receipts (P. 9 A. B.), and relet them again for another month on 16th February.

He identifies Amar Singh, and describes his companion as a young man with prominent teeth—a characteristic of Ram Saran Das.

In regard to the Goal Mandi house, Ishar Das (p 178), states he lease it to two men on the 16th January: the lessee gave his name as Karm Chand (whom he identifies as Amar Singh), a deed was bought but not executed, and a receipt given. He saw Amar Singh and his companion again when they paid him the second month's rent and identifies Jamna Das (33) as Amar Singh's companion. Jamna Das may have been his companion on the second occasion, but he had not come up to Amritsar even on the 16th January.

Ahmad Khan (P. 158), however, tells us it was Jamna Das who gave him the information on the 22nd February as to the hiring of this house.

Sukko (p. 183) identifies Amar Singh as having bought charpais from him, and Ahmad Khan (p. 159) tells us Hirda Ram (27) told him he had bought other charpais for the Mochi Gate house from one Gokal Chand, who identifies (P. 183) Hirda Ram as the purchaser. Devi Das (p. 176) identifies Amar Singh as having bought (P. 10 B.), a deed of lease, on 16th January 1915 in the name of Karm Chand.

These, however, were not the only houses hired in Lahore. Amar Singh tells us (p. 77) that about the 14th February Rash Behari Bose gave orders to hire a third house for printing purposes. Two houses were obtained, one in Wachowali and one in Gumti Bazar by Hirde Ram (27), the key of the former he himself kept, that of the latter he gave to Rash Behari Bose.

Rash Behari Bose about the same time, said he would move to yet a fifth house in the Goal Mandi, as too many students were visiting the Mochi Gate house.

Ahmad Khan (p. 158) tells us that Hirda Ram (27) told him on 24th February 1915 he had rented two houses, one in Wachowali and one in Gumti Bazar, pointed them out to him, and said he had hired them from one Mela Ram in the name of Ramji. He tells us also (p. 159) that Mela Ram and Jamiat Ram identified Hirda Ram as the lessee, produced lease (P. 121), where the lessee is named Ramji, and also traced the stamp-vendor Karm Chand, who identified Hirda Ram as the purchaser of the deed.

Mela Ram (p. 175) identifies Hirda Ram as the lessee of the Wachowali house, and produces the lease (P. 121), dated 15th February 1915, and Rup Lal (p. 175), attesting witness, similarly identifies the same accused, as does also Hira Lal (p. 176).

Karm Chand (p. 176), the stamp-vendor, also identifies Hirda Ram as having bought P. 121 from him in the name of Ramji.

Jamiat (p. 176) identifies Hirda Ram as having contracted to hire the Gumti Bazar house from him, but says he never saw him again; and the deed promised was never executed. It appears, therefore, that this house was never actually occupied, and this is further rendered probable by the fact that nothing in connection with the conspiracy was found there on search — *vide* Ahmad Khan (p. 158).

In regard to the fifth house in Goal Mandi to which Amar Singh refers we have no evidence as to its actual hiring.

Ahmad Khan (p. 159), however, tells us that Jamna Das told him in March that Rash Behari Bose had moved to it. Ikram-ul-Haqq (p. 355) says Jamna Das (33) took him there, where the domestic utensils (P. 18 A.-E.) bought for house 1 by Amar Singh and Jamna Das were found, and also part of a liner (P. 26 C.), referred to in the section relating to the purchase of files and pliers.

Punjab Singh (p. 182) corroborates Ikram-ul-Haqq in this connection, and Sucha Singh (p. 279) says that about 14th February, Jamna Das (33) told him that Rash Behari would have to move since Mula Singh had been arrested. That these houses were used by the revolutionists for the objects of war is clearly proved by the discoveries made.

The discoveries.

We will in the appropriate places given the evidence establishing the discoveries, but we may here briefly recapitulate what was found :—

In house No. 1, 3 loaded bombs, 4 empty ink-pots, raw materials for bombs, a dagger, a revolver, a seditious couplet a torn copy of the *Ghadr*, books, clothing and bedding belonging to Kirpal Singh (46), cloth for flags and flags.

In house No. 2, pointed out by Kharak Singh (44), a ream cover, a litho page of *Ghadr Sandesa*, certain notes (P. 98 A. B.) in the hand of Rash Behari Bose, cartridges, locks, files, a pistol, pliers, a coat made in Calcutta, 15 copies of *Ilan-i-Jang*, a liner, M. S. Kohli forms, a bundle of foolscap, another bundle of *Ilan-i-Jangs*, a sword-stick, paper fasteners, 4 sown and 7 unsewn flags, 4 duplicators, a torn copy of *Gadr-di-Gunj*, a slip of paper with 8 names on it, time tables and maps.

In the Wachowali house (house 4) bombs, some chemicals and acids, 60 cartridges and a country-made pistol.

(5) Arrangements to meet in India.

The subject of prior arrangements to meet in India is short and need not detain us long. We have seen that the revolutionists arranged in Hong-

Kong and again on the *Tosha Maru* to meet at Ladowal on the 17th November in order to develop their plan of campaign, and we have also seen that Jaggat Ram (31) and Kashi Ram told others to ascertain their whereabouts from Bhai Parmanand (56).

In addition to these arrangements to meet each other in India, we have briefly to refer to other like arrangements.

Mula Singh (p. 92), tells us he met Pingley (59); Wasawa Singh (81), and others at Singapore, and he told them to enquire for him when required at the Darbar Sahib in Amritsar.

We will also see that on the 11th January certain of the accused, arriving in Madras shortly before that date, proceeded at once to Nanak Singh's chaubara in Amritsar, where they were at once interviewed by Mula Singh and Nidhan Singh (54), and money collected from them. We have no direct evidence that they had pre-arranged to meet there, but it is suggestive, not merely from the promptitude with which two of the leaders got into communication with them, but also from the fact that Mula Singh on arrival in Amritsar went straight to the same chaubara (p. 93), and was early interviewed by Balwant Singh (Sowar) who had come in Nidhan Singh's train from Shanghai, and also from the fact that Nand Singh (53), in his confession (p. 413), informs us that Sohan Singh (74) told his fellow-passengers on board ship to proceed on arrival in Amritsar to a *dera* near the Clock Tower, where they would get orders. It was to this place he went and got his orders from Mathra Singh (52).

Jawala Singh (p. 115) tells us that the *Mashima Maru* party on arrival at Madras was told to go partly to Amritsar, partly to Chuga near Moga, and these orders were carried out, and Umrao Singh (p. 336) received a special direction to meet Nidhan Singh at the Clock Tower in Ludhiana.

The matter is only of this significance, that it shows that from the very beginning plans for keeping the revolutionists in touch with each other were developed.

II.—THE GATHERINGS OF THE REVOLUTIONISTS.

(1) The Meetings of Revolutionists in India.

In dealing with the various activities of the revolutionists we will have occasion to refer to certain meetings at which plans were discussed and crimes arranged, but it will be convenient here if we give a very short detail of these meetings. We propose to mention the meetings which took place away from the ordinary centres of the revolutionists, and then proceed to note the revolutionists present from time to time at the centres at Lahore, Amritsar, Lohatbadi, Ludhiana and the Jhar Sahib, the sole object at this stage being to show, in very brief compass, the constant inter-communication between the various revolutionists.

Ladowal.

We have already seen that the meeting at Ladowal took place on the 17th November. The men present, according to Nawab Khan, were accused 58, 65, 31, 39, and 54, Jiwan Singh, Kashi Ram, Jagat Singh (Ferozeshahr murderers), himself and various others not before us.

Amar Singh, on information received, mentions accused 58, 31, 39, 54, and others.

Nathu Khan (p. 343) refers to seeing 58 and Nawab Khan.

Matters discussed were the preparation of bombs, issue of seditious literature, and attacks on treasuries.

Moga.

The second meeting was on 19th November 1914 at Moga.

Amar Singh refers to accused 54, 39, 32, 58, Kashi Ram (Ferozeshahr murderer), Nawab Khan, and himself as present.

Nawab Khan refers to 54, 39, Kashi Ram, Jiwan Singh (Ferozeshahr murderers), Amar Singh, himself, and others.

Matters discussed were the collection of money, starting of the rising, dacoities, seduction of troops, looting of treasuries and an attack on the Mian Mir magazine.

Badowal, Mullanpur.

The third meeting was between Badowal and Mullanpur on the 23rd November.

Amar Singh mentions accused 54, 39, Jagat Singh, Dhian Singh, Kashi Ram, Chanda Singh, Rahmat Ali Khan, Jiwan Singh (Ferozeshahr murderers), and others.

Jawala Singh mentions *inter alia* accused 54 and 39.

Nawab Khan gives the names of accused 16, 39, 54, Rahmat Ali Khan, Chanda Singh, Dhian Singh, Kashi Ram, Jagat Singh (Ferozeshahr murderers), Amar Singh, and himself.

The matter for discussion was the arrangements to be made for the attack on the Mian Mir Cantonment.

Kapurthala.

The fourth meeting was at Kapurthala at the end of December 1914.

683

Amar Singh mentions accused 59, 54, 39, 57, 64, and himself as present. The matter discussed was co-operation with the Bengal party, and the preparation of bombs.

Mula Singh (p. 95) states he heard from Jagat Singh (32) that Nidhan Singh (54) and Kartar Singh (39) had been to Kapurthala and were returning to Amritsar.

(2) Men at Amritsar.

Amar Singh states that at various times he saw the following accused at Amritsar :—

(*a*) At the Virpali Dharmsala about 31st December 1914, when *inter alia* the experimental bomb was made, accused 59, 54, 39, 23, 52, 24, 5, 57, 27, Mula Singh, and others.

(*b*) At Mussammat Atri's house, in the middle of January, accused 66, 27, 57, 52, 23, 59, 65, 24, 5, and the Anarkali murderer.

(*c*) Between the 12th and 22nd January at Atri's house, accused 66, 52, 39, 59, Rao, Chemist, and Mula Singh at various times.

(*d*) At Sant Gulab Singh's dharamsala, about 22nd January 1915, accused 54, 52, 23, 27, 54, and Mula Singh.

(*e*) At Sant Gulab Singh's dharamsala about 28th January 1915, after the Mansuran dacoity, Mula Singh, accused 52, 66, 39, and 46.

(*f*) At Atri's house, about 30th January, accused 66, 33, 52, and a mysterious stranger.

(*g*) At Sant Gulab Singh's dharamsala, *circa* 2nd February 1915, accused 11, 65, Balwant Singh (sowar), Mula Singh, and the Anarkali murderer.

(*h*) At Atri's house, *circa* 4th February 1915 after the Chabba dacoity, Mula Singh, accused 11, and the Anarkali murderer.

(*i*) At Atri's house, *circa* 6th February 1915, Mula Singh, accused 6, 17, 21, 11, 46, and the Anarkali murderer.

(*j*) In Amritsar, *circa* 7th February 1915, accused 46, 17, 5, 6, and the Anarkali murderer.

(*k*) At Sant Gulab Singh's dharamsala, *circa* 13th February 1915, accused 54, 44, 70, 21, 5, 23, and 32.

(*l*) At Sant Gulab Singh's dharmsala, *circa* 14th February 1915, accused 41, 54, 5, 21, and Kirpal Singh spy.

Mula Singh saw the following accused at various times in Amritsar :—

(*a*) At the Virpali dharamsala and Sant Gulab Singh's on 31st December 1914, when the experimental bomb was made, accused 24, 39, 54, 32, 59, 57, 52, 23, 27, 16, and Amar Singh.

(*b*) At Naurang Singh's shop, *circa* 1st January 1915, accused 39, 37, 52, 57, 54, and Amar Singh,

(*c*) At Sant Gulab Singh's dharamsala, *circa* 2nd January 1915, accused 24, 35, 5, 23, 35, 27, and later 65, and Amar Singh.

(*d*) At Sant Gulab Singh's dharamsala, *circa* 4th-5th January 1915, accused 52, 54, 30, 32, and 39.

(*e*) At Sant Gulab Singh's dharamsala, *circa* 5th-6th January 1915, 59, Sanyal, 23, 52, 49, and 39.

(*f*) At Sant Gulab Singh's dharamsala, *circa* 7th-8th January 1915, 81, and 75.

(*g*) At Sant Gulab Singh's dharamsala, *circa* 10th January 1915, 54, Sanyal, 24, 35, 5, and 68.

(*h*) At Nanak Singh's chaubara, *circa* 11th January 1915, accused 54, 80, 4, 41, 39, and later Sanyal, 20, 64, 65, and Amar Singh at Atri's.

(*i*) In Amritsar, *circa* 12th-13th January 1915, accused 35, 5, 65, 68, 24, and 64.

(*j*) At Sant Gulab Singh's later in January, accused 35, 65, 5, 59, Amar Singh, 27, 39, 32, and 68.

(*k*) At Atri's house visiting the Bengali (66) at various times in January, Rao (63), Sanyal, 59, 39, 32, Anarkali murderer, 35, 46, Amar Singh, 52, 27, 64, a mysterious stranger, and 33.

(*l*) After the Mansuran dacoity at Sant Gulab Singh's dharamsala, 39, Amar Singh, 35, 24, 5, the Anarkali murderer, 65, 11, 23, and 32.

(*m*) At Atri's house about 30th January, Rao, 66, 39, 59, and in Amritsar Sucha Singh.

(*n*) In Amritsar prior to the Chabba dacoity, *circa* 1st February 1915, accused 50, 32, and 27.

(*o*) At Sant Gulab Singh's dharamsala on 2nd February 1915, 65, 24, 35, 11, Amli, the Anarkali murderer, 32, and 45.

(*p*) At Sant Gulab Singh's and Atri's house on 3rd February 1915, after the Chabba dacoity—the Anarkali murderer, 32, 11, 61, Udham Singh (approver), and 20.

(*q*) Early in February in Amritsar, Rao, Amar Singh, 66, Anarkali murderer, 20, 46, 32, and 5.

(*r*) At Atri's early in February, 54, 32, 35, Anarkali murderer, 6, 5, 11, 24, 17, 30, and 46.

(*s*) At Atri's after the abortive Kartarpur dacoity, 6, Anarkali murderer, 5, 17, 46, and 27.

(*t*) At Hardit Singh's shop, 44, and 70.

(*u*) At Mussammat Atri's on 13th February 1915, 44, 70, 35, 82, 61, 11, 57, and 5.

Kirpal Singh, spy, states he saw the following accused together in Amritsar :—

At the Rasulpuria haveli on 13th February 1915, Balwant Singh (sowar) and Amar Singh.

At the Rasulpuria haveli on 14th February 1915, accused 54, 21, 41, Balwant Singh, and Amar Singh.

Sant Gulab Singh (p. 199) mentions as visitors at his dharamsala 5, 52, 23, and Mula Singh, and mentions many others frequented it.

Thakur Singh (p. 200) states that at the Virpali dharamsala he saw Mula Singh, 32, 54, 5, Amar Singh, and he thinks 59.

Mangal Singh P. C. (p. 202) saw 27 returned emigrants on 12th January 1915 at Nanak Singh's chaubara, including accused 4, 9, 25, 80, and 41.

Sohan Singh, owner thereof, identified accused 80 as one of the 27 men and saw Mula Singh there the same day, and Nikka identifies Mula Singh, 32, 9, 30, and 80 as visitors to the chaubara.

Sahib Singh (p. 224) saw accused 24 at 20's shop with Mula Singh.

Udham Singh, approver, speaks of the Chabba dacoits reassembling at Mula Singh's house in Amritsar, and saw 20 there.

Sucha Singh on the 2nd February saw, at Sant Gulab Singh's dharamsala, accused 35, 24, 39, the Anarkali murderer, 65, 11, and 59, and at Atri's house 66, 39, and 59, and in Amritsar elsewhere, 52 and Amli.

(3) Men in Ludhiana.

Sucha Singh states that from November to February he was visited at various times in connection with the revolution at his boarding-house by accused 17, 70, 62, 2, 46, 15, 39, 52, 57, 54, 42, 59, 24, 65, 68, 32, 11, 5, 35, Kahn Singh, Dalip Singh, Umrao Singh, and the Anarkali murderer.

Kartar Singh saw accused 17 there, Jaimal Singh saw Kahn Singh and accused 15, 39, 32, 59, 24, 46, 5, and 52; Sher Muhammad met Kahn Singh, 15, 39, and 46; Surti Singh saw Kahn Singh, 15, 46, 65, 39, 59, 62, 32, 54, 5, and the Anarkali murderer; Abdul Alim made the acquaintance of 39, 65, 46, 59, 52, 15, 54, 32, and 5, while Umrao Singh came across 39, 32, 65, 5, 35, 52, and 46 there.

(4) Men at Lohatbadi and Raikote.

Ichra Singh was interviewed in Lohatbadi and Raikote, in addition to persons who have not been proceeded against, by accused 12, 53, 16, 79, 71, 13, 3, and the Anarkali murderer in November and December.

During January and February he received visits (in some instances on several occasions) in connection with the revolution from Amli, the Anarkali murderer, accused 57, 26, 16, 71, 53, 54, 79, 40, 12, 65, 14, 13, and 39.

Sewa Singh, his son, saw in the Gurdwara or in the village, Amli, the Anarkali murderer, accused 16, 26, 65, 13, 14, 79, 12, 71, 3, 59, 53, 57, and 26.

Kartar Kaur, his wife, remembers accused 16; Udham Singh of Hans met Amli, 54, 53, 15, 40, 79, 65, 16, and 12 there; Puran Singh saw the Anarkali murderer, 16, 13, and 3, and Thakur Singh accused 40, 12, and 26.

(5) Men at Lahore.

Amar Singh gives the names of the following persons as seen at various of the revolutionists' houses in Lahore from time to time:—

Circa 3rd February 1914, at the Goalmandi house, accused 33, 59, 63, 52, 66 and Chemist.

Circa 5th February 1914, at the Goalmandi house, accused 66, 33, 59, and 52.

Circa 11th February 1914, at the Mochi Gate house, accused 46, 27, 50, 52, 29, and at the Goalmandi house, 66.

On the 12th February at the Goalmandi house—Mula Singh and accused 66, and at the Mochi Gate house, 52 and 27.

On the 14th February at the Mochi Gate house, accused 54, 32, 44, 70, 57, 23, and at the Goalmandi one, accused 66, 59, 63, 39, 52, and 33.

On the 15th February, at the Mochi Gate house, accused 66, 59, 39, 57, 23, 44, 52, 64, 32, 54, 70, 17, and Kirpal Singh, spy.

On the 17th February, at the same house, accused 70, 57, 44, and 27.

On the 18th February, at the same house, accused 70, 27, 39, 23, 52, and 57.

On the 19th February, at the Mochi Gate house—accused 70, 21, and Kirpal Singh; in the morning at the Goalmandi house—66, 59, Rao, 33, and Sucha Singh, and in the afternoon at the Mochi Gate, 44, 5, 27, and Kirpal Singh.

Mula Singh refers to meeting—

On the 12th February 1915, at the Goalmandi house—accused 66, 39 21, 64, 59, 33, and at the Mochi Gate, Amar Singh, 21 and 27.

Liakat Hyat Khan and Ahmad Khan depose to arresting accused 37, 27, 5, 34, 18, 44, and Amar Singh at the Mochi Gate house on 19th February 1915.

Kirpal Singh, spy, saw—

On the 15th February 1915, at the Mochi Gate house, accused 39, 54, Amar Singh, 52, 44, 32, 27, 35, 5, 21, 57, 70, 59, 66, and the Anarkali murderer.

On the 16th February 1915, at the same house, accused 39, Balwant Singh (sowar), 32, 44, 57, 35, 70, 66, 59, and Amar Singh.

On the 19th at the same house prior to the raid, 21, accused Amar Singh 70, 5, 44, 34, 35, 37, 18, and 27, and at the time of arrest 5, 44, 34, 37, 18, 27, and Amar Singh.

On the 11th February Sucha Singh saw in the Mochi Gate house accused 39, 57, 52, 33, 66, and 59; on the 14th February accused 66 and 33 in the Mochi Gate house; on the 17th Amar Singh and 57 at the Mochi Gate house; and Amar Singh, 66, 33 at the Goalmandi house.

(6) The Affair at Jhar Sahib.

The affair at the Jhar Sahib, which we now proceed to discuss, is an event which is to some extent isolated from the other activities of the revolutionists.

As we understand it, we look upon this gathering as a collection of men made with the object of causing trouble somehow or other. We have not sufficient evidence to connect it definitely with any particular outrage committed or attempted by the revolutionists, but there are indications which point to its being concerned either with a projected attack on the Tarn Taran Treasury, or as a collection of men to take part in the proposed assault on the Ferozepore Arsenal on the 30th November.

However all we can definitely hold is that there was a gathering which was connected with the general movement to wage war, convened with the purpose of considering and perpetrating some outrage or other.

The first witness we have in connection with it is Sardar Ali (p. 219). He, on the 28th November, saw a large gang of men collected at the Jhar Sahib by Lal Singh (49). The gang was being feasted by Lal Singh and his relations. He enquired from Lal Singh and his brother as to what this gang was collected for, and was told they were working against Government and intended to loot treasuries to recover their losses in America. The witness went and informed the Deputy Commissioner, who, it appears sent police down to the spot, who on the 2nd or 3rd December arrested 3 sowars of the 23rd Cavalry with arms, who were enquiring for the Jhar Sahib. Amongst the men collected was Indar Singh (accused 30).

He is borne out by Kapur Singh (p. 223), a witness who, we understand, has since been brutally murdered. He was with Sardar Ali at the time, and he was told by Lal Singh (49) and his brother they were collecting men to attack the Tarn Taran tahsil, and destroy railway lines and they said Ferozepore and Ludhiana people would join. He accompanied Sardar Ali to the Deputy Commissioner.

Bahadur Singh (p. 223) also mentions seeing this gathering, and Lal Singh (49) told him they were going to create a disturbance against Government.

Udham Singh (p. 227) also refers to the Jhar Sahib. He says he was sitting on his baithak at Padri when 3 Sikhs came along from Mauza Sur Singh enquiring the way to the Jhar Sahib. To his questions they said they were going to meet other returned emigrants there. Udham Singh asked them for news of his father, who was in America, and they told him possibly some of the men at Jhar Sahib could give him some. He went with them, one of them being Indar Singh (30).

At the Jhar Sahib he saw Lal Singh (49) with a number of other men, and Lal Singh asked him to join them next day when a large gathering would take place to talk about the coming mutiny and explained they had chosen Jhar Sahib, because it was an out-of-the way place, and further said they were collecting arms and bombs.

In this connection we may further note that Mula Singh (p. 95) went to Tarn Taran about the 30th November, and there met at the Gurdwara Jaggat Singh (32), Harnam Singh (23), Lal Singh (49), and Indar Singh (30) who told him there had been a big meeting at Sarhali, near where the Jhar Sahib is situate, which had dispersed for lack of arms.

This brief sketch of the various localities, all centres of the revolutionists visited from time to time by various accused, sufficiently establishes the constant inter-communication among the accused, and shows that the activities, which we will now proceed to discuss, were all part and parcel of one general design. We will see as we proceed to consider the various outrages and preparations for outrages that the accused are constantly overlapping and coming in contact with each other, though naturally the sphere of work allocated to each one is that which was most suitable for him.

III.—THE ACTIVITIES OF THE REVOLUTIONISTS.

(1) The movements of marauding gangs.

We have mentioned in our brief outline that in November and December there were marauding gangs roaming about the central districts of the Province and we propose very briefly to give an account of their proceedings.

The Moga gang.

Jawala Singh tells us (p. 115) that when he parted from Nidhan Singh at Madras, the latter gave him a ticket up-country, and also directed the passengers from the *Mashima Maru* to meet at the shop of Siri Ram at Moga. He first went home, and at Mudir picked up Bakhshish Singh (Ferozeshahr murderer), taking him along to the appointed place. Dhian Singh (Ferozeshahr murderer), Gandha Singh (16) and Dalip Singh first joined them and then Nidhan Singh. Nidhan Singh gave them arms, etc., which he had succeeded in bringing into the country in false bottomed buckets, and then departed for Chuga, telling the others he would send for them when required. These others wandered about aimlessly until Nidhan Singh again met them, and deputed them to meet arms at Mahrana Railway station, which never came.

They again assembled at Siri Ram's shop, and this time they were reinforced by Roda Singh (67), Chanda Singh (Ferozeshahr murderer), and Amli, and Nidhan Singh (54) gave them permission to fill in the time, before the arrangements for a rising were made, by attacking police posts, etc., and suggested raiding the Gidar Baha post. From Moga a gang, consisting of Jawala Singh, Gandha Singh (16), Dhian Singh, Dalip Singh, Roda Singh (67), Kehr Singh, Amli, Wariam Singh II, Chanda Singh, Bachan Singh and others set out bent on mischief and went to Mudir. The projected assault at Gidar Baha came to nothing. Patiala was visited in a vain effort to get a rifle, and an attempt to commit a dacoity at Bhikki and other dacoities came to nothing. This gang was armed, and after another projected dacoity at Rajowana was abandoned, the gang proceeded to Nangowal, from whence some went to the house of Nawab Khan at Halwara, and with him proceeded to Badowal on the 23rd November. After the meeting there, they proceeded to Moga, by this time having been reinforced by one Hari Singh, Dhian Singh, Kala Singh (37) and Nidhan Singh, and under the latter's direction, went on the 25th November for the attack on the Mian Mir magazine.

This attack, as we know, came to nothing, and the gang returned to Ferozepore, under orders of Nidhan Singh and Kartar Singh (39), to arrange to attack the Ferozepore arsenal on the 30th. Full plans were arranged, and to occupy themselves till the 30th, the gang started off for Moga to loot the treasury there. Those who went by road met the Sub-Inspector of Police Basharat Ali and Jowala Singh and murdered them, and the result was that this gang disappeared as an active body.

Nawab Khan's gang.

Nawab Khan tells us in regard to his gang (p. 134), that on the 22nd November Rahmat Ali Khan came to him, also Dalip Singh and another person, in reality Jowala Singh), saying they belonged to Nidhan Singh's gang and wanted to know where he was. With them were also Chanda Singh and Gandha Singh (16). They told him of their prior wanderings, and he took them to Badowal on the 23rd. After the Badowal meeting these men went off with Nidhan Singh to Moga, and he himself went to Sraba to collect a gang for Mian Mir.

He collected Rulia Singh (68), Amar Singh, Jat, Sajjan Singh and others and set off, but was stopped at Ludhiana by news the raid had been abandoned, and he despatched the members of his gang, which included three of the Ferozeshahr murderers, to Ferozepore and himself went home. There in a few days he heard of the murder at Ferozeshahr, and met Gandha Singh (16),

who had escaped after the murder, Nand Singh (53), Bhan Singh (8), and later Rulia Singh (68). He and Gandha Singh went to Waring (Jullundur), and eventually wandered through Jullundur, Samrala, Phagwara, Harian and Nango Kalan which they reached on 4th December. Here Kartar Singh joined them, and after discussion it was decided to attack railway bridges, and commit dacoities. From Nango Kalan they proceeded to Barobarian, and a gang of 15 men including Kartar Singh, Gandha Singh, Rulia Singh, Nand Singh, Amli, Bir Singh (11), Jaswant Singh (35), and others started out for a dacoity at Bhimwal which came to nothing, and the party broke up into detachments with proposals to collect later to attack certain railway bridges.

These proposals between Kartar Singh and Nawab Khan went on until the middle of December, but they came to nothing, and the gang which had dissolved after the Bhimwal fiasco never again met.

Nand Singh in his confession gives a long account of his wanderings from village to village which we need not follow, but he connects himself with Nawab Khan's gang for a time and particularly with the Bhimwal affair and he describes in some detail how this gang was dissipated and how he himself wandered about for days doing nothing tell he went home, where a fortnight after he was taken down to Lohatbadi, and got into touch with the men operating from there.

Sufficient details have been given to show that the returned emigrants at once began to wander about seeking what mischief they could perpetrate, and that the gangs had dissolved as wandering entities by the beginning of December.

(2) The seduction of students.

Scholarships in America.

We will see, when we come to deal with the case of Jawala Singh (36), that he founded scholarships in America and that whatever his originial intentions were, the control of these scholarships passed into the hands of Har Dial.

That the conspirators did consider it wise to train youths beforehand in their way of thinking is shown by the *Ghadr* itself, the confession of Sohan Singh, and the statement of Ichra Singh.

The *Ghadr* in its first issue announces that "young men will be brought up as preachers and to prepare for mutiny."

The confession of Sohan Singh (74) shows he tried to induce the recorder to at least persuade young boys to go to America and Germany to receive education and learn how to make arms and dynamite.

Ichra Singh (p. 254) tells us that Banta Singh urged that they should find boys, send them to America to learn how to make bombs and guns, so that they would come back and expel the British Government, and Ichra Singh gave him the name of one Randir Singh of Narangwal as likely to find suitable boys for him.

In Ludhiana.

But whatever may have occurred in America, there is no room for doubt as to what happened in Ludhiana.

Sucha Singh (p. 270) has told us how he was early in November inoculated by Dewa Singh and Kahn Singh with the seditious views of the *Ghadr*, and we will see in other sections how he helped later to collect materials for bombs, joined in the Mansuran dacoity, helped to reduplicate seditious literature, and was eventually sent on a campaign to seduce troops in Ambala, Meerut and elsewhere. He was only a youth, the son of a loyal soldier, and yet he became, under the influence of the revolutionists, one of their most useful tools, and his rooms in the Islamia Boarding House became the headquarters of the revolutionists in Ludhiana.

How far the other students, who have given evidence before us,—Jaimal Singh, Sher Muhammad, Surti Singh, Abdul Alim, Kapur Singh, Sant Singh, Kartar Singh, Harbhagan Singh, Raghbir Singh and some of the teachers were inoculated we will see gradually. Several of them tell us they were introduced to the *Ghadr* by Dewa Singh and Kahn Singh, others tell us they helped in one way or another by getting together materials for bombs, printing off seditious literature, carrying messages between the revolutionists, taking down-country the news of the rebellion and helping to conceal incriminating evidence.

Three unfortunate youths are in the dock before us,—Kharak Singh, Kirpal Singh and Puran Singh, and the extent of their implication will be discussed in due course—here all that need be said is, that they were in several ways dragged into the movement.

There is also one absconding student, Sajjan Singh.

Other cases.

In addition to these, we may mention the cases of Udham Singh of Hans, who was induced to join and wandered about with a marauding gang, and Iqbal Singh, whom Gurmukh Singh (17) tried in vain to seduce.

It is not necessary for us to give here in any detail how these various boys were got at and what they did—we will see how they helped sufficiently where we note their evidence and it is enough for us to indicate that numbers were seduced.

(3) The seduction of villagers.

In this short section we propose only to deal with a few instances on record in which the accused attempted to enlist the sympathies and activities of the villagers in India in their favour.

Jawala Singh (p. 115) has told us that at Penang, on the *Mashima Maru*, it was decided that the lambardars should be got at not to collect revenue, but we are more concerned with direct incitements.

Ralla, lambardar of Sangwal (p. 193), states that in *Magh*, Banta Singh (6) and Harnam Singh (21) came to his village, and told him not to pay revenue. He also tells us Banta Singh had been establishing societies and advising people to boycott the Courts, to refuse to pay revenue to lambardars, and to rob the latter when going to deposit revenue in the treasuries. Lectures were given in the dharmsala and an attempt was made to raise men to oppose Government.

Indar Singh (p. 194), a pensioner residing in the village, gives similar evidence. Banta Singh (6) advocated a peculiar tax, urging that they should set up a Government of their own. He harangued the villagers against Government along with Harnam Singh (21), and particularly advocated preventing reservists and soldiers on leave from returning to their regiments.

These incidents, we may note, were promptly reported to the police authorities.

Santokh Singh (p. 332) tells us also that in December, Deva Singh (15) spoke to him of the Rikab Ganj affair, representing it as a piece of tyranny.

A marked case of this sort is deposed to by Kishen Singh (p. 218), lambardar of Kakar. He tells us he was returning to his village, when he sheltered under a canal bridge to escape the rain. To him came Wasawa Singh (81), who told him there was a large body of revolutionists in India and sought his help. He told him they had arms and intended to set up their own Government. The witness promptly reported the matter to the Deputy Commissioner, who placed the accused on security.

(4) The seduction of troops.

Perhaps the most important step—and it is undoubtedly the most dangerous—taken by the conspirators, in the prosecution of their objects, was the seduction and attempted seduction of troops from their allegiance to His Majesty.

How far that effort succeeded or was attempted we, as a Court, do not know—we understand it was of wider extent than has been placed before us.

The prosecution has, and we think very rightly, contented itself with giving us instances,—other attempts, we are informed, are being dealt with by court martial. All, however, we can now consider are those instances which have been proved in evidence before us.

Suggestions in the *Ghadr*.

The *Ghadr*, the organ of the conspiracy, places this in the forefront of its programme, and there are frequent references to the subject in its columns, some of which chosen haphazard we mention.

We find among others the following :—

(*i*) " Go and awake the armies. Why are you sleeping, ye weilders of the sword."

(*ii*) "You go and fight for the sake of the whites.'" You always attack other countries. Why do you not take your own country into your charge ? "

(*iii*) " We fight bearing the flag of the English. This is a matter of great shame."

(*iv*) "The mutiny party has undertaken to make India free. You have a sufficient number of soldiers. Your brothers are in the army, and there are many reservists and retired soldiers living in the villages."

(*v*) " If any men of the police or the army come across you, preach your mission to them."

(*vi*) "Our mean spirited brothers do not give up service, but take it up gladly."

(*vii*) " The foolish children of India take to service ; they are loyal to the bad Government."

(*viii*) " There are battalions and cavalry consisting of Indians.....they have sold themselves merely for Rs. 7. "

(*ix*) " How painful it is the Indian armies do not prepare...to overthrow these fellows."

(*x*) "O soldiers in the army,—have you nought to do with Indians... Have you vowed to live as slaves of the English.....Are your lives worth only Rs. 9 each.'"You can extirpate the European... in a moment.'"O brave men how long will you remain slaves ? Arise and sacrifice yourselves."

(*xi*) "Let us preach sermons to the armies to the effect that we must kill the Whites and cut them to pieces."

Attempts to seduce *en route* to India.

The matter was evidently in the minds of the conspirators always for Mula Singh (p. 91) says that in America they used to talk about seducing the army and police, and Nawab Khan (p. 125, 129) tells us that in July Barkatulla told him at Oxnard the time had come to go to India and seduce the

troops, and that on the *Toshu Maru* the seduction of troops was one of the matters specially resolved on by the committee, while Jawala Singh (p. 115) states that a similar resolution was come to on the *Mashima Maru* and Amar Singh (p. 63) informs us that at the Portland meeting on the 7th August 1914 a mutiny by the army was resolved upon.

From the day they left America to the day they reached India the conspirators attempted *en route* to seduce the troops stationed at the various ports of call.

Shanghai.

At Shanghai Jawala Singh (p. 114) says he heard Gurdit Singh of *Komagatu Maru* fame had already sent emissaries to India to seduce the troops and had deputed one Lehna Singh and one Sardara Singh and a *granthi* to preach sedition and seduce the army.

Hong Kong.

Similarly at Hong Kong, Amar Singh tells us (p. 64) that seditious meetings were held in the *Gurdwara*, when the *Korea* and *Mashima Maru* arrived there, which were attended by sepoys, and sepoys were told of their grievances at being held up in Hong Kong. The danger became so great there that the officers were compelled to change the lines of the 26th Infantry and we will see later how far this regiment was affected.

Nawab Khan tells us (p. 129) that Sikh sepoys at Hong Kong assured them of their assistance, but they were averse from starting a rebellion there as the Indian Officers were thoroughly loyal, and discouraged revolutionary ideas. The sepoys were urged to refuse to go on active service, and he also tells us (p. 127) that meetings at the *Gurdwara*, which extended over eight days, were attended by Sikh sepoys who had become disaffected.

Singapore.

At Singapore he also tells us (p. 131) he landed and went to the lines of the Malay States Artillery and advised the men not to fight against the Germans, but he was laughed at for his pains, and the next day a number of Sikh sepoys boarded their boat whom Jaggat Ram (31), Parmanand (57), Jowala Singh (36), Sher Singh (73) and Rur Singh (82) tried in vain to seduce.

Jai Singh, a passenger on the *Toshu Maru*, says (p. 342) at Singapore the leaders and especially Jowala Singh (36) and Sher Singh (73) spoke seditiously to sepoys, who came on board, and asked them to help.

Penang.

At Penang, according to Nawab Khan (p. 131), when the *Mashima Maru* and *Toshu Maru* were in port together, they resolved to tamper with the sepoys there and loot the place, because they thought the detention of their ships there was due to a rebellion having started in India, and a party of men consisting of Arjan Singh, the Anarkali murderer, Udham Singh (78), Kesar Singh (43), Mangal Singh (51) and one Ram Singh were deputed to go and see the troops there. They returned saying the sepoys were incensed owing to their not being placed as escort over some German prisoners and were ready to join and it was decided to loot Penang with their help the next day if the ship did not leave. The ship as a matter of fact did leave next day.

Jawala Singh (p. 115) also says the troops at Penang were approached.

Rangoon.

Arrived at Rangoon, Nawab Khan (p. 132) states they tried to persuade the sepoys not to go on active service, but here they met with no success.

Proposals in India.

The conspirators had not been long in India before the seduction of troops as a part of the policy cropped up.

Amar Singh tells us (p. 67) that at the Ladowal meeting on the 17th November it was decided that the troops must be preached to in order to seduce them, and in the meeting at the Virpali Dharmsala (p. 69) at the end of December a similar resolve was come to, and one of the objects Rash Behari Bose had in moving to Lahore at the end of January was to make it a centre to seduce the Indian troops from (p. 71.)

Mula Singh says (p. 99) that when Rash Behari Bose came to Amritsar in the middle of January he started discussing the subject of seducing troops and on p. 105 he says that in February the same person took on himself to arrange for the co-operation of troops in the Eastern Punjab, while he, Mula Singh, was to arrange for similar action in the west and north.

Nawab Khan (p. 137) states he heard on 5th December that Piara Singh (60) had gone off to frontier stations to seduce the Sikh regiments there, and Sardar Ali (p. 220) says three sowars came to the Jhar Sahib in December with arms where they were arrested by the police.

These pious resolutions took shape in a practical form in anticipation of the rising of the 21st February, and subsequently.

Efforts to seduce in India.

Perhaps the most important was the attempt at Mian Mir.

Mian Mir.

We will see in the section dealing with the procuring of arms that in November a sepoy in charge of the armoury is said to have been induced to give up the keys, but a far more serious matter was the effort made in February to induce the men of the 23rd Cavalry to join in the rising of the 21st February.

Amar Singh says (p. 74) that Mula Singh told him early in February that Madan Singh (50) who resided in Mian Mir, and Balwant Singh, a sowar in the 23rd Cavalry and a returned emigrant, should be interviewed, and that he should find out from them how many men could be obtained. He went to Mian Mir where he met Balwant Singh who told him some sowars were ready to join if the full plans were disclosed, and he, witness, told Madan Singh to further sound the troops, and Balwant Singh told him he particularly wanted to see Mula Singh.

On the 11th February he with Kirpal Singh (46) and Hirde Ram (27) came into Lahore to tell Madan Singh Mula Singh was coming in the next day, which he did, and on the 12th he, Amar Singh, went to meet Mula Singh at Madan Singh's. Madan Singh went into the lines and returned with a Sikh sowar who told him some of the men were ready to join if they knew of the plans, and then Mula Singh, Madan Singh and the sowar went on to chose a spot where they could assemble on a fixed day and attack the magazine there.

Amar Singh and Mula Singh went and reported to Rash Behari Bose, Mula Singh suggested some Muhammadan agitators should be sent to Mian Mir to tamper with the Muhammadan squadrons, and Amar Singh asserts (p. 84) he knew some sepoys of his regiment were ready to join.

On this report Rash Behari Bose said the 21st February had been fixed for the rising throughout India, and that the attack on the magazine should take place that day.

Mula Singh on p. 104 refers to the same incident.

He says he sent a message by Hirde Ram (27) to Amar Singh to meet him at Madan Singh's, and the next day he went there and met Amar Singh as arranged. They sent Madan Singh to call Balwant Singh, sowar, but Madan Singh came back with one Lachman Singh, sowar, and they spoke to him telling him the success of the movement depended on the Indian troops. Lachman

Singh told Madan Singh that he was ready to join in the mutiny and wanted to know when the rising would take place, and assured him of the co-operation of many men. A place was then selected for a large gathering on the day to be chosen for the rising, and then he and Amar Singh went to Lahore and reported to Rash Behari Bose, in the presence of Kartar Singh (39), Harnam Singh (21), Ram Sarn Das (64), Pingley (59) and Jamna Das (33), who thereupon fixed the 21st February for the rising.

Both these witnesses also say that *en route* from Mian Mir to Lahore they went with Madan Singh for a perfectly innocent purpose to the office of the *Khalsa Akhbar*; this incident is admitted by Madan Singh (p. 399), and the manager of that press Mul Singh (p. 174) also corroborates it.

Kala Singh (p. 176) also speaks of having seen Amar Singh, and another man at Madan Singh's, but gives us no information as to what took place between them.

Kirpal Singh (p. 186) tells us that after Mula Singh's arrest, when he was accepted to fill Mula Singh's place, he was directed on the 15th February to get men from the 23rd Cavalry for the rising. He left with the ostensible purpose of going to Mian Mir, but he went to the Railway station to meet the police whom he had that day wired for from Amritsar. He was there seen by Nidhan Singh (54) and Mathra Singh (52), and it was this fact that led to his being suspected and the date for the rising being advanced to the 19th February.

He returned to the house in Lahore, and deluded the conspirators by telling them bayonets were ready and rifles would be obtained the day before the 21st.

He went off then to Amritsar and Dhadhir, returning to Lahore on the 19th where he heard the day of the rising had been changed, and he was told to go to Mian Mir, but suspecting this was a ruse to get him killed, he called in the police who raided the house,—a raid which resulted in the collapse of the whole movement.

Liakat Hayat Khan (p. 151) tells us the spy told him on the 19th, just before the raid, that the date had been expedited and that a large mob was going to Mian Mir to attack the cantonments that night.

Amar Singh (p. 78) also tells us that on the 17th Balwant Singh, sowar, and Sajjan Singh were sent to Mian Mir to sound the troops there and on the 18th Sajjan Singh reported men were ready, but after the date was advanced to the 19th he reported the Mian Mir sepoys said the time was too short.

We have seen that Mula Singh has told us that Rash Behari told him he would make certain arrangements in regard to the participation of troops for the rising in the east while he, Mula Singh, was to make arrangements in the west and north.

We may briefly refer to some of the arrangements made by different men in the Punjab and then discuss the steps taken in Ambala and down country.

Mula Singh (p. 99) tells us that at the end of January Hirde Ram (27) was sent to Jullundur to sound the regiments there, and he returned in a few days saying that Dogras and other sepoys were ready to join.

Jullundur.

He also tells us (p. 99) that Harnam Singh (23) was sent to Bannu with Sant Gulab Singh to prepare the troops there and he returned (p. 100) saying men of the 35th Sikhs had promised to join on their transfer to Rawalpindi.

Bannu and Kohat.

That Harnam Singh (23) did go to Bannu is also proved by the evidence of Sant Gulab Singh (p. 199) and it is also proved by that witness that on arrival at Bannu Harnam Singh went straight to cantonments.

Nawab Khan (p. 137) states he was told in December Piara Singh (60) had gone to Kohat to stir up diseffection among the troops at Kohat.

Mula Singh also tells us (p. 100) that when Harnam Singh returned from Bannu he despatched him with the same object to Rawalpindi, Nowshera and Peshawar.

Rawalpindi, Nowshera, Peshawar, Jhelum and Hoti Mardan.

He also tells us (p. 104) that he sent Nidhan Singh to Rawalpindi to seduce the troops there, and he says further that about the 8th or 9th February Udham Singh of Waring and Gurmukh Singh (17) came from Rawalpindi with the news that the Indian troops in Jhelum, Rawalpindi, Hoti Mardan and Peshawar were ready to revolt and only awaited the fixing of a day to rise.

He also says he was informed (p. 105) that Mathra Singh (52) had been sent to the frontier to seduce the troops there. A visit of Nidhan Singh to Rawalpindi is further corroborated by Kirpal Singh, for he tells us that on the 15th February Nidhan Singh (54) and Mathra Singh (52) were sent to Jhelum, Rawalpindi and the frontier to intimate to the troops there the fact that the 21st had been fixed for the rising, and he met Nidhan Singh and Mathra Singh at the Railway Station that evening. This matter is further evidenced by Amar Singh (p. 77) who says that on the 15th February Nidhan Singh (54), Gurmukh Singh (17) and Harnam Singh (23) were sent to the troops at Rawalpindi, Jhelum and Hoti Mardan to start local risings on hearing of the Lahore rising on the 21st, and on the 18th Mathra Singh and Harnam Singh were sent to Jhelum to tell the troops of the altered date, while Parmanand (57) was sent to Peshawar.

Mula Singh (p. 104) also tells us that Jawand Singh (35) was sent to Kapurthala to find how many Cavalry men there would join.

Kapurthala.

An important attempt was made at Ferozepore to induce the troops there to join.

Ferozepore.

Amar Singh says (p. 77) that when other emissaries were sent out on the 15th February Kartar Singh and Sajjan Singh were deputed to go to Ferozepore. On the 18th Kartar Singh came in with news and said he was returning to arrange for the rising on the 21st. He was then told the rising had been expedited to the 19th owing to suspicions regarding Kirpal Singh and he at once set off for Ferozepore.

That Kartar Singh had prior to this been attempting to seduce troops in Ferozepore is proved by Mula Singh. He tells us (p. 96) that in January Kartar Singh went to Ferozepore to sound troops and returned telling him the troops were ready to join in a mutiny if a date was fixed, and he also informs us (pp. 97-98) that Kartar Singh made another visit to Ferozepore that month, and returned with full details of the numbers ready to join.

In Ferozepore the Depôt of the 26th Punjab Infantry is situated. We have already seen from the statements of Amar Singh and Nawab Khan that the conspirators at Hong Kong had tampered with men of this regiment there. The regiment had apparently been also got at to some extent by means of seditious literature from America.

Jamadar Buta Singh (p. 350) tells us that at the end of 1913 and beginning of 1914, the General had been compelled to forbid troops to visit the *Gurdwara* there, but notwithstanding that, certain men named visited the place. Eventually in June 1914 some of the men were returned to the depôt at Ferozepore because it was thought desirable to separate them from the rest of the regiment. He himself came back in charge of them and in order to recruit men and he returned to the depôt in November 1914.

In January 1915 he found a suspicious person in the lines, and on his report to Captain Cargill orders were issued that no emigrants were to be allowed

in lines. He also made enquiries and found that Kartar Singh (39) was in the habit of visiting the lines and tampering with certain of the men, including those returned from Hong Kong, and he ascertained there were several men imbued with the idea of mutiny. The result of his report was that on the 19th February a number of men were expelled from the regiment. The very next day he heard some of these expelled men had returned to lines and one was actually caught with a *chavi*.

Captain Cargill (p. 351), the officer in charge of the depôt, gives corroborative evidence as to the return of men from Hong Kong. He also states that he heard of seditious meetings being held in lines and as a result of his reports, the General discharged certain affected men on the 19th February. These men were marched to the railway station and seen off in the train, yet the next day one of these men was found in lines with a *chavi* and arrested.

Bhan Singh, sepoy of the same regiment (p. 352), tells us he was told by Jamadar Buta Singh to make enquiries and he found Kartar Singh (39) had been holding meetings in the lines and Subedar Mawaz Khan (p. 352) deposes to having seen the discharged sepoys off by train on the 19th February including the man found in lines next day ; others were reported to have come in, but no others were caught.

Maula Bakhsh, Head Constable, says (p. 355) that on the evening of the 19th February while coming in from Ludhiana to Ferozepore he saw a gang of some 20 suspicious characters alight at cantonment station, and he at once reported to the Inspector.

Mr. Lamacropt, Inspector (p. 353), deposes to receiving this information and to having at once taken precautions, to the patrolling of the station by Territorials that night, and to searching for the men.

He deposes also to the arrest of the discharged sepoy in lines.

Sucha Singh (p. 281) says he was told by Udham Singh (77) that on the 19th February 50 or 60 men had gone down to Ferozepore to begin the mutiny, that some men had been discharged that day from the affected regiment, and that the meeting in Ferozepore had failed owing to the Territorials being out on patrol duty.

Udham Singh of Hans (p. 306) says that he was asked by Uttam Singh (79) to go down to Ferozepore on the 19th February to help in the expected rising. He says he did go for that purpose, and among others saw Buta Singh (12), Gandha Singh (16) and Sundar Singh of Patiala there.

They were told that a Havaldar had been arrested and some sepoys discharged.

Umrao Singh (p. 339) says that on the 17th he was asked by his cousin to go to Ferozepore to join in the attack on the arsenal there, proposed for the 19th.

We have here very full and complete accounts of what occurred in Ferozepore.

We have also a very full account of the attempts made to seduce troops to rise on the 21st down country.

Amar Singh tells us (p. 77) that on the 15th February Pingley (59) was sent by Rash Behari Bose in the direction of Meerut and Ambala. We have seen too that Rash Behari Bose took on himself the seduction of troops in the East and down country.

Sucha Singh's peregrinations.

The agent he selected for this was Sucha Singh, the Ludhiana student.

This misguided youth gives us a long account of his efforts.

He states (p. 277) that about the 2nd February he saw Rash Behari Bose in Amritsar, and he was asked to help the movement by tampering with troops, to which he assented. He started off with Kartar Singh (39) and went

Meerut.

to Ludhiana, got 3 days' leave, and asked Dalip Singh to go with them as he knew English. Dalip Singh declined. From there Kartar Singh and he proceeded to Meerut where they were joined by Pingley about the 3rd February. They proceeded to Cantonments and eventually met Phula Singh of the 128th Pioneers—a man who has since been executed under order of court martial. This unfortunate man was spoken to and seditious passages from the *Ghadr* read out to him. He asked for the *Ghadr* and told Kartar Singh (39) he would talk to the Havaldar.

The next day they visited the lines of the 12th Cavalry, which was, however, on manœuvres and got into touch with one Ishar Singh, sowar (also subsequently hanged) and others. They then went to the lines of the 128th Pioneers, where they again met Phula Singh, who told them the Havaldar wanted to know how many men were ready to join. He was told 11,000 men were prepared to rise, and he appeared satisfied. They then returned to Ishar Singh and told him they would come again, and Pingley, Kartar Singh and Sucha Singh proceeded to Agra on the 4th February.

Agra.

Finding no Sikh regiments there they went on to Cawnpore on the 5th February. Kartar Singh and witness proceeded to the lines of an Infantry regiment,

Cawnpore.

where they interviewed two sepoys who seemed too frightened to join, and then they went to the lines of another Infantry regiment, where Kartar Singh spoke to several sepoys. They met with some encouragement here, but the sepoys seemed to take fright later.

From there they proceeded on the 6th to Allahabad where they visited both the Cavalry and Infantry lines.

Allahabad.

In the Cavalry lines they met with no success, but in the Infantry lines they secured the co-operation of a Havaldar.

From Allahabad they proceeded the same day to Benares where they met Rao and a Bengali. Dinapur was spoken

Benares.

of as a likely place to get men as there was a Sikh regiment there and Kartar Singh and the Bengali went to cantonments returning with a Rajput who was induced to join and deputed to go Agra to preach to the Rajput regiment there.

From there, under directions of Kartar Singh, Sucha Singh proceeded to Fyzabad on the 8th February arranging

Fyzabad.

to meet Kartar Singh at Lucknow. At Fyzabad a Havaldar agreed to join; he was promised seditious literature, and told the date for the rising would be communicated to him.

From Fyzabad he went on to Lucknow, where he met Kartar Singh (39) and Pingley (59). Kartar Singh went to

Lucknow.

the lines of the 16th Cavalry, but found the regiment had gone on field service, and then Kartar Singh and Pingley left for Delhi. On the 10th February Sucha Singh went to the quarter-guard of an Infantry regiment, but was promptly turned out when he started talking sedition and he proceeded to the railway station. Waiting at the station he tried to employ his time by talking sedition to a policeman. He eventually reached Lahore on the 11th February where he again met Pingley (59), Kartar Singh (39) Parmanand (57), Mathra Singh (52), Jamna Das (33) and Rash Behari Bose (66), to the latter of whom he made a report.

He went to Ludhiana for three days and returned to Lahore on the 14th. Pingley (59) saw him at Ludhiana *en route* for down country.

After seeing Rash Behari Bose on the 14th the witness returned to Ludhiana and on the 15th he started

Ambala.

out for Ambala. At Ambala he induced one Ujagar Singh to go with him to the lines of the IX Hodson's Horse in which regiment the witness' father was at the time serving—we understand with distinction as a *Daffadar* in France: they enlisted the assistance of Narindra Singh, a regimental clerk, who agreed to help in propogating sedition in the regiment.

The witness returned to Ludhiana and on the 17th February he went to Lahore, Kartar Singh telling him the

Lahore.

rising had been fixed for the 19th and that he, witness, was required to go to Meerut or Fyzabad to spread the news.

In Lahore at the Goal Mandi house he met Rash Behari Bose, Parmanand (57) and Amar Singh. He told the first named all about the Fyzabad *Havaldar* Harnam Singh, and he himself at his own request was sent to Ambala with a "Proclamation of War" and with orders to hoist the revolutionary flag on receiving news of the outbreak in Lahore. He was given instructions that as soon as the news was received the British regiments were to be massacred, a republic proclaimed and that he was to despatch 100 sowars to Lahore and proceed himself with the rest to Delhi.

He went to Ludhiana and ordered Sujjan Singh to go to *Havaldar* Harnam Singh at Fyzabad while he proceeded to Ambala. At Ambala he gave instructions as to what was to be done to Ujagar Singh and Narindar Singh. While with Narindar Singh an old Sikh Jamadar came in who, hearing of the proposed mutiny, told him the Ambala Depôt was alone enough to squash it.

Ambala.

From Ambala he hastened to Meerut and saw Ishar Singh of the 12th Cavalry and others, whom he told that the rising would take place on receiving news of the outbreak at Lahore that day.

Meerut.

He heard then Surti Singh was there with Pingley who was going on to Cawnpore.

On the 20th he went to the 128th Pioneers and met Phula Singh explaining to him and another sepoy that news of the rising in Lahore must have been delayed owing to communications having been cut.

On the 21st, after again seeing Ishar Singh, he realized the rising had failed and hastened back to Ludhiana, where he tried to remove all traces of his connection with the affair; and he was arrested on the 23rd.

We naturally cannot get detailed corroboration of this story from men tampered with, for the simple reason that every soldier hearing of a proposed mutiny, who did not at once disclose the fact to his officers, is under military law liable to a death sentence, whether he took part in or consented to take part in a rising or not.

Still there are several points which are corroborated.

Colonel Humphreys of the 12th Cavalry tells us (p. 238) he knew Sucha Singh had been in the lines; he was related to men in the regiment and played in a hockey match in lines on the 20th or 21st February and Major Tahourdin of the same regiment says he heard in February of the revolutionists in the regiment, and steps were taken to find out who were implicated.

Surti Singh (p. 298) says that he accompanied Pingley (59) to Meerut on the night of the 18th February and under orders gave flags and instructions to the sepoy Ishar Singh and then returned to Ludhiana.

Jaimal Singh (p. 293) says Pingley asked him to go to Meerut with him, but he declined to go, and Surti Singh went returning next day, saying he had given flags to a sepoy.

Jamadar Bhola Singh of IX Hodson's Horse saw Sucha Singh in the lines at Ambala, and he gave him a sound talking to when he said the returned emigrants were going to cause a rising.

Mr. Scott O'Connor, Superintendent of Police, Benares (p. 392), gives evidence to a parade at Benares of some 700 men of various Rajput regiments in which Sucha Singh picked out Dila Singh, Naik, as having been the person he got into communication with in Benares, and Manzur Hassan (p. 392) testifies to Dila Singh having told him of a Bengali coming to him and asking him to join in the rebellion, and of his, Dila Singh, having promised 200 or 300 men with rifles.

Mr. Denham of the C. I. D. tells us (p. 356) he verified the statement made by Sucha Singh as to his movements in Benares, Lucknow, Fyzabad and Agra, and found the details as to description of lacality, &c., accurate and Dalip

Singh, Granthi of the 9th Bhopal Infantry, Fyzabad, remembers (p. 356) Sucha Singh coming and talking to Ch. Harnam Singh, in whose house Mr. Denham subsequently found an *Ilan-i-Jang* and portions of a flag.

The affair at Meerut.

There are two other incidents of the seduction of troops which, though commenced long before the professed rising, matured later.

The one is the attempt on the troops of the 12th Cavalry at Meerut.

We have already seen that attempts were made with success to induce men of that regiment to join in a rising on the 21st and we will also see that bombs were introduced into the lines by Pingley who was arrested on the 23rd March.

We also know that two men of the regiment have been hanged, and all that we need now to note are some additional points in Nadir Khan Jamadar's evidence.

He tells us (p. 268) that he heard from Amar Singh, bugler, of the visit of Sucha Singh, Kartar Singh and Pingley in February, and he states he received from him seditious pamphlets intended for distribution. He also states he was introduced to Pingley by Ishar Singh and professed his readiness to join in the mutiny, promising 50 men. Pingley told him he had 300 in Ferozepore and several in other places also, and that the date of the rising would be fixed later. He was told the Meerut men were to murder their officers on the night of the rising and to massacre the British troops while asleep.

He then pretended to fall in with the design and as we will see got Pingley to bring bombs from Benares and had him arrested.

Chak No. 5.

The other incident relates to Chak No. 5 near Sargodha where there is a Cavalry run belonging to the 22nd Cavalry. Mula Singh says (p. 104) he gave Jaggat Singh (32) Rs. 20 to go to Sargodha to prepare the Cavalry for co-operation with them, especially as horses might be procured there.

Rajindra Singh, a sowar, tells us (p. 190) that Jaggat Singh was once in the regiment and that he saw him on the 10th February in the Chak, when he told him 4,000 men had come from America to start a revolution and that Amritsar was the head-quarters. He turned him out and informed his Resaldar.

Jaggat Singh came again on 2nd March with two other men and they were all three arrested.

Bhagat Singh, sowar (p. 198), gives similar evidence, as also does Bhagat Singh, mistri (p. 181), and he identifies Kartar Singh (39) and Harnam Singh (21) as Jaggat Singh's companions on the second occasion.

Ganda Singh, Resaldar, states (p. 181) that on 21st February while at Lyallpur, Rajindra Singh reported Jaggat Singh's visit to him. He informed his Commanding Officer the same day and also the Superintendent of Police, Sargodha, on the 28th February, and he also testifies to the arrest of Jaggat Singh, Harnam Singh and Kartar Singh when they came on the 2nd March. The arrest also is testified to by Kalyan Singh (p. 181) and Sadr Din, Sub-Inspector of Police, who adds that on arrest the three of them harangued the on-lookers urging them to rise.

The Maps.

Before closing this portion of our judgment there is one small matter which must be referred to, and that is the discovery of maps, apparently intended to facilitate the conspirators in their designs to seduce troops.

Ahmad Khan tells us (P. 158) that on the search of the Goal Mandi house on 22nd February he found a map of Delhi (P 110 B) and one of Lahore

700

(P. 110 C) and in addition an Atlas (P. 110 A) out of which pages 11 and 12 were missing. On the arrest of Parmanand (57) the missing pages were found on him, the maps being of the Punjab and India.

On the Punjab map the Cantonments of Rawalpindi, Peshawar, Ferozepore, Multan, Lahore and Amritsar were marked with a cross, and on the map of India, Burdwan, Delhi, Monghyr, Ajmere and Balasar were underlined.

Parmanand (57) admits (p. 382) the discovery on him, and says the maps were given him by Amar Singh.

Conclusion.

This evidence leaves no possible room for doubt that the incitement to the troops to foreswear their allegiance and join in the insurrection was a part of the programme from the earliest times. There is also no doubt that frantic efforts were made in all sorts of places to induce troops to join and in some places with success, and a rising of a serious nature seems only to have been averted by the raid of the 19th, which robbed the revolutionists of their head-quarters, and scattered their leaders.

(5) The use and distribution of seditious literature.

The principal seditious literature employed by the revolutionists was the *Ghadr* newspaper itself, with its motto *Ghadr hamara nam aur kam*.

The *Ghadr*.

The nature of this paper has already been sufficiently discussed; we have also seen how it was distributed in America and the Far East, and it remains for us now to consider its distribution and the distribution of other seditious literature in India.

There are two reprints from the *Ghadr*. The *Ghadr-di-Gunj* and the *Ghadr Sandesa* (some times called the *Paigam-i-Ghadr*), both consisting of poems of a highly inflammatory character taken in the main from the *Ghadr*.

The *Ghadr* itself makes a special point of the distribution of literature.

"It is necessary," it says "to start newspapers, to publish books to distribute them among all the brothers and to send them secretly to our native land."

"We should send the *Ghadr* to our native country in lakhs. We will print newspapers and books and send them to India."

"The paper should be sent to India wrapped in envelopes like letters."

"Every soldier of the proposed mutiny . . . . should send each and every issue . . . . to India."

The methods adopted to introduce the *Ghadr* into India were no doubt various. We have seen there were copies used on board ship, and no doubt many copies were sent by post. One interesting method is testified to by Mr. Petrie (P. 329) and Mr. Clements (P. 235), who found in Kashi Ram's box (which we will deal with fully in the section dealing with the importation of arms) 2 copies of the *Ghadr-di-Gunj* in Gurmukhi and a number of Urdu copies, and issues of the *Ghadr* (P. 190 C. D.)

But in addition to importation from abroad the revolutionists in India set to work to reproduce copies either by lithograph or by hand-writing.

Written copies.

It appears that a number of *Ghadr Sandesa* and *Ghadr-di-Gunj* were written out in hand before duplicators were purchased.

Surti Singh (p. 297) referring to December says Sucha Singh and Kirpal Singh (46) made copies of the *Ghadr-di-Gunj* in Ludhiana from a copy brought by Sucha Singh.

Sucha Singh (p. 271) also states he and Kirpal Singh made copies of it, and Jaimal Singh (p. 292) says Kirpal Singh made copies.

Duplication.

We may consider very briefly the duplication of the *Ghadr-di-Gunj* and *Ghadr*.

Amar Singh (p. 75) states that early in February Mathra Singh (52) said duplicators were wanted, that they would cost Rs. 12 each, but six could be got for Rs. 60 and these were duly obtained, one on the 9th, the rest shortly after. Sita Ram (pp. 179-181) says he sold on the 9th and 11th February 6 duplicators each valued at Rs. 12 for Rs. 60 to a Sikh. He is an employee of the Religious Book Society in Lahore and he identifies P. 20 A. B. C. D. from shop marks thereon.

One of these 6 duplicators, Sucha Singh states (p. 279) was brought to Ludhiana by Kartar Singh (39) and Pingley (59) on the 12th February and the witness took it over to the house of Puran Singh (62), where Kartar Singh taught Puran Singh and witness how to use it.

On the 15th February he says he bought some paper from one Labhu Ram and took it to Puran Singh's house, where he and Puran Singh wrote out an Urdu copy of the *Ghadr Sandesa* and printed off a large number.

On the 18th February Puran Singh, Sajjan Singh and he printed off a number more and one copy was given to Natha Singh, which Natha Singh (p. 292) admits, and he identifies (P. 230 duplicated copies) as being partly in his own, partly in Puran Singh, and partly in Sajjan Singh's hand, and he states (p. 283) he gave one copy to Puran Singh to print more.

He tells us (p. 281) that when he returned from Meerut on 22nd February and realized the game was up, he deposited the bundle of *Ghadr Sandesa* in the house of Muhammad Din. Jaimal Singh (p. 293) tells us that Kartar Singh asked him to make copies of the *Ghadr Sandesa* and some days after Puran Singh told him that Sucha Singh when going away (*i. e.*, in February) had left some things at Sajjan Singh's. He and Surti Singh went there and got a duplicator which he took home. There he says he printed off 2½ or 3 dozen copies of the *Sandesa* and Puran Singh a dozen. On hearing of the police enquiries at the end of February he and Surti Singh threw the duplicator and the copies down a well.

Surti Singh (p. 297) admits he went with Jaimal Singh and got the duplicator (P. 20 E.) and took it first to the Boarding House where Pingley taught him how to use it and that when he came back Jaimal Singh told him to throw P. 230 away.

Kapur Singh (p. 292) also saw this duplicator in Ludhiana and at Jaimal Singh's request gave it to Santa Singh.

Santa Singh (p. 292) was with Jaimal Singh when he threw the duplicator into the well, and Kishen Singh, Zaildar, and Niaz Ahmad, Sub-Inspector of Police (p. 324) were present when Jaimal Singh recovered the duplicator (P. 20 E) from a well in Sonet and Bhagwan Gir (p. 262) gives evidence as to the recovery of P. 230 from a well.

Ahmad Khan, Inspector of Police, testifies to recovering 4 of these duplicators (P. 20 A. D.) from house 2 on the 22nd February and is corroborated by Mr. Tresslor and Nurdin, and he verified their purchase at the Religious Book Society.

Amar Singh (p. 76) states that on the 14th February at the house he saw Jamna Das (33) duplicating the *Ghadr Sandesa* from a copy made by Kartar Singh and identifies two duplicated copies (P. 23 A. B.).

Mula Singh states (p. 104) that in February Amar Singh told him they had purchased 6 or 8 duplicators and showed him a duplicated copy of the *Ghadr Sandesa* and on p. 105 he says Rash Behari Bose told him several copies had been printed and would be distributed.

The sixth duplicator was according to Amar Singh (p. 75) sent with Mathra Singh (52) and Harnam Singh (23) to Jhelum on the 18th February.

Distribution of the *Ghadr* in India.

The distribution of the printed, written and duplicated copies of the *Ghadr* was very wide.

We may take to start with its use in Ludhiana and by the Ludhiana students, some of whom we have seen helped to copy it out.

Sucha Singh (p. 271 *et seq.*) tells us he was first introduced to the *Ghadr-di-Gunj* by Kahn Singh in November, from whom he got a copy, in company with Abdul Alim. This he gave over eventually, after making copies, to Dewa Singh (15), who delivered it to Kehr Singh (42). Later, he says, Kartar Singh spoke of this book to him. Early in February Bhan Singh (8) visited him and recited some verses from the *Ghadr-di-Gunj* to him and Kirpal Singh (46), and still later Kartar Singh in his presence read out to Puran Singh some verses from it in order to seduce that youth. Puran Singh asked for the book and was promised a copy.

When he went down country in his attempt to seduce troops he promised Sajjan Singh at Cawnpore copies of the *Sandesa* to distribute among Muham-

madan troops and when he went to Fyzabad he took with him a copy of the *Ghadr-di-Gunj* and read portions of it to Harnam Singh, Havaldar, and promised him copies.

In Lahore on the 14th February, he says, Rash Behari Bose gave him 6 copies of the *Sandesa*, and he went to Ambala, after giving one copy to Puran Singh at Ludhiana, and gave four of them to Ujagar Singh to distribute among the men of IX Hodson's Horse. He there also got promises from Narindra Singh to distribute copies when procured. On the 17th February, preparatory to going to announce the rising, Rash Behari Bose gave him *inter alia* 17 copies of the *Sandesa* (P. 243). Half of these he gave to Sajjan Singh to take to Fyzabad. He himself at Meerut, on the 20th, gave one copy to Phula Singh, sepoy, one to Amar Singh, bugler, one to Bhagwan Singh, *sowar*, and one to Jogindra Singh. The remainder he brought back to Ludhiana and buried in the sandhills when he heard of the police enquiries. He has no doubt as to his object in doing so—it was to incite to mutiny (p. 286).

Jaimal Singh (p. 292) bears him out in part, he tells us that in November Sucha Singh read out a *Ghadr-di-Gunj* in the Boarding House, and he also states that at the beginning of February he and Puran Singh met Sucha Singh at the station and they were shown a bundle of *Sandesas* which were to be distributed. The following day he saw the duplicator.

Sher Muhammad (p. 295) also heard Sucha Singh read the *Ghadr-di-Gunj* in the Boarding House in November 1914, and Surti Singh gives evidence (p. 297) to the same effect.

Surti Singh also tells us he was given a bundle of papers about the 18th February to take to Ishar Singh at Meerut which he did.

Kishen Singh, Zaildar (p. 288), Imam-ud-din (p. 289) and Faiz-ul-Hasan, Sub-Inspector of Police, testify to the recovery of P. 243, from some sand hills near Ludhiana pointed out by Sucha Singh on the 24th February.

In addition to this distribution and use in Ludhiana Umrao Singh (p. 336) says he gave a copy of the *Ghadr-di-Gunj* to his cousin Dalip Singh (deceased) which resulted in his being seduced.

Amar Singh (p. 77) identifies P. 22, a copy of the *Ghadr-di-Gunj*, as one which was kept in the Goal Mandi house, and he also says (p. 77) that it was decided to distribute this literature among the troops preparatory to the rising and Nidhan Singh and others took copies of the *Sandesa* in the direction of the frontier and Kartar Singh took some to Ferozepore. He also says (p. 78) that Balwant Singh (sowar) and Sajjan Singh took copies to the troops at Mian Mir and Permanand took some to Peshawar and Mathra Singh (52) and Harnam Singh (23) some to Jhelum.

Much of this is corroborated by other evidence. Liakat Hyat Khan tells us (p. 151) that when house I was raided a portion of the *Sandesa* and a couplet from it were found on Amar Singh.

Ahmad Khan, Sub-Inspector of Police (p. 157), found P. 97, an Urdu copy of the *Sandesa* and P. 22 a torn *Ghadr-di-Gunj* in house 2.

The incident of Permanand (57) taking the *Sandesa* to Peshawar is amply corroborated by the evidence of Ahmad Khan (p. 160), Ali Haider (p. 348) and Akram (p. 283), who say Permanand produced a copy (P. 129) from a place where he had hidden it on the Jamrud road on the 20th March.

Kirpal Singh (p. 186) says Nidhan Singh was given copies of the *Sandesa* for circulation on the frontier. Mr. Lamacropt (p. 353) testifies to the discovery of a copy of the *Sandesa* in the Ferozepore lines on the 20th February.

Indar Singh (p. 193) tells us that at Sangwal, Banta Singh (the Walla bridge murderer) used to get the *Ghadr* from America and read it out to the villagers.

Ichra Singh (p. 254) says Buta Singh (the associate of Banta Singh in the murder of S. Channan Singh) showed him in November copies of the *Ghadr*

and even earlier than that in August, while later on Nidhan Singh (54) gave him a copy of the *Ghadr-di-Gunj*.

Ganda Singh (p. 181) and Sadr Din (p. 182) tell us that when Jaggat Singh (32) was arrested at Chak No. 5 on 2nd March he had a copy of the *Ghadr-di-Gunj* on him which he proceeded to recite.

Kirpal Singh (p. 185) says that preparatory to setting out for Dadhir at the end of February Kehr Singh (41) expressed a desire for some *Ghadr Sandesa*. When he set out Rash Behari Bose gave him 5 copies which he distributed in Dadhir, all except one copy which he handed over to Amir Ali.

Amir Ali (p. 247) testifies to receiving this copy (P. 51) from Kirpal Singh.

Indar Singh (p. 386), who was found in possession of a cypher copy of the *Ghadr*, has said he copied it out on board ship.

Mula Singh (p. 105) also tells us he shewed a copy of the *Sandesa* to Naurang Singh (55) the day he ordered flags from him (p. 105).

Proposals for a press.

It has been urged by some of the accused that their sole object in coming to India was to start a press and a paper like the *Ghadr*. We have seen already what their real object was, but there is no doubt the establishment of a press in India was one of the methods they intended to employ to further their designs. The success in seducing people the *Ghadr* had had in America was sufficient encouragement for this course to be adopted, and it is common knowledge that Indians are easily swayed by that which is in print, and that the press is everywhere in India a favourite weapon for exciting disaffection.

Indar Singh (28) in his confession (pp. 386-87) says that at Rangoon on the way out it was proposed to start a press and print the *Ghadr* in English, Urdu, Gurmukhi and Hindi, with the object of circulating it among native regiments, and in the towns and villages, and as soon as it had secured a wide circulation and the minds of the people were upset, riots and mutinies were to be started all over India.

Nawab Khan (pp. 134, 138, 144) tells us that at the Ladhowal meeting on the 17th November he asked Pirthi Singh (58) why the press had not been started and he told him that Parmanand (56) had said he would look after it himself.

In December he urged on Amar Singh the necessity of literary propaganda and he replied Parmanand (56) had undertaken this part and would start disseminating literature as soon as money had been got by dacoities.

Amar Singh (p. 71) says that one of the objects Rash Behari Bose (66) had in view in moving from Amritsar to Lahore was that he might start a press to issue seditious literature from, and that when he got to Lahore he suggested (p. 77), about the 14th February, the hiring of a third house wherefrom printed matter could be distributed.

He also tells us (p. 87) that this idea of a press in Lahore was discussed at Moga as early as the 19th November.

This intention does not seem to have gone much beyond the purchase of duplicators with which we have already dealt.

Tarikh-i-Hind.

We have now to touch on a miscellaneous collection of seditious literary efforts.

The first and most important of these is the *Tarikh-i-Hind*, a volume written by Parmanand (56).

Its nature has already been fully discussed by us and the accused's defence in connection therewith will be duly considered later.

All we need now note is that Amar Singh on p. 61 says that Parmanand parted company with Hardial (when the latter was touring in Oregon in May

1913, raising funds for his proposed *Ghadr* paper to start the revolution) with the express object of going to England to write a book on Indian History.

This conjunction is somewhat significant, especially when we know the *Ghadr* advocated the dissemination of books.

The number of the book printed was 1,000, and it appears to have sold out rapidly.

Bomb Manuals.

We may here refer to a pamphlet found in Parmanand's house in November 1909. This pamphlet is known as the Bomb Manual and its nature is sufficiently described by a quotation from the preface.

"The aim of the present work is to place in the hands of a revolutionary "people such a powerful weapon as explosive materials .... In it ...are described the ways of preparation of explosive materials ... the most powerful and "most shattering substances," and this interesting volume then proceeds to give detailed instructions as to the ingredients and preparation of explosives, innumerable methods of manufacturing shells and bombs, all duly illustrated, concluding with careful instructions as to how to blow up railway lines and bridges.

Connected with this we may refer to a few other bomb recipes.

Nadir Khan (p. 270) tells us Pingley gave him in Meerut detailed instructions how to make bombs and he wrote down the recipe P. 197 and Pingley (p. 431) admits giving it.

P. 237 (also a recipe for making bombs) was found by Kishen Singh (p. 288) in Sucha Singh's house, and Sucha Singh says this was given him by Umrao Singh.

Ilan-i-Jang.

The next effusion we may turn to is the *Ilan-i-Jang*. This is a proclamation of war of a highly inflammatory character prepared for distribution on the outbreak of the rising. It is also a duplicated production.

Ahmad Khan (p. 157) found in house No. 2, 15 Urdu and Gurmukhi copies of it (p. 101), a bundle of foolscap of the size and quality of these copies (p. 103) and another bundle (p. 104) of copies in Urdu, Gurmukhi and Basha. He traced the paper to one Pindi Das, who identified Gurmukh Singh (17) in the thana as the purchaser; Devi Chand (p. 169) of this shop testifies to the sale.

Nadir Khan (p. 268) was given one of these (P. 235) in Meerut in February by Kartar Singh and Pingley, which he gave over to his Commanding Officer, and others were given to Ishar Singh and other men of the regiment by the same men.

Sucha Singh (p. 280) says that Rash Behari Bose gave him 12 of these productions to distribute among troops down country. Some of these he gave to Sajjan Singh to take to Fyzabad, where Mr. Denham (p. 356) found one in the house of Havaldar Harnam Singh; the rest he either distributed or brought back to Ludhiana, burying them in the sand hills, where he pointed them out to Faizul Hassan, Imam-ud-din and Kishen Singh (p. 244).

Amar Singh saw the *Ilan-i-Jang* in Lahore, and Rash Behari Bose told him he would send Pingley with 2 copies of it and he also saw Rash Behari send Sucha Singh off with a bundle down country.

Kirpal Singh states that Kehr Singh requested to be given some copies for Dadhir and he himself got a bundle to distribute in Mian Mir.

Tilak leaflet.

Another interesting production is P. 205—the *Tilak leaflet*, really a special issue of the *Ghadr*, found by Amir Ali on 10th November 1914 in the effects of Sher Singh (73) in Montgomery Jail.

The nature of this has already been discussed and Sher Singh's defence will be noted hereafter.

Nadir Mauqa.

A small subject is that of the "*Nadir Mauqa*" (P. 236 A. B), also a seditious production, which Sucha Singh says (p. 271) he and Abdul Alim wrote out in November and placarded in various places in Ludhiana.

Rikab-i-Ganj pamphlet.

We have also the *Rikab-i-Ganj* pamphlet (P. 249 C.), a copy of which Puran Singh (62) gave up to Faiz-ul-Hassan (p. 287) and Kishan Singh (p. 288) on the 24th February. This is also a highly inflammatory production, but we have no evidence before us to show who composed it.

Canada Dukhra.

Finally there is the *Canada Dukhra* (P. 87). This document, the nature of which has been already considered, is first mentioned by Ichra Singh. He was introduced to it by one Dharm Singh and they distributed some 500 or 700 copies and witness gave over some he had (P. 212) to Kartar Singh, Inspector (p. 353), on 14th February 1915.

Another copy (P. 87) was found by Liakat Hyat Khan (p. 152) in the house of Hardit Singh (20) on 4th March.

Cypher codes.

We may mention in this connection of seditious literature three cypher codes.

The first is that of Indar Singh (*Granthi*) accused 28. The contents and nature of it have already been fully described and the discovery of it on Indar Singh will be considered in dealing with his individual case.

The second is the cypher code P. 227, found in the house of Indar Singh of Patiala,

This was discovered by Ghazanfar Ali (p. 326), and Ichra Singh (p. 260) tells us he and Indar Singh had agreed to correspond in cypher and he has read out extracts to us which deal with belts, *Kirpans* and the manufacture of bombs.

The third is referred to by Mula Singh (p. 92). He tells us Bhagwan Singh gave him a code which he eventually handed over to Kashi Ram, the Ferozeshahr murderer,

The importance of these cypher codes at this stage, apart from the nature of their contents, is that the revolutionary concerned considered it necessary to adopt a secret method of record,

(6) The manufacture of bombs.

We will see in due course that bombs were used during the dacoities and were in fact a regular part of the equipment of the revolutionists engaged in war. We know also that bombs have been used for the purpose of murder by other so-called "political" criminals, and it remains for us now to trace the manufacture and collection of bombs by the accused in this case.

Bombs referred to in the *Ghadr*.

The use of bombs is specifically mentioned in the *Ghadr* newspaper, and it will suffice to give the references thereto.

In one of the poems, a copy of which was found on Nand Singh (53), referring to Bal Gangadhar Tilak it is stated "he taught us to make and use bombs," and in the issue of the *Ghadr* dated 13th January 1914 bombs are also mentioned.

In the first issue, the *Ghadr* relates that one Hem Chandar Das went to Paris to learn how to make bombs, and returning set up a factory in Calcutta and taught others, and proceeds to mention with approbation the Muzaffarpur outrage, when two ladies were foully murdered in May 1908.

Bombs referred to in Sohan Singh's confession.

Sohan Singh (74) in his confession stated also that he knew beforehand of the bomb that had been thrown in Delhi.

The use of bombs was undoubtedly discussed among the revolutionists returning for war on their way back to India.

Discussion regarding bombs on the way to India.

Nawab Khan (p. 132) tells us that on board the *Toshu Maru*, one Udham Singh (not accused), Rur Singh (82), Narain Singh and Jowala Singh (36) referred in conversation to a bomb incident in America, and mentioned that Amar Singh, Pirthi Singh (58), Jaggat Ram (31) and a fourth man had been trying to make bombs on the farm of Jawala Singh (36) near Stockton and in the course thereof the arm of the fourth man had been blown off, and he had been taken to hospital and was convalescent at the offices of the Yugantar Ashram in San Francisco.

Mula Singh (p. 91) states that he met Harnam Singh (21) at Stockton and he told him he had lost his arm while learning to make bombs, but we do not think this is sufficient to connect the particular accused with the incident.

Nawab Khan also tells us (p. 132) that when in the Hugli he noticed an aluminium pan with Amar Singh, Jaggat Ram (31) and Pirthi Singh (58) with a peculiar funnel to it. On enquiry he was told it was for cooking potatoes, an euphemistic term for bombs.

From the earliest times after arrival in India bombs were discussed.

Proposals on arrival in India.

Nawab Khan (p. 134) tells us that at the Ladowal meeting on the 17th November Jaggat Ram (31) said that a large number of bombs would have been prepared had there been more time, and Kartar Singh (39) said some were being got ready through Gujar Singh (19). We have no evidence of such preparation, but what is established is that the making of bombs was a very early idea of the accused.

Again on the 4th December he says he was told (p. 137) at Nangal Kalan by Kartar Singh (39) that Udham Singh (78) had come to the Yugantar Ashram from Canada to learn bomb-making and a few days later (p. 139) he

met Jawand Singh (35) and Nand Singh (53) who told him they had been to get certain chemicals, which Jawand Singh (35) said he had been successful in obtaining.

Jawala Singh (p. 116) tells us that Nidhan Singh told him in November he had sent Dhian Singh (a Ferozeshahr murderer), Gandha Singh (16), and Roda Singh (67) to learn bomb-making from Dalip Singh at Roda, and Udham Singh (p. 228) says that in December Wasawa Singh (81) told his father money must be got in order to make bombs.

The activity of the accused was not, however, specially engaged in bomb-making until the end of December. We will see shortly that important steps were taken then for local manufacture in Amritsar and elsewhere, but it is necessary first to note that arrangements were made to bring up from Bengal an expert in bomb-making.

The employment of a Bengali expert.

From a very early time in the course of the war the employment of a Bengali expert in bomb-making was mooted among the accused. We have evidence as to the proposal to bring one, and as to his having been brought, but very little as to his actual activities when brought in teaching bomb-making though plenty in regard to his general activities.

Amar Singh (p. 69) says that in November he met Kartar Singh (39) at Ludhiana, who told him a Bengali was coming to Jullundur about the 29th or 30th November and suggested they should go there to meet him.

He went to Jullundur on the 30th where he met Kartar Singh (39) and a Bengali on the platform.

They were joined by Ram Sarn Das (64) and they all four went into a garden close by the station, where the Bengali told them bombs could easily be made.

He declined to give his name or address to all of them, but gave it confidentially to Pirthi Singh (58) who was brought by Amar Singh and told them one man should be sent to Benares: thereafter Pirthi Singh (58), Ram Sarn Das (64) and the Bengali went off to Lahore together.

Pirthi Singh afterwards told them the Bengali had asked him to go down to Benares on the 5th December but before that date Pirthi Singh was arrested at Ambala.

Towards the end of December Amar Singh says he went to an Arya Samaj meeting at Jullundur where he met Permanand (57), with whom he went on to Kapurthala where he met Pingley.

At Kapurthala there was a meeting which was attended by Pingley (59), Nidhan Singh (54), Kartar Singh (39), Ram Sarn Das (64), witness and Parmanand (57) and in the course of it Pingley informed them a Bengali Babu was prepared to co-operate with them.

This Bengali is undoubtedly Rash Behari Bose (66) and it was further decided to learn how to make bombs when the Bengali came. The party then broke up and went their several ways.

Amar Singh went to Amritsar—a subject we will deal with shortly—at the meeting where the experimental bomb was made, *i.e.*, 31st December it was mentioned that the Bengali was coming up.

About the 3rd January he met the Bengali whom he had previously seen at Jullundur at Sant Gulab Singh's and Mula Singh gave the latter money to bring up the Bengali expert and the first mentioned Bengali went off with Pingley to Benares. Amar Singh went to Lahore and on returning to Amritsar was told the Bengali expert had arrived. This Bengali proved to be Rash Behari Bose (p. 70).

Mula Singh (p. 97) says that a day or two after the experimental bomb Pingley came to him at Sant Gulab Singh's at Amritsar with a Bengali whom he afterwards ascertained was one Sanyal. Pingley told him he was going to bring a Bengali expert in making bombs like the one thrown at the Viceroy, and he asked witness for money to bring him up. Pingley went off to the Doaba.

About the 12th January he gave Sanyal Rs. 500 partly to fetch the expert and Sanyal departed for Benares leaving him his Benares address on a slip of paper (P. 39) which he deposited in Hardit Singh (accused 20's) keeping.

The next day Ram Sarn Das (64) came to see him and told him the Bengali expert could make very large bombs.

Some days later a Bengali, who afterwards proved to be Rao (accused 63), came to him with a letter from Pingley and told him Sanyal had delivered the money, and shortly after Pingley did arrive in Amritsar with Rash Behari Bose. In conversation Rash Behari Bose referred to the Delhi bomb, and the preparation of bombs in the presence of Pingley and Rao, and he remained in Amritsar for 15 or 16 days without ever leaving the house and then moved to Lahore. Nawab Khan (p. 137) states that Amar Singh told him in December that there was a Kapurthala gang in league with the Bengal anarchists and that a Bengali had brought two bombs and had given them to Pirthi Singh to take to Ambala, but beyond this he does not refer to the Bengali expert.

We need not here pursue the varied activities of Rash Behari Bose, who assumed the leadership both in Amritsar and Lahore after his arrival and all that is necessary at this stage is to note some particular acts of his directly connected with bombs.

It was he, as we will see shortly, who sent Amar Singh to Lahore to enquire if bomb materials were procurable there.

He also (p. 99) sent off Hirde Ram with Rao to Benares for bombs and they returned bringing a biscuit tin (P. 42) with bombs in it. These bombs were placed in Mussammat Atri's house by Mula Singh and as we will see later these bombs (P. 25 A. D.) were subsequently removed to the Wachowali house in Lahore where they were found on the 24th February.

On another occasion, while still in Amritsar, Rash Behari Bose sent Ram Sarn Das (64) to procure a stove, which he wanted for making a certain acid and this stove was eventually removed to Lahore (p. 173) and Amar Singh (p. 71) tells us that one of the reasons given by Rash Behari Bose for removing to Lahore was that he could make bombs there.

The experimental bomb.

On the 31st December 1914, there was an important gathering of some of the accused at a Dharmsala in Amritsar. Pingley (59), Nidhan Singh (54), Kartar Singh (39), Harnam Singh (23), Harnam Singh (24), Balwant Singh (5), Permanand (57), Mathra Singh (52), Mula Singh and Amar Singh are said by Amar Singh (p. 69) to have been present. Various matters connected with the objects of the accused were discussed until eventually the question of bombs arose. Mathra Singh (52), informed them he knew one method of making bombs. Hirde Ram (27) brought a brass inkpot and this was filled with chemicals by Mathra Singh. It was decided to test the result, and accordingly a party consisting of Mathra Singh (52) Amar Singh, Nidhan Singh (54), Permanand (57), Hirde Ram (27), Harnam Singh (23) and Mula Singh set out to the canal some 2 or 3 miles from Amritsar. Arrived here, three of the party, Permanand (57), Mula Singh and Hirde Ram (27) went forward with the bomb and returned shortly after, saying the experiment had been a success.

Mula Singh (pp. 95-96) referring to the same incident mentions the same persons were present at a meeting at the Virpali Dharmsala except that he substitutes Jaggat Singh (32) for Balwant Singh (5). He states that during this meeting Mathra Singh said he could make bombs, so next day they met again, this time Mathra Singh (52), Harnam Singh (23), Amar Singh, Hirde Ram (27), Permanand (57 , and witness alone being mentioned.

Chemicals (and we consider it inadvisable to detail the description) were obtained by witness and Permanand II, Hirde Ram and Mathra Singh, also an inkpot, glass phials and certain *kirpans*.

We may here state that glass phials and *kirpans* were frequently used in connection with bombs, but we deem it unwise to state in a public judgment what part they played therein. The material was prepared and the inkpot case

filled by Hirde Ram (p. 85) and the party consisting of witness, Permanand (57), Amar Singh, Hirde Ram (27), Harnam Singh (23) and one Gandha Singh proceeded to the canal bridge. Witness and Permanand (57) experimented with the bomb by hurling it at a boundary pillar, and it discharged with a loud explosion. They then returned to Sant Gulab Singh's Dharmsala.

Mula Singh also states that the materials for the bomb were pounded on a slab (P. 34) and that after his arrest he took the police to the site of the experiment.

The statements receive striking corroboration from Liakat Hyat Khan (p. 152), Amir Ali (p. 248). and Rur Singh (p. 226), who say Mula Singh took them to the site and there they saw the pillar damaged and found P. 37, a broken piece of an inkpot bomb, while Amir Ali (p. 248) further testifies that he recovered the stone slab stained yellow with chemicals along with two powders from Sant Singh's Dharmsala, a point in which he is corroborated by S. Gulab Singh (p. 200) and Jai Ram Singh (p. 200). The same witness also states that Mula Singh took him to the shops of Hardial and other shops whence he had obtained materials for the bomb, and he is corroborated by Hardial (p. 202), Wasan Singh (202) and Dina (p. 202), of whom Wasan Singh distinctly remembers Mula Singh purchasing from him.

This incident is clearly established therefore.

The result of this successful attempt was to further the keenness of the conspirators to manufacture bombs. To start with it was decided that Amar Singh should go to Lahore and procure satisfactory bomb cases. This brings us to the incident of the Raghu Foundry.

Incident of the Raghu Foundry.

Amar Singh (p. 70) says that on getting orders to secure bomb cases he went to Lahore. At the house of one Charanjit Sahni he saw a *surahi* which he thought would make an excellent model, and he borrowed it from the owner. From there he and Ram Rakha (65) went to the Raghu Foundry and there gave an order for Rs. 50 worth of iron cases representing they were required for ornamenting house railings. Rupees 5 was paid in advance and a receipt obtained.

Some days later he visited the foundry and found the cases were not ready, and this happened also on a second occasion. A third visit of Mathra Singh (52) and Amar Singh then followed (p. 71) and later still Amar Singh came to Lahore under Rash Behari Bose's order to bring back 2 cases as models for him to see. Eventually on the 21st or 22nd January Mula Singh sent him again with Rs. 100 to Lahore and he interviewed Raghu Ram, the owner of the foundry, who by this time had become suspicious and who declined to execute the order, destroyed the cases made, refunded the Rs. 5 and got Amar Singh to write " order cancelled " on the counterfoil P. 12.

Mula Singh (p. 96) says that after the successful experiment Amar Singh was given Rs. 25 advance out of Rs. 1,000 received from a dacoity in Malwa, to get bomb cases in Lahore, and returned next day with Ram Rakha (65) saying he had placed an order in Lahore for 80 bomb cases.

He further states (p. 98) that towards the latter end of January Amar Singh was given Rs. 90 to pay for bomb cases, but he returned soon after saying the foundry owner declined to execute the order.

This evidence is also corroborated in very close detail.

Amir Ali, Sub-Inspector of Police (p. 160) states that about 16th March 1915 Amar Singh took him to the Raghu Foundry where he verified an order for bomb cases on the model of a *surahi* had been given and secured the cancelled counterfoil. The owner told him the cases made had been melted down but prepared for him a wooden model (P. 126) to illustrate the nature thereof. From Charanjit Sahni he also obtained verification of Amar Singh borrowing the *surahi* (P. 8) to take to the foundry.

Raghu Ram (p. 174) states Amar Singh visited his foundry on 2nd January, gave an order for "Kalsian" for ornamentation purposes, producing P. 8 as a model and paid him Rs. 5 in advance for which a receipt was delivered. He says that later on he became suspicious as to their purpose, broke the articles up, returned the Rs. 5 to Amar Singh and got the order (P. 12) cancelled. He also testifies to making the wooden model P. 126 when Amar Singh brought the police there.

Atma Ram (p. 174) corroborates the order from the books of the foundry and shows it was cancelled on the 23rd January.

Charanjit Sahni (p. 174) testifies to having given Amar Singh the *surahi* P. 8.

The purchase of bomb material for Amritsar.

At the same meeting at the Sant Gulab Singh's Dharmsala Amar Singh (p. 69) tells us that it was decided to obtain some more chemicals and Mathra Singh (52) was given money to get some, and Mula Singh (p. 96) states that Mathra Singh and Permanand (57) were entrusted with making more bombs.

It will be found that these two operated partly separately and partly together and we may first deal with the purchase of bomb materials for Amritsar.

We may note here *passim* that some of the orders were given by Rash Behari Bose.

Amar Singh (p. 71) states that Rash Behari Bose (66) asked him if certain materials, the names of which we expressly refrain from mentioning, could be got in Lahore, and Kartar Singh (39) mentioned one Dhanraj, a medical student in Lahore, as likely to help. Amar Singh and Mathra Singh came to Lahore and went first to Rakha Ram, Chemist, to whom (p. 70) they were introduced by accused 64 and from whom they ordered the chemicals mentioned by Rash Behari Bose, paying him Rs. 50 therefor, and then they went to Dhanraj who supplied further chemicals including 2 bottles of acid and received Rs. 3 in payment. With these articles they returned to Amritsar, gave them over to Mula Singh, who took one bottle of a certain acid (P. 11) obtained from Dhanraj and deposited it in the shop of Hardit Singh (accused 20).

About the 29th January witness states (p. 73) that Rash Behari Bose (66) sent Mathra Singh and witness once more to Lahore to secure more chemicals. This time they again went to Rakha Ram, Chemist, and gave him a list of dangerous and innocent chemicals, some of which he had in stock (including the acid in jars, exhibit P. 17 A. B.) and others he undertook to obtain from wholesale merchants.

It was decided that it would look better if the orders were sent on printed forms and accordingly Mathra Singh and he went to a press near the Subzi Mandi and ordered 500 order forms at a cost of Rs. 4, of which Rs. 2 was paid in advance, with the name M. S. Kohli, Chemist, Jhelum, printed on the top. A sample form is P. 15, and the printing block P. 14.

The order given to Ram Rakha was written out on one of these forms P. 16.

Such of the materials, excluding the acid in jars which were temporarily left at Rakha Ram's, as were obtained then were taken by witness to Mula Singh at Amritsar, as well as the printed forms and Mula Singh placed them in Hardit Singh's shop for custody. Hardit Singh himself being a chemist in a small way. Some of these forms, if not all, were later transferred by Mula Singh (p. 104) on 12th February 1914 to the house in Lahore, where we will see they were ultimately found. Mathra Singh departed for Jhelum.

The whole of these incidents is corroborated in the minutest detail.

Mula Singh (p. 98) says Rs. 200 were given by him to Mathra Singh to obtain chemicals from Lahore or Jhelum (Mathra Singh's place of abode), and on p. 99 he says Amar Singh returned from Lahore bringing a

bundle of M. S. Kohli forms, the same chemicals Amar Singh says he brought, and told him he had ordered other chemicals in Lahore and that Mathra Singh had gone on to Jhelum.

He also says that prior to this Amar Singh brought him some other chemical (the same as referred to by Amar Singh) and 2 bottles of acid, on one of which (P. 11) the label bore the name of Beli Ram, which he placed in Hardit Singh's shop after scratching off the label.

In further corroboration we may first follow up the M. S. Kohli forms.

Ahmad Khan, Sub-Inspector of Police, states (p. 159) that on 28th February 1915 he went at Amar Singh's suggestion to the Rafah-i-'Am Press in Lahore, where he interviewed the manager who gave him the printing block (P. 14), a sample of the paper used (P. 123), and informed him a Sikh and a *Mona* (identified as Amar Singh) had given him the order, paid Rs. 2 in advance and Rs. 2 on taking away the forms.

Buti Ram, the proprietor of this press (p. 169), admits printing off these forms and that P. 14 is the head block and gives evidence entirely corroborating the order and payment.

Liakat Hyat Khan (p. 152) states that on the information of Mula Singh he searched the house of one Gurdas (where Hirde Ram, accused 27, lived) in Amritsar and there found one bundle of these forms P. 83 and Ahmad Khan, Sub-Inspector of Police (p. 157), Mr. Tresslor (p. 166) and Nur Din (p. 166) state that on the search of house No. 1 in Lahore another bundle P. 102 was found there.

Closely connected with this is the evidence of Ahmad Khan, Sub-Inspector of Police (p. 159) who says that on 13th March 1915 Amar Singh took him to Ram Rakha, Chemist, telling him he had been introduced to him by Ram Saran Das, accused 64, and that he had ordered certain chemicals from this man. Witness states the chemist gave him certain chemicals ordered (P. 17 A. B. C. and P. 124) the order form (P. 16), and also showed him his pocket book P. 125 wherein it was shown that a small quantity of the chemicals were obtained from Messrs. Plomers and he further mentioned Kilu Ram as the vendor of a certain acid.

Ram Rakha (p. 172) says Ram Sarn Das, accused 64, introduced Amar Singh to him, telling him to supply whatever he needed and that after that Amar Singh and another person (in reality Mathra Singh) often came to him. They ordered certain acid from him (P. 17 A. B. C.) which he procured from Kilu Ram, then certain chemicals which he got according to his day book (P. 125) from Messrs. Plomers, and on the 21st January they gave him the indent P. 16 on a M. S. Kohli form which he sent with a covering letter P. 16 A. to a wholesale firm in Calcutta. He says he received in all Rs. 170 and the articles undelivered to Amar Singh he handed over to the police.

Ram Sarn Das (accused 64) admits he was at Ram Rakha's when Amar Singh came, but denies introducing him or recommending him as a customer (p. 378).

Kilu Ram (p. 173) and Mr. W. G. John (of Messrs. Plomers) corroborate the sales to Ram Rakha from the books of their respective shops.

We have seen that Mula Singh has told us that one bottle of acid was placed by him in accused 20's house for safe custody.

Liakat Hiyat Khan (p. 155) states Mula Singh told him he had deposited it there, and that Amir Ali discovered it there.

Amir Ali (p. 248) and Sant Singh (p. 199) testify to having found P. 11 in that shop along with the key (P. 210) of the almirah in which it was kept (p. 251) on the 16th March after a denial (p. 253) at first by Hardit Singh (20).

Accused Hardit Singh (20) (p. 369) admits the recovery and the deposit by Mula Singh, but alleges he did not know what it was when left.

Further Beli Ram (p. 178) identifies P. 11 as similar to bottles used by him for the supply of this particular acid.

This evidence clearly establishes that after the meeting in Sant Gulab Singh's Dharmsala Amar Singh and Mathra Singh did procure or order certain chemicals and acids for the purpose of manufacturing bombs at Amritsar.

We may now pass to a few other incidents showing other purchases in Amritsar for use in Amritsar.

Mula Singh (p. 93) says that about the time Mathra Singh and Amar Singh went off to Lahore, Hirde Ram (27) brought him some chemicals which went bad.

Amar Singh (p. 70) states also that Hirde Ram about the same time brought certain chemicals.

That Amritsar was a kind of depôt for the preliminary collection of chemicals and the manufacture of bombs is evidenced by further testimony.

Sucha Singh (p. 277) tells us that *en route* to Ludhiana, Kartar Singh (39) stopped at a *sunar's* in Amritsar and gave orders for 4 inkpots.

Amar Singh (pp. 70, 85) says Hirde Ram (27) filled inkpots in Amritsar for dacoity purposes, that he on 2nd February brought 5 or 6 inkpots from a shop near the Golden Temple and gave them to Mula Singh and (p. 71) that the bombs taken for the Sahnewal and Mansuran dacoities by Kartar Singh were made by Hirde Ram (27).

Mula Singh (p. 101) says that prior to the Chabba dacoity, Hirde Ram was told to make more bombs and he prepared four at Mussammat Atri's house, and on p. 98 he says Mathra Singh (52) made 4 bombs which he left in the Dharmsala.

He also tells us (p. 100) that he kept bombs and acid in that house, and repeats this assertion on p. 104.

In regard to this latter point Liakat Hyat Khan, Deputy Superintendent, Police (p. 152), tells us that Mula Singh on the 25th February told him he had left bombs in his house, but when he went there with Mula Singh he found the house door and cupboard upstairs forced open and empty.

Amar Singh (p. 73) says that after Mula Singh's arrest Permanand (57) and Sajjan Singh (70) were sent down to Amritsar to bring in Mula Singh's things, and on the 18th February these two men brought a bundle to the Wachowali house at Lahore, which was found to contain, *inter alia*, four bombs in a tin (P. 25 A. to D.) which we have seen. Hirde Ram had brought from Benares and Permanand (57) also brought a bottle of acid, an empty inkpot and some chemicals, all of which were deposited in the Wachowali house.

Kishen Singh, *Sadh* (p. 209) who had procured the house for Mula Singh says that at the time Mula Singh took it he placed in a cupboard *inter alia* a tin containing things not known to him and that after Mula Singh's arrest Balwant Singh (5) and another person came to him, were taken to this house, where they forced open a cupboard and removed what was there.

On the search of the Wachowali house in Lahore on the 24th February on the information of Hirde Ram, Ahmad Khan found the bombs P. 25 A. D. in a tin, a bottle of acid P. 214, chemicals P. 115, P. 117, P. 118 and he is borne out in this by Charanji Lal (p. 167) and Diwan Chand (p. 166).

The Jhabewal factory.

We now proceed to consider the evidence in regard to Jhabewal. Jhabewal is a village close to Ludhiana and the residence of Dalip Singh, the deceased approver.

Mula Singh (pp. 95, 96, 97) says that at the meeting where the experimental bomb was made Nidhan Singh (54) suggested starting a bomb factory in

Ludhiana, the site ultimately fixed upon being at Jhabewal. After the successful experiment when Amar Singh went off to Lahore to see about bomb cases Nidhan Singh (54), Mathra Singh (52) and Parmanand (57) went off with Rs. 150, the part proceeds of a Malwa dacoity, to Ludhiana to prepare bombs. It was hoped to get them done quickly enough for killing European officers attending the Muktsar fair.

Mathra Singh (52) and Nidhan Singh (54) returned very soon and told him that Permanand (57), assisted by some students, was preparing bombs in the house of one Dalip Singh (the deceased approver) at Jhabewal. Kartar Singh (39) then departed for Ludhiana with Nadhan Singh (54), taking with them the second bottle of acid procured by Amar Singh from Dhanraj, the fellow of which was, as we have seen, deposited in the house of Hardit Singh (accused 20).

Shortly after Mathra Singh turned up with 36 lbs. of a certain ingredient; witness procured 2 more pounds from Hardit Singh (p. 105), and Harnam Singh (23), Pingley (59) and Mathra Singh set off for Ludhiana with it to make bombs. Pingley was apparently going off for another object, but he accompanied the others in the first instance to Ludhiana.

About the 10th January witness met Nidhan Singh (54) at Amritsar and he was told the chemicals were being prepared at Jhabewal, and they were awaiting the outer cases, and on the 12th Nidhan Singh (54) returned to Ludhiana.

Later on in the month (p. 99) at Mathra Singh's request witness sent Hirde Ram with more chemicals to Ludhiana with instructions to leave them at Atar Singh's shop in that city.

He was told (p. 100) that Dalip Singh was the owner of the Jhabewal house.

Amar Singh does not know very much about this part of the plan of campaign as he was acting for the accused between Amritsar and Lahore, but he corroborates Mula Singh in saying (p. 70) that Permanand (57), Mathra Singh (52) and Harnam Singh (23) started for Ludhiana with some chemicals after the success of the experimental bomb.

The most important witness to this matter would have been Dalip Singh, who unfortunately died before his statement could be recorded by this court, but his place has to a large extent been taken by Umrao Singh.

Umrao Singh (p. 337) says that towards the end of December (and in this he is slightly ante-dating matters). Permanand (57), Mathra Singh (52) and Nidhan Singh (54) came to his cousin Dalip Singh at Jhabewal. Nidhan Singh gave Mathra Singh Rs. 50 to get certain chemicals and Rs. 60 or Rs. 70 to Dalip Singh for the same purpose.

Dalip Singh selected a hut at Mungli, a mile or so from Jhabewal as a suitable place for preparing bomb materials, which was approved of by Mathra Singh and Permanand.

They then left, but a short time after Mathra Singh (52) returned along with Pingley (59), Harnam Singh (23), Dewa Singh (15), a resident of Ludhiana and one Kahn Singh, who, we have seen, was one of the men who first induced the Ludhiana students to join in the war. This party brought with them a quantity of chemicals. The same day Kahn Singh, Dewa Singh and Harnam Singh left and after their departure Nidhan Singh (54) arrived, with whom the next morning Pingley (59) departed.

Mathra Singh and Permanand remained to pound chemicals, he, witness, supplying two pestles and mortars (P. 254, 255) for the work.

Before leaving Nidhan Singh told him to fetch a bottle of acid (that is the same as had been obtained from Dhanraj) from the shop of Bela Singh where he had left it, which he did, meeting there Dewa Singh (15), Kahn Singh and Sucha Singh, approver, Dewa Singh getting the bottle for him.

On the same day Sucha Singh gave him a quantity of chemicals to take to Jhabewal. He took them and buried them in a field near the village, and handed the bottle of acid to Nidhan Singh. This buried stuff, he says, he ultimately pointed out to the Police.

He further states that some days later Dalip Singh gave Dewa Singh (15) some money to buy certain chemicals, inkpots and some iron lamps, and that Dewa Singh brought the chemicals to Jhabewal and gave them to Mathra Singh (52).

He further states that on another occasion Sucha Singh gave him some more chemicals which he handed over to Permanand (57).

He also states that about the 12th January Mathra Singh and Permanand left as it was becoming known bombs were being prepared in the village, and that subsequent to this Sucha Singh brought some more chemicals which he buried near a pond.

Jhabewal thereafter seems to have been abandoned as a factory, and witness states (p. 338) that after the Sahnewal dacoity (23rd January 1915) Nidhan Singh (54) came to him and removed a large quantity of the material buried in the Mungli hut and elsewhere, and he was told afterwards (p. 339) by Dalip Singh that a lot of the bomb material had been removed to Lohatbadi, which we will see became the centre of bomb making hereafter.

The witness also states he gave up to the police some of the bomb material given him by Sucha Singh.

This account is corroborated in several details, and is also supplemented by the evidence of Sucha Singh.

Sucha Singh (pp. 271-72), after telling us how he was dragged into the affair by Dewa Singh and Kahn Singh, states he met Umrao Singh with Kahn Singh and Dewa Singh at Bela Singh's shop,—the shop where Nidhan Singh had left the bottle of acid—and Umrao Singh gave him a recipe P. 237 for making bombs. This recipe was given over to the police by Sucha Singh on 25th February 1915 he producing it from his box (*vide* Faiz-ul-Hassan p. 287 and Kishen Singh, Zaildar, p. 288 and Imam-ud-din, Municipal Commissioner, p. 289). At Dalip Singh's request he stole some phosphorus from the school, and he and Kirpal Singh (46) bought materials from one Khushi Ram, and later some more from an adjoining shop. He was also asked to get other materials and as a blind asked at the same shop for innocent drugs like Tincture of Iodine and Calcium Chloride which were alone supplied to him. These purchases an account of which P. 238 A. B. was subsequently found in his house on the 25th February.—*vide* statements of Faiz-ul-Hassan (p. 287), Kishen Singh, Zaildar (p. 288), and Imam-ud-din (p. 289)—he gave to Umrao Singh. Kahn Singh also told him he had procured some materials and likewise Dalip Singh.

Subsequent to this, he states (p. 272) he learnt from Dalip Singh that a doctor and a Bengali (*i.e.*, accused 52 and 57) were preparing bombs at Jhabewal. He expressed a desire to meet them and Dewa Singh (15) told Kahn Singh (42) to take him there. He went taking some acid supplied by Kahn Singh and bought at Chandra Bhan's and at Jhabewal met Dalip Singh's father. The manufacturers had left, but the next day accused 52 and 57 called to see him at Ludhiana.

After this he met Dewa Singh who informed him of further purchases and the same day Dewa Singh gave him Rs. 5 to buy materials and also gave him an inkstand. In company with Kirpal Singh (46), Jaimal Singh and Abdul Alim he made certain purchases for Rs. 3 and handed the stuff over to Umrao Singh. By this time Permanand and Mathra Singh had left Jhabewal.

About January 20th he met Nidhan Singh (54) who gave him a bag of material to take to Jhabewal with directions to tell the Jhabewal men that they must get everything ready for removal from there by the 1st February. He took this bag, buried it in the presence of Umrao Singh, delivered the message and returned to Ludhiana.

He also says (p. 276) that after the Mansuran dacoity, in which he participated on the 27th January, Dalip Singh asked him to tell Ichra Singh to remove the material from Jhabewal to Lohatbadi as the police were enquiring in the village, and Dalip Singh afterwards told him the stuff had been removed to Lohatbadi.

We have seen that in the approvers' statements there are frequent references to purchases by themselves or others in Ludhiana. In connection with some of these we have a certain amount of corroborative evidence.

Wilaiti Ram, the servant of Chandra Bhan, states (p. 300) that Kehr Singh and Dial Singh bought certain acid from his shop on the 9th January 1915. This is the acid Sucha Singh took to Jhabewal. Dial Singh (p. 324) corroborates going with Kehr Singh for the purchase.

Bindraban gives evidence (p. 300) to having been asked by a Sikh for certain chemicals including Tincture of Iodine about the 6th to 8th January, the latter alone of which he supplied.

Hukam Chand (p. 290) states he sold certain chemicals to Sucha Singh in January. Maghi Ram (p. 290) gives evidence as to another similar transaction. Bela Singh (p. 299) says Dewa Singh left a bundle at his shop, which he and Dalip Singh removed. Shadi Ram (p. 299) says that one Fatteh Muhammad, a school-master in Ludhiana, came with a Sikh and he procured some material for them from the shop of Milkhi Ram. Muni Lal (p. 299) the servant of Milkhi Ram, deposes to selling such material to Shadi Ram, and Fatteh Muhammad (p. 311) deposes to going with Dalip Singh to Shadi Ram's shop for the purchase.

Abdul Kayum, formerly a master at the Islamia School, Ludhiana, deposes to the theft of a bottle of phosphorus from the school Laboratory, and a bottle said to be the one stolen was given up by Puran Singh (accused 62) a student (*vide* statements of Faiz-ul-Hassan (p. 287), Kishen Singh, Zaildar (p. 288) and Imam-ud-din, Municipal Commissioner (p. 289)) which, Sucha Singh says (p. 279) he gave to Puran Singh on the 12th February to look after. Wali Muhammad (p. 300) and Maya Singh (p. 300) depose to having altered 2 lamps into what are bomb cases for Dewa Singh. In all 4 lamps were given to alter, 2 were altered, one was sold and the fourth, P. 253 B. was given over to the police.

In addition to the evidence of persons from whom materials were bought we have some evidence showing that Sucha Singh's house in Ludhiana was a kind of collecting depôt for the Jhabewal factory, and also that at various times manufactured bombs were seen there, brought sometimes from Amritsar for the local dacoities and sometimes from other places. It will be convenient to dispose of all these collections together.

Sucha Singh (p. 272), in addition to telling us what we have already noted, says that on 21st January 1915 Kartar Singh (39) showed Surti Singh and himself an ordinary brass inkpot filled with certain materials, and told them it was a bomb, which he, Kartar Singh, thereafter placed in his pocket.

Jaimal Singh (p. 293) says Kartar Singh once told Anokh Singh (2) and Sajjan Singh (70), both students, in his presence how to make bombs and he further states that one day Sucha Singh brought certain materials in a sack which he said he was going to take to Jhabewal and which he set off with for that place.

Sher Muhammad, also a student at the same school, states (p. 295) that Kartar Singh once mentioned to him the materials used for a bomb.

Surti Singh, likewise a student, asserts (p. 297) that Sucha Singh bought a number of inkpots, saying they were bombs, and that some chemicals were made up in Sucha Singh's house, and that Sucha Singh on one occasion brought a bottle there. He identifies the inkpot bomb.

Karam Chand, similarly a student and class-fellow of Dalip Singh, says that about the 25th January Dalip Singh brought and left in the boarding-house 3 glass inkpots (P. 256) which he identifies, and Kartar Singh, Inspector (p. 353) testifies that these inkpots were given to him on 30th March by Karam Chand.

Ishar Singh (p. 306) states Dewa Singh (15) once offered to teach Santokh Singh, a student, the art of bomb-making.

We have this matter, *i.e.*, the use of Ludhiana as a collecting depôt for Jhabewal, and the use of Jhabewal as a factory further corroborated by discoveries at both places.

Gian Singh, Zaildar (p. 200) states that at Milkhi's house in Jhabewal Dalip Singh's brother gave up a pestle and mortor (P. 254) and another was found at Umrao Singh's house at the instance of Umrao Singh. This incident is further evidenced by Muhammad Akbar Khan (p. 314) who fixes the date as 4th March.

Muhammad Akbar Khan, Sub-Inspector of Police, also states that on the 18th March Umrao Singh recovered from some sandhills near Jhabewal and from a field near by certain chemicals, *i.e.*, the chemicals said to have been buried by Umrao Singh, and on the 31st March Dalip Singh's father produced a glass inkpot, and Dalip Singh a bottle of phosphorus and an iron lamp (P. 253 A) converted into a bomb case.

Hazara Singh, Zaildar, corroborates (p. 319) the discovery of the 18th March, and Sher Sahai, Circle Inspector, corroborates (p. 325) the discoveries of both dates.

Puran Singh's bomb.

In Ludhiana a somewhat strange incident led to further discoveries. Umrao Singh (p. 339) says that while returning from Mansuran Jawand Singh (35) gave him a bomb while in Dalip Singh's company, and he gave it to Sucha Singh.

Sucha Singh (p. 276) states that while returning from the Mansuran dacoity Dalip Singh gave him an unexploded bomb which he afterwards gave to Puran Singh (accused 62). On p. 279 he tells us the circumstances under which he gave this bomb to Puran Singh. It was on 12th February 1915 and in addition to handing over the bomb he gave him a bottle of phosphorus (P. 241), which we have already discussed, and a packet of powder, telling him to take great care of the bomb.

Narain Singh, the uncle of accused 62, states (p. 261) that on the 20th February a bomb exploded in his house where Puran Singh was living in those days, and he reported the occurrence to the police, Kadir Bakhsh, Sub-Inspector of Police (p. 262) recording the report. In the house some bits of a bomb (P. 229) were found.

Puran Singh's defence in regard to this will be duly dealt with later.

Faiz-ul-Hassan, Sub-Inspector of Police (p. 287) states that as a result of this report he searched Puran Singh's house and accused gave up an empty bottle, some *kirpans* and a piece of the exploded bomb.

The use of Jhabewal as a factory is further evidenced by the evidence of Hira Das, Gian Singh, Zaildar, and Sundar Singh.

Hira Das (p. 300) states he saw 2 strangers pounding some yellow stuff in a deserted hut near the village. Gian Singh (p. 300) saw a number of strangers in the village about 8th or 9th January and identifies Parmanand (57) as one of them, and Sundar Singh (p. 301) testifies to having seen Parmanand (57), the doctor (*i. e.*, Mathra Singh 52) who was enquiring after Nidhan Singh (54) and a Bhaiji, and he states Dalip Singh took Mathra Singh to Lohatbadi.

This brings us to the removal of the bomb materials to Lohatbadi.

The move to Lohatbadi: Lohatbadi as a bomb centre.

We have already seen that towards the beginning of February proposals were made to remove the material at Jhabewal to Lohatbadi and we have seen that some material was said by Dalip Singh to have been removed.

Prior to this, however, the necessity for having bombs had been mooted among the accused at Lohatbadi.

Ichra Singh (p. 255) informs us that he was told in November or December by Arjan Singh (the Anarkali murderer) that there was a committee

making bombs, and after a failure by the local gang to rush a bridge at Gurthali it was decided that bombs were indispensable.

Some time after (p. 256) Arjan Singh brought Parmanand (57) to him, saying he was an expert in bomb making and then Parmanand departed, and Narain Singh (p. 268) states he was informed by Arjan Singh (3) the Bengali who had thrown the Delhi bomb would shortly some to Lohatbadi to teach them how to make bombs.

On the 20th January there was a meeting at Lohatbadi attended by Uttam Singh (79), Gandha Singh (16), Buta Singh (12), Nand Singh (53), Randhir Singh and others, and later on Nidhan Singh (54) came. Nidhan Singh told him he wanted 4 bags to bring bomb material, which the witness duly prepared for him. Some two or three days later Nidhan Singh brought a small quantity of bomb material, a bottle of acid, some glass phials and six brass inkpots which he, Ichra Singh, placed in his house.

He then proceeds to tell us how the Jhabewal material reached Lohatbadi.

Between the Jhanir and Rabhon dacoities he states (p. 258) Dalip Singh (deceased), about whom Nidhan Singh had told him he would bring bomb materials to Lohatbadi, came and told him he had brought some chemicals under Nidhan Singh's instructions as it was no longer safe to keep them where they had been, and that they were lying hidden in some sandhills. Witness sent Narain Singh for this material and he, Narain Singh, returned with it taking it to his own house.

Narain Singh told him afterwards that his mother had objected to it, and he had handed it over to Fatta, Chamar, to whom Ichra Singh sent a message, when the police came, to remove it.

This account of the receipt of the material is corroborated by Narain Singh (p. 264). He says that Ichra Singh told him a man had brought some chemicals to Nandiwala Toba, and asked him to go and fetch it. He went with Arjan Singh (accused 3) and met Dalip Singh (deceased) who handed over to him a bag of bomb material which he (witness) took to Lohatbadi and placed in his own house under Ichra Singh's instructions.

After the Rabhon dacoity he went to Ichra Singh's and asked him to have the stuff removed. Ichra Singh sent Fatta to him who took it away (p. 267).

Umrao Singh (p. 339) says Dalip Singh told him he sent 36 lbs. of acid by one Lal Singh to be taken to Lohatbadi, and Sher Sahai, Inspector (p. 325), tells us Narain Singh told him on 18th February 1915 of the removal of bomb materials by Dalip Singh.

Udham Singh of Hans (p. 306) states he once saw Nidhan Singh (54) bringing to the Gurdwara a sack said to contain bomb materials which was placed in the outer *kothri* of the Dharmsala.

In addition to this material it appears that other stuff was also procured, but we are unable to trace how it was all obtained.

Madho Ram (p. 307) of Raekot, however, does say that he sold certain bomb ingredients, glass phials and acid which he procured from the shop of Madho and Gopi, to someone, and that Nand Singh (53) brought the police to him and pointed out his shop.

This incident is also referred to by Nand Singh in his confession. He says (p. 422) Gandha Singh (16) asked him to procure certain bomb ingredeints, phials and acid, which he says he got at Raekot and which he buried in a wheat field.

Nand Singh also in his confession (pp. 421-22) gives us a long account of his connection with bomb materials in Lohatbadi.

He states that about the beginning of February he and two others (Harnam Singh and Balwant Singh) went to Lohatbadi where they met Sewa Singh, the son of Ichra Singh and they were joined by Uttam Singh (79), Sewa Singh (71), Gandha Singh (16) and Arjan Singh (3), and Sewa Singh told them there was some bomb material buried near a pond. This stuff, contained in a bag, was removed by them and taken to Mauza Channa where it was concealed.

Some days later Gandha Singh (16) in the company of Chuhar Singh (13) brought him 8 or 9 empty bomb cases and then went to Lohatbadi to fetch material to fill these cases with Sewa Singh (71), bringing the stuff next day. On hearing of the police being in the neighbourhood he put both the bomb cases and materials in the house of one Kahru. That evening Gandha Singh (16) again came to him and got some bottles from him which he broke up, and with some of the material brought from Lohatbadi, and which he went to fetch, they filled up 6 of the empty cases, putting the broken glass into them. These bombs were taken by accused to the house of one Buxa Singh for the time being and eventually handed over to Chuhar Singh (13) along with glass phials and acid. He accompanied Chuhar Singh (13) to Gandha Singh (16), Sewa Singh (71) and Arjan Singh (3), who were sitting on the bank of a "Sua," where they tested the acid. From there Gandha Singh (16) and he took the bombs to try to blow up the Doraha bridge, an enterprise which failed, and they subsequently buried the bombs under a canal bank.

When he heard of the police enquiries and the arrest of Chuhar Singh he removed the stuff hidden in Buxa Singh's house and buried it in a wheat field, and later gave up both this stuff and the bombs to the police.

Nawab Khan (p. 141) says that on 16th February 1915, Nand Singh told him, he and Gandha Singh (16) had made several bombs at his village, Nidhan Singh having sent materials and he himself having procured materials and phials at Raekot which he had buried on hearing of the police enquiries.

Before coming to the discoveries at Lohatbadi we may deal with a few more points relating to the use of Lohatbadi as a bomb centre.

On p. 261 Ichra Singh says Nidhan Singh brought some materials which were buried near a pond. Sewa Singh (p. 305) says that on hearing of his father Ichra Singh's arrest he removed *inter alia* some bottles of acid and bomb material and buried them, and eventually handed over the bomb material to Sewa Singh (71) and Arjan Singh, and later he gave the bottles to the police.

We may now turn to the discoveries at Lohatbadi, and may first deal with those corroborating Nand Singh's confession.

Fazl Khan, Sub-Inspector of Police (p. 326), arrested Nand Singh (53) on the 3rd March, and on the 7th and 8th March the accused recovered from the canal bank 6 loaded bombs (P. 264), and from a wheat field certain bomb materials and a bomb case (P. 259, 261 B., 261 D., 262, 263) and on the 11th March he pointed out Madho Ram's shop.

This evidence is corroborated by Mit Singh and Haidar Ali. Mit Singh (p. 312) corroborates the discoveries on the 7th and 8th March in the wheat field and on the canal bank leading to the recovery of P. 261 A. B., 259, 261-C, 261-D. E., 262, 263, 264, loaded and unloaded bombs, glass phials, sandpaper and bomb ingredients. Khazan Singh was tendered (p. 213) in corroboration, but was not cross-examined, and Haidar Ali (pp. 316, 317) testifies to the recovery by Nand Singh of P. 261-B., 262, 263, 264 on the 7th and 8th March.

In addition to these discoveries Sher Sahai, Circle Inspector (p. 325), informs us that Sewa Singh took him on 1st March into the jungle, pointed out the place where he had buried the material removed by Sewa Singh (71) and Arjan Singh (3), and gave up a bottle, P. 219 A.

He also says, as does also Ghazanfar Hussain, Head Constable (p. 326), that Lal Singh, witness, told him he had been given 2 bottles which he recovered from a well, that Ichra Singh on 2nd March gave him 11 phials (P. 218), and that on the same day Thakur Singh gave up some broken glass, and said 6 bombs, *i.e.*, Nand Singh's bombs, had been removed.

Ichra Singh (p. 260) admits surrendering P. 218, and telling Thakur Singh to give up the broken glass intended for bomb purposes.

Lal Singh (p. 308) states Sewa Singh gave him 2 bottles of yellow stuff which he threw into a well and eventually pointed them out to the police and their recovery is further evidenced by Hira Singh (p. 308), and Rutna (p. 308).

Sundar Singh, Lambardar of Lohatbadi (p. 308) also testifies to the recovery of the two bottles by Sewa Singh and the broken glass by Thakur Singh; Kalu Mal (p. 309) to the recovery of P. 218 and Thakur Singh (p. 309) to having received some inkpots and broken glass from Ichra Singh, the former of which were removed from the hiding place in his absence, and the latter of which he gave up to the police.

This disposes of the manufacture and collection of bombs in the Punjab.

There are, however, a few incidents which are of interest as further proving the existence of bombs.

Miscellaneous bomb references.

Iqbal Singh (p. 172), a student at Khalsa Boarding-House, says that accused Gurmukh Singh (17) came to him and after discussing various revolutionary matters asked him if he would look after "melons" if he brought them to him,—he concluded from the general trend of conversation that he meant bombs, and his visit is corroborated from the kitchen account books of the school, and is located on the 15th January (*vide* Jagendra Singh, p. 172).

The second incident relates to the episode of bombs at Dadhir.

Kirpal Singh (p. 185) says that on 13th February Nidhan Singh (54) told him that there were 3 bombs as well as other things with the Dadhir and Mahrana accused, whom Kirpal Singh was to bring up to Lahore for the rising on the 21st February.

On the 18th he went to Dadhir and these accused gave him 3 bombs, a bottle of acid and some empty phials (P. 146 and P. 35). The bombs he took (p. 187) to house No. 1 in Lahore, where they were placed in an almirah, and the bottle of acid got broken.

Amir Ali (p. 252) says Kirpal Singh told him he had brought these bombs into Lahore, and Amar Singh (p. 76) says he told Kirpal Singh that Mula Singh had sent bombs to Kehr Singh (41).

Amar Singh (p. 78) states Kirpal Singh brought these bombs to the house on the 19th January and told him the bottle of acid had been broken, and (p. 79) he states the Police, when they raided, found the bombs there.

Sucha Singh (p. 278) states that in February at Benares he, Pingley and Kartar Singh met a Bengali and Pingley took out of his pocket some gun cotton, and exploded it, and then went to the Bengali's house, where they packed a tin trunk with bomb material.

The discoveries in Lahore.

We may also here refer to the discovery of other bomb materials at house No. 1 in Lahore. Amar Singh (p. 79) says in the house at the time of the raid there were some materials which had been brought by Hirde Ram (27) and Banta Singh (6) (p. 78) empty inkpots brought by Parmanand (57) and Sajjan Singh (70).—Exhibits P. 30-D., P. 30-C. Kirpal Singh (p. 185) says that on the 15th February Amar Singh showed him a parcel containing powder for bombs in this house, and that on the day of the raid and just preceding it Hirde Ram came in with a quantity of chemicals, nails and *kirpans*, and that Amar Singh and Sajjan Singh (70) brought some materials, 3 loaded bombs and 4 empty cases from another house, on which Hirde Ram proceeded to prepare the stuff and fill the cases, and while this was going on he signalled to the police who raided the place.

Liakat Hyat Khan, Deputy Superintendent of Police, who conducted this raid, tells us that *inter alia* he found in the house 3 loaded inkpot bombs, (*i.e.*, the Dadhir lot) 4 empty cases, materials for bombs and *kirpans*, and he is corroborated by Ghulam Haidar (p. 168).

The Meerut bombs.

Though not made by any of the accused in the Punjab certain bombs were discovered in the lines of a cavalry regiment at Meerut which were taken there by one of the principal accused, *viz.*, Pingley (59) when attempting to seduce the troops in that station.

Nadir Khan, Jamadar (p. 269), tells us that about the 20th March he went down to Benares with Pingley, after communicating with his officers, where they met a Bengali who told him 300 bombs had been prepared for Meerut, but all but 10 had been distributed. He returned with Pingley to the lines at Meerut, with a tin box given him by the Bengali. In the lines this box was opened and found to contain 10 bombs and 10 phials. Pingley also gave the witness written instructions P. 197 how to make bombs. The house in lines was raided by the officers according to a pre-arranged plan, and the bombs, P. 193 were found there.

Colonel Humphreys (pp. 236-37) Major Tahourdin (p. 238) and Mr. Wilkinson (A. S. P.) give us the full details of this raid of the 23rd March, and testify to the arrest of Pingley (59) and the discovery of these 10 bombs, the glass phials and the recipe for bombs (P. 197).

These bombs have been examined by Colonel Muspratt-Williams who has described to us (p. 323) in detail their composition: and has told us they are of a highly dangerous character.

We have now fully traced the suggestion, collection and use of bombs.

(7) The collection of arms.

CLOSELY connected with the manufacture of bombs is the collection of arms. No war or mutiny can be conducted without arms, and we have ample evidence that from the earliest days the collection and use of arms was advocated.

References in the *Ghadr*.

Without at this stage referring to passages in the *Ghadr* relating to the taking up of arms, we may refer to those passages where the preparation of arms as distinct from the using thereof is spoken of.

In one of the poems which reappeared in the *Ghadr Sandesa* the readers are advised to first practise with knives thoroughly, and then learn how to handle and fire pistols before learning how to use rifles, and in the issue of 13th January 1914 there is a long article advising men to go to Kabul, where they have started manufacturing rifles. The rifle is said to be the guard of liberty, and the heroes of the Punjab are told to go to Kabul, learn how to make rifles, bring boxes full of them into the Punjab and distribute them in every district, and "to rain over the Punjab a sweet shower of guns."

How widespread this incitement was known is shown by Indar Singh's confession (p. 388), for he says that a letter was once received at San Francisco from Ajit Singh, the agitator of 1907, urging the members of the *Ghadr* Society to get rifles from Kabul in order to start the revolution in India.

Here is a direct incitement to get arms together; it is a direct indication as to where arms are to be got from.

We have no evidence in this record that arms were procured from this source, and in fact we have by no means anything like a complete account as to where all the arms possessed by the accused came from, and all we can do is to show from the evidence certain known and probable sources of some of them, and certain other methods proposed and used for the obtaining of weapons.

United States of America and Canada as sources of supply.

We know that one of the probable sources of the arms is the United States of America and Canada. Nawab Khan (p. 125) tells us that at the Oxnard meeting, held according to the *Ghadr* on the 26th July 1914, Bhagwan Singh, one of the leading revolutionists in America urged the audience to devote all their earnings to the *Ghadr* Party so that arms might be purchased and sent to India, and he again tells us (p. 125) that when the *Korea* sailed Bhagwan Singh told him he had arranged for arms on their arrival in India.

We know also from the confession of Nand Singh (p. 410) that in Victoria after the return of the *Komagata Maru* 4 pistols were bought by Nand Singh and one Gopal Singh, and cartridges and bullets were also secured, and that the latter procured a pistol at Kobe (Japan). Four of these pistols were left at Hong Kong in the custody of Mathra Singh (52) who undertook to bring them to India, they having been brought to Hong Kong in safety by being concealed in a coal-bunk on boardship. The fifth pistol was seized at Hong Kong by the authorities, and Hardit Singh, one of the party, was fined 300 dollars for being in possession of it.

On arrival in India Nand Singh saw Mathra Singh (52) (p. 413), who told him he would deliver the pistols to Hardit Singh when he came for them.

Collection of arms *en route* to India.

En route also from America arms were collected. Amar Singh (p. 63) tells us that at Yokohama Amar Singh, Jat, and Ram Rakha (65) were left behind

and at Nagasaki Nidhan Singh (54), Indar Singh (30) and Piara Singh (60) were dropped in order to go to Shanghai. These latter three admit they did leave at Nagasaki and proceed to Shanghai, but ascribe perfectly innocent reasons for the change.

In regard to the two who alighted at Yokohama Nawab Khan (p. 126) says Jaggat Ram (31) when questioned told him they had got off "for a useful purpose of the *Ghadr* Party which cannot be divulged," and Amar Singh dropped a hint they had been landed to procure arms, and in regard to the other three he says they were landed with secret instructions from Kesar Singh (41), Jowala Singh (36) and Jaggat Ram (31).

We have seen that from Nagasaki three of the accused went off to Shanghai.

Jowala Singh (p. 115), who was picked up at Shanghai by Nidhan Singh's party, says Nidhan Singh told him arms would be plentiful in India, and that pistols should be brought along in false-bottomed buckets. He says that Nidhan Singh and others had such buckets. He also states he provided himself with a pistol in Shanghai, but, as he on board in one of his drunken fits wanted to shoot a Japanese passenger, Nidhan Singh took it from him and threw it overboard.

Mula Singh (p. 92) says that at Shanghai he was given 6 automatic pistols and 600 rounds of cartridges by one Karm Chand, who told him he had got them from a German friend for use in India, which he gave over to Nidhan Singh on his departure on the *Mashima Maru*. He also tells us that from there he wired to Bhagwan Singh at San Francisco to send him arms, but got a reply telling him to wait.

In this story Mula Singh is corroborated by Umrao Singh (p. 336) who says that as the *Mashima Maru* left Shanghai Mula Singh gave Nidhan Singh 6 pistols and ammunition and he further says that when the boat reached Hong Kong Nidhan Singh gave pistols to Rur Singh (82), Dhian Singh (one of the Ferozeshahr murderers), Hari Singh and Amar Singh who have not been challaned.

Prior to the arrival of the *Korea* in Hong Kong it was known that there were police searches made of all passengers at Hong Kong, and we are told by two of the approvers that a search for arms was instituted by the leaders of the revolutionists on boardship. Amar Singh mentions the incident on p. 63 but does not refer to the discovery of any arms, though he states on p. 88 he heard there were 2 revolvers on the *Korea*, but Nawab Khan (p. 126) says that on a prior search to this Jaggat Ram (31), Kesar Singh (43) and Jawala Singh (36) ordered all possessing pistols or cartridges to give them up, whereon all but 3 men gave up theirs. These three protested that if they gave up their arms they would be helpless to resist arrest, but after some argument they too consented to give their arms up. At the time of the second search conducted by Jawala Singh (36), Rur Singh (82) and witness no arms were found.

This evidence establishes that there were arms on board.

On arrival at Hong Kong, Nawab Khan (p. 129), says that when he went to Canton to interview the German Consul there he met Udham Singh (77), who told him he had come to purchase revolvers.

After departure from Hong Kong the *Toshu Maru* stopped at Penang where they met the *Mashima Maru* (p. 131-32) and Nawab Khan says that one party, consisting of himself, Rur Singh (82), Nidhan Singh (54) and 2 others, not accused, was deputed to enquire about dealers in arms, and another party, consisting of Jawala Singh (36), Amar Singh, Pirthi Singh (58), Sher Singh (73) and another, went to find out what arms there were in the thanas. Reports were made but nothing happened.

This incident is, however, not referred to by Amar Singh, but we see no reason to disbelieve Nawab Khan.

Nawab Khan (p. 132) further says that when they reached Rangoon they went to a Pathan dealer in arms, but he declined to sell them any.

That there were some arms on board the *Toshu Maru* is evidenced by Nawab Khan. He tells us, according to the notes of two of the Commissioners and the magisterial statement, that Jaggat Ram (31) told him he had tried to smuggle in 7 revolvers on arrival at Calcutta, but he had been obliged to leave 6 of them in a suit case in the cabin of a Bengali doctor and had managed to get one away which he had handed over to Sher Singh (73). He also says that Pirthi Singh (58) and Amar Singh had 4 revolvers and Sher Singh's men who had come from Canada had 3. He also tells us (p. 144) that one Bhagwan Singh of the *Toshu Maru* told him he had managed to smuggle in a pistol.

The story of Jaggat Ram's attempt is corroborated in a very striking manner by Mr. Slattery.

He tells us (p. 331) that he found on the *Toshu Maru* in Calcutta on the 29th October a suit case (P. 292) containing 2 automatic pistols, 4 revolvers and about 200 rounds of ammunition, and these articles have been produced before us.

Nawab Khan (p. 140) also tells us that Kartar Singh (39) told him at Jullundur how 100 pistols had been sent to Sohan Singh (74) for the use of Gurdit Singh and the *Komagata Maru* men, which Gurdit Singh told Kartar Singh at Kobe he had received, and further how he had obtained 5 pistols and revolvers from relatives in the States, which he had given to the Ferozeshahr murderers and Nidhan Singh (54).

In addition to this evidence we have one very strong piece of evidence showing the actual importation of arms from abroad.

Kashi Ram's box.

Nawab Beg, Jailor (p. 329), says that shortly before the execution of Kashi Ram, one of the Ferozeshahr murderers, he was visited by his father, and the father was told that some things were coming from America for him and he should have a care for them.

Mr. Clements, Preventive Officer of the Customs in Calcutta, tells us (p. 234) that on the 27th March he boarded the *Kawachu Maru* under instructions, and there seized 2 boxes marked K. R. M. and K. Ram, which he took up to Delhi under orders. On being opened in the presence of Sir Charles Cleveland, Mr. Petrie and Mr. Connolly, there were found, so far as he remembers, in false bottoms 2 automatic rifles, one Mauser revolver, 1,500 rifle rounds, 300 revolver rounds, cleaning implements, cartridge belts and clips.

Mr. Petrie (p. 328) gives corroborative evidence and speaking from a list prepared at time of search testifies there were two rifles, one Mauser pistol, 900 rifle cartridges, 350 revolver cartridges, 4 cartridge belts and clips. These artieles and the boxes (P. 190-A. B.) have been produced in court before us.

Importation by Nidhan Singh.

The use of false-bottomed buckets for importation is further evidenced by Jawala Singh, who tells us (p. 116) that when Nidhan Singh's gang collected at Moga in November 1914, Nidhan Singh brought such buckets with him, and *inter alia* under a false bottom were three pistols and cartridges which Dalip Singh, Gandha Singh (16) and Dhian Singh, all Ferozeshahr murderers, took with them.

This concludes the direct evidence we have as to the introduction of arms from abroad, but it does not conclude the methods for procuring arms proposed and attempted by the revolutionists.

We have seen from Nawab Khan's statement that it was proposed at Penang to get arms from the thanas. This was an old standing idea of the revolutionsts who also had an idea of raiding guards on bridges.

Raiding thanas and railway bridge guards.

Nawab Khan tells us (p. 125) that as the *Korea* sailed Bhagwan Singh advised the emigrants to get arms in India by force from the police stations. He also says (p. 129) that on the *Toshu Maru* it was resolved by the committee of the revolutionists that on arrival they should muster their men, attack police stations, and equip themselves with arms and ammunition thereby. He also tells us (p. 134) that at the Ladowal meeting on the 17th November Jaggat Ram (31) proposed that as arms had not arrived from America, they should be procured by attacking the thanas, and further on p. 137 he asserts that Kartar Singh suggested an attack on thanas on 4th December. Ichra Singh (p. 255) tells us that Gandha Singh (16) and Buta Singh (12) told him in November that attacks on thanas were part of their scheme.

Jawala Singh (p. 116) says that the question of looting thanas for guns was discussed in Nidhan Singh's gang, and was suggested by Roda Singh (67) and that Nidhan Singh proposed attacking the Gidar-Baha police post—an enterprise, however, which was abandoned after preparations had been made to carry it out.

We may also here refer to the Lopoke thana affair: this was a suggestion made by Liakat Hyat Khan to Kirpal Singh, spy, as a ruse to get the conspirators together on the 20th February and so secure their arrest. Kirpal Singh did suggest it to the revolutionary party, and it was readily agreed to, but the plan was not carried out owing to the break-up of head-quarters on the 19th by the police raid. This of course cannot be used against the accused as a suggestion of theirs; it can only be used as an illustration of their readiness to accept such a proposal in furtherance of their cause.

We have no evidence of any actual attempt upon any thanas, but in respect to attacks on railway bridges for the express purpose of procuring arms we have ample evidence.

Nawab Khan (p. 137) says that on 4th December it was decided by the marauding gang of which he was a member, to attack the guard on the Safed Bain bridge and seize their rifles, and it was arranged that Kartar Singh should collect men on the 10th December for this purpose. The proposal was again considered (p. 139) at Burobarian, as also was a proposal to get arms from thanas. The proposal was, however, held over for a time, but after the failure of the Bhimwal dacoity, the gang decided to meet at Chaheru on the 19th December to attack the railway bridge. It was also decided that men should be got together at Kupp for the enterprise on the 17th December, and Rulia Singh (68), Gandha Singh (16) and Amli were deputed to collect the men from the Nawashahr side and Kartar Singh (39) went off to Amritsar, leaving instructions that if he failed to reach Kupp on the 17th, he, Nawab Khan, and his party were to attack the Doraha bridge on the 19th simultaneously with an attack to be arranged by Kartar Singh on the Bain Safed bridge. This scheme so far as Nawab Khan's part is concerned came to nothing for Nawab Khan was arrested on the 19th December.

That, however, the Doraha bridge was thought of as a fit place to attack is evidenced by Ichar Singh. He says (p. 255) that in December Gandha Singh (16)—who it should be noted, Nawab Khan says, was sent out to get men—came to Lohatbadi, and it was finally decided to collect men to attack the Doraha bridge. Sewa Singh (71), Gandha Singh (16), Chuhar Singh (3), Arjan Singh (3) and one Puran Singh actually set out for the enterprise arranging to meet near Gurthali, but they returned 3 days afterwards with the report that finding two armed soldiers they had given the enterprise up.

We have already referred to Nand Singh's confession in the section dealing with bombs. He mentions (p. 423) the same persons as having met at Gurthali, where they were joined by Harnam Singh and Banta Singh (6) and others, whence they proceeded to the Doraha bridge to attack the guard there, but getting frightened they abandoned the design.

The same bridge was also discussed in Lohatbadi as a good place to attack in January (see Puran Singh p. 307), and Uttam Singh of Hans (p. 306) says Buta Singh (12) and Gandha Singh (16) sent a number of men from Ferozepore to attack this bridge on the 21st February.

The witness went, but the attack failed as the other party did not turn up.

We have during the course of this conspiracy trial had occasion to try the Walla bridge murder, the facts of which are sufficiently well known.

That bridge was successfully attacked on the 12th June, two men were murdered at the bridge, two by the escaping murderers, and a quantity of rifles stolen. Five men have suffered the extreme penalty and one of them is Banta Singh (6) who we have seen is mentioned by Nand Singh as one of the gang which contemplated the raid on the Doraha bridge; and one of the alleged criminals who is absconding is Jawand Singh (35) who is wanted in this case.

We have no doubt whatever that the Walla bridge affair is an integral part of this war and it gives point to the evidence regarding similarly contemplated outrages.

Attacks on magazines and arsenals.

An important method of raising arms discussed and attempted by the revolutionists was the attacks upon forts and arsenals.

Ichra Singh (p. 255) tells us that in November he was told by Buta Singh and Gandha Singh that the attack upon forts was an integral part of the programme.

That it was is proved by evidence of proposals to attack Mian Mir and Ferozepore.

The first projected attack on Mian Mir was fixed for the 25th November 1914.

Amar Singh (p. 68) tells us that prior to the Moga meeting of 19th November Kartar Singh (39) told him it had been arranged for a sepoy in Mian Mir to assist them in looting the magazine. At the Moga meeting Kartar Singh again mentioned this fact, and the next meeting was fixed for the 23rd at Mullanpur, and it was arranged all were to meet at Mian Mir on a fixed date with every available man. Witness got his cousin Ram Rakha (65) to agree to join.

At the Mullanpur meeting (November 23rd) at which Nawab Khan, Nidhan Singh (54), Jaggat Singh, Dhian Singh, Chanda Singh, Rahmat Ali Khan, Jiwan Singh, all Ferozeshahr murderers, and Kartar Singh (39) and others were present, Nawab Khan and others were given money provided by Nidhan Singh and Kashi Ram to collect their men, and it was arranged the magazine was to be raided two days later. Nawab Khan and his men were to break up the railway line, and Kartar Singh was to arrange to destroy the telegraph wires. On the appointed day he went himself to Lahore, where he met Kartar Singh who told him the sepoy, who had undertaken to help, had left Lahore, and, as it was a hopeless undertaking under the changed circumstances, Chanda Singh and Dhian Singh had been despatched to Ferozepore to stop men coming from that direction.

Nawab Khan (p. 135) says that at the Moga meeting of 19th February, which was attended by Kashi Ram, Jiwan Singh, Kartar Singh (39), Amar Singh, Nidhan Singh (54) and himself, Kartar Singh told them that Permanand (56) had arranged for an attack on Mian Mir in order to procure arms.

Nidhan Singh and Kashi Ram were sent with Kartar Singh to satisfy themselves as to its feasibility, and it was arranged that they should all meet at Badowal-Mullanpur, on the 23rd November to fix a date for the attack.

On the 23rd November there was a gathering at Badowal (Mullanpur) attended by witness, Gandha Singh (16), Chanda Singh, Dhian Singh, one Jabru, Kashi Ram, Kartar Singh (39), Nidhan Singh (54), Amar Singh and Jaggat Singh.

They were assured that Kashi Ram and Nidhan Singh had been satisfied as to the possibility of the attack after a discussion with Parmanand (56), and it was agreed that a night attack should be made on the 25th November. The party broke up with an agreement to collect men.

On the 24th November he got promises from Rulia Singh (68), and several others to meet on the 25th at Ludhiana, thence to proceed to Lahore.

On the 25th morning he went to Ludhiana and there met Dhian Singh, Jiwan Singh and Rahmat Ali, who told him that Kartar Singh (39) had sent them to warn men coming up to Lahore that the scheme was off and to direct them to assemble at Ferozepore on the 26th, and he thereupon sent Rulia Singh (68) to Lahore to expostulate with Kartar Singh.

Jawala Singh (p. 117) gives a very full account of the matter. He says he went with Nawab Khan to Badowal, though he was not at the meeting, and there saw Nidhan Singh, Kartar Singh, Jaggat Singh and Hari Singh. After the meeting he was told to go to Moga and there await orders. At Moga Nidhan Singh told him, Dhian Singh, Amli and Hari Singh (26) that they were to assemble on the 25th November in some thickets by the Mian Mir Station, and told them that the armoury key would be obtained and that having secured arms they were to attack the Territorials. After gathering a few more men together he went on the morning of the 25th to Ferozepore with Kala Singh, meeting there Hari Singh (26), Dhian Singh and others and thence to Mian Mir. They assembled in some thickets near Mian Mir, where they stayed till 10 P. M. About that time Jaggat Singh (Ferozeshahr murderer) came and said the leaders wanted them in Lahore, and Dhian Singh was sent in to find out what had happened while the remainder rested in some bushes by the side of the railway. In the morning Dhian Singh returned and booked them to Ferozepore where Nidhan Singh explained that they had failed to get the keys of the armoury.

Umrao Singh (p. 336) also tells us that he heard from Lal Singh in November that a meeting was to take place at Moga to arrange for an attack on some cantonments, and he sent Arjan Singh from Ludhiana to Moga and also saw Roda Singh depart for it.

Both Nawab Khan and Jawala Singh tell us that after the failure of the attempt at Mian Mir they were told to assemble at Ferozepore. This was preliminary to a projected attack on the Ferozepore Arsenal.

Nawab Khan (p. 136) states he despatched to Ferozepore on 26th November 1914, Dhian Singh, Rahmat Ali, Bakhshish Singh, Jiwan Singh and Arjan Singh (the Anarkali murderer), and the next he heard of these men was that they had committed the Ferozeshahr murder.

Jawala Singh (118) says that from Mian Mir, Dhian Singh (II) booked Gandha Singh (16), Hari Singh (26), a Sur Singh man, and Amli to Ferozepore where they met Kartar Singh (39), Jaggat Singh, Nidhan Singh (54), and others. Under directions they met outside the city on the Jalalabad Road, and Nidhan Singh explained they had arranged to get arms from a Pathan Regiment in Ferozepore on the 30th November, and directed them all to meet in order to attack the arsenal on that date. Thereafter to fill in the time it was proposed to loot the Moga treasury, a proposal which led to the Ferozeshahr murders, an adventure which necessarily carried with it the abandonment of the design on the arsenal.

In connection with this proposal Ichar Singh (p. 255) says Gandha Singh (16) told him at Lohatbadi, that he was one of the party that had gone to Ferozepore to procure arms, and that Nidhan Singh (54) and Kartar Singh (39) were with him at the time.

We may note here that other attacks on both Mian Mir and Ferozepore were contemplated for the day of the rising; but a consideration of these must be deferred, for though the securing of arms thereby was hoped for, they were distinct acts of war in themselves.

We have now to refer to other methods employed in India to secure arms.

Amar Singh (p. 67) states Jaggat Ram told him it had been decided at Ladowal on 17th November, to collect arms and he also told him later that money deposited with Parmanand (56) had been given to Kartar Singh (39), who had gone off with Parmanand (57) to Benares and Calcutta to buy arms. He later met Kartar Singh (39) in Lahore, who told him he had failed to get any, and that Jaggat Ram had gone off to Peshawar to secure some there.

The obtaining of arms from Bengal and down-country.

In connection with this attempt to secure arms from down-country, Amar Singh further states (p. 69) that when he met Sanyal in Jullundur in December the latter said it was difficult to get arms in Bengal, but he gave Kartar Singh a pistol and cartridges.

He also says (p. 69) that at the meeting at Amritsar on the 31st December it was again decided to collect arms, and (p. 71) that when Rash Behari Bose came with Rao to Amritsar his companions brought four revolvers and some cartridges which were placed in an almirah. These revolvers he says (p. 73) were removed to Lahore when Rash Behari Bose moved there on the 2nd February, the bundle being carried by Kirpal Singh (46), and deposited in the Goalmandi house. Iqbal Singh (p. 171) states that Kirpal Singh (46), when he visited him in February, boasted of having brought this bundle of revolvers in. We will have occasion to refer later to this bundle of revolvers. At present we are merely concerned with the attempts to secure arms from Bengal.

Mula Singh (p. 95) also says that after his arrival in Amritsar he was expecting arms from America which did not come, and that Jaggat Singh (32), Lal Singh (49) and Indar Singh (30), told him arms which had been expected from Bengal had not come. He says also he was present at the meeting of the 31st December, when Parmanand (57) told him of his and Kartar Singh's fruitless trip down-country, and it was decided that arms must be got. He states (p. 97) that on 12th January 1915, he gave Sanyal Rs. 500 partly to get arms with. He also says that when Rash Behari Bose came to Amritsar, the latter told him arms could be obtained, and that soon after Hirde Ram (27) was sent down to Benares for pistols, and he and Rao brought 4 pistols at the time the bombs P. 25 A. D. were brought, which witness placed in an almirah in Atri's house.

These pistols he also says were taken by Kirpal Singh (46) to Lahore when Rash Behari Bose moved there. He further says that on the day of his arrest he met Parmanand (57) in Amritsar who told him arms were now procurable in Benares.

Jawala Singh (p. 116) in connection with the same subject says that in November Nidhan Singh (54) sent him with a message to Roda Singh (67) to go with Amli to Mahana Station and await a consignment of arms from Bengal. The consignment, however, never came and Nidhan Singh got a letter explaining why. Nawab Khan (p. 134) also refers to the discussion at Ladowal on the 17th November regarding the need of arms and the subject was again referred to on the 19th November at Moga, and on p. 140 he says Kartar Singh told him at Jullundur that he had been sent down by Parmanand (56) with Rs. 2,000 to get arms in Calcutta, but he had failed to get any. He further tells us (p. 138) that Amar Singh told him the Bengal party wanted Rs. 200 from Kapurthala for arms, and he would go and get it from one Sundar Singh of Simli.

Umrao Singh (p. 339) also says that one day in February he met Parmanand (57) at Lohatbadi and the latter told him he had once been to Bengal in a fruitless endeavour to get arms.

Ichra Singh (p. 256) says that Parmanand (57) came to him in Lohatbadi with Arjan Singh, the Anarkali murderer, saying he intended going to Bengal for revolvers. This was in January, and witness advanced him Rs. 30 for his fare. Parmanand told him he would bring 4 revolvers, and consign more to Kupp station, but no arms ever came.

The obtaining of arms from Patiala and the collection of arms in Lohatbadi.

Another place where it was hoped arms could be obtained from was Patiala.

Jawala Singh (p. 116) says that in November he was sent to Patiala to get a rifle, but he failed to do so.

Ichra Singh (p. 256) states that on the 20th January it was decided he should go to Patiala and secure arms and ammunition through Sundar Singh, Indar Singh and Karm Singh (40). He says he went to Akalgarh with Rs. 150 where he met Sundar Singh who showed him four swords and a dagger; from there they went with Karm Singh (40) to Patiala, where one Kartar Singh showed them a sword, and said he could make cartridges, and offered to procure him a gun and loading implements.

He then went home, and subsequently he gave Gandha Singh (16) Rs. 10 to buy materials for making cartridges through Indar Singh of Patiala. Gandha Singh and Indar Singh came to his house and made gunpowder and left behind some lead, sulphur, saltpetre, etc.

Indar Singh was unable to make cartridge cases, and departed with the intention of making them at Sangrur, and Gandha Singh (16) and he made more gunpowder. The next day Gandha Singh and Sewa Singh went to Akalgarh whence they, Sundar Singh and Karm Singh (40) returned with 4 swords, a *khanda*, a knife and a single-barrelled gun which he, Ichra Singh, took possession of.

Shortly after Indar Singh came and confessed his failure to make cartridges, but said they could be procured at Sangrur.

We may for convenience sake follow up these materials at this stage.

Sewa Singh (305) says gunpowder was made at the Gurdwara by Sewa Singh (71) and Gandha Singh (16), and he further states that after his father's arrest he removed the gunpowder, a gun, two swords, and some lead and buried them in a pond. Later Sewa Singh (71) and Arjan Singh (3) removed the gun and swords, and the other articles he, witness, handed over to the police.

Udham Singh of Hans (p. 306) says he saw in January 2 or 3 swords, a dagger and a gun at the Lohatbadi Dharmsala, Sundar Singh, Karm Singh (40) and Nidhan Singh (54) being there at the time.

Narain Singh (p. 263) says that in January, Gandha Singh (16) said he would go to the *Doaba* to get arms, and he lent him his camel. Later on Ichra Singh again asked him for his camel to fetch arms from Patiala. He lent it, and Gandha Singh (16) and Sewa Singh went off and returned telling him the arms had been placed in the *dharmsala*.

He also states (p. 263) that at the *dharmsala* he saw Indar Singh of Patiala vainly endeavouring to make cartridge cases, eventually going off to try elsewhere.

He also says (p. 267) that after the Rabhon dacoity he saw Gandha Singh (16) and Sewa Singh (71) pounding gunpowder, and he assisted them, and further that at Sewa Singh's (71) request he went to Ichra Singh and brought 3 swords from him which he gave to Sewa Singh.

Thakur Singh (p. 309) states that one night he saw 5 or 6 swords in a box in Ichra Singh's Gurdwara, but the next day they were gone.

Ichra Singh (p. 260) states that one of the daggers was taken away by Gandha Singh (16), the other (P. 217) buried in a pond, which he got Gajindra Singh to deliver up to the police. He also says his son and he gave up a sword hilt (P. 219-A) and some lumps of lead (P. 221), and a *gandasa*, which he had as well, was given to the police at his instance by Gajindra Singh.

Sher Sahai (Circle Inspector) states (p. 325) that on 1st March 1915 Sewa Singh gave up to him gunpowder, lumps of lead and pointed out where he had hidden the arms removed by Sewa Singh (71) and Arjan Singh (3), and on 2nd March Gajindra Singh produced a scabbard (P. 225) and a dagger (P. 217).

He is corroborated in regard to both discoveries by Sundar Singh, Lambardar (p. 308).

Miscellaneous efforts.

There appear to have been other miscellaneous efforts to procure arms.

Mula Singh (p. 106) says he once sent Harnam Singh (24) to one Bir Singh, Havildar of Tikiriwala, to get whatever arms he could spare, and Nawab Khan (p. 140) tells us Kartar Singh and he visited one Ajit Singh of Guru-ka-Jandiala with the same object.

We may now turn to consider the procuring of certain arms by certain of the accused.

Arms connected with particular accused.

(i) Kidar Nath.

(1) The allegation in regard to Kidar Nath (48).

Amar Singh (pp. 71—83) states that in January he met Kidar Nath in Lahore and asked him if he could procure a revolver, to which Kidar Nath replied he could get one immediately, and also offered to procure a gun, which was not needed, and he further says that on a subsequent visit Kidar Nath gave him a revolver, and he, witness, gave him Rs. 40 for cartridges, the revolver being placed in the Goalmandi house. He further states that on the 14th February (pp. 77—83) he handed over this particular revolver to Kirpal Singh, spy, who was already in possession of another revolver and cartridges.

Mula Singh (p. 100) says Amar Singh told him he had obtained a gun, a revolver and country-made pistol from one Kidar Nath or Amar Nath and both Liakat Hayat Khan (p. 155) and Ahmad Khan (p. 160) say Mula Singh gave them this information on 14th March 1915.

This matter is discussed more fully in the part dealing with the charges against Kidar Nath.

(2) Madan Singh.

(2) The allegation against Madan Singh (50).

Mula Singh (p. 98) says that in January he told Amar Singh to send Madan Singh to Sukkur to see if arms were obtainable there, and Amar Singh returned after despatching him, and on pp. 101—112 he says Madan Singh brought him a country-made pistol (P. 25-E.). This country-made pistol (P. 25-E.) was found by Ahmad Khan in the Wachhowali house on the 24th February (*vide* Ahmad Khan p. 159), Charanji Lal (p. 167) and Diwan Chand (p. 166), and according to Amar Singh (p. 78), it formed part of the parcel brought into Lahore by Parmanand (57) from Mula Singh's house in Amritsar after the latter's arrest on 13th February, and in this he is corroborated by Kishan Singh, Sadh, who says (p. 209) it was one of the articles taken out of Mula Singh's almirah by Balwant Singh. This incident of the broken cupboard, which we have already had occasion to refer to in connection with the bombs removed at the same time, is also corroborated by Liakat Hayat Khan (p. 152) and Gurbakhsh Singh (p. 208).

(3) Hirde Ram.

(3) The allegation against Hirde Ram (27).

Amar Singh states (p. 77) that on the 14th February Rash Behari Bose gave witness an envelope for Hirde Ram (27) to take to one Atma Singh, and to bring into Lahore whatever the latter gave him.

He says (p. 78) that on the 18th February Hirde Ram came with a revolver (P. 27) in a leather case which he deposited in the Goalmandi house.

The revolver (P. 27) was discovered by Ahmad Khan on the 22nd February in the Goalmandi house (*vide* statements of Ahmad Khan (p. 157), Mr. Tresslor (p. 166) and Nur Din (p. 166)).

(4) The Dadhir accused.

(4) The allegation against the Dadhir and Mahrana accused.

Mula Singh (p. 104) says that after the abortive attempt of dacoity at Kartarpur Balwant Singh (5) returned with three revolvers including P. 48-49 and cartridges which he told him to take to Wasakha Singh of Dadhir (80), and he states (p. 105) that on the 13th February Balwant Singh came and told him he had delivered them.

Liakat Hayat Khan (p. 152) states that Mula Singh informed him of this fact about the 25th February, and he sent Amir Ali to Dadhir to search, and he also alleges that later on Wasakha Singh (80) gave up a box (P. 86) containing two revolvers (P. 48-49) through his uncle saying he had got them from Balwant Singh (5).

This discovery along with 13 cartridges is corroborated by Sham Singh, Zaildar (p. 204), Kishan Singh (p. 205), Sham Singh (p. 205) and Jana (p. 205), and by Amir Ali, Inspector (pp. 248, 252), who says that at first Wasakha Singh denied having received any.

The third revolver and some more cartridges (P. 164-A. B.) were according to Amir Ali given up (pp. 249, 252) by Kehr Singh (41) of Mahrana on 28th March 1915 and his discovery is also testified to by Ujagar Singh (p. 205) and Mahn Singh (p. 254), both lambardars.

The possession of arms by these men in the interval is further testified to.

Kehr Singh (41) was in Lahore on the 13th February, and he was deputed to help Kirpal Singh, spy, in the proposed attack on Lopoke Thana, and Amar Singh (p. 76) says he told Kirpal Singh that Mula Singh sent two revolvers to Kehr Singh.

Kirpal Singh (p. 185) states that on setting off for Dadhir, Nidhan Singh (54) told him there were 3 revolvers with the Dadhir and Mahrana accused, and he states that the accused themselves told him at Dadhir that they had 3 revolvers, which they would bring along with them on the 20th February for the proposed rising.

(5) Baj Singh and Balwant Singh.

(5) The allegation against Baj Singh (4) and Balwant Singh (5).

This is a separate matter from the Dadhir matter in which Balwant Singh was also said to be concerned.

Mula Singh (p. 103) says that early in February Balwant Singh came to him with 100 rounds of ammunition from Baj Singh (4) which he placed in the Mona Chak house, and Amar Singh (p. 78) says that Permanand (57) after Mula Singh's arrest brought in a bundle of cartridges *inter alia* from Amritsar, which were deposited in the Wachhowali house.

In that house Ahmad Khan (p. 157) found 60 cartridges (P. 116), and in this he is corroborated by Diwan Chand (166) and Chiranji Lal (167).

In connection with this same accused Balwant Singh, Gopal Singh (p. 192) and Buta Singh (p. 192) state they were present at a search of his house on 14th March 1915 when 5 rifle cartridges (P. 131) were found there, and Ahmad Khan states (p. 160) these cartridges and a rifle were brought to him by Muhammad Sadiq.

The Lohatbadi gang. Arms at Lohatbadi.

We have already discussed in detail the arms actually discovered in Lohatbadi. We have, however, to notice here some further references to the possession of arms at different times by some of the accused.

Ichra Singh (p. 255) states that Gandha Singh (16) in his presence asked Buta Singh (12) in November if he had made arrangements for arms, and at the same time showed them an automatic revolver loaded and also some 40 or 50 spare cartridges, and he also states that at a meeting at the school on the 20th January Gandha Singh again showed the party his pistol, and he, witness, showed 2 daggers. Uttam Singh had also a pistol. It was decided on the 21st to buy 2 guns, and Uttam Singh and he sent Buta Singh Rs. 150 and Rs. 10 to procure a gun. The money was returned as a gun was not procurable, and he sent Rs. 135 back with Nand Singh out of which the latter wanted to retain Rs. 65 to get a revolver with.

He also states (p. 259) that after the Jhanir dacoity he gave the dacoits Rs. 95 to bring a gun, and that Nand Singh (53) kept Rs. 65 out of the prior Rs. 135 to buy a revolver.

This matter is also referred to by Nand Singh in his confession.

He says (p. 418) Ichra Singh took Uttam Singh and himself to his house and said 2 guns were available, and asked him for Rs. 150 to buy them with. They promised to get the money from home, and next day Uttam Singh gave him Rs. 150 which he took to Buta Singh. He eventually heard Buta Singh had failed to procure the gun.

He also says (p. 420) that Rs. 135 were returned by Buta Singh, and further that he was given Rs. 65 out of this to purchase a pistol with, which he tried to get from one Puran Singh without success.

Miscellaneous references to possession of arms by conspirators.

There are a number of other references to the use and possession of arms on the record, which we may briefly touch upon.

Amar Singh says (p. 74) that about 8th or 9th February Mula Singh asked him to go to Lahore from Amritsar and fetch 3 revolvers which Rash Behari Bose had taken there, and he did so and handed them over to Mula Singh. Mula Singh (p. 103) referring to the same incident states that Rash Behari Bose and Kirpal Singh (46) on going to Lahore took with them 4 pistols of ·380 bore including one which was out of repair (he having had 5 or 6 pistols some of which of ·450 bore he had given to Arjan Singh and Jaggat Singh for the Chhaba dacoity).

After they had gone he was told Teja Singh had left 50 rounds of ammunition which Arjan Singh and Jaggat Singh told him would fit the revolvers taken away by Rash Behari Bose, and he accordingly sent Amar Singh to fetch them back, which he did, and they were handed over to Jaggat Singh and Arjan Singh. One of these revolvers was P. 55, which was subsequently found on Arjan Singh after he had committed the Anarkali murder on 24th February 1915. See evidence of Ahmad Khan (p. 157).

Mula Singh (p. 97) states that after the 11th January, Kartar Singh (39) gave him a revolver and cartridges, and he also states (p. 103) that in February he gave a stranger, introduced by Nidhan Singh, Rs. 300 to buy a gun and a pistol with. On the same day he states (p. 104) Nidhan Singh supplied him with a long knife (P. 30-A), which he deposited with other arms in the Chak Moni house.

He states further that when he was arrested on the 13th February he was found in possession of one cartridge (P. 52), a rifle sight (P. 53) and a lot of keys, some of which opened the almirah in the Chak Moni house where he had deposited arms—a matter corroborated by Ali Haidar Khan (p. 348) and Liakat Hayat Khan (p. 156). Nawab Khan (p. 140) says that Kartar Singh (39) told him at Jullundur that Permanand (57) had given one revolver to Parmanand (56) who, in his turn, had given it to him (39), and further that

Permanand (56) had sent Jaggat Ram (31) with Rs. 500 to get arms in Peshawar.

He also says (p. 134) that at the Ladowal meeting on 17th November 1914, Nidhan Singh (54) told him his party had 5 pistols, and Kartar Singh said money had been given to Gujar Singh (17) to get *gandasas* made.

He also states (p. 135) that at the Badowal meeting on 23rd November Gandha Singh (16), Chanda Singh and Dhian Singh had pistols in their possession, and was told that Permanand (56) had sent Jaggat Ram (31) with Rs. 500 to get arms in Peshawar.

He also says (p. 137) that after the Ferozeshahr murder, when wandering about with Gandha Singh (16), he borrowed a pistol from the latter for self-protection when going into Ludhiana, and at Ludhiana he was told by Kartar Singh (39) that Nidhan Singh (54) had gone down to Delhi to get arms and was expected back on the 5th December with some.

Kirpal Singh, spy (p. 186), states he gave a pistol (P. 56) to Permanand (57) which he had himself received from Rash Behari Bose, and on p. 185 he says that on 15th February 1915, Amar Singh in Lahore had a bundle of pistols and cartridges, and asked him to get a pistol repaired in the Cavalry Lines. Liakat Hyat Khan (p. 151) says that on 16th February 1915, Kirpal Singh, with whom he was in communication, showed him this pistol, P. 56.

Thakra Singh (p. 309), a licensed gun-dealer, states that he supplied Dalip Singh (deceased) and Deva Singh (15) with two guncaps, and Indar Singh (p. 311) states he heard Kishen Das, Sadh, tell a gang of dacoits, who visited his *dharmsala*, he would supply a gun from a Subedar. Some days later these men came with Rs. 50 to pay for it.

Sucha Singh (p. 273) states that in January, the day before the Sahnewal dacoity, Kartar Singh showed him a revolver which he got from Ram Rakha (65) and on p. 274 he says he saw Balwant Singh (5) and Kartar Singh (39) mending a revolver.

Jaimal Singh (p. 293) referring to the day before the Sahnewal dacoity states he saw Ram Rakha with a pistol at the boarding-house.

Sardar Ali (p. 220) states that the gang he saw collected at the Jhar Sahib on 28th November was armed.

Police discoveries.

We may conclude this part dealing with the procuring and possession of arms by noting police discoveries of arms other than those already referred to.

Jawala Singh (p. 118) says that when Roda Singh and he were arrested at Moga on 30th November 1914, Roda Singh was found to be in possession of a pistol, and Police Constable Pir Bakhsh (p. 327), who effected the arrest, states he found on him the pistol P. 289-A and 49 cartridges (P. 289-B), some of which actually fitted a weapon discovered on the arrest of the Ferozeshahr murderers.

Liakat Hayat Khan states (p. 151) that in house No. 1 a revolver (P. 56), a dagger (P. 30-A) and another revolver were discovered, and Amar Singh (p. 79) gives similar evidence. Ahmad Khan (p. 157) states he found P. 29 miscellaneous cartridges, a sword-stick (P. 105) besides the pistol (P. 27) already referred to in the Goalmandi house on 22nd February 1915, and he is corroborated by Mr. Tresslor (p. 166) and Nur Din (p. 166). The cartridges P. 29 Amar Singh states (p. 79) he transferred to this house on the 19th February, receiving them from Rash Behari Bose. Amir Ali (p. 249) states that on the 27th March on the information of Baj Singh (4) he searched the house of one Lal Singh of Raya, and found there a large collection of cartridges and bullets (P. 163-A., B., C.) which had been deposited there by Balwant Singh (5), and in this he is corroborated by Jawanda (p. 205).

Use of arms.

We have seen some of the methods used to procure arms, and we have further seen that several of the accused were from time to time in possession of arms.

(1) The dacoities.

We will see in due course how these arms were used in several of the dacoities committed by the revolutionists and we have seen how the marauding gangs were almost invariably armed.

(2) The murders.

We need only refer very briefly to a few more uses made by the revolutionists of these arms. We know that arms were used to commit the murders at the Walla bridge, and of Sardar Bahadur Ichra Singh and S. Chanda Singh, and we also know that arms were used with fatal effects in the Ferozeshahr murder.

It is unnecessary to refer to the incidents of these murders, but we may be permitted to mention since it is in direct evidence in this case that after the Ferozeshahr murder Muhammad Sadiq (p. 327) and Gulam Kadir (Zaildar, p. 327) found a revolver (P. 286), a *takwa* (P. 287) discharged cartridges, 5 *chavvi* blades (P. 288) and 49 loaded cartridges on the spot.

We have also seen that the Anarkali murderer was found in possession of P. 55, a revolver which had been in the hands of other revolutionists.

These facts show the desperate nature of the revolutionists and show to what lengths they were prepared to go in their resistance to arrest as well.

(3) In resisting arrest.

Four of the accused before us also attempted to resist arrest by means of arms fortunately without fatal results to the officers engaged in attempting to seize them.

The first of these is Pirthi Singh (accused 58). He was arrested on the 8th December 1914 at Ambala, after a desperate struggle in which Amar Singh, Sub-Inspector Police (p. 219), was rendered unconscious by the accused and Kahan Singh. Fortunately Pirthi Singh himself was also rendered unconscious, and he was secured by S. Lehna Singh, Executive Engineer (p. 342).

The second of these is, Piara Singh (accused 60). He was arrested on 12th April 1915 at Bidwan by Tanwir Ahmad, Sub-Inspector Police (p. 328), but before he was secured he struck the police officer with a *takwa* (P. 290) cutting the thigh down to the bone.

The 3rd and 4th of these men are Nidhan Singh (54) and Rur Singh (82), who were arrested near Chima by Phumman Singh, Police Constable (p. 262), Jagta, Chaukidar (p. 262), Abdul Haqq, Head Constable (p. 262), and some villagers who have not been called as witnesses. In this case before the accused could be secured Nidhan Singh (54) struck Phumman Singh with a dagger (p. 231) causing three incised wounds (*vide* evidence of Mokand Lal, Assistant Surgeon (p. 324)).

We can only here record our sense of respect for these men for the bravery shown by them in risking their lives in conflict with desperadoes, and for their devotion to duty, and also record our appreciation of the conduct of those villagers who assisted them.

(8) The Dacoities.

ONE of the methods adopted by the revolutionists to obtain funds for arms and bombs and other expenses incidental to the war they were waging was the commission of dacoities.

That dacoities did take place will be abundantly proved later on, and it will also be proved that part of the proceeds thereof were devoted to the cause of the revolutionary party.

It is, however, urged, particularly on behalf of the returned emigrants, who were interned on arrival, that dacoity was no part of the objects of the party leaving America, and accordingly before we come to the actual dacoities themselves, it is necessary to show how the idea of dacoities arose.

That dacoities were contemplated in America as a part of the general scheme of insurrection long before the emigrants set out for India is clear from the *Ghadr* newspaper itself.

In the *Ghadr-di-Gunj* there occur the following clear and distinct references:—

"Commit dacoities at some places."

"We should commit dacoity on the Government and awake the whole of the Punjab."

"Rob Europeans of their money and bring it to your own use,"

and it is impossible in the face of this to urge that dacoities were a late development.

These references to dacoities in the *Ghadr* are supplemented by other evidence.

In Indar Singh's confession (and he was interned on arrival in India) it is clearly stated (p. 388) that the organizers of the mutiny proposed in America to commit dacoities as a part of the scheme.

Mula Singh (p. 91) says that while in America they used to discuss among themselves the use of dacoities as a means to further their objects, and on p. 92 he says that on the *Korea* it was decided that funds were to be collected by dacoities.

Nawab Khan (p. 147) says private dacoities were proposed on boardship and in America, and on p. 129 he states that one of the resolutions passed on the *Tosha Maru* was that "raises" loyal to Government should be looted.

This evidence clearly establishes that dacoities were a part of the general scheme.

We will see when we come to discuss the dacoities and abortive efforts that as soon as the emigrants returned to India, one gang under the leadership of Nidhan Singh (54) (who, however, did not take part in any dacoity himself) at once started operations round Ferozepore and Nabha, which only ceased when the gang itself was broken up by the arrest of the Ferozeshahr murderers who were members of the gang. At the same time another gang under the leadership of Nawab Khan operated in Jullundur and Hoshiarpur Districts, and this gang carried on its efforts till the middle of December.

We will also see that spasmodic efforts at dacoities were made in various places in January, until ultimately the end of January and the beginning of February saw a wild orgy of dacoities, dacoities with murder and abortive dacoities.

We will see that on the 21st January, Kartar Singh (39) after consultation with Rash Behari Bose and others set off from Amritsar for the Ludhiana District with an armed gang and committed dacoities there; part of his gang returning to Amritsar and committing the Chabba dacoity, which ultimately led to the unmasking of the conspiracy, while simultaneously another gang with occasional assistance from his party were committing dacoities operating from a centre at Lohatbadi.

We will also see that even after the Chabba and Rabhon dacoities further attempts were made.

Before, however, coming to these actual dacoities we may briefly refer to incidental discussions of the revolutionists as to dacoities generally in India after their arrival.

Amar Singh (p. 67) says that at the Moga meeting on 19th November 1914, Kartar Singh (39) spoke of getting money by dacoity, though it should be noted Nawab Khan (p. 147) says he heard no mention of dacoities at that meeting.

Mula Singh (p. 95) says that at the end of December at a gathering of conspirators at the Virpali Dharmsala, Amritsar, it was agreed to raise money by dacoities, and at this meeting Nidhan Singh (54), Amar Singh, Mathra Singh (52) and Kartar Singh (39) were present.

In this he is borne out by Sohan Singh (pp. 226-27), who says in November Mula Singh asked him to join in dacoities to get money to buy arms with so as to fight Government, and he also says Jaggat Singh (accused 32) asked him at Tarn Taran to do the same. He refused and informed the Thanedar.

He is further borne out by Thakur Singh (p. 200). He tells us he was actually present at this Virpali meeting and heard Nidhan Singh (54), Jaggat Singh (32) and others discussing dacoities past and future.

He is also borne out by Jaggat Singh (accused 32) on p. 426. Jawala Singh (p. 116) also speaks of discussions in regard to dacoities among his gang.

Ichra Singh (p. 255) also says that in November or December Ganda Singh (16) and Buta Singh (12) came to him at Lohatbadi, and discussed the commission of dacoities for the purposes of the conspiracy.

In the cases which we will now proceed to consider, it will be found that the object of all these dacoities was to get money for the coffers of the party,—an object admitted to be the case by Nand Singh (53) in his confession. He states (p. 424) "we committed dacoities to get money for purchasing arms and ammunition."

The three accused Jaggat Singh, Harnam Singh and Kartar Singh have also admitted that the dacoities were committed to raise funds, though they say the funds were wanted for a seditious newspaper only (pp. 427, 431 and 443.)

We are now in a position to discuss in detail the successful dacoities at Sahnewal, Jhanir, Mansuran, Chabba and Rabhon, and after dealing with them in detail we can turn to a number of unsuccessful efforts.

The Sahnewal Dacoity.

This dacoity was committed on the 23rd January, and was accompanied by murder. Sahnewal is a village some 6 or 7 miles distant from Ludhiana on the Grand Trunk Road between Ludhiana and Ambala.

We have no evidence before us of any actual participator in the crime, the witness on whom the Crown relied, *viz.*, Dalip Singh, having died before his evidence could be recorded. We are not at liberty to refer to the statement made by him before the Magistrate as it was not made in the presence of the accused

We have no direct evidence either as to who was the original suggester of this particular crime, but we have a considerable amount of evidence both in regard to the people who prepared to set out and in regard to those who returned, and also some evidence as to the actual dacoity itself.

Amar Singh (p. 71) says that about 21st January Kartar Singh (39) decided after a discussion about lack of funds at Lahore that he would go and get money by dacoities, and he went off to Ludhiana for that purpose with some inkpot bombs.

Mula Singh (p. 98) tells us that after a failure at Jandiala Kartar Singh (39) came to him from Lahore and set out from Amritsar with the express object of committing dacoities in Ludhiana accompanied by Harnam Singh 24), Jaggat Singh (32), Rulia Singh (68), Ram Rakha (65), Balwant Singh (5), Jawand Singh (35) armed with bombs, revolvers and pistols.

Setting out for the dacoity.

Sucha Singh states (pp. 272-73) that there were two meetings at his rooms in the Islamia Boarding School, Ludhiana, on the 22nd and 23rd January. At the first one Kartar Singh (39), Harnam Singh (24), Ram Rakha (65), Rulia Singh (68), Arjan Singh, the Anarkali murderer, Jaggat Singh (32), Jaswant Singh (35) and Bir Singh (11) were present. He, witness, along with Anokh Singh (2) and Sajjan Singh (70) were not allowed inside. On the following day there was a further conference at which Ram Rakha (65), Rulia Singh (68), Arjan Singh, Jaggat Singh (32), Jaswant Singh (35), Bir Singh (11) and Dewa Singh (15) were present.

This meeting dispersed and Ram Rakha departed with a revolver. The same afternoon Bir Singh (11) and Harnam Singh (24) fixed some *chavvi* blades on to *lathis*.

Later about 4 P. M. Ram Rakha, Rulia Singh, Jaggat Singh, Jaswant Singh, Harnam Singh, Bir Singh and Balwant Singh met at the Boarding House, and Kartar Singh told them to meet at the 6th mile-stone under a *shisham* tree. They departed at various times, Ram Rakha taking a *kard* belonging to witness, and Kartar Singh, when leaving, told him they were going to commit a dacoity at Jandiali.

This story is partly corroborated by Abdul Alim (p. 298), a student at the Islamia School.

He says he saw some 8 men at Sucha Singh's of whom he only remembers Kartar Singh (39) and Ram Rakha, *i.e.*, of those implicated in the dacoity.

The following day he says he saw two men bringing *chavvi* heads which were fitted by the the help of Sucha Singh on to *lathis*. In his absence these men departed and Sucha Singh told him they had all gone off for a dacoity.

Surti Singh (p. 297) says a day before the dacoity he saw 6 or 7 men including Kartar Singh, Ram Rakha and two Sikhs at Sucha Singh's.

There is some evidence, *viz.*, that of Permeshri Das, Siri Ram, Multan Singh and Surkhu (p. 301) to Dalip Singh and others having been in the locality of Sahnewal about the time of the dacoity, but inasmuch as the object of this testimony was to corroborate some incidents in Dalip Singh's account and as that account is not available for us, and the statements do not in themselves carry us much forward, we are unable to say how far they are connected with the actual dacoity, and we accordingly pass by this evidence.

The dacoity itself.

The direct evidence as to the dacoity itself consists of the statement of Mussammat Sobhi.

She (p. 295) states a gang of dacoits entered the house, beat her, her daughter-in-law and her husband, taking with them whatever ornaments there were, and after the dacoits were gone, her husband, Khushi Ram, died.

The medical evidence shows (p. 323) that Khushi Ram, whose body was despatched to the hospital by Muhammad Akbar Khan, Sub-Inspector of

Police (p 314), accompanied by Police Constable Mehr Khan (p. 315) and identified by Durga Das (p. 315), had numerous abrasions, incised and lacerated wounds, that he had been very roughly handled, 9 ribs on one side and one on the other being fractured, causing injuries to the lungs, and that death was due to the injuries to the lungs and shock.

Mussammat Sobhi was also found to have several *lathi* injuries, and the daughter-in-law, Mussammat Sharla, one simple lacerated wound.

The return from the dacoity.

This is the only direct evidence we have in regard to the dacoity itself, but three of the accused, *viz.*, Harnam Singh (24), Jaggat Singh (32), and Kartar Singh (39) admit they were in the dacoity.

Jaggat Singh (p. 426) says Arjan Singh, the Anarkali murderer, Amli (eventually killed at Chabba), Ram Rakha (65), Harnam Singh (24), Kartar Singh (39) and he himself were in it with others, and the gang was the same as was in the Mansuran dacoity. He states the actual murder was committed by Arjan Singh.

Harnam Singh (p. 431) admits his complicity, and Kartar Singh (p. 443) gives a long account of the dacoity in which he says Dalip Singh, deceased, took them to Sahnewal. He says he himself stood on the road keeping guard, armed with bombs, and in the dacoits' party were Arjan Singh, Jaggat Singh, Harnam Singh and Ram Rakha, and that the actual murder was committed by Arjan Singh.

The return from the dacoity.

The evidence regarding the return from the dacoity consists of two parts—that of Umrao Singh and that of Ludhiana witnesses.

Umrao Singh (p. 337) says that one morning Dalip Singh, deceased, came and asked him to go and meet his associates in the Sahnewal dacoity at the river. He states he went and met Arjan Singh, Bir Singh (11), Harnam Singh (24) and Balwant Singh (5) variously armed, Harnam Singh and Arjan Singh having blood-stained clothes. He states further that Balwant Singh (5) told him the actual dacoits were Dalip Singh (deceased), Balwant Singh (5), Bir Singh (11), Harnam Singh (24), Arjan Singh, Rulia Singh (68), Jaswant Singh (35), Kartar Singh (39), Jaggat Singh (32) and Ram Rakha (65) and that the house was pointed out by Kehr Singh (absconder). Balwant Singh also told him the Sahukar had been severely beaten, and witness adds Dalip Singh confirmed this version of the affair.

Sucha Singh (p. 273) says that on the day after the dacoity Kartar Singh (39) came back to Ludhiana, and said he had been to Sahnewal with very poor results, and returned him his *kard* blood-stained, and that shortly after Ram Rakha and Rulia Singh (68) came to him, but left at once. Surti Singh (p. 297) says he saw Kartar Singh, Ram Rakha and one or two others the day after the dacoity at Sucha Singh's, and that a man came there and told them the Sahukar at Sahnewal had died, and that he heard Arjan Singh say he had beaten the Bania and some of his women-folk.

Abdul Alim (p. 298) also says that he saw Kartar Singh, Ram Rakha and another man come to Sucha Singh's the day after the dacoity, and that later Pingley and Mathra Singh turned up there. These two latter were of course not dacoits.

Statements of conspirators.

The next evidence in the case is somewhat slight, *viz.*, the statements of conspirators admissible under section 10, Evidence Act.

Nawab Khan (p. 141) says Nand Singh (53) told him on 16th February 1915 the Sahnewal dacoity had been committed by his party, and Narain Singh (p. 264) says Dalip Singh told him he had been engaged in it.

There is no doubt very little loot was obtained in this dacoity. Kartar Singh, accused, says whatever loot there was was kept by Ram Rakha (65), and Umrao Singh (p. 338) states that when they met at the river accused 5 told him there was very little booty, and that Dalip Singh had some, which he, witness, saw.

The loot.

Muhammad Akbar Khan, Sub-Inspector of Police (p. 314), and Imam-ud-din, Municipal Commissioner (p. 289), say that on the 2nd March Dalip Singh recovered from a pond near Jhabewal a piece of rag containing some ornaments (P. 251, B. C. D.), and these articles have been identified by Mussammat Sobhi (p. 315) as hers, and she has been corroborated in the identification by Durga Ram (p. 315).

In addition to these articles Sucha Singh says (p. 273) that Kartar gave him a *Kalma* rupee (P. 239);—an easily identifiable article, as a memento of the dacoity, which he showed to Abdul Alim and eventually gave up to the Police. Abdul Alim (p. 298) corroborates being shown this article, and Faiz-ul-Hassan (Sub-Inspector of Police, p. 287) testifies to discovering this rupee on 23rd February 1915 at a search of Sucha Singh, when he told him Kartar Singh had given it to him. This *Kalma* rupee has been identified as hers by Mussammat Sobhi (p. 315).

The first report (P. 265) was made by Umra Khan (p. 314) at the Sahnewal Thana at 5 A M. on 24th January 1915 to Muhammad Akbar Khan, Sub-Inspector of Police, who proceeded to the spot.

The report and investigation.

It appears that nothing was ascertained until after the Jhanir and Rabhon dacoities in connection with which Dalip Singh and Umrao Singh were arrested on 19th February 1915 and 23rd February 1915, respectively, Narain Singh, approver, having mentioned Dalip Singh to the Maler Kotla Police. It was not until 24th February 1915 Dalip Singh gave the Police a full account, though he gave some indications before, and from him the name of Sucha Singh was ascertained, and he gave a statement from the 24th to 28th February to Faiz-ul-Hassan, Sub-Inspector of Police (p. 287).

Though there was practically no loot obtained, we are satisfied that this dacoity was committed by revolutionists, engaged in waging war, in order to obtain funds for such war, and that in course thereof Khushi Ram was murdered by the dacoits.

The Mansuran Dacoity.

This dacoity was committed on the 27th January 1915.

The main witnesses in respect to this dacoity are Sucha Singh, approver, and Umrao Singh, approver.

According to Sucha Singh (p. 274), soon after the dacoits returned from the Sahnewal dacoity, Kartar Singh (accused 39) and Ram Rakha, absconder (accused 65), came to him at the Boarding House of the Islamia School in Ludhiana. Prior to this the witness had met Gurmukh Singh (accused 17) who had spoken to him about a house in the Ludhiana District, and Kartar Singh sent witness to find Gurmukh Singh. Witness found him, and Gurmukh Singh told him he had seen the house, and added he would find out full details during the day, and this information was conveyed by witness to Kartar Singh. He also says that on the day after the Sahnewal dacoity Gurmukh Singh and Kartar Singh met at his house and both went off to look for likely places to rob (p. 273).

The suggestion of the dacoity.

According to Umrao Singh (p. 338), he heard first of it from his cousin, Dalip Singh, who sent him to get together Arjan Singh and the Sahnewal dacoits, and Dalip Singh went off with Arjan Singh to enquire about the Sahukar from one Lal Singh of Sahnewal.

The collection of men and starting out for the dacoity.

According to Sucha Singh (pp. 274-275) on the morning following the suggestion he and Arjan Singh, the Anarkali murderer, went to the bazar in Ludhiana after arranging with Kartar Singh (accused 39) to meet at night at a rajbaha bridge. From Ludhiana the two went to Badowal, and there met Gurmukh Singh (accused 17) whence all three went to Mansuran. The three passed through the village, and Gurmukh Singh pointed out the house proposed to be looted. From there they went outside the village into some *sarkandas* where they were ultimately joined by Kartar Singh (accused 39), Kirpal Singh (accused 46), Jaggat Singh (accused 32), Jaswant Singh (absconding accused 35), Bir Singh (accused 11), Harnam Singh (accused 24), Ram Rakha (accused 65 absconding), Balwant Singh (accused 5), Umrao Singh, approver, and Dalip Singh (deceased approver).

Of these men the following were armed :—Ram Rakha with a revolver, Arjan Singh with an automatic pistol, Kartar Singh with a revolver, Dalip Singh, Umrao Singh and Balwant Singh with four bombs, Harnam Singh and Bir Singh with *takwas*, Kirpal Singh with a stick and Jaswant Singh with a *lathi*.

Jaimal Singh (p. 293) says all the men who had returned from the Sahnewal dacoity assembled on the evening of the Mansuran dacoity at the Boarding House and went off. He heard of the Mansuran dacoity next morning.

Surti Singh (p. 297) says that Sucha Singh was absent from the Boarding House on the night of the Mansuran dacoity of which he heard next day, and Abdul Alim, another student, gives identical evidence (p. 299). This witness also states that that day he saw a gathering of men at Sucha Singh's including accused 35, 59, 15, 54, 42, 32 and 5, but he gives no evidence as to the actual departure.

Umrao Singh (p. 338) states he went to Sucha Singh's and there saw Kartar Singh (accused 39), Jaggat Singh (32), Ram Rakha (65), Balwant Singh (5), Jaswant Singh (35), Mathra Singh (52), Kirpal Singh (46), Surti Singh and Abdul Alim, students. He states that Jaggat Singh told him they were off for a dacoity at Mansuran, and he and Dalip Singh, his cousin, consented to join in. In the evening the party set off in twos and threes till they reached a rajbaha, where in all 13 men assembled, armed as follows :—

Sucha Singh with a stick, Kartar Singh two bombs and a pistol, Kirpal Singh with a stick, Jaggat Singh with a pistol, Jaswant Singh with a pistol, Bir Singh with a *takwa*, Harnam Singh with a *chavvi*, Ram Rakha with a pistol, Balwant Singh with a *chavvi*, Dalip Singh and witness himself with bombs, Arjan Singh and Gurmukh Singh with pistols. The men mentioned are identical with those given by Sucha Singh, but there are some slight differences as to the persons in possession of different classes of arms.

The dacoity itself.

Both of the approvers give almost identical accounts of the crime itself.

Sucha Singh (p. 275) states they set out from their meeting place, passing a cart from which a "panjni" was removed, till they reached the Sud's house. The doors were locked and Gurmukh Singh, Arjan Singh and Ram Rakha got on to the roof, thence into the *sahin* and opened the door from inside through which a number rushed in. The doors of surrounding houses were locked and Kartar Singh, Dalip Singh and Ram Rakha kept guard in the street. A number of villagers assembled whom Kartar Singh addressed, saying he was collecting money to turn out the British. A villager came on to the roof with a *lathi* whereon Kartar Singh fired at him and the villager vanished.

Indoors meanwhile the house was rifled, a woman and a boy were assaulted, and then the party proceeded to the Sud's shop, forced it open with a hammer, went inside and tried to burn the books.

From here, led by the boy taken from the first house, they went to the shop of the boy's uncle, the door of which was forced open by Arjan Singh and Gurmukh Singh with a hammer. Here some receipts were burnt, cloth stolen, and boxes of gold and silver ornaments rifled and some sovereigns found.

By this time more villagers had assembled, and some of them proceeded to fire on the dacoits who at once decamped from the village, assembling again in the *sarkandas*.

Umrao Singh (p. 339) states they set out for the village and passing a cart Arjan Singh took off an upright to help him to climb on to the roof. He states Arjan Singh got on to the roof and opened the door from inside. Some went in and others stayed in the road, and a number of villagers assembled at whom Kartar Singh fired.

After looting, those inside brought out the owner and made him lead the gang to the shop, the lock of which Arjan Singh forced, and which he and others ransacked. From there they were led by the same captive to another shop, the lock of which was burst open, and a number of valuables rifled. The gang bolted when a villager fired. Dalip Singh threw a bomb, and the party re-assembled at the rajbaha.

In all essentials this story is identical with Sucha Singh's, and the main incidents of it receive ample corroboration from independent testimony.

The first corroboration is contained in the statements of the accused Jaggat Singh (p. 427), Harnam Singh (p. 431) and Kartar Singh (p. 483), all of whom admit they were in the dacoity. Jaggat Singh states the dacoits included those in the Sahnewal dacoity and others, Harnam Singh says they set out from Ludhiana, and Kartar Singh that he did harangue the villagers.

The first batch of independent witnesses consists of the victims.

Amir Chand (p. 315), the owner of the house, was at his shop when the dacoits came. He went towards his house, but kept a respectful distance off. He heard the dacoits harangue the villagers, and also heard a bomb explosion. He also saw his shop ransacked, and the dacoits leading his son Charanjit to the shop of Lalu Mal, which they also ransacked. The witness states that Subedar Kishen Singh came up and fired at the dacoits, who at once bolted.

Lalu Mal (p. 317), who was not present, simply testifies to the fact that his shop was looted.

Charanji Lal (p. 317), the son of Amir Chand, states he was sleeping at the house when the dacoits burst in, assaulted him and the women in the house, ransacked all the boxes, forced him to lead them to the shop, and thence to Lalu Mal's, which they broke open with a hammer. This witness also says the dacoits bolted as soon as they heard the pistol shot, and on jail parade he identified accused Gurmukh Singh as having assaulted him.

The next corroborative evidence—of a minor character—is that of Mahnga who identifies as his a cross-bar from a cart, which was found leaning against the wall of Amir Chand's house,—an identification also made by Sucha Singh (p. 281).

There is further a group of villagers who witnessed the dacoity.

Pohna Mal (p. 318) went out hearing the dacoits, heard them haranguing the villagers, and was injured by a bomb explosion.

Hari Ram (p. 318) gives identical evidence, and was also injured by a bomb. Jawala (p. 318) was similarly injured, and saw the dacoits holding Charanji Lal.

Kishen Singh (p. 318) gives identical evidence to Pohna Mal and Hari Ram, and he too was injured.

The medical evidence (pp. 327-28) shows Charanji Lal, a mere lad, received no less than 29 *lathi* blows and Pohna Mal and Hari Ram had 2 and 5

injuries, respectively, caused by bomb explosions; some broken bits of brass being found in the muscle of Hari Ram's arm.

The last corroborative witness at the scene of the occurrence is Kishen Singh, Subedar, (p. 324), who testifies to having fired in the direction of the dacoits, on hearing which the dacoits bolted.

The use of bombs and pistols is further corroborated by Haidr Ali, Sub-Inspector of Police (p. 316), who found on the site bits of brass, two spent cartridges, one loaded inkpot bomb, iron nails and a *kirpan*. The witness also found two hammers in front of Amir Chand's shop, the cart cross-bar by Hamir Chand's wall and some burnt bonds.

Evidence as to conspirators' statements.

The next evidence, that of conspirators' statements, admissible under Section 10, Evidence Act, bears out the direct evidence.

Narain Singh, approver (p. 264), testifies that Dalip Singh, deceased told him he was in the Mansuran dacoity. Jaimal Singh (p. 293) states that Sucha Singh told him the day after the dacoity that he had been in it, had had a fight with the villagers, obtained some loot, and also said the dacoits were the same as those who had met at his house the previous day. Surti Singh (p. 297) states that on the day following the dacoity, Sucha Singh informed him he had taken part in it, that the villagers had resisted, bombs had been thrown and a lot of ornaments obtained. He also mentioned Kartar Singh (39), Dalip Singh, deceased, and Kirpal Singh (46) as participators.

Abdul Alim (p. 299) states Sucha Singh told him on the day succeeding the dacoity that he had been in the affair along with Ram Rakha (65), Kartar Singh (39) and Kirpal Singh (46).

Nawab Khan (p. 141) testifies that on the 16th February Nand Singh (53) said he had been in the dacoity and gave the names of others, but it is obvious that Nawab Khan misunderstood him, as accused 53 was not in the dacoity. The statement, however, is of this much value that it shows the dacoity was the work of the revolutionists.

Mula Singh (p. 100) states that on the day after the dacoity he met accused 35, 24, 5, Arjan Singh, the Anarkali murderer, 65, 11, 23 and 32 who told him they had returned from the Mansuran dacoity. They told him that one bomb had been exploded and one had missed fire and two had been brought back. They added that some students and others had joined them, and that some sovereigns had been divided among the gang and the silver booty concealed.

The return of the dacoits.

We have just seen that Jaimal Singh, Surti Singh and Abdul Alim saw Sucha Singh at Ludhiana the day after the dacoity and that Mula Singh met 8 others of the gang at Amritsar on the same day.

Sucha Singh (p. 276) states that after the re-assembly Kartar Singh (39) and Gurmukh Singh (17) left at once for Badowal, while the remainder went in the direction of Ludhiana, eventually separating into two parties, the one consisting of Dalip Singh, Umrao Singh, Balwant Singh (5), Jaswant Singh (35) and himself going in one direction to bury the loot, the remainder keeping straight on. How the former gang broke up witness does not explain, but he himself with Umrao Singh returned to the Boarding House, whence Umrao Singh departed the following morning.

Umrao Singh states the party first divided into two; Kartar Singh going off with Arjan Singh saying they were going to Lahore, Kirpal Singh going with the students of whom we have no further knowledge unless some had followed from Ludhiana: while the rest of the party went to Ludhiana where he and Sucha Singh went to the Boarding House and the rest to the railway station.

The loot.

This brings us to the disposal of the loot. The booty consisted of gold and silver ornaments. The gold ornaments were disposed of along with the Chabba gold, and it will be advisable to defer consideration thereof until we have dealt with the Chabba case. It suffices to say here that the gold ornaments were taken to Mula Singh at Amritsar by Kartar Singh (p. 100) and the proceeds used for the purposes of the revolutionists.

In regard to the other booty Sucha Singh (p. 275) states that a quantity of gold and silver ornaments were obtained and also £11 in sovereigns, which Kartar Singh took possession of, as well as of the gold. The loot was taken to the place where the dacoits re-assembled and the silver goods handed over to Dalip Singh to dispose of, and the £11 were distributed among the dacoits for personal expenses.

He further asserts that near Jawaddi, Dalip Singh, Balwant Singh (5) and he himself buried the silver in a garden, and there he separated from them.

He adds further (p. 280) that about 13th February 1915 he heard Dalip Singh tell Kartar Singh (39) that one bundle of the loot had been removed from its hiding place, and he also told him (p. 276) he and his father had removed the loot.

Umrao Singh (p. 339) states that when the dacoits reached the rajbaha, Kartar Singh took over the gold ornaments, the sovereigns were distributed among the dacoits and the silver was entrusted to Dalip Singh. He also states that while returning to Ludhiana, Dalip Singh, Jaswant Singh (35) and Balwant Singh (5) buried the silver ornaments in a garden and that some 3 days later Dalip Singh told him one bundle had been removed and he had thrown the other down a well.

This latter bundle was eventually recovered. Faiz-ul-Hassan, Sub-Inspector of Police (p. 287) says that on 24th February 1915 Sucha Singh told him Dalip Singh had the Mansuran loot.

Niaz Ahmad Khan, Sub-Inspector of Police (p. 324), Imam-ud-din, Municipal Commissioner (p. 289), and Gian Singh, Zaildar (p. 300), testify to Dalip Singh pointing out to them a well near Jhabewal where he had thrown the silver, and to the recovery of the silver articles—P. 252 B.—T.—from that well on the 4th March.

Amir Chand (p. 316) gave a list (P. 268 A B.) of goods stolen at the time he made his report, and he, Lalu Mal (p. 317), Udho Ram (p. 319), Mohna Mal (p. 319) and Karm Chand (p. 319) identify the recovered goods as belonging to Lalu Mal and Amir Chand.

None of the other stolen articles were recovered intact, and the value of the booty is estimated at Rs. 4,211 in cash and Rs. 19,571 in ornaments, probably an exaggerated estimate.

The report and investigation.

The first report of the affair was made at 7 A.M. on the 28th January by Amir Chand, and recorded by Haidr Ali, Sub-Inspector of Police, (p. 316).

The Thanadar at once proceeded to the spot, and besides the discoveries already referred to found on the roof of Amir Chand's house a note-book (P. 273), the contents of which have already been referred to in the opening part of the judgment.

The disposal of the loot was first disclosed to the police by Mula Singh and Udham Singh and the details of the affair obtained from Udham Singh and Dalip Singh, deceased.

The object of the dacoity.

Though Harnam Singh, Jaggat Singh and Kartar Singh, accused, assert that the object of the men who had returned to India was different to that alleged by the prosecution they admit that the object of the dacoity was to obtain

funds for that object. This too is established by the fact that the major portion of the loot disposed of came into Mula Singh's hands for the purposes of the revolution and by the evidence of Sucha Singh (p. 276) to the effect that, with the exception of the sovereigns distributed amongst the dacoits for their personal expenses, the rest of the property was to be applied to the objects of the party.

We are satisfied on the evidence that the dacoity was committed, that in the course thereof bombs and pistols were used, that grievous hurt was caused to various people, and that the object of the dacoity was to secure funds wherewith to prosecute war, and in abetment of waging such war.

The Jhanir dacoity.

This dacoity was committed on the 29th January 1915. Jhanir is a village in the Maler Kotla State, and we have a considerable amount of evidence in regard to the facts.

The suggestion for the dacoity.

Ichra Singh (p. 257) says that on 17th *Magh* (which corresponds to the 29th January) there was a meeting at his Gurdwara at Lohatbadi in which Amli, Arjan Singh, the Anarkali murderer, Hari Singh (26), Ram Rakha (65), Gandha Singh (absconder 16), Nand Singh (53), Karm Singh (absconder 40), Sundar Singh, a subject of Patiala State and not accused before us, and others took part. He states that Sundar Singh suggested the dacoity at Jhanir.

Udham Singh of Hans (p. 306) says he was present at that meeting and says he saw there Sundar Singh, Karm Singh (40), Nidhan Singh (54), Uttam Singh (absconder 79), Ram Rakha (65), Nand Singh 53), Ichra Singh and others, and that Sundar Singh suggested the dacoity at Jhanir after someone had said money was badly wanted.

Puran Singh (p. 307) says he was at Ichra Singh's where he saw Ichra Singh, Arjan Singh, Gandha Singh (16), Arjan Singh (3) and Chuhar Singh (13) when a dacoity was suggested at Jhanir among other places. This was in *Poh*, and the suggestion, without specification of house, was clearly thought of before the 29th January. The witness was asked to join, but declined.

Thakur Singh (p. 309), who was a teacher in Ichra Singh's school at Lohatbadi, says he attended a meeting at the Gurdwara at which among others Hari Singh (26), Buta Singh (12), Sundar Singh, Ichra Singh and Karm Singh were present. He specially locates Hari Singh from his having given a recitation there. He states he heard these men talk of going to Jhanir to loot a Bania there, and next day he heard of the dacoity. Narain Singh, approver (p. 263), also says that he was sent for and heard of the proposal to commit a dacoity at Jhanir.

This evidence receives striking corroboration from the confession of Nand Singh (53), who says (p. 419) that he went to Ichra Singh with Udham Singh of Hans. At Lohatbadi he met several of the other accused, and at an evening meeting among others Hari Singh (26), Sundar Singh, Udham Singh of Hans and Ichra Singh were present, and Ichra Singh suggested to Sundar Singh that they should commit a dacoity at a Khatrani's house in Jhanir.

The setting out for the dacoity.

According to this confession (pp. 418-19) as soon as the dacoity was suggested Sundar Singh agreed, and Ichra Singh sent out for Gandha Singh (16), Arjan Singh, the Anarkali murderer, Sewa Singh (71), Narain Singh, approver and Ram Rakha (65) to come to the Gurdwara. He says that that evening 11 men, *viz.*, Sundar Singh, an unknown person, Gandha Singh (16), Arjan Singh, the Anarkali murderer, Amli, Hari Singh (26), Sewa Singh (71),

Arjan Singh (3), Narain Singh, approver, Ram Rakha (65), and he himself set off for the dacoity. They reached a canal bridge and eventually, after being delayed for sometime by some boys singing, arrived at Jhanir. He states further that Gandha Singh (16), Arjan Singh, the Anarkali murderer, Ram Rakha and he himself had pistols, Amli a knife, Sewa Singh (71) a *chavvi*, Arjan Singh (3), Hari Singh (26), Narain Singh, approver, swords, and Sunder Singh and his unknown companion knives ; while in addition Gandha Singh (16), had a hammer.

Narain Singh, approver (p. 263), says that after the dacoity had been proposed he started off and at the canal bridge the gang of dacoits assembled consisting of Arjan Singh (the Anarkali murderer), Amli, Ram Rakha (65), Hari Singh (26), Sewa Singh (71), Nand Singh (53), Sundar Singh, Karm Singh (40), Gandha Singh (16), Arjan Singh (3) and himself. This list is identical with Nand Singh's, Narain Singh only giving Karm Singh's name which Nand Singh did not know.

His list of weapons carried closely approximates. Gandha Singh, Ram Rakha, Amli he credits with pistols, Ram Rakha also with a sword, Sundar Singh, Hari Singh, Arjan Singh, the Anarkali murderer, with swords, Sewa Singh and himself with *gandasas* and the others unarmed. He also mentions the incident of the singing, and states they reached Jhanir about 11 P.M.

Ichra Singh (p. 257), gives exactly the same eleven names as forming the party which left his house that night, and he says he gave the party 3 swords, a knife and one pistol.

He states the Anarkali murderer, Ram Rakha and Gandha Singh (16) each had a pistol and in addition someone else had a pistol, Sewa Singh (71) two *chavvis*, and Sundar Singh an axe.

Sewa Singh, son of Ichra Singh, mentions (p. 305) Arjan Singh (3), Sewa Singh (71), Gandha Singh (16), and the Anarkali murderer as having set out for the dacoity.

Udham Singh of Hans (p. 306) says all who were present at the meeting that night except Nidhan Singh (54), Ichra Singh and Uttam Singh (79), set off for the dacoity.

The actual dacoity.

The principal witness in regard to the actual dacoity is Narain Singh. He states (p. 264) that Sundar Singh led them to the house, that Gandha Singh got on to the roof ; Karm Singh, Sundar Singh and Nand Singh keeping guard near the house. Arjan Singh, the Anarkali murderer, made the Bania open the door whereon both Arjan Singhs, Hari Singh, Amli and Ram Rakha entered, thrashed the Bania and threw out property collected there, which was picked up by Sundar Singh and Karm Singh.

After looting this house the Bania's boys were brought out and he, witness, was made to keep guard over them while Hari Singh (26) led the Bania out. In the street the dacoits called out to the villagers not to be alarmed as they only wanted money to fight the Government with. The gang went then to a second house, which was also looted, after which the boys were released and the dacoits departed. This witness did not actually see the second house looted as he was guarding the boys.

This account is very similar to that given by Nand Singh in his confession.

He states (p. 419) that Sundar Singh and his companion led them to the house, that Gandha Singh climbed on to the roof, and that Arjan Singh, the Anarkali murderer, Ram Rakha (65), Hari Singh (26), Amli and Arjan Singh (3) forced an entry into the house, while Sundar Singh, his companion, Sewa Singh (71), Narain Singh and he himself remained on the road. The booty from inside was handed out to Sunder Singh. After this Hari Singh (26), brought out the two boys and handed them over to Narain Singh to look after, while Amli led out the Bania.

The captive Bania led them to another house which Ram Rakha forced open. The owner was captured by Ram Rakha, Arjan Singh and Hari Singh, and five men went inside and rifled the place.

Gandha Singh (16), kept guard from the roof, and as the villagers began to surround them he fired his pistol at them, and the dacoits cleared off.

Meeting Narain Singh with the boys outside, the boys were released and the party re-assembled at the place from which they had started.

The account given by the villagers is in the closest accord with these two statements.

Wazira Mal. (p. 333), the owner of the second house, testifies to his shop being looted after the previous house had been ransacked, and to having been beaten. He identified Hari Singh at Maler Kotla thana as one of the dacoits, but failed to do so in court.

Munshi (p. 333) testifies to the dacoity in his house (the first house) and to having been beaten, and Babu and Hardwari (p. 333), both boys, testify to having been led out and handed over to Narain Singh to be guarded; both of them identifying Narain Singh. These witnesses are further corroborated by the medical evidence (p. 357), which shows that Hardwari and Munshi Ram received some minor injuries. The medical evidence also shows that one Khushia Mal, son of Wazira Mal, who has not been produced as a witness, also received numerous minor injuries. Ram Kishen, a boy of 8, testifies (p. 333) to finding a cartridge (P. 295) on the roof of Wazira Mal's house some days after the dacoity. This cartridge is an automatic pistol one.

Statements of conspirators.

The only evidence of this nature we have is the statement of Nawab Khan (p. 141), who says that on 16th February 1915 Nand Singh told him the Jhanir dacoity had been work of the party.

The return from the dacoity.

On this point we have a considerable amount of evidence.

Narain Singh (p. 264) states Karm Singh went off with the articles stolen from the first house, while Arjan Singh (3) had those taken from the second. Gandha Singh (16), and Sundar Singh, he says, went off to Báinwala, while Sewa Singh (71), Arjan Singh (3), and he himself returned to their village, Arjan Singh (the Anarkali murderer), Amli, Ram Rakha, Hari Singh (26) and Nand Singh going off to Ichra Singh's Gurdwara with the loot from the second house which Arjan Singh (3) made over to Ram Rakha.

Nand Singh (53) gives a similar account. He says that on re-assembling he heard Sundar Singh's companion, *i.e.*, Karm Singh (40) had gone off with the loot secured from the first house and he saw Arjan Singh (3) and Ram Rakha with the articles taken from the second house. Sewa Singh, Arjan Singh (3) and Narain Singh went off to their village; Sundar Singh and Gandha Singh went off after Karm Singh, while the rest returned to Ichra Singh's Gurdwara, where they found Sundar Singh, Gandha Singh and one Udham Singh (possibly Udham Singh of Hans or the name now given for Karm Singh) had already arrived.

Ram Rakha and Arjan Singh, the Anarkali murderer, took the ornaments from the second house there, and accused, after returning one pistol to Ichra Singh, departed for his own village.

Ichra Singh (p. 257) states all the dacoits except Narain Singh, Sewa Singh (71) and Arjan Singh (3) returned in the morning with the loot in a basket brought by Amli and a bag carried by Karm Singh (40) which they handed over to him.

Udham Singh of Hans (p. 306) says he saw Sundar Singh, Karm Singh (40), Amli and Gandha Singh (16) return with the others and go inside the Dharmsala and hand over the booty to Ichra Singh.

The loot.

We have seen that the whole of the loot was brought into Ichra Singh and we have now to trace what occurred to it.

Ichra Singh (p. 257) says he buried the bag of jewellery in a heap of manure and one or two days later told his son, Sewa Singh, witness, to keep it in the house. Some of this was melted down along with the proceeds of the Rabhon dacoity, and it will be best to defer discussing that portion until we come to deal with the Rabhon affair. The silver loot came to some 16 seers *kacha* and the gold 7 *tolas* (p. 259).

The only identifiable portion of the loot, which was estimated at Rs. 1,000 and a list of which (P. 294) was given by Wazira Mul and Munshi (p. 333), consists of 5 Kotla rupees (P. 216).

These articles which have been identified as his by Wazira Mul (p. 333) were taken, so Ichra Singh says, and given by him to his wife (p. 259), which she eventually gave up to the police on 2nd March 1915.

The recovery of these articles from her possession is testified to by Ichra Singh (p. 260), Kalu Mal (p. 309), Mussammat Kartar Kaur, the wife of Ichra Singh (p. 305) and Sher Sahai, Circle Inspector (p. 325).

The first report and investigation.

The first report was made to Khushi Muhammad, Head Constable, Maler Kotla, on 30th January 1915, by Raggu, Chaukidar of Jhanir, and is marked as P. 291 (p. 329). The crime was traced along with the Rabhon dacoity which took place on the 3rd February, and we need not discuss the matter at this stage.

We may simply here anticipate the finding that the proceeds were mainly intended to be devoted to the cause of the revolutionists, and say we are satisfied this dacoity was committed by a gang of the accused waging war for the purpose of securing funds for such war.

The Chabba Dacoity.

This, the most serious of all the dacoities connected with the revolution, was committed on the night of the 2nd and 3rd February 1915.

The suggestion of the dacoity.

It appears that a dacoity at this place was first suggested by Wasawa Singh, accused 81, a resident of Gilwali near Chabba, said to be indebted to Beli Ram. On this point we have the direct evidence of two of the approvers.

Mula Singh (p. 97) states that Wasawa Singh suggested the dacoity in January, he being accompanied at the time by Surain Singh, accused 75, and to this proposal Mula Singh assented and agreed to supply men to assist. Wasawa Singh told him he had men ready and also a *lohar* skilled in opening safes.

Later on Mula Singh states (p. 98) that he sent Harnam Singh, accused 24, and another man to Wasawa Singh to enquire how the arrangements for the dacoity were proceeding.

Udham Singh, approver (p. 228), states that on going for a case in Amritsar from his village accompanied by his father he stopped the night at Wasawa Singh's house at Gilwali, and that a conversation took place between Wasawa Singh and his father concerning funds for the objects of the revolutionists, the upshot of which was that Wasawa Singh said he would look out for the house of a wealthy Sahukar wherein a dacoity might be committed. On this occasion both Surain Singh (accused 76) and Bakhshish Singh (accused 7) visited Wasawa Singh.

According to Udham Singh the following day at Amritsar Wasawa Singh asked witness' father to go and see Mula Singh, but he was unable to do so p. 228).

Another hearing in the case took place towards the end of December or beginning of January, and while returning witness met Wasawa Singh, Surain Singh (accused 75) and Surain Singh (accused 76) near a well at Sultanwind. Here they met a lambardar enquiring for Kesar Singh (accused 43). This lambardar, Sundar Singh, has been produced in evidence and corroborates the approver in regard to this incident (p. 241).

While at the well Wasawa Singh told the approver in the presence of Surain Singh (accused 75) that he had selected a Sahukar's house at Chabba and told witness he was to supply some men. He also told witness that Mula Singh had undertaken to furnish assistance, and that word would be sent as to the time fixed.

A further hearing in the Amritsar case took place and witness' father on return told him he had met Wasawa Singh, but no date for the dacoity had yet been fixed (p. 228).

A few days later (and here the witness corroborates Mula Singh) Bakhshish Singh (accused 7) and Harnam Singh (accused 24) came to witness' village and asked for men for the proposed dacoity. The following day (p. 229) witness again met Wasawa Singh near Gilwali, and Wasawa Singh told him all arrangements for the dacoity had been completed, and orders would come in a few days; he again referred to having secured a locksmith and to Mula Singh's promise of assistance.

At this stage it appears Wasawa Singh was put on security as a returned emigrant by the Deputy Commissioner and went off to the Bar and consequently took no further part in the dacoity.

This account of Udham Singh's is corroborated by the following additional evidence:—

(*a*) Indar Singh witness 182, states he saw Wasawa Singh in Padri asking for Udham Singh who was away (p. 241).

(*b*) Sohan Singh, father of the approver, states that on the occasion of going to Amritsar for the case he had a talk with Wasawa Singh who suggested the commission of dacoities as a means of raising funds (p. 243), that on the following day at Amritsar, Wasawa Singh suggested going to see Mula Singh and also that on the next occasion of going to Amritsar for the case the party stopped at Gilwali, where Wasawa Singh spoke of committing dacoity at Chabba. He also states that his son a few days later told him Wasawa Singh had decided on Chabba.

(*c*) Lachman Singh, witness (184), the complainant in the case at Amritsar, states that *en route* to the courts he, along with Udham Singh and Sohan Singh, stopped at Wasawa Singh's; that Bakshish Singh (accused 7) and Harnam Singh (accused 24) some time later came to Udham Singh to get men for the dacoity, and also that a few days later Wasawa Singh came to Padri asking for Udham Singh who was absent.

Preliminary preparations.

After the suggestions for the dacoity had been made preparations were commenced for the undertaking.

Mula Singh p. 98) found he had available for the purpose of the dacoity the following accused: Jawand Singh (accused 35, absconding), Balwant Singh (accused 5), Ram Rakha (accused 65, absconding), Rulia Singh (accused 68) and Harnam Singh (accused 24) and he despatched Harnam Singh (accused 24) with one Bishen Singh of Virpal, who has not been challaned, to Mauza Sur Singh to find who could be raised there. Sur Singh it may be here remarked is the village from which accused 18, 30, 34, 37, 61 hail.

We have already seen that Harnam Singh (accused 24) and Bakhshish Singh (accused 7) came to Padri, and it appears that as a result of their visit Udham Singh, approver, obtained promises from Prem Singh absconder (accused 61) and Lal Singh (accused 49) to join (p. 228) and also from Khushal Singh (accused 45) (p. 229).

Udham Singh also appears to have approached Lachman Singh and one Naurang Singh without success.

Udham Singh is corroborated partly in this respect by Lachman Singh, who states Udham Singh told Harnam Singh that Prem Singh would join.

The local men.

It is requisite here to note that in addition to the regular revolutionists who adopted the suggestion of a dacoity at Chabba as a means of obtaining funds for the war, there were other persons of the locality who were participators simply because they had their own end to serve.

It is necessary therefore to explain here how these men were brought in, and the part they played before the actual dacoity.

These accused are Surain Singh (accused 75), Surain Singh (accused 76), Sawan Singh (accused 69) and Bakhshish Singh (7). Accused 75 76 and 7 are residents of Wasawa Singh's village Gilwali and Sawan Singh of Chabba.

It has already been noted that accused 7 and 75 were at Wasawa Singh's when the latter first mooted the dacoity to Udham Singh, that accused 7 accompanied Harnam Singh to Padri to raise men, whence they went on to Sur Singh, and that accused 76 and 75 were at the well near Sultanwind when Wasawa Singh further disclosed his plans

In addition to these acts, Udham Singh (p. 229) states Surain Singh (accused 76) told Bakhshish Singh he had met Mula Singh who had told him to wait for a few days, and also that Surain Singh (accused 75) came to call him to set out for the dacoity.

Sohan Singh (p. 243) also states Surain Singh (75) came and called for Prem Singh and Udham Singh, and talked about the dacoity. The reason for the participation of these men is indicated by witnesses Parbdial and Siri Chand, Buta Ram and Amir Ali.

Amir Ali, Sub-Inspector of Police, has put in a statement of cases (P. 208) and the records thereof (P. 208 A.—M.) from which it appears that there were many cases between Surain Singh's family and Beli Ram, the Chabba Sahukar.

Buta Ram, the son of Beli Ram (p. 214) states that his father had had dealings with both accused 75 and 76, that there had been many cases between them and his father, that Sawan Singh (accused 69) is related to accused 76, against whose father Beli Ram had taken out a warrant, and that lands belonging to Bakhshish Singh (accused 7) and Wasawa Singh (accused 81) were under mortgage to Beli Ram.

Mussammat Bhagdei (p. 213) states accused 69 was indebted to Beli Ram, and Kundan Lal, son, testifies to the same effect in respect of Surain Singh. From the evidence of Parbdial, Patwari (p. 217) it appears that accused 75 had agreed to pay Beli Ram Rs. 1,750 in settlement of a debt due of Rs. 2,400, and this witness states that on the 18th January he met the accused in Amritsar and asked him if he had yet settled with Beli Ram, whereon one of his companions (and witness thinks his companions were Bakhshish Singh and Indar Singh, accused 30) replied that Beli Ram would be repaid in a few days in full.

Siri Chand, Patwari (p. 218) states that 3 days before the dacoity Beli Ram demanded payment of his Rs. 1,750 from accused who eventually promised to raise the money by mortgage.

According to the evidence of Phaggu (p. 218) he saw accused 7 and 75 and others at the former's well some 15 days before (the dacoity) and Gaman (p. 218) gives similar evidence, identifying also Wasawa Singh (accused 81). The suggestion is they were foregathering to discuss p ans. Neither of these witnesses, however, testify to any criminal conversation between the accused.

Abortive efforts at dacoity.

Prior to the actual dacoity, Mula Singh (p. 98) states that one day he met Balwant Singh (accused 5), Ram Rakha (absconding accused 65), Jawand Singh (absconding accused 35) and one Bishen Singh (not accused)

at Sant Gulab Singh's Dharmsala, who said Harnam Singh (accused 24) had gone to Sur Singh to raise men for the dacoity which would be committed that night. He states the party set out, but returned unsuccessful next day, as the Amritsar party had failed to meet the other party.

A second attempt also failed for a similar reason.

The actual dacoity.

Eventually, however, on the night of the 2nd February, Mula Singh (p. 101) states the following accused set out from Sant Gulab Singh's Dharmsala for the Chabba dacoity :—Ram Rakha (accused 65, absconding), Harnam Singh (accused 24), Jawand Singh (accused 35), Wir Singh (accused 11), Amli, Arjan Singh, the Anarkali murderer, and Jaggat Singh (accused 32). They were supplied with fire-arms and bombs.

Jaggat Singh (accused 32) and Harnam Singh (accused 24) (pp. 427, 432), admit they took part in it, and implicate Ram Rakha, Amli, Arjan Singh, the Anarkali murderer, and Udham Singh, approver, and others not known.

Udham Singh, approver (p. 229), states he left his village Padri along with Khushal Singh (accused 45) whom he told the dacoity was being committed so as to get money for bombs and weapons, and went to Bakhshish Singh's (accused 7) house and thence to Surain Singh's *haveli*, where he met Kala Singh (accused 38) and Sawan Singh (accused 69). From there this party, *i.e.*, Udham Singh, accused 45, 7, 38, 69, 75, 76 proceeded to the selected meeting place, where they were shortly joined by the Amritsar party, consisting of Harnam Singh (accused 24), Jaggat Singh (accused 32), Ram Rakha (accused 65), Arjan Singh, the Anarkali murderer, Amli, Wir Singh (accused 11), and two others not known to him, and later by Prem Singh (absconding accused 61). The Amritsar party, he states, were armed with bombs, pistols and a *takwa*.

From this meeting place the party proceeded to the house of Beli Ram, and the witness on pp. 230-231 gives a detailed account of the attack.

He states they were guided to the house by Sawan Singh (accused 69), a resident of Chabba, where they knocked at the shutters. A boy awoke and raised a hue and cry whereupon Arjan Singh fired a pistol. A next-door neighbour who opened his window was similarly shot at. Kala Singh (accused 38), the locksmith, was meanwhile busy forcing open the door, which eventually gave way. Arjan Singh, Ram Rakha and Jaggat Singh (accused 32) first entered the house, others followed and some stood at the doorway keeping guard. Trunks and wooden boxes were broken open and the contents abstracted. Accused 61, 7 and 75 caught hold of Beli Ram and prodded him with clubs to give up the keys of his safe until he was rendered unconscious; other accused assaulted Beli Ram's wife and son. The safe was eventually forced by Kala Singh, Amli and witness and the gold and silver ornaments removed. Some bonds were also found, and these were burnt by accused 7 and 75.

When leaving the house they found a number of villagers had collected, whereon Arjan Singh, the Anarkali murderer, threw a bomb at them which fell harmless in the mud. Ram Rakha threw another bomb in the same direction, which struck the *deohri* wall and exploded. Just then accused 7, 75, 76 and 69 went with clubs to where Beli Ram was lying unconscious; witness heard two thuds and these accused returned saying they had killed him.

A third bomb was then thrown by Arjan Singh at the villagers and under cover of the smoke the party got away. While going down the *gali* the villagers seized Arjan Singh, the Anarkali murderer, but he was rescued by Prem Singh. Prem Singh was in his turn caught, but he was rescued by Arjan Singh hurling a bomb at his captors and then firing with his pistol which he had previously dropped and recovered when he threw the bomb. The party of dacoits re-assembled at their original starting point when it was found that four of the original party, *viz.*, Kala Singh, Amli, Ram Rakha, and one whose name was not known to the witness were missing. As to the reason of their bieng missing we will come to that later.

This account of the witness is corroborated in detail by independent testimony.

Buta Ram, the son of Beli Ram (p. 214) states that hearing the dacoits he opened the door, was fired at, and escaped, and after the dacoity was over he returned and found the safes and boxes had been broken into, the contents removed, and a number of bonds burnt. He also testifies to hearing a number of bombs going off.

Bhagwan Das, the next-door neighbour and nephew of Beli Ram, states (p. 212), that hearing Buta Ram calling he opened his window whereon he was at once fired at He remained quiet thereafter indoors till the dacoits had gone. He also testifies to hearing the discharge of bombs.

Mussammat Bhagdei, the widow of Beli Ram (p. 213), states that she and her sons, Kundan Lal and Hans Raj, were assaulted by the dacoits when they rushed in, that the dacoits rifled the safes and boxes, stole the contents and burnt bonds. She also states the dacoits twice assaulted Beli Ram and that she heard the discharge of firearms and bombs.

Kundan Lal gives similar evidence (p 213) to his mother, and is further able to identify Jaggat Singh (accused 32) as one of the dacoits and as probably the man who assaulted him. Kesri Chand, Sub-Inspector of Police (p. 206) testifies to the discovery of a number of burnt bonds.

The next body of witnesses is a group of villagers who, hearing the dacoits, rushed to the scene. We may here remark that the courage and bravery displayed by these men form one of the few bright episodes in the whole of this trial. Men of little or no position, with no thought for their selves, they bravely attacked, unarmed, a gang of desperados armed with bombs and pistols, captured one, and nearly captured two others, drove off the marauders in flight, and only desisted when a number of them were injured and mutilated for life by the dacoits.

We cannot speak too highly of the fortitude and courageousness of these men, nor refrain from expressing our sympathies and respect for them all, and particularly for Nikka, *lohar*, Bulanda and the two Tara Singhs.

These men, Jiwan Singh, Vir Singh, Tara Singh, I, Tara Singh, II, Asa Singh, Nikka, Bulanda and Imam Din testify briefly as follows :—

Jiwan Singh, the village barber (p. 215), rushed out to the scene, was at once struck by something exploding and rendered unconscious, his injuries consisted of one bomb wound in the stomach, two on the thigh, and one on the outer side of the left calf, which detained him for 1¼ month.

Vir Singh, an ordinary *dhobi* (p. 215), was with Jiwan Singh the first to arrive and was injured by the same explosion and received three abrasions on the hands and shin.

Tara Singh, son of Lehna Singh (p. 215), an elderly zamindar, who rushed out, seized one of the dacoits, probably the Anarkali murderer, and only let go when a bomb was thrown at him causing a deep wound on the left calf and one on the foot.

Tara Singh, son of Dial Singh, zamindar (p. 216), who rushed into the middle of the dacoits, knocked down Kala Singh, the hindmost, who was at once secured by other villagers, then pursued the others, felled one, probably Prem Singh with a *lathi* blow and seized him, only letting go of him when other dacoits returned, and beat him with *lathis*. He secured the *safa* P. 178 of the last man seized—which he gave over to the police, identified in court by M. Amir Ali (p. 249). His injuries consisted of *lathi* blows on the scalp, arm and hand.

Asa Singh, a zamindar (p. 216), who also rushed out, was knocked down by a *lathi*; his injury; one on the left hand, was slight. He is able to identify Jaggat Singh, (accused 32).

Nikka, a *lohar* (p. 216), who faced the dacoits at the door of Beli Ram's house was injured by a bomb being thrown at him. The injuries to him consisted of an abrasion on the right shin, a large mangled wound on the right shin, a lacerated wound across the right toes, blowing some of the toes off, and a lacerated wound below the left knee, smashing the main bone of the leg. Pieces of brass bombs were removed from his body by Colonel Smith, I.M.S. (p. 246).

Bulanda, chaukidar (p. 217), was injured at the same time and place as Nikka. The injuries he received were to the eyes rendering him permanently blind.

Imam Din, zamindar (p. 217), rushed out and helped to secure Kala Singh (accused 38),—this witness fortunately received no injuries.

We may here observe that the evidence of Mussammat Bhagdei and Kundan Lal as to their being assaulted is corroborated by the medical testimony of Colonel Smith, I.M.S., who discovered 8 *lathi* injuries on Mussammat Bhagdei causing grievous hurt, 21 on Kundan Lal, also causing grievous hurt, and 3 on Hans Raj causing simple hurt.

Buta Singh, ala lambardar (p. 207), also gives evidence as to the dacoits coming armed with pistols and bombs, to the capture of Kala Singh (accused 38) and the fight between the villagers and the dacoits, but it is not clear that he arrived until the dacoits were on the point of running away.

The story of Udham Singh is further corroborated by the discoveries made on the spot. Buta Singh, lambardar (p. 207), and Kesri Chand, Sub-Inspector of Police (p. 206) and Rattan Singh, Police Constable (p. 244), found several pieces of bombs, cartridges, the top of a cartridge, a piece of plaster stained yellow taken off the wall near Beli Ram's *dechri*, contents of a bomb consisting of *kirpans*, tin-tacks, etc., and Liakat Hyat Khan, Deputy Superintendent of Police (p. 149) discovered an undischarged bomb in a puddle in front of Beli Ram's house, and also pieces of an exploded bomb.

The missing and injured dacoits.

We noted above that on the re-assembling of the dacoits at their original starting point, Udham Singh stated four of the dacoits were missing, and it is now necessary to trace them and at the same time refer to injuries received by some of the dacoits. The four missing men were Ram Rakka, a person not known to Udham Singh, Amli and Kala Singh, and the other dacoits injured were Bir Singh (accused 11), Prem Singh and Sawan Singh.

Udham Singh (p. 231) in reference to Ram Rakha states that as they were escaping, Ram Rakha complained that both his hands had been injured when he threw the first bomb, and that he was unable to walk. He was carried by the unknown man on his back, and from that day to this he has never been seen by any one.

That he was injured in the hands is also corroborated by the fact that on the scene of the dacoity a ring (P. 1.) much battered about as if by an explosion, was found with his initials R. R. engraved on it. This is proved by Liakat Hyat Khan, Deputy Superintendent of Police (p. 149), Buta Singh, lambardar (p. 207), and Kesri Chand, Sub-Inspector of Police (p. 206), and the ring has been identified by Amar Singh as Ram Rakha's (p. 74). Mula Singh (p. 101) also states that on the day after the dacoity he was told by the other dacoits that Ram Rakha had been injured by a bomb explosion.

With regard to Amli, he was unable to return as he was killed outright by a bomb explosion. His body was seen at the scene of the occurrence by several witnesses [*vide inter alia* Liakat Hyat Khan, Deputy Superintendent of Police (p. 149), Kesri Chand, Sub-Inspector of Police (p. 206) and Buta Singh, lambardar (p 207)]. On the dead body were found 2 gold earrings (P. 170) identified by Mussammat Bhagdei as hers, and some opium, and near it pieces of an exploded bomb. The medical evidence (p. 245) shows both his hands had been blown to pieces, there were two bomb wounds in the chest, the skull

and brain had been smashed in and pieces of brass inkpot bombs were found below the skin, death being due to a bomb explosion.

In regard to Kala Singh, we have seen from the evidence of Tara Singh and Imam Din that he was caught at the spot. This he himself admits, but asserts he was an innocent passer-by. In addition to the evidence of his actual captors there is the evidence of Buta Singh and other villagers that he was caught at the site while escaping from the house, and that he had on his person when caught burglary implements P. 167 A. B. C and two cartridges P. 167 E, (*vide* Buta Singh's evidence, p. 207, and that of Kesri Chand, p. 206) which were handed over to Lalkat Hyat Khan (p. 149).

Who the fourth man was is not clear, but suspicion points to Jawand Singh, absconder.

Sawan Singh (accused No. 69) was admittedly injured during the dacoity. The medical evidence shows (p. 246) that he had one deep cut on the left arm and 10 superficial wounds all caused by a bomb.

His defence is that he was one of the rescuing party, and this will be duly considered when we deal with the individual cases. Here it will suffice to remark that all the prosecution witnesses from the village assert he was not one of the rescuers.

Udham Singh (p. 231) states that Vir Singh received a bomb injury in the back, and Prem Singh some *lathi* blows during the attack.

Prem Singh has hitherto not been arrested, but Vir Singh was arrested towards the end of the case and produced before us. He has the marks of a serious injury on his back, and Major Ward, I. M. S., has given his opinion on p. 487 that his injury was probably caused by a bomb.

Further Amar Singh, approver (p. 74), states he saw accused Bir Singh on 4th February 1915, at the Baba Atal house in an injured condition, and he informed him that he had been injured by a bomb. He also spoke of Ram Rakha having been injured, and this accused was attended to by Hardit Singh (accused 20), a fact the latter admits. Mula Singh (p. 101) gives similar evidence, and he asserts (p. 103) that accused 20 removed pieces of a bomb from Bir Singh's back and also attended to *lathi* injuries on Prem Singh. Udham Singh (p. 233) gives evidence to the same effect as Mula Singh.

The murdered man.

We have hitherto only referred to the injuries caused to the dacoits and to the villagers and members of Beli Ram's family. Unfortunately Beli Ram was himself murdered.

The medical evidence (p. 245) shows he had 3 blunt weapon wounds on the scalp, 2 *lathi* blows on the back and one on the right upper arm. The skull and brain were smashed to pulp, and the injuries causing death were caused by a blunt weapon.

We have seen in Udham Singh's evidence that he asserts that the actual murder was committed by accused 7, 69, 75 and 76, that is, the local men concerned.

The liability for the murder.

In this connection we must observe that there is a certain amount of evidence that the Amritsar gang were cautioned not to commit murder, and that the murder was disapproved of by the regular revolutionists.

Amar Singh (p. 85) states that some of the party, *i.e.*, the Lahore men were dissatisfied with it.

Mula Singh (p. 97) says that when Wasawa Singh spoke of the proposed dacoity, the latter said the Sahukar could be killed, whereon he, Mula Singh, expostulated and Wasawa Singh promised there would be no murder. Again (p. 101) he states that when the Amritsar party left for the dacoity he warned Jaggat Singh (accused 32) not to join in murder, but he adds that when he was told of the murder he was also told that it had been committed in order to prevent the deceased identifying the Gilwali men.

Udham Singh, approver, also says (p. 230) that as the party was at the well prior to the dacoity Bakhshish Singh, the two Surain Singhs and Sawan Singh said the Sahukar must be killed, and the rest retorted that if that was their intention they would not commit the dacoity, on which these four promised not to commit murder.

It is possible that in regard to the major portion of the gang of dacoits there was no intention to commit any specific murder, and in fact that they were averse from the actual murder of Beli Ram if it could be avoided, that is, they were not out for murder simply for murder's sake, but that in our opinion makes no difference to the liability of each and every one of the dacoits.

We have it clearly established that murder was contemplated from the start by some of the gang to the knowledge of the others, and also that those men did commit murder before the dacoits left the scene of the dacoity, and we also have it in evidence that the whole of the gang was armed with death-dealing weapons, like bombs and pistols, and were quite prepared to use and did use those weapons both before and after the actual murder, though fortunately for those who resisted them without fatal effect except to the dacoits themselves.

The legal authorities on which we base this opinion are given at the end of the section dealing with the Chabba dacoity where we touch upon the allied subject of the liability of the local dacoits for the crime of waging war.

The return from the dacoity.

We may now turn the return of the dacoits.

From the original starting point, Udham Singh (p. 233) states Bakhshish Singh and the two Surain Singhs returned to Amritsar, while Sawan Singh was told to go to his house in Chabba: and allege his injuries were received while a member of the rescuing party. The rest returned to Amritsar, Jaggat Singh (accused 32) and Arjan Singh, the Anarkali murderer, going to Mula Singh's house, and later the whole party, *viz.*, Jaggat Singh, Arjan Singh, Harnam Singh (24), Bir Singh (accused 11), Prem Singh (accused 61) and the Sikh unknown to witness, went there where witness met Mula Singh for the first time. As witness' clothes were blood-stained Mula Singh supplied him with a fresh suit, and witness finally went home the next day. Khushal Singh (accused 45), he states, went off to the *Darbar Sahib* and did not return.

Mula Singh (p. 101) states Arjan Singh, Jaggat Singh, Bir Singh, Prem Singh and Udham Singh returned to his house, and as the clothes of the three latter were blood-stained, they were burnt and new clothes supplied from cloth obtained from Labhu Ram and a *dharzi*. He also states (p. 109) that on the morning after the dacoity he saw accused Khushal Singh (45), Harnam Singh (24) and Jawand Singh (35), at Sant Gulab Singh's Dharmsala and further (p. 103) met Balwant Singh (5) who told him he was absconding.

In connection with the purchase of clothes, Labhu Ram (p. 201) states he did sell cloth to Mula Singh, who brought the Police to his shop, and Kaka, *dharzi* (p. 202) gives similar corroborative evidence and says he sewed 8 garments for Mula Singh Amir Ali, Inspector, states (p. 248) that Mula Singh on 17th March 1915 gave him the information, and took him to Labhu Ram and Kaka.

Udham Singh also on the 19th March gave over the clothes given him by Mula Singh to the Police,—*vide* Amir Ali's statement (p. 248) and Udham Singh's statement (p. 233).

Statements of conspirators regarding the dacoity.

In addition to the direct evidence, there is a certain amount of evidence of statements of conspirators. The legal weight of such statements has already been discussed, and it only remains here to say that such statements are admissible in evidence and for us to proceed to consider them.

The first piece of evidence is contained in Amar Singh's evidence (p. 74). He states that on the day succeeding the dacoity he met Arjan Singh, the Anarkali murderer, and Bir Singh, accused 11, at the Baba Atal house in Amritsar. The former told him he had been caught by the villagers but had escaped by throwing a bomb, and Bir Singh told him the loot would soon be brought in.

Nawab Khan (p. 141) informs us that on 16th February 1915 Nand Singh (53) told him the Chabba dacoity was the work of the party. Sohan Singh (p 243) asserts that after his son had gone for the dacoity, he himself went to Amritsar where he met Khushal Singh (accused 45) who told him he had done the job, and that when he went home, his son, Udham Singh, admitted the dacoity.

Ichar Singh (p 259) also states that a few days after the dacoity he met Arjan Singh and Harnam Singh (24) near Aitiana who gave an account of the Chabba affair, wherein the former referred to Ram Rakha being injured and Amli being killed. He also told him that Ram Rakha's bomb had struck the wall and rebounded causing injury to the dacoits, and that he himself had used a bomb, and that the party had had firearms.

Sucha Singh (p. 278) states that while on the way to Benares in his efforts to seduce troops, he and Kartar Singh (39) asked their Bengali companion who told them Rao (accused 61) had just come from Amritsar with the news that Arjan Singh, the Anarkali murderer, was alive, that Ram Rakha's hand had been blown off, that a newly joined man had been killed, another wounded, and that a *lohar* had been caught on the spot.

Ujagar Singh (p. 254) states that in *Chetar* he went to Wasawa Singh, accused, for money due to him, and the accused asked him to tell Udham Singh to abscond as his name was being mentioned to the police as being concerned in the dacoity.

All of this evidence corroborates the main story, and is of value as showing that the dacoity was committed in prosecution of the objects of the revolutionists.

The loot.

We have now to consider the question of the loot and its disposal, the latter of which is of importance as further linking up this dacoity with the waging of war.

Udham Singh (p. 231) says the main portion of the loot was carried by Bakhshish Singh (7) from the scene of the dacoity to the point of re-assembly, and eventually from there by turns to a garden near Amritsar; all the ornaments, he states, with the exception of a jewelled nose-stud enclosed in a tin box (P. 182) which was retained by Khushal Singh (accused (45) were handed over to Mula Singh.

Mula Singh (p. 101) says the ornaments stolen—there was no cash—were brought to him by Arjan Singh, the Anarkali murderer, Jaggat Singh (32) and Wir Singh (11). These ornaments consisted of gold and silver articles.

The gold ornaments were disposed of by him along with the Mansuran loot, which was also brought to Mula Singh, and we can therefore deal with the disposal of the gold proceeds of these two dacoities together.

The Mansuran gold ornaments were given to Mula Singh by Kartar Singh (accused 39), see also Amar Singh (p. 72), and Mula Singh states (p. 100) that on receiving them, *i.e.*, about 29th January 1915, he went to Kishen Singh, Sadh, of the Virpali Dharmsala at Amritsar, to seek his help to find someone who would melt the same. From there Mula Singh and Kishan Singh went to Virpal, where they met Tahl Singh, who introduced them to Banta Singh, goldsmith. Banta Singh, after one unsuccessful effort, melted them down into one bar (P. 13) and a lump of gold

In regard to the Chabba gold he states (p. 103) that about 3rd February 1915 he went off with it to Banta Singh, along with Kishan Singh, Sadh, who melted the ornaments down into 3 gold bars. In the process of breaking them up, some small stones (P. 46) dropped out of some ornaments into the dust and were discarded. Tahl Singh was paid Rs. 3 to give to the goldsmith.

In this matter he is corroborated in the first instance by Kishan Singh, Sadh (p. 209). He states Mula Singh came to him to get someone to melt gold ornaments for him, and he went with him to Tahl Singh who got Banta Singh to melt them down.

He also states that Mula Singh came to him on a second occasion with more ornaments, and he accompanied him once more to have them melted. He identifies P. 13 as the bars made from the Mansuran proceeds, and says the goldsmith was paid Rs 4 on each occasion (p. 210).

He is also corroborated by Banta Singh and Tahl Singh. Banta Singh (pp. 224-25) states that Mula Singh came to him on two occasions with Tahl Singh and Kishan Singh: on the first occasion he melted down some ornaments, but says P. 13 was not the bar he made; he was paid Rs. 4 for his trouble. Some days later, he again melted more ornaments for the same party, throwing away some small stones P. 46, and was again paid Rs. 4.

Tahl Singh (p. 225) states Kishan Singh brought Mula Singh to him and he took them on to Banta Singh who melted down the articles into bar P. 13 and some smaller pieces; and some days later they came again with another lot of ornaments which Banta Singh similarly melted.

There is a small matter which further corroborates these two witnesses. Banta Singh says some of the gold got left behind in one of the crucibles out of which he made a gold ring D.-5 for Tahl Singh. The fact of course is that he and Tahl Singh stuck to part of the gold themselves, and Banta Singh gives a round-about account of the matter, which is not of any relevancy to this case.

Tahl Singh gives a slightly different version, but he admits he got the ring D-5, which he handed over to Channan Singh, when the Police visited the village and Channan Singh (p. 225) eventually handed it over to the Police.

Corroborative evidence in regard to this incident is given by Beli Ram (p. 225)

In addition to the ring D.-5 it is also in evidence that Banta Singh gave up to the Police 3 small pieces of gold, P. 89, which he had retained for himself—*vide* evidence of Liakat Hyat Khan (p. 152), Gurbakhsh Singh, Zaildar (p. 209), Kishan Singh, Zaildar (p. 209), Banta Singh (p. 225).

We have seen some small stones (P. 46) were thrown away at Banta Singh's house.

Liakat Hyat Khan, Deputy Superintendent of Police (p. 152), states that on 4th March 1915, Mula Singh gave him information as to where the articles had been melted and picked out Banta Singh and Tahl Singh, and on the 6th or 7th March he went to Banta Singh's, in whose house he found P. 46 in the dust.

In this matter Liakat Hyat Khan is corroborated by M. Amir Ali, Inspector, Criminal Investigation Department (p. 248), Gurbakhsh Singh, Zaildar (p. 209), Kishan Singh, Sadh (p. 209), and Banta Singh (p. 225).

We may also here mention another small incident of interest in showing the connection between this dacoity and Arjan Singh, the Anarkali murderer.

Mula Singh (p. 103) states that Arjan Singh retained P. 47, a ring out of the Chabba spoil. This ring was discovered on Arjan Singh when arrested in the Anarkali Bazar after the Anarkali murder by Ahmad Khan, Inspector (p 157). Ganda Mal (p. 215) identifies the ring as having been made by him, and Mussammat Bhagdei (p. 213) identifies it as hers.

Another small incident arises in connection with the nose-stud which, as we have seen, Umrao Singh states was taken by Khushal Singh, (accused 45.)

In P. 183, the list of articles stolen, Buta Singh mentioned a nose-stud as having been stolen (p. 214). M. Amir Ali (p. 248) states that the tin-box (P. 182) in which the nose-stud was contained was discovered by Khushal Singh, who said he had sold the nose-stud to Bur Singh, goldsmith, and he is corroborated by Ganga Singh (p. 221), Lambardar, and Rur Singh, Lambardar (p. 226). Bur Singh (p. 226) admits having bought such a stud from accused, and says he melted it, and Bhagdei (p. 213) identifies the box P. 182.

Khushal Singh, accused, admits selling a nose-stud to Bur Singh and his defence in regard to the matter will be duly considered in the part dealing with individual cases.

We may now proceed to trace further the gold bars produced from the ornaments.

Mula Singh (p. 100) states he gave the Mansuran gold to Amar Singh to take to Lahore to sell, and that Amar Singh took it away and sold it for Rs. 1,013, bringing back Rs. 513.

Amar Singh (p. 72) says he received the bars from Mula Singh and sold them through Nand Kishore (accused 1) and Kundan Lal, and returned with Rs. 513 to Mula Singh.

Nand Kishore, in regard to whose criminal complicity in the matter we were not satisfied, admitted the transaction (p. 359), and Kundan Lal (p. 245) also admitted being concerned in the sale, and they are incidentally corroborated by Jaggan Nath (p. 245) and Ram Saran (p. 245).

The bars P. 13 and P. 13-A were given over to the Police by Kundan Lal—see statement of Ahmad Khan, Sub-Inspector of Police (p. 160).

In regard to the Chabba gold proceeds Mula Singh (p. 103) states he gave them to Amar Singh for sale, and Amar Singh states (p. 74) that he took this gold to Lahore and handed it over to Rash Behari Bose (accused 66). This gold has apparently not been further traced.

We have already seen what happened to the silver stolen at Mansuran, and it remains to see what happened to that stolen from Chabba.

We have seen that it was actually handed over to Mula Singh.

Mula Singh (p. 103) states Amar Singh brought instructions from Rash Behari Bose to hand over the silver trinkets to Rao (accused 61, absconding) to sell in Benares. A trunk to hold them was obtained, and left with accused 20, and ultimately handed over to Rao who went off to Benares with the trunk.

Amar Singh (p. 75) states Rash Behari Bose gave him these instructions, which he conveyed to Mula Singh, and Rao departed from Benares with the trunk of silver goods Hardit Singh (accused 20), admits (p. 370) having been left in charge of a trunk by Mula Singh, but denies all knowledge of its contents.

The silver ornaments have not been further traced.

The report and investigation.

The first report, P. 166, dated 3rd February 1915, was made to Kesri Chand Sub-Inspector of Police, by Hira, Chaukidar (p. 212), and Bhagwan Das. It included amongst the injured persons the name of Sawan Singh (accused 69), and the bearing of this on his case will be duly considered when we come to deal with the individual cases.

Kesri Chand, Sub-Inspector of Police, proceeded at once to the spot and in addition to finding the articles already referred to found Kala Singh (accused 38) and the dead bodies of Amli and Beli Ram and also the injured persons, all of whom were duly despatched to hospital. He states that Kala Singh identified Sawan Singh as one of the dacoits, and then Liakat Hyat Khan, Deputy Superintendent of Police, arrived and took over the investigation.

Liakat Hyat Khan, Deputy Superintendent of Police (p. 149), arrived at 1 P.M. on the 3rd, checked the proceedings of Kesri Chand and proceeded to question Kala Singh who gave trace of the two Surain Singhs,—*vide* also Bnta Singh (p. 207). Accused 75 was found at his well with blood-stained clothes.

On the 6th February accused 75 implicated Mula Singh and Prem Singh 61, whereupon the Deputy Superintendent of Police deputed Bela Singh to find some one to find trace of Mula Singh. Kirpal Singh, spy, was employed, and ultimately on 13th February Mula Singh was arrested.

During investigation the Deputy Superintendent of Police discovered that accused 7 and 81 were absent from their village.

Accused 7 was arrested by Gurbakhsh Singh, Zaildar, and made a statement implicating accused 32, 45 and Mula Singh on the 10th February.

On the 8th February accused 76 made a statement implicating *inter alia* Udham Singh, approver.

Gurbakhsh Singh, Zaildar, p. 208, states he arrested accused 76 on the 8th February 1915, and he implicated accused 7, 61 and Udham Singh; and accused 7 stated to him that accused 75, 76, 45, 30, 61, 32, 38, 69, Udham Singh, Amli, and others named Sadhu Singh, Khushal Singh, Bishen Singh and Harnam Singh were in the affair.

Amir Ali, Sub-Inspector of Police (p. 252), states accused 7 gave him particulars of the others concerned in the dacoity.

Fuller details of the affair were disclosed by Mula Singh between the 25th February and 14th March.

Udham Singh, approver, was arrested on the 19th March and proceeded to make his statement shortly after.

The admissibility of and weight to be attached to the confessions to Gurbakhsh Singh have already been dealt with, and the bearing thereof in regard to the individual accused will be dealt with later. The only reference to the confession necessary here is to show how the police in investigation became acquainted with the names of the persons accused and implicated in the affair.

We do not propose either here to deal with the discovery of blood-stained clothes on individual accused, as such matters are more appropriate to individual cases.

We have now dealt with the Chabba dacoity in full, and it is clear that the crime was committed by a conjunction of local criminals, intent on murder to pay off old scores and members of the revolutionary party waging war and abetting the waging of war in order to obtain funds for the purposes of such war. These two gangs were brought together by Wasawa Singh himself an abettor of war and interested in committing the specific murder committed, and the actual original suggestor thereof. We have already held that all present at the dacoity are responsible for the murder actually committed and we note the authorities for our opinion below. But the question arises how far it can be held that the local participators are liable for the abetment of war.

In this connection one further point has to be considered and that is the disposal of the loot. We have seen that the whole of the loot was practically devoted to the ends of the revolutionists and none of the local men obtained anything. There was no division of the booty, and Udham Singh is clear (p. 233) that originally it had been agreed that the proceeds were to be used for rebellion purposes, only if any one needed a litte he could get it.

On these findings the question of the liability of all the dacoits under section 396 does not present any difficulty. It is mere common sense to hold that if a person does not agree with his associates in crime to go the length or permit others to go the length of committing murder in the commission of a dacoity, it is incumbent on him to withdraw from association with individuals who are not at one with him in the *modus operandi*. The authoritie

which are quoted below support the view we are taking of the liability of the dacoits in this dacoity, and although it is not absolutely necessary to give a finding in respect of a charge against them of conspiring to overthrow the British Government, yet we should do so in order to determine the objects of the dacoities that have been committed by the other accused carrying out their plans.

Of course the prosecution is required to prove that local dacoits were apprised of the aims of the other accused before they can be said to become participators in their crime. No direct evidence is necessary to prove this. We are authorized by law to raise inferences leading to that conclusion. It may be true that one primary motive of the Gilwali dacoits was to rid themselves of one whom they thought was a grasping *Sahukar*, but when associating, presumably with knowledge of the aims of a plot, with others who entertained different notions as to the purpose dacoities were to serve, it may be safely concluded that the motives of both sections of dacoits were merged into one. Motives may run into one another, may overlap, may dovetail and so forth. One fact to our minds settles the matter, namely, the exclusive appropriation of the proceeds of the dacoity towards the funds of the revolutionists—a fact which can on no hypothesis be explained away other than on a full knowledge possessed by all the dacoits as to the ultimate object, though simultaneously desire to murder an enemy is also gratified. The authorities we propose to refer to are the following:—

"Where one of the dacoits causes death in committing dacoity with the intention or knowledge specified in section 300, it is the object of section 396 to make his comrades liable even for capital sentence, although there is nothing to show that any particular accused committed the murder or abetted it within the meaning of section 107, or that he even knew that it was likely to be committed in prosecution of the common object of his comrades.—4 *C. P. L. R., L. B. R.* (1892), 502, 44 *P. L. R.* 44 *Cr.*"—(*Mayne's Criminal Law, 4th Edition, page* 229.)

"Where the common object is to resist all opposition to the point of murder, associates in dacoity cannot be heard to plead that they had gone to commit dacoity and were averse to the murder committed, nor is it incumbent upon the prosecution to prove that they knew of its likelihood"—(6, *Bombay Law Reporter*, 248).

Says Governor—

"Nor need it be established against any one of the dacoits in particular so long as death is the result of the cumulative violence used by the gang. It is apprehended that in such a case it will not be open to the accused to plead that they did not know that the cumulative effect of their conjoint violence would result in death. This could only be permitted in a case in which the liability of the accused is single and undivided. But *prima facie* it is not so."—*Penal Code, p.* 1577.

There is an old case the headnote of which given in Mayne is rather too brief—6 W. R. Cr., p. 16. That case does not help the view that protest or averseness of some in any way exculpate them from the liability for murder The facts were that the deceased with his child and brother were returning from a neighbouring market at night. They were suddenly attacked on the road by the four prisoners in the case and robbed of all they had. The deceased received a blow from a *lathi* on the head and died. The High Court held that there was no intention to cause death, hence they convicted the prisoners, who inflicted the injury under section 394, robbery in which grievous hurt was committed, as well as the two chaukidars who were with them and sentenced them to transportation for life.

The Rabhon Dacoity.

This dacoity was committed on the 3rd February 1915. Rabhon is a village in the Ludhiana District. This case is a somewhat peculiar one, as it appears that on several occasions before the actual dacoity itself there were a number of abortive attempts, and it was these abortive attempts, made at first by local dacoits who later got into touch with the revolutionists, which led ultimately to the latter committing the offence.

Narain Singh, approver, p. 262, says that about the 11th or 12th January Dalip Singh (accused 14) came to him with one Kalu, and Dalip Singh told him there was a good house to rob in Rabhon. This was before Narain Singh got into touch with the revolutionists and according to the prosecution Dalip Singh (14) was never a member of the revolutionary party. He states that he, Dalip Singh, Kalu, one Bhagni and one Bakhshish set off for Rablion, stopping at the *dera* of Kishan Das, Sadh, (accused 47), who knew all about the proposal, but as Bakhshish Singh's courage failed they gave up the design and returned to the *dera* where they stopped the whole day. That night they again set off, this time accompanied by Kishan Das, but their enterprise again came to nothing as they got frightened at the chaukidar's calling out. Some days later yet a third attempt was made by the same lot, in which Kalu was caught but managed to escape.

The suggestion for the dacoity and the abortive attempts.

It was after this that Gandha Singh (accused 16) got into touch with Narain Singh (p. 263), and ultimately induced him to join the revolutionists, and he, Narain Singh, told Gandha Singh of the Rabhon house.

A little while after this Sewa Singh (71) came to witness, and told him Jagna, Sewa Singh, son of Ichar Singh, approver, had left for Rabhon and wanted him to join. He went to Kishan Das' *dera* where he met Chuhar Singh (13), Ganda Singh (16), Arjan Singh (3), Arjan Singh, the Anarkali murderer, and they along with Jagna, Sewa Singh, son of Ichar Singh, and Kishan Das, Sadh, set off for Rabhon. This enterprise also came to nothing, no actual attack on the house being made. Two or three days after the same party set off from the *dera*, and this time an attack was made but the *Khatrani* got out of her house through a secret passage, raised a hue and cry whereon the dacoits bolted, Sewa Singh (71) leaving behind a *khes* (P. 232). They again returned to the *dera* and restored to Kishan Das, Sadh, a *gandasa* he had expressly lent for the dacoity. The scheme then appears to have been abandoned for some time.

There is an indication in this witness' statement that yet another attempt was made, of which he is ignorant, for on p. 264 he says that one day Ichra Singh met him and asked him why he had not gone to the dacoity whither Ganda Singh and his party had set out. At any rate the next day the party for the successful dacoity was got together.

We cannot expect full corroboration of all these preliminary efforts, but in part the evidence before us does corroborate the statement.

The first witness is Indar Das, *chela* of Kishan Das, Sadh. He says (p. 311) that about the time of the dacoity men used to come to the *dera*. First of all four men came, and after Kishan Das had mentioned the place at Rabhon the men set off and returned unsuccessful.

Some days later 7 or 8 men came to the *dera* and went off for the dacoity and again returned without result. Some days later 8 or 9 men came and set out, this time for the successful effort.

Ichar Singh (p. 260) says he had a conversation with Ganda Singh (16) in which the latter told him the dacoits were in the habit of meeting at Kishan Das' *dera*.

He also says (p. 256) that 3 days after an abortive effort at Rajowana Narain Singh set off with Chuhar Singh, the Anarkali murderer, Arjan Singh (3), Ganda Singh (16), Sewa Singh and Uttam Singh (79) for Rabhon, but came back unsuccessful, the news of the failure being given to him by Arjan Singh (3), Narain Singh and Jagna.

After this occurred the Jhanir dacoity, and a search at his place by the Maler Kotla police. Then Ganda Singh (16) came and asked him to send Narain Singh, Sewa Singh (71), Arjan Singh (3) to meet him at Rabhon for a dacoity. He told Sewa Singh, but none of these men went as they could not raise a camel. The following day Ganda Singh (16) came and complained to him, and that night the successful party went off.

Udham Singh of Hans (p. 306) says he met Buta Singh (12), Ganda Singh (16) and Uttam Singh (79) at Lohatbadi, who told him they had failed in a dacoity at Rabhon. This was, according to witness, some days after the

Jhanir dacoity, and Puran Singh (p. 307) also says he heard Rabhon referred to in Lohatbaddi as a suitable place for dacoity. Hyder Ali, Sub-Inspector of Police (p. 306), states that Mussammat Sardi told him there had been prior to the successful dacoity two previous attempts, and on one attempt one of the dacoits had left a *khes* (P. 232) behind, and she pointed out an aperture through which she had escaped and given the alarm which caused the dacoits to run away.

Mussammat Sardi (p. 320), the owner of the house, says that in *Poh, i.e.*, January, an attempt was made on her house. She called one Nanda to help her, and he seized one of the dacoits, who managed to wriggle free whereon the dacoits fled. This bears out Narain Singh's story of the time Kalu was caught.

She says that some time after yet another effort was made which was defeated by her creeping out through an aperture at the back and calling for help. She states also that on one of these occasions the *khes* (P. 232) was left behind.

Mussammat Nikki (p. 320) also says that before the successful effort an unsuccessful attempt was made and finally Sewa Singh, son of Ichra Singh (p. 305 , says he accompanied a party after the Jhanir dacoity to Rabhon which proved unsuccessful. This brings us to the day of the dacoity.

Setting out for the dacoity.

The principal witness in regard to the setting cut is Narain Singh, approver.

He states (pp. 265-66) that he, Dalip Singh (14), Sewa Singh (71), Arjan Singh (3) went off after he had met Ichra Singh to Kishan Das' *dera* where ultimately Gandha Singh (16), Arjan Singh (3), Uttam Singh (79), Buta Singh (12), Chuhar Singh (13), Dalip Singh (14), Sewa Singh (71), Hari Singh (26), Kishan Das (47) and witness himself foregathered. There was a blind boy there also. After the Sadh had cooked food for them, nine of them, that is, all but the Sadh, set off for Rabhon, borrowing a lantern, spade (P. 223 A. B.)— [which were ultimately recovered from Kishan Das' *dera*—see Sumand Singh (p. 308) and Ishar Singh, Sub-Inspector of Police (p. 312)] a *gandasa* and an iron bar from the Sadh who knew what they intended doing, until they reached a well outside Rabhon. He states Gandha Singh and Uttam Singh had pistols. Hari Singh, Buta Singh and he himself swords, Dalip Singh a *takwa*, P. 234, identified by Narain Singh (p. 268), Arjan Singh a *gandasa* and Sewa Singh a *chavvi*. Ichra Singh (p. 258) states that Gandha Singh went off from his Gurdwara with accused 12, 16, 71, 13, 3 and others for Rabhon. This is the party which linked up eventually with Dalip Singh and Narain Singh at Kishen Das Sadh's *dera* which lies on the way between Lohatbadi and Rabhon.

Dheru (p. 303) says he saw 2 or 3 men at the *dera*, and that Kishen Das borrowed an iron axle from him. Roshan (p. 303) says that on the evening of the dacoity he saw some 7 or 8 men inside and outside the *dera*, but he can identify none, while Indar Das, the blind *chela*, states (p. 311) a gang of men left the *dera* for the dacoity taking with them a lantern and spade belonging to the Sadh. He says they also took a *gandasa* and a crowbar, which were ultimately returned. He says he heard the names Amli, Buta Singh, " Pahlwan " and " Bhaiji " which does not help us much.

The actual dacoity.

Here again the principal witness is Narain Singh, approver.

He states (pp. 265-66) that from the well where the dacoits assembled Chuhar Singh (13) went to the village and brought back news people were all asleep, whereon the party set out and arrived at Mussammat Sardi's house. A man was seized by Sewa Singh (71) and made by Gandha Singh, Dalip and Chuhar Singh to show the back entrance to the house. He was then locked in his own house, and Sewa Singh, Uttam Singh and witness went to the front. Ultimately an entrance into the house was secured, and the house ransacked. A quantity of ornaments was secured, and Chuhar Singh obtained a number of rupees, a handful of which he gave back to Mussammat Sardi when she said she wanted a little for grain.

No resistance seems to have been offered, and the party returned quietly to the Sadh's *dera*.

Mussammat Sardi (p. 320) gives a very brief account of the dacoity, and says she was made to open a safe, a box from which a lot of ornaments were taken and to point out where a large sum of money, Rs. 2,020, was buried. She also says that on her entreaties a couple of handfuls of rupees were restored to her, and she identified Dalip Singh (14) as one of the dacoits.

Bakhar (p. 303) states that when returning from his sugar press 8 or 9 dacoits seized him, made him show the back entrance to Sardi's house, and then locked him in his own house.

Hazura (p. 304) who bolted when threatened with a pistol, Lehna Singh (p. 321), Mussammat Nikki (p. 321), Harnam Singh (321), Uttam Singh (321) and Nanda (p. 321) give merely statements that the dacoity did take place.

Ishar (p. 304) states that on the night of the dacoity he got on to a roof near by, and was promptly fired at, and another Ishar states he sharpened an axle-tree (said to be the crowbar used in the dacoity) for Kishen Das, Sadh, the day before the dacoity.

Statements of conspirators.

In addition to this evidence, Nawab Khan (p. 141) states that Nand Singh (53) told him the dacoity was the work of the party, and when the loot was brought to him Ichar Singh states Ganda Singh told him it came from a Khatrani's house at Rabhon.

P. 274.

Closely connected with this, as indicating the connection between this gang and other exploits of the revolutionists is a slip of paper, P. 274.

This slip of paper contains the names in *Gurmukhi* of the seven men hanged for the Ferozeshahr murders. Haidr Ali, Sub-Inspector of Police (p. 316), states this slip of paper was handed over to him as soon as he arrived on the scene by Lehna Singh, Lambardar.

Prem Singh, Lambardar (p. 321), says he found this slip on the roadside when following up the tracks of the dacoits, and gave it to Lehna Singh, and Lehna Singh (p. 321) corroborates both Prem Singh and Haidr Ali.

The loot.

This brings us to the disposal of the loot. We have seen already that the booty was brought to Ichra Singh; part of it was melted down and disposed of along with the Jhanir booty; part of it has been traced undamaged and has been identified.

The estimated value of the jewellery taken is Rs. 3,000 and the cash 1,198.

We can dispose of this booty under three heads—

(*a*) The cash.
(*b*) The melted ornaments of Jhanir and Rabhon.
(*c*) The unmelted Rabhon ornaments.

In regard to the cash, Ichra Singh tells us (p. 259) Rs. 1,000 were sent to the committee at Amritsar, Rs. 60 were given to Sewa Singh (71), Rs. 30 to Chuhar Singh (13), Rs. 20 to Arjan Singh (3) and Rs. 30 to Narain Singh, approver, not as shares, but as presents, and Rs. 18 were given to Arjan Singh while he himself got Rs. 70 for miscellaneous purposes and later Rs. 200 for his past expenses. Rupees 15 were later paid to Narain Singh, Dalip Singh and Hari Singh for travelling expenses.

Narain Singh (p. 267) says that Ganda Singh (16) told him Rs. 1,000 had been paid to the party, that he received Rs. 40 for the loan of his camel and Rs. 11 were paid to the men who melted down the ornaments.

This is linked up still more closely by the statement of Udham Singh of Hans (p. 306), who says he saw Uttam Singh (79) give Rs. 1,000 to Nidhan Singh (54), the proceeds of the Jhanir and Rabhon dacoities and by Nand Singh's confession (p. 420), where he says Uttam Singh (79) told him that Rs. 1,000 from the dacoity had been given to Nidhan Singh (54) and Rs. 400 had been paid to the dacoits.

Mula Singh (p. 103) says about 10th February Nidhan Singh (54) gave him Rs. 1,000 for the cause, the proceeds of some dacoity.

In regard to the melted jewellery, Ichra Singh (p. 259) states that one Indar Singh (of Patiala) and Sunder Singh brought implements to his Gurdwara to melt the stuff down, coal was procured from Raikote and some melted down that night, the balance subsequently. The proceeds were moulded in a mould, P. 214-A, into 30 bars of silver and 4 of gold.

He states that he showed 2 gold bars to Tilak Ram who sold them to Mulu, *Sarafi*, for Rs. 383, of which he credited Rs. 200 to his own account in liquidation of expenses already incurred by him and Rs. 183 he retained in hand. Eventually the vendee resiled from this bargain, and Ichra Singh received these bars back, repaying the Rs. 383.

In the meanwhile Narain Singh, approver, Hari Singh (26) and Dalip Singh (14) came demanding a share of the booty, and they agreed to take Rs. 220 each, consenting to Rs. 1,000 being devoted to the revolutionary funds before calculation of shares. They were given in lieu of this some of the silver bars.

After the return of the gold bars by Mula, Ganda Singh came and he took away a small piece of gold and some rupees, and Ganda Singh gave him Rs. 200 to cover his expenses.

He states that on the first visit of the Maler Kotla Police before the Chabba dacoity they discovered P. 214, Indar Singh's melting implements in his house.

After his arrest he identified 28 silver bars (P. 223), proceeds of the two dacoities, and P. 224, 2 bars of gold of similar origin.

His story of the sale of bars to Mulu and their return is very fully corroborated.

Mulu Ram (p. 308) says he bought two bars through Tilak Ram after testing the quality through Kashi Ram.

A few days later he was offered two more, which made him suspicious, and he gave Ichra Singh the option of taking the bars back, or of his, witness, informing the Police. Ichra Singh accepted the former alternative.

Kashi Ram (p. 308) corroborates that he did test two bars of gold, and Tilak Ram (p. 313) corroborates Mulu Ram in detail.

In regard to the actual melting at his house Sundar Singh (p. 305) and Harbhajan Singh (p. 307) testify that they saw Ichra Singh and Indar Singh on the road from Patiala to Lohatbadi.

Mussammat Kartar Kaur (p. 305) and Sewa Singh (p. 305) also testify that Indar Singh melted some ornaments at the Gurdwara, while Ataulla, Sub-Inspector of Police (p. 329), swears he discovered the implements, P. 214, at Ichra Singh's Gurdwara, and Waziri Mal states the bars later found fit into the mould, P. 214A.

In regard to the bars, Ichra Singh, we have seen, has told us there were 30 silver ones and 4 gold, and that some of the silver ones were given to Narain Singh, Dalip Singh and Hari Singh.

Narain Singh (p. 266) says that a few days after the dacoity he in company with Dalip Singh and Hari Singh went to Ichra Singh's for their share, and ultimately, under the instructions of Ganda Singh, six bars and a small piece of silver were given to witness, and 15 between Hari Singh and Dalip Singh. His own bars and the piece he buried in a manure heap, which he later gave up to the Police (p. 267) in the presence of Sundar Singh

(p. 304). Sewa Singh also testifies (p. 305) that Dalip Singh, Narain Singhand Hari Singh were given silver bars.

Out of the 15 bars given to Dalip Singh and Hari Singh, Ataulla, Sub-Inspector of Police (p. 329), states that when he arrested them on 9th February he found six bars (P. 223-A) on Hari Singh and eight bars (P. 223-B) on Dalip Singh.

In regard to the remaining 9 bars of silver and 4 of gold Mussammat Kartar Kaur, wife of Ichra Singh, states (p. 305) that Ichra Singh gave her 3 gold bars, 9 silver and 1 small piece, which she hid in a bag (P. 257), until she gave them up at her son's request to him to hand over to Ganda Singh (16) and Kapura, brother of Sewa Singh (71).

Sewa Singh, his son says (p. 305), that after his father's arrest Sewa Singh (71) came and asked for the booty, and he handed over gold and silver bars received from his mother, and Sewa Singh gave them to Kapura in the bag, P. 257.

Sher Sahai (p. 325), Circle Inspector, states that on Ichra Singh's information he sent for Sewa Singh who told him he had given the bars to Sewa Singh (71) and Kapura, and as a result Kapura on 3rd and 4th March gave up in all 8 bars of silver and 2 of gold.

This is corroborated by Sundar Singh, Lambardar (p. 308), and Sundar Singh of Barhampur (p. 304) and Kapura (p. 308) also says he gave them up, alleging he received them from Sewa Singh, the son of Ichra Singh.

There remains only some identifiable articles; these are a *hamel* of rupees (P. 215), two rings (P. 220), a forehead ornament (P. 221) and 3 bits of earrings (P. 222). These have all been identified by Mussammat Sardi (p. 320) as hers, and she is corroborated by Kishna (p. 322), Gobind (p. 322) and Fakiria (p. 322). Ichra Singh (p. 259) says he gave P. 215 to his wife, which she gave up along with P. 220, 221, 222 to the Police Mussammat Kartar Kaur (p. 305) says she found P. 220, 221, 222 in the ashes after the melting which she gave up to the police, and this recovery is corroborated by Sher Sahai (p. 325) and Sundar Singh, lambardar (p. 308).

Sewa Singh (p. 305) states his mother gave him P. 215 which he gave to Sewa Singh (71) along with the bars. Kapura (p. 308) admits the receipt thereof and delivery to the police and this recovery is corroborated by Sundar Singh (p. 308), Sundar Singh of Bahrampur (p. 304) and Sher Sahai, Circle Inspector (p. 325).

First repo t and investigation.

The first report (P. 277) was made by Khewa, Chaukidar, on 4th February 1915, and recorded by Acchar Singh, Head Constable (p. 319).

Sher Sahai (Circle Inspector, p. 325) reached Rabhon on 5th February 1915, and he was told by Mussammat Sardi she suspected one Shadi. Shadi was called and informed him Kalu had told him that Dalip Singh (14) had been concerned in some prior attempt, and on this he asked Ataulla, Sub-Inspector of Police, to look out for Dalip Singh.

Ataulla, Sub-Inspector of Police (p. 329), states he got hold of Kalu who arranged to have Dalip Singh arrested, and he arrested him in company of Hari Singh.

Sher Sahai (p. 325) states that in the thana Dalip Singh implicated Narain Singh, Ichra Singh and Sewa Singh (71), and he at once went to Lohatbadi and saw the two former, who on 18th February 1915 further implicated Gandha Singh and also gave trace of Dalip Singh (deceased). From these three men the whole account was derived.

We are satisfied from this evidence that the ultimate successful dacoity was perpetrated by persons waging war, and that it was their object to obtain funds for such war, and that a part of the booty secured was actually devoted to that purpose.

We have simply to add that the connection between this dacoity and the revolutionists is further established by the fact testified to by Narain Singh (p. 267) that Arjan Singh (3) and Sewa Singh (71) declined to take any personal share of the booty, and by the fact testified to by Ataulla, Sub-Inspector of Police (p. 329), that Hari Singh on arrest proceeded to harangue the mob seditiously, saying they were working to turn out the British Government and that more would rise up to carry on the work.

Other dacoities.

In addition to these dacoities there were other dacoities, the full details of which have not been placed before us, in some of which there are indications that they were the work of some members of this revolutionary gang.

Jesomedra.
Chauki Man.
Pharala.

Ataulla, Sub-Inspector of Police (p. 329), tells us there was a dacoity at Jesomedra in his *ilaqa* on the 19th January, Ichra Singh (p. 260) states that Gandha Singh (16) told him a dacoity at Chauki Man was the work of the party, and Fakir-ud-din (p 345) says his house at Pharala was dacoited without success on the 23rd December, and later on the house was pointed out by Nawab Khan to the police.

Nawab Khan in his magisterial statement gives a very long account of this affair, which has been considerably condensed in the official report of this Court on page 137, though there is a considerable difference as to date in which possibly Fakir-ud-din is wrong.

At any rate he does say an attempt was made at Pharala in which he, Hardit Singh, Basant Singh, Jaswant Singh (35), Gandha Singh (16), Udham Singh and others were concerned, and which was abandoned as he, Nawab Khan, during the dacoity found the owner of the house was a Mussalman and not a Sahukar as originally believed, and as the villagers assembled and put them to flight. The incident is also referred to by Nand Singh (p. 415) for he tells us that Basant Singh told him a small gang, including Nawab Khan, Jawand Singh (35), Gandha Singh (16) and Hari Singh had attempted a dacoity at a Rawal's house (*i.e.*, Fakir-ud din's) and had failed there owing to the wakefulness of the owner.

Abortive dacoities.

In addition to these successful dacoities there is a long array of evidence to show that other dacoities were unsuccessfully attempted.

One of the most important of these was an attempt at Rajowana.

Rajowana.

Sometime towards the end of December or beginning of January there was a gathering of the conspirators at Ichra Singh's Dharmsala, and he states (p. 255) that it was decided to commit dacoity there, to get money for arms. Chuhar Singh (13), Arjan Singh (3), Arjan Singh (the Anarkali murderer), Gandha Singh (16), Sewa Singh (71), Uttam Singh (79), Sewa Singh, Narain Singh, approver, Jagna and one Puran Singh set out for it, but returned unsuccessful as they could find no opportunity to commit it.

These men with the exception of the last four were in the general conspiracy.

Sewa Singh (P. 305) briefly states he did accompany the party for his abortive attempt.

Before the Magistrate Narain Singh gave a long account of his attempt, but before us his reference to it has been curtailed, and he merely tells us (p. 263) that Sewa Singh (71), Arjan Singh (the Anarkali murderer), Arjan Singh (3), Jagna, Sewa Singh, son of Ichra Singh, Chuhar Singh (13), he himself and another whose name he does not now mention made an unsuccessful attempt at this village, starting out for the purpose from Lohatbadi.

Puran Singh (p. 307) also tells us he was asked to join in a dacoity at Rajowana at Ichra Singh's Dharmsala, but he refused.

It would appear that quite apart from this effort a dacoity at this village was contemplated by another gang of the conspirators in November, Nawab Khan (p. 135 states that Gandha Singh (16) told him they contemplated a dacoity at this village, but he, Nawab Khan, told him to wait until after the Badowal meeting which took place on 23rd November 1914, and in this he is corroborated by Jawala Singh who says (p. 117) that a projected dacoity at that village by the gang he was in, of which Gandha Singh (16) was then a member, was stopped on account of the Badhowal meeting after the party had been to Nawab Khan.

Jandiali.

According to Ichra Singh, another place selected in January was Jandiali to which place (p. 256) Chuhar Singh (13), Arjan Singh, the Anarkali murderer, Gandha Singh (16) and Sewa Singh, his son, set out, but returned unsuccessful. Mula Singh (p. 98) also says that a dacoity at Jandiali was suggested in January by Balwant Singh (5) which, however, proved abortive, and it would appear that it was intended that parties from Lohatbadi and Amritsar should link up for it. The story is supported also by Sucha Singh who says that Kartar Singh told him they intend to commit a dacoity at Jandiali (p. 273).

Singhanwala.
Bhaini.
Bhikki.

Early in November, Jawala Singh tells us (pp. 116-117), that the gang to which he belonged, under the leadership of Nidhan Singh (54), set out on a marauding expedition from Moga, the gang consisted of Gandha Singh (16), Roda Singh (67), Kehr Singh (41), Dhian Singh, Dalip Singh, Chanda Singh (all implicated in the Ferozeshahr murder), Amli, Wariam Singh, Bachan Singh, witness himself and others.

He states this gang contemplated or attempted without result dacoities at Singhanwala, Bhaini and Bhikki, and that the gang was armed with pistols and *takwas*. He gave before the Magistrate a very detailed account of these efforts, but before us the matter was only briefly referred to.

To some extent his account is corroborated by Nawab Khan (p. 135) who says Gandha Singh (16) told him shortly before the Badowal meeting that an attempt at Bhikki, under the orders of Nidhan Singh, had failed shortly before. The name Bhikhi is not given in the official record, but occurs in the contemporary notes of the other two Commissioners.

Bhimwal.

An important dacoity was also attempted at Bhimwal in the Hoshiarpur District in December.

Nawab Khan (pp. 138-39) tells us that about the 9th December a marauding party was collected at Phagwara and reinforced at Burobarian, consisting of Nawab Khan, Kartar Singh (39), Gandha Singh (16), Rulia Singh (68), Nand Singh (53), Bhagwan Singh, Jawand Singh (35), Amli, Bir Singh (11), one Hardit Singh and others.

The party wandered about *viâ* Nangal Kalan, and Burobarian and eventually met with a goldsmith who told them of a wealthy *Sahukar* in Bhimwal. The party armed with revolvers, automatic pistols, *gandasas*, sword-sticks and *lathis* split up into three parties. With Nawab Khan were Bhagwan Singh, Kartar Singh (39), Gandha Singh (16) and Rulia Singh (68) and after some wanderings the three parties linked up again at Bhimwal. A scouting party was sent out with the goldsmith and returned with the news that there were armed men at the house whereupon the dacoity was given up and the whole party returned to Behrampur, where they split up.

An almost identical account of this exploit is given by Nand Singh in his confession on p. 415.

He says that he went to Burobarian with Bir Singh (11) where he met Nawab Khan, Kartar Singh (39), Gandha Singh (16), Amli, Bhagwan Singh, a sunar, Rulia Singh (68), Basant Singh and Hardit Singh whence they started

in small parties, being joined by Jawand Singh (35), and others whose names he gives. The various parties again linked up and were found to be armed with pistols, sword-sticks and *lathis*. A scouting party consisting of Hardit Singh and the sunar went into the village, returning with the news that there were armed pensioned officers there, upon which the party gave up the attempt.

The coincidence of names and account is extraordinary and there can be no doubt as to the enterprise having been attempted.

Another important attempt was made at Kartarpur about the 8th February.

Kartarpur.

Amar Singh (p. 74) tells us he went to Amritsar about that time, and in Baba Atal house met Mula Singh, Banta Singh (6), Gurmukh Singh (17), Kirpal Singh (46), Harnam Singh (21), Arjan Singh the Anarkali murderer, Bir Singh (11) and others, and Banta Singh (6) told him they intended committing a dacoity at Kartarpur.

He saw Arjan Singh, Kirpal Singh (46), Gurmukh Singh (17), Banta Singh (6), Balwant Singh (5) and two others leave for Kartarpur armed with several inkpot bombs and three revolvers. The following day Arjan Singh, the Anarkali murderer, returned, reporting the dacoity had failed, and he set off again that evening. Later Kirpal Singh returned with the news the attempt had again failed owing to the watchfulness of the police.

Mula Singh (p. 104) gives a similar account. He states that there was a gathering at the Baba Atal house including Arjan Singh, Bela Singh, Balwant Singh (6), Banta Singh (5), Jhanda Singh, Bir Singh (11) and Harnam Singh (24), and that Balwant Singh (6) who lives near Kartarpur suggested a dacoity on a wealthy Sadh living near the village.

The following day Gurmukh Singh (17), Udham Singh of Waring, Indar Singh (30) and Kirpal Singh (46) were at the house, and all except Jhanda Singh and Bir Singh (11) set out for Kartarpur. Next morning accused 6, Arjan Singh, Udham Singh and Bela Singh returned unsuccessful, but went off again that night. The following day Balwant Singh (5), Gurmukh Singh (17), Kirpal Singh (46), Udham Singh and Bela Singh returned saying they had failed as the police had got news of their coming.

He further states the gang had a pistol.

Ahmad Khan, Inspector (p. 159), states that after his arrest Kirpal Singh (46) mentioned Jagira Mal of Kartarpur as a man who had seen him at the station, and Jagir Mal, the Kartarpur Signaller, an old acquaintance of accused 46, tells us (p. 283) he saw and spoke to Kirpal Singh early in February at the Kartarpur Station.

The next important suggestion relates to Jhabewal. Sucha Singh (p. 273) states that between the 23rd and 27th January Kartar Singh (39) and he went to look for another likely place to rob. They went towards Jhabewal, and on the road met Ram Rakha (65), Jaswand Singh (35), Jaggat Singh (32), arriving at length at Jhabewal, where they also met Dalip Singh, deceased, Dalip Singh's father, Arjan Singh, the Anarkali murderer, Balwant Singh (5), Bir Singh (11) and Harnam Singh (24) at Dalip Singh's house. A discussion took place regarding a dacoity at Jhabewal, but it was decided not to commit one there as it was too close to the place where the bomb materials were being prepared.

Jhabewal.

While returning from Jhabewal some of the men went to a village on the road to Ludhiana to reconnoitre, but finding they could get nothing except by murder there, and even then very little, they abandoned that idea, and went on to Ludhiana, going off immediately after for Mansuran.

Another place where a dacoity was suggested was Umedpur. About 16th January Umrao Singh (p. 337) tells us Arjan Singh (the Anarkali murderer) and Bir Singh (11) told him they had selected a Mahantni's house at Umedpur, but ultimately they abandoned the idea.

Umedpur.

Nand Singh in his confession (p. 421) also states that some days after the Jhanir dacoity he, Chuhar Singh (13), Sewa Singh (71), Uttam Singh (79), Arjan Singh (the Anarkali murderer), Gandha Singh (16), Arjan Singh (3) and Harnam Singh met at Dhuri, and set off to commit a dacoity near Nabha, but when they got near the place they gave up the idea as there was too much risk attached to it.

Nabha.

In addition to these attempts there were a few further attempts of which we do not know any details.

Amar Singh (p. 70) tells us that early in January Arjan Singh (the Anarkali murderer), Ram Rakha (65), Harnam Singh (24) and Balwant Singh (5), set out from Lahore to commit dacoities, but returned unsuccessful.

Mula Singh (p. 96) informs us that in the beginning of January Kartar Singh said Rs. 1,000 had been obtained from a dacoity in Malwa and actually gave him Rs. 250 out of it, out of which he advanced Rs. 150 for bombs to Mathra Singh (52), Nidhan Singh (54) and Permanand (57), and at a meeting the next day at Sant Gulab Singh's Dharmsala Jawand Singh (35), Harnam Singh (24), Balwant Singh (5) and one Bishen Singh of Virpal set off armed with pistols and *chavvis* for a dacoity in the Doaba from which they returned unsuccessful, and again (p. 103) about 10th February he sent Bela Singh and Balwant Singh (5) to attempt another dacoity in the Doaba, which resulted in nothing.

Sucha Singh (p. 277) says he went to Amritsar on February 2nd and was told by Amar Singh that Jaggat Singh had gone to look for a place to commit dacoity.

Finally there is the statement of Ichra Singh (p. 255) who says Arjan Singh, the Anarkali murderer, told him Rs. 1,300 had been obtained in a dacoity in Jullundur.

Our final conclusion in regard to all these dacoities and unsuccessful efforts is that they formed part and parcel of the general scheme of insurrection. They were committed for the purpose of getting funds to procure arms and bombs, wherewith to prosecute the insurrection against Government, and we are satisfied a considerable portion of the booty secured was actually devoted to that object.

(9) The collection of funds.

We have already seen that dacoities were committed with the express object of raising monies for the war.

But it was not only by dacoities that funds were obtained, they were got by direct appeals to the revolutionists and their sympathisers.

We have seen that constantly in America funds were raised at the various meetings there, and the *Ghadr* itself tells us that at the Sacramento meeting a subscription was made to defray the expenses of those returning to India.

We have also seen that Nidhan Singh was given money by the Shanghai Gurdwara for the purposes of the revolutionists.

We are, however, more concerned with subscriptions made in India.

Nawab Khan (p. 148) tells us the Anarkali murderer made a collection from the passengers on the *Tosha Maru* on arriving in Calcutta, and he also tells us (p. 140) that in December he and Kartar Singh went to one Sardar Ajit Singh of Guru ke Jandiala, who helped them with Rs. 25 and further showed his sympathy with them by giving them a blue Pashmina *chadar*.

He also tells us that Kartar Singh told him Bhai Parmanand (56) sent him to Kishen Singh, brother of Ajit Singh, the agitator of 1907, from whom he got Rs. 1,000, Rs. 500 of which was given to Jagat Ram to get arms with in Peshawar or for the use of the Doaba gang, and Rs. 500 were kept, by Kartar Sin h for the Malwa people.

This Rs. 1,000 is also referred to by Jawala Singh (p. 119), who tells us Nidhan Singh's funds were partly derived from a big Sahukar in Lahore through the instrumentality of Ajit Singh's brother.

Whether Rs. 500 out of this was given to Jagat Ram to get arms with or for the expenses of the Doaba group is not quite clear, but we will discuss the matter more fully in his individual case.

Amar Singh says (p. 67) that in November he gave Bhai Parmanand 7 gold dollars (*i. e.*, equal to 140 silver dollars or approximately Rs. 437-8-0), four of which belonged to Jagat Ram (31). Jagat Ram told him some of it had been given to Kartar Singh to get arms with from Calcutta, and we have the undoubted proof that there was 1 gold dollar with Parmanand, which we can follow up and connect very closely with Jagat Ram (31).

This deposit for the purpose of changing is admitted by Parmanand (55), and he admits returning all but one to Jagat Ram, and that he got that one changed to give to Jagat Ram, and the evidence of Raja Ram and Ram Chand (p. 195) shows he got £ 40 and one gold dollar changed, receiving notes therefor. These notes were obtained from Sukh Ram Das, and the numbers of two of them have been traced through Wir Bhan (p. 194), Kirpa Ram (p. 194), and Sukh Ram Das (p. 194).

Jagat Ram was arrested in Peshawar on 23rd November, and in his possession were these very two notes, and two others each for Rs. 100 (see evidence of Mr. Chapman, (p. 282) and Ahmad Khan, Inspector (p. 282) and admission of Jagat Ram (p. 459), who admits getting them in exchange for his gold dollars).

We need not refer to the frequent promises to give monies and proposals to collect, and it will be sufficient for us to note further subscriptions actually made.

Ichra Singh (p. 254) asserts he himself spent over Rs. 1,000 on the cause.

Mula Singh (p. 95) tells us that on the 31st December, Amar Singh and Kartar Singh (39) told him Parmanand (56) had money in hand, and had himself subscribed Rs. 400 or Rs. 500, and he also tells us (p. 98) that Ram Saran

Das early in January gave him Rs. 200, which he brought from Kapurthala. In this connection we may note that Amar Singh told Nawab Khan in December (p. 138) that the Bengal party wanted Rs. 200 from Kapurthala for arms, and he intended getting it from one Sundar Singh of Simli.

One of the most important incidents is that of a collection made at Nanak Singh's *chaubara* in Amritsar on the 11th or 12th January.

We have already seen that certain of the accused, *viz.*, accused Bag Singh (4), Bishen Singh (9), Hazara Singh (25), Kehr Singh (41), and Wasawa Singh (80) came up from Madras, and put up at the Nanak Singh's *chaubara* on 11th January.

We need only refer to the evidence of Mangal Singh (p. 202), Sohan Singh (p. 203), and Nikka, dalal (p. 203), on this point.

Mula Singh (p. 97) asserts that Nidhan Singh (54) told him there were some 30 men collected there and he went to them, discussed revolution and collected some Rs. 800 or Rs. 900 from them, keeping the money so subscribed. Some of this was in gold dollars, and he states he gave 22 gold dollars to Amar Singh to get changed in Lahore.

Amar Singh (p. 70) states Mula Singh told him Wasakha Singh (80) and Kehr Singh (41) had subscribed Rs. 1,000, and gave him 20 or 22 gold dollars to get changed, which he took to Lahore and got changed through Kundan Lal and Nand Kishore (1). The changing has been fully established by their evidence, and the money was given over eventually to Rash Behari Bose.

No doubt there were many more collections, of which we know nothing, just as we know that there were many promises, but we have confined ourselves to subscriptions, which are shown by the evidence to have been actually made.

(10) The looting of Government Treasuries.

There is no actual case where treasuries were attacked and looted, but the idea was constantly present to the revolutionists as a means of raising money.

The *Ghadr*. The *Ghadr-di-Gunj* expressly advocated it in one poem in the unmistakeable words, "Plunder the treasuries."

Nawab Khan also tells us (p. 129) that on the *Toshu Maru* one of the proposals was to attack post offices, tahsil treasuries and patwarkhanas; and Jawala Singh (p. 115) says that on the *Mashima Maru* it was decided to loot treasuries.

Proposals. At the Ladowal meeting on November 17th, Nawab Khan tells us (p. 134) the whole question was carefully considered. Jaggat Ram (31) introduced the subject and Kashi Ram mentioned every tahsil had Rs. 40,000 or Rs. 50,000, and proposed that Nidhan Singh (54) and Nawab Khan and he should loot the Jagraon and Mogha Treasuries, while Jaggat Ram (31), Amar Singh, Pirthi Singh (58), and Piara Singh (60) should collect Doaba men to raid the Nawashahr Tahsil, and Kartar Singh (39) was to collect men for an attack on some tahsil in the Majha. It was arranged that all tahsils were to be raided on the same day, and Nawab Khan was asked to get particulars of the Jagraon Tahsil and Nidhan Singh of the Moga one.

It was further arranged to meet at Moga on the 19th to perfect their designs. Cold water was however thrown on the design when they met at Moga, for Kartar Singh (39) told them it was Parmanand's (56) opinion that it was useless, as the assailants would be easily arrested.

He also says that Amar Singh at the beginning of December suggested looting the Nawashahr Treasury, where he had been told by the treasurer that there were 1½ lakhs of rupees, but Nawab Khan said they must get arms first.

Amar Singh (p. 67) admits that at Moga he suggested looting treasuries.

Mula Singh (p. 95) says that at the end of December at the Virpali dharamsala Amar Singh suggested a raid on the Una Treasury.

Indar Singh in his confession (p. 388) also says that the conspirators entertained proposals to loot treasuries and tahsils.

Sardar Ali (p. 219) and Kapur Singh (p. 223), who we understand has been foully murdered since, say that when they saw a gathering of men at the jhar Sahib on 28th November, they were told by Pal Singh that they intended to loot the Tarn Taran Treasury. It is significant that a few days later there were a number of men at Tarn Taran on the Amawas day, but no attack was made.

Ichra Singh (p. 255) tells us also that Buta Singh (12) and Gandha Singh (16) informed him in November that attacks on treasuries were a part of their programme, and Surti Singh (p. 298) says he was sent in February to Meerut, with *inter alia* a message to Ishar Singh (sowar) to find out all about the treasuries there.

The Moga Treasury.

Though there was no actual attack on any treasury made, one was organized.

Jawala Singh (p. 119) tells us that to fill in the time after the failure at Mian Mir on the 25th November and the projected attack on Ferozepore Arsenal on the 30th, it was proposed to attack the Moga Treasury.

The party proceeded in the direction of Moga some by train, some by road. Those that went on by road were intercepted by the Police at Ferozeshahr, where they brutally murdered the Thanadar and Zaildar on the 27th November.

Some were killed, some caught and subsequently hanged, others escaped, while of those who went by rail Roda Singh (67) and witness were arrested in Moga, and others got away.

(11) The Collection of Animals.

A small branch of the activities of the revolutionists was the procuring of animals for the prosecution of the war.

It is a minor point of which we have one or two instances, but our review of the case would not be complete if we omitted all reference to it.

Ichra Singh (p. 255) tells us that Gandha Singh (16) and Buta Singh (12) came to him at Lohatbadi, and asked him to arrange for horses and camels, and he was told to buy a horse from one Mit Singh of Kaila and another from Ghunghrana. He gave Gandha Singh Rs. 200, and the latter purchased one horse, sent it by Nand Singh (53), and the witness states the animal is still with him. This was shortly before the Ferozeshahr murders.

Nand Singh (p. 416) in his confession gives us a long account of this transaction, and tells us Gandha Singh (16) and Arjan Singh got him to go with him to Mit Singh to buy a horse, which they left with him to take to Raikote the next day to Ichra Singh.

Mit Singh (p. 312) and Wasawa Singh (p. 313) give corroborative evidence of this purchase, and the former identifies Nand Singh, and knows his companions were Gandha Singh (16) and the Anarkali murderer.

A second instance, the purchase of a camel for Rs. 200 from one Bachna, "for the furtherance of the common object of committing dacoities and mutiny" is testified to by Ishar Singh (p. 258).

(12) The Murder of Europeans, Officials, and Loyal Indians.

The *Ghadr*.

The murder of European officials and loyal Indians is a constant theme in the *Ghadr* newspaper. If we were to refer to all the passages in the *Ghadr* advocating the cold-blooded murder of Europeans, we would run to several pages on that subject alone, and all we need say here is that it is so advocated time after time; men, women and children are all to be killed, and every conceivable atrocity is urged to be adopted in the killing.

It will, however, bring it more home to us all to what lengths these desperadoes were urged to go, if we select a very few passages where similar treatment is advocated for officials and loyal Indians.

Sardar Sunder Singh, Majithia, is in one poem held up as an object of execration, and in another the readers are advised to first deal with the "traitors to the country," win them if possible by entreaties, and if they do not respond, to resort to other means, for success in the mutiny is impossible until the number of "traitors" is reduced.

The murder of a Deputy Inspector of Police in Mymensingh, and of a head constable in Calcutta are reported with satisfaction, and all Indian Government officials are to be regarded as enemies of the country, and men like the Agha Khan, Syed Amir Ali and Mr. Shah Din of the Punjab Chief Court are held up to reprobation as "greedy and cunning persons." But it is not only the *Ghadr* that suggests these courses.

Discussed in America and India.

Mula Singh tells us the murder of Europeans was a common subject of discussion among them in America, and Ishar Singh (p. 255) states that in November, Buta Singh and Gandha Singh told him the murder of Europeans was a part of the revolutionists' programme, and he also tells us (p. 260) that he, one Udham Singh, Nidhan Singh (54), and Uttam Singh (79) discussed the murder of S. Gajjan Singh of Ludhiana, S. Sunder Singh, Majithia, the Editor of the *Khalsa Samachar* and S. Rur Singh, the Head Manager of the Darbar Sahib, but they decided to postpone killing them for the time being, and devote their energies to murdering police officers first.

Jamadar Nadir Khan (p. 269) also tells us Pingley advised him to go to the Mess, blow up the officers, and then murder the European troops while asleep.

Mula Singh tells us (p. 96) that in January they tried to hurry up the making of bombs so as to kill European officers attending the Mukhtsar fair, and Amar Singh suggested blowing up the Lieutenant-Governor's train when His Honour went on tour.

Nawab Khan (p. 139) tells us that the gang, that was wandering about at the end of November in Hoshiarpur, suggested killing a European who was out shooting and getting his gun.

Jawala Singh when he quarrelled with a Jap on the *Mashima Maru* was told to reserve his energies by Nidhan Singh (54), till he got to India where he could kill Europeans to his heart's content. He also tells us that it was decided on that ship to kill all loyal Indians who opposed them.

Sucha Singh (p. 242) one morning greeted Kartar Singh with the customary Sikh greeting "Wa Guru" and Kartar Singh excitedly replied "Maro Faringhi," for that was the religion he professed.

We could multiply these instances, if necessary, but sufficient has been said to show that it was part and parcel of the creed of these desperados to kill every one on the side of Government.

Murders committed.

What has been done by other seditionists in other parts of India is too well known to require reference to, even if such reference were permissible in this case, but we do know that persons returning by the *Komagatu Maru*, *i.e.*, revolutionists connected with the present movement, did murder officers in the execution of their duty.

We know also that on the 27th November 1914 Bisharat Ali, Sub-Inspector, Police, and Jawala Singh, Zaildar, were murdered at Ferozeshahr by revolutionists connected with this case. Jawala Singh, Nawab Khan, Ichra Singh all tell us they were informed by some of their co-revolutionists, that they had committed the murder, and Nawab Khan, Nidhan Singh, Rulia Singh,

Nand Singh, Bhan Singh all associated with and helped to conceal Gandha Singh (16).

We know also that at the Walla Bridge murder on the 12th June, where in all four men were murdered, Banta Singh, an accused in this case, joined with four others to commit those murders; we know further that the same Banta Singh with Buta Singh, another accused in this case, murdered S. Channan Singh on 25th April, because he caused the arrest of another accused, and that associates of Banta Singh in the Walla Bridge murder killed Sardar Bahadur Ichra Singh on the 4th June 1915.

We hear also that a witness who gave evidence before us, Kapur Singh, has been done to death during the trial of this case and we know that 3 police officers have been seriously injured in arresting some of the accused.

Add to these the Anarkali murder by the prominent revolutionist Arjan Singh, and the murders in the Chabba and Sahnewal dacoities, and we have striking testimony to the nature of this revolutionary movement.

(13) Jail-breaking.

There is a little evidence that jail-breaking was also considered by the revolutionists.

The *Ghadr* literature certainly advocated it :—

"Let us break into the jails," it says "and release the men who have served the nation."

"Release those who are in jails," it preaches, elsewhere, "and keep them with yourselves in castles."

Nawab Khan (p. 129) tells us the breaking of jails was resolved on by the Revolutionary Committee on the *Tosha Maru*, and Uttam Singh of Hans (p. 307) heard the conspirators on 21st February talk of getting arms, and releasing prisoners from the jails therewith.

We have, however, no evidence of any such attempt, but it is clear the matter was considered and proposed.

(14) The revolutionary flag.

Naturally a body of men who consider they are at war require a flag, and this sordid revolution is not without that emblem.

We find that in America the flag is there, for Kartar Singh (accused) (p. 484) tells us they had a flag at the Yugantar Ashram in San Francisco, a tricolour representing "Liberty, Fraternity and Equality."

But not merely have we his statement on the point, the *Ghadr* is full of it.

There is an interesting article in the *Ghadr* of the 27th January 1914 headed the "National Flag", in which cold water is thrown on the suggestion to have a flag at that stage as likely to cause disunion, and it states "before mutiny there should be no flag" but it proceeds "Mutiny and then the Standard of Liberty will be hoisted."

But the "*Ghadr*" regarded its own publication as a declaration of war, and very soon this temporary opposition to a flag was abandoned.

The first reference is in the *Ghadr-di-Gunj* "Where are the blue and yellow flags" it asks, but the two colours soon became a tricolour, for later it exhorts its readers "to raise the beautiful three coloured standard", and in the same series of extracts we have one particularly virulent poem ending with a refrain to each stanza "Be determined to hoist up your flag."

By February 1914 it was in full swing, for at Stockton on the 15th the "national flag" was unfurled, and revolutionary vows were taken under it by the audience, and they undertook "to fight and die in mutiny under the "National Standard", and in the Mutiny celebration number of May 10th, 1914, the revolutionists were exhorted "to plant the national flag, murder Europeans, and seize the throne of India."

In this pitiable revolution, there is an element of unconscious humour in connection with the preparation of this flag in India.

The revolutionists got along without it until the date for the rising was agreed upon.

It was on the 12th February, according to Mula Singh (p. 105), that it was decided in Lahore to have a tricolour flag, yellow to represent Sikhs, red for Hindus and blue for Muhammadans, and he went off to Amritsar, gave Naurang Singh (55), who is a *darzi*, a sovereign to make some flags, telling him he was collecting flags and wanted to add this to his collection.

Naurang Singh doesn't seem to have made any, possibly because Mula Singh was arrested the next day, and his mother gave Amir Ali, Inspector, Rs. 15 on the 26th March, when Naurang Singh told her to give up the sovereign received for flags (pp. 249, 253).

But flags were made in Lahore.

Kahn Chand (p. 173) an employee of the Dhariwal Agency in Lahore, sold some blue cloth, a portion of which he identifies in the revolutionary flag, to Kartar Singh on the 15th and 17th February, and both Kirpal Singh (p. 186) and Amar Singh (p. 77) saw him bring 3 different coloured cloths—red, blue and yellow—to the Mochi Gate house on the 15th February and a number of the revolutionists were set down to sow them in strips. It was Rash Behari Bose who said flags were needed.

Flags, says Amar Singh (p. 78, 79), were distributed to the emissaries, who were going out to proclaim the rising. Permanand (57) was sent with one to Peshawar, Mathra Singh (52) and Harnam Singh (23) with another to Jhelum and Kartar Singh (39) with yet more to Ferozepore. Kirpal Singh (p. 186) got one on the 16th to take to Dadhir, and he gave it to the men there. Sucha Singh (p. 79) was sent to Ambala with 2 more, of which he gave one (p. 280) to Surti Singh who took it down (p. 298) to Meerut and gave

it to Ishar Singh, and the other he buried in the sand hills, when the whole movement collapsed, on the 22nd February 1915.

Some of these flags were discovered. That buried by Sucha Singh was pointed out by him on the 24th February to Faiz-ul-Hassan (p. 287), Kishen Singh (p. 288) and Imam-ud-din (p. 289) and when house No. 1 was raided Liakat Hyat Khan (p. 151) found pieces of red, yellow and blue cloth and some flags, and Ahmad Khan (p. 157) found 4 sown flags and 7 unsown flags in house 2 in the presence of Mr. Tresslor (p. 166) and Nur Din (p. 166), while portions of a flag were found by Mr. Denham (p. 356) in the house of Chaudri Harnam Singh in Fyzabad.

(15) The destruction of Railways and Telegraphs.

There is a direct incitement to destroy communications in the *Ghadr*.

It urges "break railway lines, cut off telegraph wires, and devote yourselves to the demolition of bridges," and we have already noted that in Permanand's Bomb Manual the use of explosive preparations for these purposes is explained.

Not only do we find that the literature of the revolutionists incites to this form of activity, but the evidence shows it was generally in their minds.

Nawab Khan (p. 129) tells us that on the *Toshu Maru* the Revolutionary Committee decided on the destruction of lines, bridges and telegraph wires as part of their policy.

Mula Singh (p. 98) tells us that Ram Saran Das (64) suggested to him in Amritsar the destruction of bridges by explosives.

Kapur Singh (p. 223) tells us that the gathering at the Jhar Sahib discussed the breaking of rails, and Ichar Singh tells us (p. 255) Gandha Singh (16) and Buta Singh (12) told him in November the destruction of rails and telegraph wires was part of the revolutionists' policy.

We have no evidence of any actual attempt made in this direction, but we have a large amount of evidence to show that hack-saws, pliers and files were collected by the revolutionists for these purposes.

Mr. Petrie (p. 328) and Mr. Clements (p. 235) have told us that in Kashi Ram's box intercepted by the police at Calcutta, and which contained arms, etc., wire-cutters, and two hack-saws were discovered concealed beneath a false bottom.

Jawala Singh (p. 116) informs us that at Moga, when the *Mashima Maru* people congregated there in November, Nidhan Singh produced false-bottomed buckets in which *inter alia* nippers, pincers for turning nuts on rails, and small pocket-saws for cutting iron were concealed.

Two hack-saws (P. 1 8) were, according to Muhammad Sadiq (p. 327), and Gulam Kadir, Zaildar (p. 327) found in one of the tum-tums in which the Ferozeshahr murderers were proceeding to Moga when they murdered Bisharat Ali Khan and Jawala Singh, Zaildar, and these two hack-saws have been identified by Ishar Das (P. 176) as having been sold by him in November to a Hindu.

Another hack-saw which is referred to in this case is P. 38.

Mula Singh (p. 97) tells us that in January Lal Singh came to him asking for a hack-saw to cut iron with. Witness told Kartar Singh to get one and he brought P. 38, which he handed over to Indar Singh (30) to take to Lal Singh. Indar Singh (30) is, as we have already seen, a man identified as having been with Lal Singh at the Jhar Sahib meeting in November.

Ishar Das (p. 176) swears to selling this hack-saw to a Sikh in January.

Sahib Singh (p. 224) saw Mula Singh in his village with a hack-saw on the day the latter despatched Hukm Singh with a message to Indar Singh (30). Hukm Singh deposes to taking a written message to Indar Singh, who returned with him to Mula Singh.

Amir Ali (p. 249) informs us that Mula Singh told him he had given Indar Singh a hack-saw to take to Lal Singh, and eventually Indar Singh gave P. 38 up in April. The defence of Indar Singh in regard thereto, and the evidence of Didar Singh in this connection will be duly considered when we deal with the individual case.

Nawab Khan (p. 140) tells us that at Jullundur in December, Kartar Singh (39) told him to go to Parmanand (56) for more cutting instruments in preparation for attacks on the Kupp and Chaheru bridges, but he declined to go himself. Kartar Singh went to Lahore, but we have no further evidence in regard to this incident.

Amar Singh (p. 77) says that on the 14th February Rash Behari Bose (66), in connection with the proposed rising on the 21st, instructed him to get sample pliers and files, which he got in the Anarkali bazaar (P. 21 A. B.). The plier was passed by Rash Behari Bose, who, however, said the files were too large.

He further says (p. 78) that on the 18th February, he obtained at Rash Behari Bose's request, more files and pliers, including (P. 26 A. B), 3 safety pliers for cutting live electric wires, buying at the same time a liner (P. 26 C) to avert suspicion, representing the articles were required for the Technical School at Ludhiana. These he gave over to Rash Behari Bose.

He tells us also that when Mathra Singh (52) and Harnam Singh (23) were despatched to Jhelum, Kartar Singh to Ferozepore, and Sucha Singh down-country to raise the troops, they were furnished by Rash Behari Bose with files and pliers, and that he himself deposited a plier in the Goal Mandi house.

Duni Chand of the shop of Jai Chand and Sons remembers (p. 168) selling in February to Amar Singh, P. 21 A, several non-conducting pliers, many files and a liner for the Ludhiana Technical School, and he identifies P. 21 B, 26 B and 26 C.

Ahmad Khan (p. 157) found on 22nd February in the Goal Mandi house, P. 27, a non-conducting plier, a portion of P. 26 C., P. 21 A., 26 B.—files, and in house No. 4, (the Wachowali house) the other part of P. 26 C.

He also found a cardboard box with the name of Jai Chand and Sons on it, and it was thereby he was enabled to trace the vendor.

The discoveries are further evidenced by Mr. Tresslor (p. 166) and Nur Din (p. 166).

Ghulam Haider (p. 168) found one file P. 35 on the 19th February in the Mochi Gate house.

Sucha Singh (p. 280) informs us that, when going off to raise the troops for the rising, Rash Behari Bose gave him 2 files (P. 26 A). to cut telegraph wires, and Kartar Singh gave him P. 21 B, pliers.

These he buried in the sand-hills outside Ludhiana on the 22nd February, and there they were found when he pointed them out on 24th February by Faiz-ul-Hassan (p. 287), Kishen Singh (p. 288) and Imam-ud-din (p. 289).

(16) The Local collections of men for the Rising.

We have already seen that the revolutionists did their utmost with some success to procure the assistance of various sepoys for the rising.

These sepoys were, however, to be supplemented by gangs of villagers who were to come into Lahore for the rising.

Perhaps the most important of these was the Dadhir-Mehrana gang.

Kirpal Singh tells us (p. 186) he was directed by Rash Behari Bose (66) on the 16th February to go to Dadhir and Mehrana. He reached Dadhir on the 18th, and proceeding to the Dharamsala, as already directed, found there Bishen Singh (9) and Hazara Singh (25), and also asked for Kehr Singh (41) and Wasakha Singh (80). Kehr Singh came from Mehrana and Bishen Singh (10) also joined them ; flags and seditious literature were distributed, and it was arranged they should attack the Lopoke Thana on the 20th, and then come on to Lahore for the projected attack on the 21st.

They were supplied also with bombs and arms. The corroboration of this episode has been given already in the sections relating to bombs and arms, and does not need repetition.

The same witness (p. 186) tells us that on the 15th February, Jaggat Singh (32) and Kharak Singh (44) were deputed to collect men at Basin and Sur Singh for the rising on the 21st, and on the 18th they departed in the direction of Jallo for this purpose, witness acompanying them by train as far as that station,

Amar Singh (p. 77) tells us that on the 12th February, Rash Behari Bose sent out emissaries to exhort and collect men for the 21st, and after corroborating Kirpal Singh in regard to the Dadhir matter and his despatch to that village, tells us that on the 15th Jaggat Singh (32) and Kharak Singh (44) were sent to Jallo. He tells us also that on the 17th Kharak Singh came in, and was told to have men ready on the 19th, and he again departed on the 18th with this object.

Mula Singh (p. 105) tells us that on the 13th February he sent out Balwant Singh (5), Prem Singh (61), Jawand Singh (35), Rur Singh (82), and others not accused before us, to enquire how many men in different villages were prepared to join in the rising, and to give him information by the 17th, but before he could do anything more he was arrested.

We have to link up here the arrests in Lahore on the 19th February and subsequently.

We have seen already that in house No. 1 the police arrested on the 19th Amar Singh, Hirda Ram (27), Kala Singh (37), Balwant Singh (5), Jawand Singh (34), Gurdit Singh (18), and Kharak Singh (44).

Amar Singh tells us that every one of these men was in the movement, but some had only just been brought in by Kharak Singh at the request of Jaggat Singh (32).

We have seen Kharak Singh was sent to Sur Singh, among other villages, to collect men, and of these men arrested Kala Singh (37), Jawand Singh (34) and Gurdit Singh (18) belong to that village, while Balwant Singh (5) was one of the men Mula Singh tells us he had sent out from Amritsar.

In addition to the arrest of these people, a few others were arrested outside the revolutionists' houses in Lahore.

These were Harnam Singh of Padana (22), who was discharged as there was nothing against him beyond the factum of arrest, Indar Singh of Basin (22), Jamna Das (33), Kirpal, Singh (46), Parmanand (57) and Gurmukh Singh (19). Of these accused, Nos. 29 and 19 were villagers brought in for the rising—previously also in the affair,—the others of course being not villagers, but regular conspirators.

The details of these arrests are given in the part dealing with individual cases, and we need not here discuss the evidence.

(17) Arrangements for the Rising of the 21st.

We have already seen how under the direction of Rash Behari Bose arms, bombs and implements for destroying communications were collected in Lahore in anticipation of a general rising, and how troops were seduced and some promises to assist received, and also how arrangements were made to collect villagers to come into Lahore.

These were all arrangements made for what was hoped to be the culminating act in the drama of war which had commenced in America.

What we have now to do is to show that not only were these arrangements made, but that there was an express resolve come to to rise on the 21st—a date which was subsequently advanced to the 19th.

On p. 75 Amar Singh tells us that Rash Behari Bose informed his co-revolutionists on the 12th February, that the 21st February had been fixed for the rising in Bengal, on the Frontier and elsewhere, and that the Lahore magazine was to be attacked that day, such attack to be the signal for others to rise.

Emissaries were sent out all over the country to announce the news and to complete preparations as we have already seen. He tells us that he told Nidhan Singh (54), and on the 14th further emissaries were despatched, as well as on the 15th.

On the 18th the plan was suddenly changed, because (p. 78) that day Harnam Singh (23) came in to Lahore and said Kirpal Singh had raised their suspicions, and accordingly, after discussion, the date was fixed for the 19th, and new emissaries were at once sent out to inform the mutineers of the change.

Mula Singh (p. 105) corroborates the account of Amar Singh that the rising was fixed for the 21st on the 12th, and he tells us that, after informing Hirda Ram, he proceeded to Amritsar, where on the 13th, prior to his arrest, he too sent out emissaries to different villages.

Kirpal Singh heard first on the 14th February from Nidhan Singh (54), that the 21st was fixed, and he was despatched to Dadhir to bring in the Dadhir people, and he also tells us that, when he got into Lahore again on the 19th, he heard of the change of date.

Liakat Hyat Khan (pp. 150-51) deposes to getting information on the 14th and 19th February from Kirpal Singh as to the fixing of dates.

There can be no doubt therefore that the culminating act was fixed for the 21st February. We can now turn to consider how this proposal came to grief.

IV—THE SPY AND THE COLLAPSE.

The best account of the events that led up to the final denouement is given by Liakat Hyat Khan.

He tells us (pp. 150-51), that in investigation in the Chabba dacoity, he early got information that Mula Singh was concerned with it, and concluded that it was the work of returned emigrants.

He accordingly sent for Bela Singh, Zaildar, on the 7th February and asked him to find a man who could get in touch with the returned emigrants, and disclose whatever information he could get. On the 9th February Bela Singh brought Kirpal Singh, who he knew had a cousin Balwant Singh, sowar, recently returned from America and in touch with other emigrants. Kirpal Singh was employed as a spy, and the latter went off to Lahore to see Balwant Singh. It was requisite before anything more could be done for Balwant Singh to get leave, and accordingly Liakat Hyat Khan got the Deputy Inspector-General (Criminal Investigation Department) to write to the Commanding Officer of the 23rd Cavalry, the result of which was that Balwant Singh got leave.

On the 10th February Kirpal Singh told him Mula Singh was in Amritsar under the name of Punjab Singh, and was going to Lahore to meet other revolutionists, and witness directed Kirpal Singh to go to Lahore and get in touch with the ringleaders there.

On the 14th February Kirpal Singh gave him information that he had got in with the revolutionists, told him that they were manufacturing bombs, arranging dacoities and preparing to rise.

On the 15th Kirpal Singh sent a wire to him to go to Lahore at once. Most unfortunately this wire was delayed in transit, and the police arrived too late to raid the house, where the revolutionists had been assembled, as intended by Kirpal Singh. On the 16th he saw Kirpal Singh who told him there would probably be a meeting on the 18th, and police arrangements were made to raid the house that night.

Early in the morning of the 19th Kirpal Singh came to him, and explained he had not been able to get into Lahore till that morning from Dadhir. Later he came again, and said there were only 3 men in the house, but he had found out that the rising was to take place that evening beginning with an attack on Lahore cantonments, and that there would be a meeting of the leaders probably later. Witness told Kirpal Singh to return and give him a signal when more men had assembled, and posted Kartar Singh, Police Constable, to receive the signal.

The signal was given about 4-30; and thereupon witness with Amir Ali, Dhanpat Rai, Inspectors, Hira Singh and Aziz-ud-din, Sub-Inspectors of Police, Ghulam Kadir, Zilladar, and Bela Singh, Zaildar, rushed the house and captured 7 men.

With head-quarters gone and with the knowledge the police were in possession, the other leaders scattered and the projected final act of war came to grief.

The actual raid is corroborated by Ahmad Khan (p. 156), Ghulam Haider (p. 168) and Amir Ali (p. 247), while Police Constable Kartar Singh (p. 203) deposes to receiving and conveying the signal.

Kirpal Singh (pp. 184 *et seq.*) states Bela Singh, Zaildar, after conversation with him, took him to Liakat Hyat Khan, who asked him to get in touch with Mula Singh. He describes how he undertook to do so through Balwant Singh, sowar, and how when the latter had got leave, they both came to Amritsar and found Mula Singh had gone to Lahore to see Madan Singh. He states that they went to find Madan Singh on the 12th February, and ascertained from him Mula Singh had just returned to Amritsar. On his representing he wanted to join the revolutionists, he was taken to the Mochi Gate house, and introduced to Amar Singh, and he was promised an introduction to Mula Singh.

With the object of meeting Mula Singh, Amar Singh, Balwant Singh and he returned to Amritsar, where they found Mula Singh had been arrested.

They went to the Rasulpuria haveli where Nidhan Singh (54), Kehr Singh (41) and Harnam Singh (21) were present. Nidhan Singh was known to him of old in Shanghai, and on his recommendation, Kirpal Singh was taken into the inner circle, and deputed to succeed Mula Singh.

He then heard of the rising on the 21st, and it was arranged he should help in bringing up the Dadhir people. He reported these occurrences to the police on the 14th, and went to Lahore on the 15th, where he found in the Mochi Gate house, Amar Singh, Kartar Singh (39), Nidhan Singh (54), Mathra Singh (52), Kharak Singh (44), Jagat Singh (32), Hirda Ram (27), Jawand Singh (35), Balwant Singh (5), the Anarkali murderer, Harnam Singh (21), Permanand (57), Sajjan Singh (70), Pingley (59) and Rash Behari Bose (66),— in fact nearly all the leaders.

He seized an opportunity to wire to the police at Amritsar to come up at once, but unfortunately, as we have seen, that wire was delayed.

Returning to the house he heard all the arrangements completed for the rising, after which the gathering dispersed.

He saw Liakat Hyat Khan on the 16th, and asked him to wait at the station for him. He went again to the Mochi Gate house, where further arrangements were made for the rising on the 21st, and he was directed to go to Dadhir. He again saw Liakat Hyat Khan that evening, and went on to Dadhir on the 17th, returning to Lahore on the morning of the 19th, and saw Liakat Hyat Khan early in the morning. Proceeding to the Mochi Gate house, he met Amar Singh and Harnam Singh (21), and heard the rising was to take place that day.

He managed to get out and convey his information to Liakat Hyat Khan, who told him to return and signal when a raid should be made. This he did, and when in the afternoon he discovered he was suspected, and thinking his murder was imminent, he signalled to the Police, who raided the house.

We need not follow in detail the corroboration of this evidence by Amar Singh. Amar Singh (pp. 76-79), after telling us of the events of the 12th, the introduction of Kirpal Singh, the recommendation of Nidhan Singh, Kirpal Singh's employment as a conspirator, and the meeting of the 15th at Mochi Gate house, and the despatch of Kirpal Singh to Dadhir, states that suspicions about his *bona fides* arose, when it was found that he had been seen at the station, when supposed to be elsewhere.

He also corroborates Kirpal Singh as to the events of the 19th, and states that Kirpal Singh was told he was under suspicion, and a guard was set over him. He also describes how on a simple pretext Kirpal Singh was allowed to go to the roof of the house, whence he gave a signal for the raid.

Mula Singh also tells us that he was in Lahore on the 12th, but of course did not meet Kirpal Singh, and the statement of Kartar Singh admits that Kirpal Singh did get among the conspirators.

There is no doubt as to this fact, and it was the introduction of this man into the heart of the movement which led to the sudden collapse, and the gradual rounding up of the remnant of the revolutionists.

D.—THE CONNECTION OF THE REVOLUTIONISTS WITH GERMANY.

How far there was communication between the revolutionists and foreign enemies of His Majesty we are unable to say. What we can say with certainty is that there are indications, which point to the suggestion that there was some understanding, that some assistance was rendered by individual Germans, and that the revolutionists considered themselves as in league with the German enemies of the King-Emperor. We do not propose to refer here to numerous passages, which show that the revolutionists regarded the existence of war as a favourable opportunity for putting their own schemes into operation, and we will confine ourselves to distinct references to foreign enemies.

Our most fruitful source of information on this subject, though it by no means stands alone, is the *Ghadr* newspaper.

The first reference we have is so early as the 6th January 1914. In that issue a speech by Har Dyal at Sacramento on 31st December 1913 is reported. He is represented as saying "The time of the decline of the British Government has now come. It is beset with difficulties on all sides. Germany is about to fight against England",—a somewhat significant passage in view of what we now know have been the designs of that country for years.

In the issue of the 31st March we find Har Dyal announcing that he will go to Germany to start the mutiny.

We find the following further references to foreign enemies :—

"Our enemy is hemmed in by the German lion . . . Turkey . . . . and also Germany are on our side . . . . Our enemy . . . . is engaged with Germany . . . . this is not an opportunity to let slip . . . . . let us start a rebellion."

In the issue of the 28th July 1914 there is a special article headed "Indians, do not lose this opportunity," and it proceeds to describe the Austrian ultimatum of 25th July 1914 to Servia, and to say Great Britain is sure to be involved and concludes "As soon as the war breaks out in Europe, set up a mutiny in India."

In the issue of the 4th August 1914, there is another article entitled the "Bugle of War," which runs—

"The time you have been awaiting . . . . has come. The bugle of war has sounded, and the war has begun . . . . The war between England and Germany has started. Now is the time for India . . . . . If you setup a mutiny now, the English will come to an end ; for on the one side Germany will smite them, and on the other side you."

Again in the issue of the 18th August we read—

"War prevails . . . . . Now is the time to start war in India too,"

and again in the same issue "O Indians, help the Germans . . .

"How ? Start war in India, so that even brave Germany may know we are not idle . . . and that we know the proper time for war."

In the issue of the 1st September we read :—

"This is the time when the English are engaged in war in Europe . . . This is the time Turkey is thinking of taking revenge on the English and Russians. This is the time to start a mutiny in India."

In the declaration of the war (*Ilan-i-Jang*), we read :—

"Muslim brethren . . . England, Russia and France are fighting with ; . Turkey . . . Now is the time to rise."

Over and above these, we have other allusions to assistance expected from Germans, and to assistance being rendered by Indians to Germans prior to the commencement of the war, which have already been discussed in our survey of the *Ghadar* newspaper.

Not merely do we find references in the literature of the revolutionists, but we find Indar Singh in his confessional statement state, "There is a general impression among the natives in America that the German Consul is offering free assistance in funds, etc., to Indians, with the object of causing riots and mutiny in India."

We have also in the oral testimony distinct references to seeking the aid of the German Consul at Canton. Both Amar Singh (p. 64) and Nawab Khan (pp. 128-9) tell us of the incident, and it appears that a deputation was received by him. He was made acquainted with the plan of a revolution in India, and he urged upon them the necessity of a revolution at the time.

Mula Singh tells us (p. 92) he was supplied at Shanghai with six automatic pistols and 100 cartridges for use in India, which came from a German, and we have seen these were handed over to Nidhan Singh (54), from whom some of the Ferozeshahr murderers received their weapons.

It is a small matter, but one which may be mentioned here, that at the Mansuran dacoity the dacoits harangued the villagers saying the British Raj was coming to an end, and Germans coming to assist (see evidence of Munshi Mal) (p. 315), Hari Ram (p. 318) and Kishan Singh (p. 318).

These are no doubt only suggestive indications, but they point to the possibility of some definite understanding between Germany and the originator of the trouble, Har Dial: and at any rate there is evidence of the readiness of Germans to assist the revolutionists, however they could.

E.—FINAL CONCLUSIONS.

We have now concluded our general survey of the case laid before us.

Our final conclusion put briefly is this, that in May 1913 Hardial commenced to stir up imflammable material in America into a state of hostility towards the British Government, and proceeded with others, including certain of the accused, to conspire and prepare for an insurrection in India, with the object of overthrowing the Government established there, at some date to be determined in the future.

That conspiracy and preparation finally developed at the end of July and the beginning of August 1914 into the first act of waging war, *viz.*,—the *collection together of men in large numbers in America to leave for India* to war against Government. These collections made by Amar Singh in Oregon, and at the gatherings at Portland and Sacramento, set out to San Francisco *en route* to India for war, and sailed thence by various ships, and notably the *Korea*. These bodies of men were reinforced by others at various places in the Far East, and in purs uit of war attempts to seduce troops, collect arms and men were made *en route*.

Arrived in India such of them as were not interned along with new recruits obtained in India committed, while waging war, and in continuance of the war commenced in July-August, a series of acts which we have considered in detail, such as dacoities, seduction of troops, villagers and students, the manufacture and collection of arms and bombs, projected and accomplished attacks on railways, bridges, forts, arsenals and general communications, and finally projected a general rising, which was to be the culminating act of the war.

We regard acts done up to July-August as acts of conspiracy to wage war ; acts thereafter, when once the war had started, as acts in furtherance of that war, and in abetment of such war.

We can now proceed to discuss the cases of individual accused—the ultimate findings and orders in regard to whom will be given in a separate schedule at the end of the judgment.

(4) Baj Singh, son of Chattar Singh, Jat of Raya, Police Station Beas, District Amritsar, aged 28, cultivation.

This accused admittedly went to America from Manilla in 1911, and reached India by ss. "Katana Maru" on January 7th, 1915, from California *vid* Colombo. He was admittedly arrested at his home in Raya village on March 27th, 1915, by Inspector Amir Ali. He pleaded "Not guilty" to the various charges framed against him (page 489 of the Official Record).

The evidence against this accused consists of the statements of the approvers Mula Singh and Umrao Singh and three other prosecution witnesses. Mula Singh, who identified him on Jail parade of April 18th, 1915, and in Court, stated that he knew him at Shanghai, and that the accused was one of those present at Nanak Singh's *chaubara* on January 11th, 1915. He further stated that accused Balwant Singh had mentioned accused as having, about the beginning of February 1915, supplied him with 100 cartidges. In corroboration we have the statement of the detective, P. W. 110, who noted him in his list of 27 emigrants who visited Nanak Singh's *chaubara* in Amritsar on January 11th, 1915. The approver Umrao Singh, who was not cross-examined as to any reasons for enmity, mentions meeting the accused at Stockton on the 26th or 27th of August 1914, when accused said that he was ready to go to India for a revolution. Then we have the statement of P. W. 195, Inspector Amir Ali, that it was information given by this accused which led to the recovery of cartridges from Lal Singh, a man of accused's own village. The cartridges, a tin box, and a piece of a "sweater" in which they were wrapped up are *Exhibits* P. 163 A., B., C., and P. W. 119, *Lambardar* of Raya, was present when they were dug up by Lal Singh from his cattle-house.

Accused in his statement gave as the reason for his return from America at the end of August that one of his legs had been paining him. He admitted that he was present at Nanak Singh's *chaubara* on January 11th, but denied that anything illegal took place there; and said that he, along with other returned emigrants, came straight through to Amritsar by train (*viâ* Ludhiana) after arriving in India; and that he left Amritsar alone for his home next day. He denied having given accused Balwant Singh any cartridges, and suggested that he had been implicated by the Police, who wanted him to become a witness. He produced six Defence witnesses—one of whom was the aforementioned *Lambardar* of his village. The witnesses are D. W. 34, 35, 36, 37, 46 and 47. The gist of their evidence is that the accused, after his return, lived continuously in his village, since his leg was giving him trouble; and that nothing incriminating was found when his house was searched. D. W. 47 is a witness who treated accused medically for some three weeks. D. W. 46, a *Zaildar*, gave accused a good character; and we have also on the record accused's Discharge Certificate from the 47th Sikhs, showing that he was discharged at his own request with a very good character and a recommendation for civil employment.

Accused's Counsel has urged that his client was not present at any of the meetings in America; that nothing was found in his house; that Lal Singh should have been produced as a prosecution witness; and that approver Mula Singh did not mention this accused in his statements to the police and a Magistrate. The first two points are correct; but we fail to see why approver Umrao Singh should have falsely accused him of having revolutionary views. As regards the non-production of Lal Singh by the prosecution, we need only say that he (having received 5 years' imprisonment for possession of the cartridges) would not have been likely to assist the prosecution. As regards the last point accused's name is certainly omitted in the statement to the Magistrate—he was not a specially important person—but, since the Defence Counsel requested us to do so, we have seen the Police statement of Mula Singh, and we find accused mentioned at page 19 thereof in connection with Balwant Singh and the cartridges.

Mula Singh in cross-examination stated that he did mention this accused to the Magistrate, who may have omitted his name by an oversight (*vide*

page 11Q of the Official Record). We find that accused returned on the same ship as accused No. 9, 25, 80 and 41—persons with revolutionary ideas ; and it is not the case for the prosecution that he was absent from his village—the case as presented to us was that he was one of the conspirators, waiting for a call. We can see no good reason for distrusting the evidence against him ; it appears that it was Mula Singh's statement which led the Police to question this accused, who himself gave information leading to the recovery of cartridges from Lal Singh of his own village ; and our conclusion is that, whatever accused's character may formerly have been, he had become infected with the insane ideas of his co-conspirators.

(5) Balwant Singh, son of Mir Singh, Jat, of Sathiala, Police Station Beas, District Amritsar, aged 26.

This accused admittedly returned from Singapore by the ss. "Salamis" reaching Calcutta on the 20th November 1914, and was admittedly one of those arrested in house No. 1 on the 19th February 1915. He pleaded "Not guilty" to the various charges framed against him (*vide* page 491).

The evidence against him consists of the statements of approvers Amar Singh, Mula Singh, Sucha Singh, Umrao Singh and 12 other prosecution witnesses. The accused produced no witnesses for his defence. The first two of the above approvers identified him on Jail parade of the 18th April 1915, and in Court—as did also P. W. 72, Kirpal Singh, the Police spy. Approver Sucha Singh identified him in Court; as did also P. Ws. 99, 227, 230 and 231—though not by name. P. W. 97 identified him on Jail parade; and so did P. W. 125, though the latter was unable satisfactorily to identify him in Court.

In our opinion the case against this accused is perfectly clear; and his counsel could urge practically nothing on his behalf. According to his own statement (page 390), he returned from Singapore, because all work there had stopped on account of the war (he was a watchman); and he admitted that, on his return, he only spent a few days in his village; his excuse being that he went to visit relations. On this point we have the evidence of P. W. 79 (a *Zaildar*) and P. W. 80 (a *Lambardar*—accused's own cousin); and it appears that he absented himself from his village after a stay of only 2 nights. None of the four approvers was cross-examined on behalf of this accused; nor does he allege any reasons why they should have spoken falsely against him. Approver Amar Singh mentions this accused as present at conspirators' meetings at the Amritsar *Gurduara* on 29th and 31st December 1914, when it was decided to join the Bengal Party; Doctor Mathra Singh (absconding accused) was introduced; and it was decided to make trial of an experimental bomb. Accused has himself admitted meeting Doctor Mathra Singh in Amritsar; and when questioned as to how he knew his name, could only say that he had been told it by the approver Udham Singh's father, Sohan Singh. Approver Mula Singh has stated that accused, in company with others, set out about the 2nd January for an abortive dacoity in the Doaba from Sant Gulab Singh's *Dharmsala*; and his visit with Mula Singh to that *Dharmsala* is corroborated by Sant Gulab Singh himself, P. W. 97. Accused denied having been present at a meeting of conspirators at the Virpali *Dharmsala* when a plan was discussed of bringing up a Bengali bomb expert, though he admitted having once visited that *Dharmsala*, but against him is the evidence of Mula Singh and P. W. 99. P. W. 125, who is in charge of the Virpali *Dharmsala*, identified accused on Jail parade, but was not sure about him in Court; however, he mentions a Balwant Singh visiting the *Dharmsala* along with Mula Singh (known to the witness as "Punjab Singh") ; and says that after Mula Singh's arrest, that Balwant Singh came and forced the lock of the Chauk Moni house with exhibit P. 180 B. (lent him by the witness), broke open an *almira*, and removed the pistol, exhibit P. 25 E. As regards the dagger, exhibit P. 30 A. (shown by a slip on page 390 as exhibit P. 38), accused has denied that it was ever in his possession—it is the long Afghan knife said by Mula Singh to have been made over to him by accused Nidhan Singh—but we have the evidence of P. W. 72, the spy, that this accused brought it to house No. 1 on the 19th February; and it was one of the articles found in that house when the accused with others was arrested there that day. There seems no reason why the spy should have invented this piece of evidence against this accused. The spy also asserts that accused was present at meetings in house No. 1 on February 15th and 16th. Again, Mula Singh has implicated accused in respect of unsuccessful dacoities at Chabha and Jhandiala about the middle of January; Sucha Singh and Mula Singh have asserted that he took part in the dacoity at Sahnewal (armed with a pistol); and Mula Singh, Sucha Singh and Umrao Singh have implicated him in the Mansuran dacoity; Sucha Singh also stating that accused helped to bury part of the silver loot from Mansuran in a garden. Then, we have Mula Singh's state-

ment that the accused brought 100 cartridges from accused Baj Singh; and that he sent accused to Wisakha Singh (accused No. 80) of Dadher with 3 pistols—the history of which is related in another portion of this judgment. The same approver has also stated that accused was present at a meeting at Sant Gulab Singh's *Dharmsala* on February 13th, 1915, and was informed that February 21st had been fixed for a general rising. P. W. 16, Deputy Superintendent of Police Liaqat Hayat, tells us that as early as February 25th approver Mula Singh stated that he had sent 3 pistols through this accused to accused Wisakha Singh; and we have the statement of P. W. 195, Inspector Amir Ali *re* the statement of Wisakha Singh's uncle, to the effect that accused had brought the box, exhibit P. 86, containing (when produced) the automatic pistol and revolver, exhibits P. 48-49. Further discussion of the recovery of these articles will be found in accused Wisakha Singh's separate case. P. W. 17 (Inspector Ahmad Khan), P. W. 79 (a *Zaildar*) and P. W. 80 (*Lambardar*) speak as to the recovery of 5 rifle cartridges from accused's house; and P. Ws. 227 and 230 (two students) have identified him as paying a visit to approver Sucha Singh. The latter of these two witnesses says that the visit took place the day before the Sahnewal dacoity; and that accused was in the company of accused Kartar Singh and Ram Rakha (absconder). It will be borne in mind that in the Sahnewal dacoity of January 23rd, 1915, one Khushi Ram was murdered, and other persons were injured; whilst in the Mansuran dacoity of January 27th, five persons were injured, mostly by bombs.

Accused has given a most inadequate explanation as to how he came to be arrested in house No. 1 on 19th February. According to his story, he reached Lahore by train that afternoon, and walked about the city, as he wanted to get "something." Searching for somewhere to spend the night, he chanced upon the shopkeeper who lives in the bottom part of house No. 1, who told him that "some of his men" (that is, the accused's men) were in the house; and that he had better stop there. On the top of this accused has stated that he did not know any of the men in house No. 1. He has not produced the shopkeeper, nor any other witnesses; and his story is absurd. In our opinion, there is abundant trustworthy evidence against this accused; and his connection with the conspiracy, his share in two dacoities (in one of which murder was committed), and his other criminal acts are apparent.

(7) Bakhshish Singh, son of Santa Singh, of Gilwali, Police Station Sadar, Amritsar, Jat, aged 26.

This accused pleaded "Not guilty" to the various charges framed against him (page 493); and the main allegation against him is that he took part in the Chabba dacoity on February 2nd, 1915, and was one of the four persons who actually murdered Beli Ram in the course of that dacoity. He was arrested in his village on February 9th by *Zaildar* Gurbaksh Singh (P. W. 124).

He was identified on Jail parade of the 18th April, and in court, by Udham Singh, approver, and 13 other prosecution witnesses have been produced against him. Udham Singh, against whom no reason for enmity has been alleged, and who was not cross-examined, has stated that this accused is a cousin of accused Wasawa Singh (also of Gilwali); and that he first met him at Wasawa Singh's house towards the end of December 1914, when on his way to Amritsar about a case (*vide* page 228). He further says that towards the end of January this accused came to his village along with accused Harnam Singh of Sialkot trying to collect men for a dacoity at Chabba; and informed him that Wasawa Singh would be unable to help actively in such a dacoity, owing to his having been put on security. The approver says that he made over to accused Rs. 80, which were due to P. W. 185, Suba Singh; and that when the Chabba dacoits assembled at a well shortly before the dacoity, this accused (along with accused 75, 76 and 81, proclaimed that Beli Ram must be killed (page 230—4). He goes on to say that this accused along with accused 75, helped to beat Beli Ram unconscious and to burn certain bonds; after which the accused with three others returned into Beli Ram's house and deliberately murdered him with *dhangs*. After the dacoity accused carried away a bundle of stolen ornaments, which was made over to him by accused Khushal Singh, who had been injured.

In corroboration of this story we have the evidence of the *Zaildar* (P. W. 124), who has stated that after his arrest the accused named to him 16 men as Chabba dacoits, including Prem Singh (still absconding). In another portion of this judgment we have ruled on the admissibility of this evidence (the Defence Counsel relying on 14 Punjab Record Criminal of 1911). This witness was not cross-examined as to any reason for enmity; and the only thing suggested against him in accused's statement (page 399) was that the *Zaildar* was "given to giving false evidence". The witness is probably mistaken in saying that accused named approver Mula Singh as one of the 16 dacoits (Udham Singh, at page 230, has also told us that there were 16 men); but the mistake is easily explained. It was Mula Singh who helped to organize this dacoity; and we find that accused told the *Zaildar* that the booty was to be divided at Sant Gulab Singh's *Dharmsala* in Amritsar. From P. W. 16, Liaqat Hayat, Deputy Superintendent of Police, we learn that it was this accused who first gave the Police a clue to Mula Singh's residence in the Baba Atal quarter, Amritsar; and that accused was absent from his village for a week after the dacoity. P. Ws. 156, 183 and 185 (Suba Singh) corroborate Udham Singh, approver, about the matter of Rs. 80 (not very important, but going to show that this approver is not telling a concocted story), and P. W. 195 mentions this matter also, and states that Mula Singh identified accused at Padri on March 19th as a Chabba dacoit. P. W. 184 corroborates Udham Singh *re* accused coming with Harnam Singh of Sialkot wanting men for a dacoity—the witness is, no doubt, a cousin of this approver. We do not wish to attach any special importance to the alleged production of a shoe by accused from a *chappar* at a Gilwali well. P. Ws. 152 and 153 (accused's own grazier and servant) corroborate the approver on the point that accused Surain Singh (No. 75) of Gilwali and some 7 others came to accused's well at midnight some 15 days before the Chabba dacoity; the witnesses were given to understand that those persons were on their way to the *Amawas* fair; and have explained how they were got out of the way. We have P. W. 141, son of the murdered Beli Ram, to the effect that accused's land was mortgaged to deceased; and we have P. W. 151, the Chabba *Patwari*, who *thinks* that accused

was one of three Sikhs with accused No. 75 in Amritsar when there was a talk about debts owing to Beli Ram, and a remark was made that " Beli Ram would be repaid in full within a week."

Accused has, of course, denied making any confession to the *Zaildar*; but we see no reason to doubt this evidence. Though he denied that accused Wasawa Singh and Surain Singh came to his well, he admitted that certain persons did come there on the way to the *Amawas* fair. He admitted that his land had been mortgaged to Beli Ram; but urged that the mortgage had been redeemed—however, some bitterness, no doubt, remained, supplying a motive for accused to join the other murderers. Accused produced 8 Defence witnesses.

D. W. 21 is a Police *Moharrir* of the *Sadr Thana* at Amritsar. His evidence does not support the suggestion that Mula Singh, Udham Singh and the accused had opportunities for intercourse at the *thana*. D. W. 31 (accused's cousin) supports accused's story that people on the way to the *Amawas* fair stop at accused's well. D. Ws. 26 and 27 (both related to accused) assert that on the day of the dacoity, accused was in their village grazing cattle; this is the usual *alibi* evidence, and no reason has been shown why accused should have had to graze his cattle in their village. D. Ws. 28, 29, 32 and 33 (*Zaildar* Pal Singh, who was also P. W. 156) have been produced in an endeavour to discount the evidence of Gurbaksh Singh, *Zaildar*. D W. 28 (accused's cousin) has apparently attempted to make out that Gurbaksh Singh did not arrest this accused; was not in the investigation at Gilwali: and that accused had no opportunity of confessing to him. However, *Zaildar* Pal Singh (who admittedly stood security for accused Wasawa Singh, and whose obvious bias is entirely in favour of accused) has been obliged to admit that Gurbaksh Singh was in the Gilwali investigation, and did accompany accused to Amritsar.

Accused's Counsel could say but little on his behalf; and could really only suggest that Udham Singh, approver, *might*, perhaps, have been substituting accused's name for that of some other person. We see no reason whatever to suppose so.

There is, no doubt, but little evidence to connect this accused with any conspiracy; but we see no reason to doubt that he was one of the Chabba dacoits, and one of the actual murderers of Beli Ram. As we held in another portion of the judgment, where there is no direct evidence of conspiracy, we are justified inferring it from surrounding circumstances. All dacoities were organized to furnish funds for the arms of the conspiracy. This man yielded to the temptation readily. Mula Singh organized it, and, under the circumstances, we must hold that the Chabba dacoity was one of the series of acts in furtherance of the designs of the conspiracy.

(8) Bhan Singh, son of Sawan Singh, Jat of Sunet, Police Station Ludhiana, aged 40 years.

This accused is a returned emigrant; and was one of the passengers by the ss. "Korea" and "Tosha Maru," who reached Calcutta on October 29th, 1914.

He pleaded "Not guilty" to the various charges framed against him (page 495). The evidence against him consists of the statements of approvers Mula Singh, Nawab Khan, Sucha Singh, Jwala Singh and Umrao Singh. Sucha Singh and Jwala Singh identified him on Jail parade of April 24th; and Mula Singh, Nawab Khan and Sucha Singh identified him in Court (the first of these said that he *thought* accused's name was Bhan Singh). Nawab Khan was not present at any Jail parades, and Umrao Singh (having been in court during a large part of the trial) was, of course, not called on to identify accused.

Approver Mula Singh has stated that he first saw accused in San Francisco when the "Korea" was about to sail, and that he was one of those intending to return in order to take part in the revolution. He never afterwards saw accused in India, and has not tried to press the case against him. According to Nawab Khan, this accused was one of his group of 16 revolutionists (*vide* pages 126 and 129). This witness, apparently, only once met accused after his arrival in India, that is, after the accused's release from internment in Montgomery Jail at the end of November 1914—and then suspected him of being a Government spy; presumably, on account of his speedy release. The approve Jwala Singh, (page 115) says that this accused was one of three men from the "Tosha Maru" who visited the "Mashima Maru" at Hong Kong, when seditious lectures were delivered and a future meeting at Amritsar arranged. The approver, Umrao Singh, has stated that he and accused worked together at Fowler in August 1914; that accused attended the Fresno meeting of the 9th or 16th August; and that accused left to join a ship in the very dangerous company of accused Pirthi Singh, and was seen by the witness at the *Ghadr* Press in Frisco on August 28th, 1914. Sucha Singh, approver, has said that he first met accused in the company of Dalip Singh (the approver who died of cholera during the trial) at Ludhiana; and that at the Boarding-House there accused recited from memory (*vide* cross-examination) verses from the "*Ghadr di Gunj*." This witness was able to show us the actual verse on page 29 of *exhibit P.* 6 (the record, by a slip, shows the exhibit as P. 29). He has further stated that accused said that, if only a few bombs were available, guns could be obtained from the Police, and that the mutiny ought to be expedited. It is, of course, very noticeable that not one of these approvers has been cross-examined as to enmity against this accused. The accused in his statement (page 437) denied even knowing accused Pirthi Singh, and denied having gone on board the "Mashima Maru"—but we can see no reason why the approvers should have invented this evidence—nor why Sucha Singh should have concocted the story of the reciting of verses. He could only suggest that Sucha Singh had been able to identify him, because that approver had seen him in handcuffs and had talked with him after his arrest. He gave as an explanation for absenting himself from his village that he had the *Lambardar's* permission to go to Amritsar to bathe and buy things for his son's wedding—in spite of which the *Lambardar* reported his absence, which led to his arrest on February 22nd or 23rd. His seven defence witnesses are D. Ws. 175 to 181 inclusive. Besides giving evidence as to character, they support his reasons for leaving his village—giving the purchase of *ghi* as the object. Their statements did not strike us as convincing.

Accused's Counsel has urged his inability to produce witnesses from America to prove that accused could not have attended any meeting there; and has urged that Mula Singh only mentioned him (page 92) when a list of names was read out to him; but as we have said, Mula Singh has not tried to exaggerate the case against him. In cross-examination (page 120) Jwala Singh stated that he had identified accused in the presence of Mr. Tomkins (Deputy Inspector-General of the Criminal Investigation Department), and had spoken to him in Chinese; and on this and the accused's own explanation as to how Sucha Singh came to know him, his Counsel has argued that Jwala Singh and Sucha Singh have dragged this accused into the case simply to please the Police. We are certainly not prepared to agree with this proposition.

We are of opinion that the accused Bhan Singh left America with revolutionary intent, and that he retained his opinions after his arrival in India; but it must be said in his favour that it does not appear that he took any very active part.

(9) Bishen Singh, son of Jowala Singh, *Jat*, of Dadhir, Police Station Sirhali, District Amritsar, aged 30.

This accused, who pleaded "Not guilty" to the charges framed against him (page 497), admittedly reached India from Manilla on January 7th, 1915, by the ss. "Katana Maru" on which ship also travelled accused Hazara Singh, Wisakha Singh, Baj Singh and Kehr Singh. The reason given by accused for his return is that "things were not going properly at home."

He was identified on Jail parade of April 18th and in court by P. W. 72, Kirpal Singh (the Police spy) and also by P. W. 112, Nikka, *dalil*. This last witness and P. W. 110 (the detective) have mentioned accused as one of those present at Nanak Singh's *chauhra* in Amritsar on January 11th, 1915, and accused himself has admitted going straight there on arrival with accused Hazara Singh, Wisakha Singh and some 15 others, though he denied that any funds were collected there, and asserted that he had never known accused Nidhan Singh until that accused was brought into court. We have the statement of P. W. 195 (Inspector Amir Ali) that the spy mentioned this accused to him in connection with bombs; but, of course, the real evidence against this accused is the statement of the spy himself, whose credibility has been discussed in another part of this judgment. Kirpal Singh has stated (page 185) that at an Amritsar conspirators' meeting of February 14th accused Nidhan Singh said that there were 3 bombs and 3 revolvers at Dadher and Marhana with this accused and others, and has stated how on February 18th he met this accused and accused Hazara Singh (whom accused calls a distant relation) at Dadher, and made over a flag and some seditious literature; how it was arranged to loot the Lopoke *thana* on the 20th (a suggestion made by the spy himself with the approval of the Police authorities in order that he might both ingratiate himself with the conspirators, and also get a number of them collected in one place) and then proceed to Lahore for the proposed rising on February 21st; and how accused was one of those who made over to him 3 inkpot bombs, some small glass phials and a bottle containing acid, exhibits P. 35 and P. 146. This witness frankly admitted in cross-examination that he had never seen accused until the 18th February; and a point going to prove the truth of his story is that he has not attempted to make out that accused Wisakha Singh was present in the village on that occasion. The accused in his statement has denied even knowing the spy; and no reason is apparent why the witness should be anxious to inplicate him falsely. The accused made a futile attempt to explain how it was that the spy could identify him, and could only suggest that an informer always wishes to gain credit; but the spy's plucky actions at Lahore on 19th February would have been quite sufficient for this purpose, without his going out of his way to falsely inplicate persons at Dadher or Marhana, whom he did not know before, and who did not even know how far his village is from theirs. On a question of identification we had this accused and accused Hazara Singh placed side by side in court, and noted some facial and general resemblance.

The Defence witnesses numbered 13; all except one being men of accused's own village. The statements of D. W. 106 and D. W. 93 that accused never left his village is negatived by the evidence of D. W. 107 (Sub-Inspector of Sirhali), who has stated that accused's absence was noted in his History Sheet. Accused's brother (D. W. 92) has stated that accused returned from America in response to letters recalling him for domestic affairs. The other defence witnesses are D. Ws. 116 and 90 to 99 inclusive—D. W. 94, the *Lambardar*, being related to accused. Their evidence is obviously based on a statement made by the accused, and on the spy's allegation (page 187) that he met accused on the 18th February at the Dadher *Gurdwara*. These defence witnesses have been produced to prove that at that time the two *Sants* of the *Gurdwara* were away on a pilgrimage, and the *Gurdwara* was locked—*ergo*, the spy could not have met accused there. But the witnesses are hopelessly discrepant — some try to make out that there is only one *Gurdwara* in the village, others, that there are two *Gurdwaras* of which one is not used; while D. W. 99 has stated that there are two *Gurdwaras*, land that the two *Sants* live sometimes in one, and sometimes in the other, and control both. Such evidence carries no conviction whatever.

Accused's Counsel has urged that his client had nothing to do with the American conspirators, and did not return on any ship with them ; but it seems clear enough that he was in the conspiracy in India. Counsel has asked why the spy should have named all five men of Dadher, but the obvious answer is that he had been told of them as men whom he could safely approach. He was not questioned as to whether he had told the witness, Liaqat Hayat, at Amritsar about the bombs ; but the presumption is that he did, since we find that he was constantly reporting his progress. Then again, Counsel has suggested that the bombs found in house No. 1 on the 19th February may have been some brought from Mula Singh's house in Amritsar ; and has asked why, if they were given to the spy for the intended raid on Lopoke *thana*, he should have brought them to Lahore ? The obvious answer is that the Lopoke raid was never intended by the spy to come off ; that he had to take the bombs somewhere ; and that his taking them to house No. 1 was an act calculated to re-assure the conspirators there regarding himself. We need hardly discuss the trivial discrepancy that whereas Amar Singh, approver, has stated that the acid bottle was said by the spy to have been "broken" the spy has stated that the contents got spilt — the bottle itself is *exhibit* P. 146.

Finally, as the Crown Counsel has pointed out approver Amar Singh has mentioned the spy's arriving with 3 bombs, and Mula Singh spoke of having sent 3 pistols to accused Wisakha Singh, and we have evidence of one pistol being produced by accused Kehr Singh of Marhana, and 2 by the uncle of accused Wisakha Singh of Dadher.

In short, in our opinion, the connection of this accused with the conspiracy in India has been proved ; and we find him returning from Manilla (where there exists a branch of the *Ghadr* Party) in no good company.

(10) Bishen Singh, son of Kesar Singh, *Jat*, of Dadher, Police Station Sirhali, District Amritsar, aged 30.

This accused, who pleaded "Not guilty" to the charges framed against him (page 499) was admittedly one of the "Komagata Maru" passengers, who was interned on arrival in Calcutta in September 1914, reached his village on January 27th, 1915, and was there restricted (P. W. 117, *Lambardar* of Dadher).

P. W. 116 (another *Lambardar*) has stated that accused returned in company with the other Bishan Singh (accused No. 9), Wisakha Singh and Hazara Singh; and Mula Singh, approver, has merely identified him in court as "having been in the Shanghai Police". The absence of approver's statements against the Dadher accused in this case is quite against the theory that they have been falsely dragged in for no apparent reason.

As in the case of accused No. 9, the case against this accused rests upon the evidence of the Police spy Kirpal Singh, P. W. 72; and we need not repeat our remarks concerning his evidence. *Mutatis mutandis*, we adopt all our remarks in the case against accused No 9 which may apply to the case of the present accused. This accused also, in his statement at page 362, denied having even known the spy; but could only suggest that he had been implicated in the present case on account of his previous indifferent record, which had (he said) gained him the dislike of Sub-Inspector Aziz Din. The statement of D. W. 106, that accused never left his village after his return, is negatived by D. W. 107; and D. W.s 95 (related to accused) 97, 99, 100 and 101 have been produced in an endeavour to prove enmity on the part of the Police. D. W. 95 (*Lambardar* of Dadher) states that accused Wisakha Singh told him that he had refused the request of certain Police officials that he should place a pistol in this accused's house; but the witness has had to admit that, though the Deputy Commissioner and the Superintendent of Police visited the village, no complaint of Police tyranny was ever made to them. The witnesses D. W. 116 and 90 to 99 inclusive give the same ridiculous statements regarding the alleged locking up of the Dadher *Gurdwara* as they did in respect of accused No. 9, and we need not repeat our comments on their evidence. No judicial records have been put in to prove any enmity on the part of Sub Inspector Aziz Din, and there is nothing to show that he was connected with the present case.

Our conclusions regarding this accused are similar to those arrived at in the separate case of the other Bishan Singh, accused No. 9.

(13) Chuhar Singh, son of Buta Singh, *Jat*, of Lilan, Police Station Rai Kot, District Ludhiana, aged 40.

This accused, who pleaded "Not guilty" to the charges framed against him (page 501), apparently returned from Hong Kong some 4 years ago on account of the death of his son (*vide* his statement at page 438). He was arrested on February 22nd, 1915, by P. W. 391 (a C. I. D. Inspector). This accused is alleged to be one of the group of Rabhon dacoits. He was identified on Jail parade of April 18th by approver Narain Singh and the witness Ichhar Singh (who cannot be called an approver), and on Jail parade by P. W. 269. Also, in court by Narain Singh, Ichhar Singh and Ichhar Singh's son (P. W. 264). It is also important to mention that he is spoken of in the retraced confession of accused Nand Singh, the value and admissibility of which have been elsewhere discussed in this judgment. In the Rabhon dacoity of the 3rd of February 1915 no one was killed, though two persons received hurts.

P. W. 198 Ichhar Singh has admitted (page 255) that this accused is the son-in-law of his uncle. He tells us that the accused was one of those who agreed to help in a projected attack on the Military Bridge Guard at Doraha, the intention being to obtain rifles. This intended attack has also been mentioned by Nawab Khan, approver, at page 140 of the Official Record, and apparently was found impracticable because bombs were not available at the time. Corroboration of this part of Ichhar Singh's story is afforded by the apparently quite independent witness P.W. 269. This same witness also tells us of a suggestion of a dacoity at Rajoana, thereby corroborating Ichhar Singh and approver, Narain Singh. Ichhar Singh tells us that this accused (who, he says, was "fully aware of the nature of our society") went with others for a dacoity at Rajoana to get money for making bombs, but the dacoity failed. Jwala Singh, approver, has said that this dacoitycame to nothing on account of the Badowal meeting. The intention to assemble at Doraha is also mentioned by the witness, Udham Singh, of Hans (P. W. 268). For Ichhar Singh's statement pages 255·257 should be seen. Both Ichhar Singh and Narain Singh implicate this accused in abortive attempts at dacoity at Rabhon, and in the actual Rabhon dacoity of February 3rd. Approver Narain Singh was himself present at this dacoity, and, according to him, the accused went to it provided with a *sabbal*, and afterwards left with two others on a camel, carrying the Rabhon loot. One of the two others (page 266) was the dangerous criminal, accused Gandha Singh (absconder); and, according to Narain Singh, this accused was present when Gandha Singh proclaimed that the object of the dacoities was to get funds and arms to fight against Government. P. W. 264, son of Ichhar Singh, has mentioned accused as a Rabhon dacoit, and the independent witness P. W. 269 (cross-examination of whom only elicited the reply that the witness had known accused for 8 months) has told us how accused Sewa Singh invited him to Ichhar Singh's house at Lohatbadi on the pretext of hearing a reading of the *Granth Sahib*; how he found this accused and others there, and was treated to a harangue and discussion about suggested dacoities at Rabhon, Jhaner, Rajoana and Doraha. Approver Narain Singh, who stated in cross-examination that it was at the Rajoana attempted dacoity that he first met this accused, has asserted that the accused was the man who returned to the Rabhon *Khatrani* some of her money. An attempt was made in cross-examination to show that P. W. Ichhar Singh was an enemy of this accused; but all that appears is that they are not on *Bartwara* terms; and that Ichhar Singh once had a case with one Bir Singh, a connection of accused. Then we have accused Nand Singh's retracted confession, greatly implicating this accused (*vide* pages 420, 421, 422 and 424 of the record). He mentions accused in connection with dacoity work, and largely in connection with the absconding Gandha Singh and bombs and bomb material. On page 422 he speaks of this accused supplying a sodawater bottle which Gandha Singh broke up to put into bombs; and *exhibit P.* 264, discovered by accused Nand Singh from the *patri* near Doraha Railway Bridge, consisted of 6 *lota* bombs loaded with broken glass and chemicals. We also have evidence of his association with the Anarkali murderer.

Beyond alleging enmity with Ichhar Singh, witness, accused could only make a general denial, coupled with the assertion that he did not even know accused Nand Singh whose very lengthy and detailed confession was recorded by a Magistrate on April 6th and 7th, 1915.

Accused was unfortunate in his first defence witness, D. W. 162 (*Lambardar* of aecused's village), who described him as a No. 10 Register *badmash*, who had now reformed. D. W. 190 (accused's brother-in-law, residing in a different village) attempted to contradict this ; but made the valuable admission that Ichhar Singh was neither a friend, nor an enemy of accused. D. W. 191 (a *Lambardar* of Lohat Badi) has simply stated that he did not see accused in his village during the previous 6 months ; and has spoken of civil litigation between Ichhar Singh and a relation of accused—the judicial records, however, have not been produced. D. Ws. 193 (of accused's village) and 194 (a *Zaildar* of Patiala State—a relation by marriage of accused) have attempted to give accused a good character, but can only say that they do not know whether he was ever on No. 10 Register. Lastly, D. W. 192 (a *Mahant* of a different village) has said that he sometimes lives at accused's village, and saw him there at the time of the Rabhon dacoity—an extremely weak attempt to prove an *alibi*. Counsel for the Defence has really been able to say very little on behalf of his client. P. W. 269, he calls an "accomplice", simply because that witness did not at once go and report to the Police. He asks why Mussammat Sardi of Rabhon did not identify this accused as the man who returned her some of her money ?—she did, however, make mention of the return—and had there been any desire to concoct false evidence, there would have been no difficulty about tutoring her to identify the accused. We have a bald assertion that the "Ludhiana Defence witnesses have been tampered with" (some of them were given up) ; and a general objection to the evidence of Ichhar Singh and the confession of Nand Singh, accused. Taking all the evidence into consideration, we see no doubt that this accused was not only a Rabhon dacoit, but also a conspirator.

(14) Dalip Singh, son of Kesar Singh, *Jat*, of Ghanori, Patiala State.

This accused, as shown at paragraph 22 of the complaint (page 11) was only set forth as having taken part in the Jhaner dacoity as an ordinary local dacoit, without having a knowledge of its ultimate purpose—namely, the getting of funds for the conspirators—and the only charge framed against him was one under section 395, Indian Penal Code, to which he pleaded "Not guilty," of being concerned in the dacoity at Rabhon on February 3rd. At the time when the complaint was drawn up, it was not exactly known whether he was a Jhaner or Rabhon dacoit. He has been tried along with the rest of the accused in accordance with the Rules framed under the Defence of India Act. In the Rabhon dacoity no one was killed, though certain persons received hurts.

Accused was identified on Jail parade and in Court by approver Narain Singh, and witnesses Ichhar Singh (P. W. 198), P. W. 254 and P. W. 315 (Mussammat Sardi of Rabhon).

P. W. Ichhar Singh has not tried to exaggerate the case against accused. Though he has stated that accused took part in the Rabhon dacoity, and received Rs. 220 (in silver bars) as his share out of the Rabbon and Jhaner loot, he has admitted in cross-examination that the accused was not present at the discussions *re* dacoities. This witness was, of course, not actually present in either of these dacoities (*vide* page 261). Approver Narain Singh, who says that he first met accused in Patiala territory, tells us (page 262) that accused came to his village about January 12th along with Kalu, *Khatri*—and went on to Rabhon, where accused told the approver that a rich *Khatrani* was to be looted. In subsequent pages of his statement this witness tells us of the various abortive attempts at dacoity at Rabbon, culminating in the successful dacoity, in which the accused took part armed with the *takwa* (*exhibit* P. 234); afterwards getting Rs. 220 (in silver bars) as his share of the loot (page 267). Cross-examination of this witness only elicited the reply that it was through this accused and Ichhar Singh that this approver's name became known to the Police. P. W. 254 (a resident of Maler Kotla State), and P. W. 255 corroborate the story that Narain Singh came with this accused trying to borrow a camel; and neither of these witnesses was cross-examined as to any reason for giving false evidence. P. W. 256, who has frankly admitted that he cannot identify accused, has stated that a man of accused's name came with Narain Singh to Khanpur—thus corroborating that part of Narain Singh's statement. Both P. W. 264 (son of Ichhar Singh) and P. W. 315 (Mussammat Sardi—the *Khatrani* whose house was looted) have implicated accused as a Rabhon dacoit, and P. Ws. 334 and 352 give evidence as to his capture on February 9th. The witness, P. W. 352, is a Sub-Inspector of Maler Kotla State, and tells how through the agency of Kalu, *Khatri*, he captured this accused along with accused Hari Singh in possession of 8 and 6 silver bars respectively; this accused being also in possession of the *takwa*-head, *exhibit* P. 234. The 8 silver bars are *exhibit* P. 223 B.

Accused in his statement (page 439) admitted his arrest along with accused Hari Singh and 14 bars of silver—though he asserted that the *takwa* head had been introduced by the Police. His story that the silver bars were made over to him by Narain Singh, approver's uncle, to convey to Ghanouri is utterly unconvincing, as is his statement that he happened to fall in with accused Hari Singh (a stranger) on the way. According to his statement he only told the Police that Narain Singh had given him the silver bars, and did not implicate him as a dacoit—and this discounts his counsel's suggestion that Narain Singh has implicated him because accused gave him away. The accused, after producing the *Lambardar* of his village (D. W. 201), who could only state that accused had been away from the village for 1½ years, and had never previously been punished, gave up the remainder of his Defence witnesses. An additional piece of evidence corroborative of the Prosecution case is the fact that the silver bars have been found to fit the moulds found on the witness Ichhar Singh's premises. We are, of course, prepared to agree with accused's Counsel that the trial of his client along with the accused, who are conspirators, must not be in any way allowed to prejudice his client, and we shall deal with him simply as a Rabhon dacoit, of which fact there is ample proof.

(15) Dewa Singh, son of Sahib Singh, of Nandpur, Police Station Sahnewal, District Ludhiana, aged 36.

This accused, who pleaded "Not guilty" to the charges framed against him (page 505), admittedly keeps a shop in Ludhiana where sporting gear (such as cricket material, etc., required by students) is sold—*vide* his statement at page 466 of the record. He was identified on Jail parade of April 24th by approver Sucha Singh and the witness Ichhar Singh (P. W. 198); and before Court by the same two persons, and the approver Nawab Khan (who simply said he had seen him somewhere, but did not know his name), and by P. Ws. 227, 228, 230, 231, 268, 281 and 355.

P. W. Ichhar Singh clearly stated that he did not identify accused in connection with the present case; and the main evidence against him consists in the statements of the approvers, Sucha Singh (P. W. 207) and Umrao Singh (P. W. 361). The approver, Sucha Singh, states (page 270) that when he became Captain of the Ludhiana Khalsa High School cricket team in 1914, he made this accused's acquaintance. On page 271 he says he made over a copy of the *Ghadr di Gunj* to accused, who passed it on to accused Kehr Singh, absconder; and he first meets the approver, Umrao Singh, in the company of this accused and Kahn Singh, seditionist. He says that accused once deputed him to go to Jhabewal (where the bomb materials were ground); and on another occasion gave him Rs. 5 (to purchase bomb materials) and also a tin inkstand, which the witness lost. On another occasion the accused told him he had got 7 *seers* of *mansal*, and was present when accused Nidhan Singh made over to the witness 15 *seers* of *mansal* in a gunny-bag to take to Jhabewal, which the witness buried close to Jhabewal. In cross-examination (page 285) this approver said that accused had never accompanied him to a dacoity; that accused usually came in the company of Kahn Singh, and that he (the witness) and his companions at one time suspected both accused and Kahn Singh of being Government spies. He stated that the 15 *seers* of *mansal* formed part of 36 *seers* which were required at Jhabewal, and that accused Kirpal Singh was present when the Rs. 5 were given; but he denied that accused had ever lent him any money. He could not recollect whether he had told the Police about the 7 *seers* of *mansal*, and said that accused had been released after his arrest. According to this witness, the accused attended a conference at his abode, at which the important accused, Kartar Singh, and the Anarkali murderer were also present.

The approver, Umrao Singh, corroborates as to accused's bringing chemicals to Jhabewal; and states that accused was present when he bought a bottle of sulphuric acid at Bela Ram's shop in Ludhiana, and that Sucha Singh was also present. This is not explicitly mentioned by Sucha Singh; but he does mention the obtaining of suphuric acid. Approver Umrao Singh further states (page 337) that he and his cousin, Dalip Singh, went to accused's village of Nandpore, and took him on a camel to Sahnewal searching for accused Kehr Singh, absconder; and that Dalip Singh gave accused money for the purchase of *mansal*, inkpots and small lamps (*diwas*) to be made into bombs. We are unable to see why Umrao Singh should have desired to concoct this story against accused; and, as will be seen, there is corroborative evidence. P. Ws. 227, 228, 230 and 231 are students who corroborate regarding the visits of accused, along with Kahn Singh, to Sucha Singh. P. W. 233 (a shopkeeper of Rai Kot) states that on one occasion the accused came and left some books, and a bundle in a gunny-bag at his shop, which Dalip Singh of Jhabewal subsequently removed. The suggestion for the prosecution is, of course, that the gunny-bag contained *mansal*. P. W. 235 (of Sahnewal) corroborates the allegation of the visit to that village on a camel in search of accused Kehr Singh, absconder; and P. Ws. 240 and 241 give evidence regarding the 4 small lamps brought by accused and another man to be altered (so as to render them suitable for bombs). Two of those lamps are actually exhibits in this case—exhibits. P. 253 A and 253 B. One of these was actually altered by P. W. 240, as can be seen; and the other was given up to the Police by P. W. 241. The witness P. W. 267 is brother-in-law of the dead approver Dalip Singh; and he states that accused came to his village with Dalip Singh; and later with the important accused Nidhan Singh; and that accused on one

occasion offered to teach one Santokh Singh of Ludhiana how to make bombs, and it is important to note that, though two Defence Counsel cross-examined this witness, no question was ever put to him as to why he should wish to falsely implicate this accused. P. W. 268 (Udham Singh of Hans—the man who returned from Italy in August 1914, and who has admitted that he was himself invited to join in the rebellion) has stated that he volunteered to give evidence at the suggestion of this accused. P. W. 281 states that accused and Dalip Singh came to him, accused asking for two gun-caps, and making out that he was in a cavalry regiment P. W. 355 mentions accused coming with another man when a discussion took place at which the Delhi "Rikab-Ganj" affair was spoken of as an act of injustice. P. W. 215 (a Ludhiana Sub-Inspector) has stated that there was never any intention of making this accused a Crown witness, and see the defence witness D. W. 85 (Mr. Donald) on this point. At page 271 approver Sucha Singh has mentioned meeting Kahn Singh, seditionist, and "Amli" (who was killed in the Jhaner dacoity), and being joined by this accused and Dalip Singh of Jhabewal, when a discussion took place to the effect that a warning should be sent to Nawab Khan's gang to disperse for a time.

Accused in his statement (page 466) denied even having seen a copy of the *Ghadr*, or having known Amli. He admittedly knew Sucha Singh. As regards the bundle in the gunny-bag, the accused stated that he had left some religious books at Bela Singh's shop, at the request of Sajjan Singh, *lambardar*, to be sent to Suda Singh, schoolmaster, of Amritsar. Umrao Singh, approver, accused stated he had never seen till in court. His story is that he used to visit Ludhiana on business, and that Sajjan Singh, *lambardar*, told him to let him know about returned emigrants, especially about accused Kartar Singh, and about the behaviour of boys in Ludhiana schools. He admitted meeting the witness, Udham Singh of Hans, and warning him about his behaviour, and suggesting his seeing the Superintendent of Police. He alleged enmity against approver Sucha Singh on the ground that he (the witness) was originally intended to be a Crown witness, and had been brought to Lahore for a Jail identification parade on 9th April 1915. The real case, in fact, put forward by this accused and his counsel was that he was a Government spy, and he asserted that Sub-Inspector Sheikh Hyder Ali, the Superintendent of Police, and Sajjan Singh, *lambardar*, could prove this. This assertion, however, is utterly discounted by the evidence of those very three persons who are defence witnesses D. W. 157 (who was also P. W. 300), D. W. 85 (Mr. Donald) and D. W. 160. Mr. Donald, no doubt, says that this accused was brought to Lahore to identify certain other accused. As regards the matter of the "religious books", D. W. 160 (the *lambardar* Sajjan Singh, who was also P. W. 326) says that accused once got 100 religious tracts, for which he has not yet paid; but the Amritsar schoolmaster, Suda Singh (D. W. 161) has stated that, though the accused once told him he would send him religious tracts to sell, he told the accused that he had no time to do so; and he stated in court that he does not sell books, and that none from the accused ever reached him.

The Defence Counsel has argued that *paragraph* 46 of the complaint has not been proved; but we are unable to agree. It was, of course, impossible to produce Dalip Singh as an approver, because he died of cholera during the trial; but we have good evidence regarding the purchase of chemicals, the lamps intended for bomb cases, and accused's dealings with students. It is also in favour of the prosecution that the approver Nawab Khan and the witness Ichhar Singh have not attempted to involve this accused in any way. Then it was urged that Sucha Singh was against the accused, because accused was a Police informer; but there is ample evidence that he was not; and the same remark applies to the objection taken to approver Umrao Singh's evidence. There is no ground whatever for the argument that the blame was cast on accused to save Dalip Singh, the dead approver; and, as regards the argument that there is "no evidence that accused ever joined the society" of conspirators, we cannot agree. His acts speak for themselves. In short, we must entirely discredit the suggestion that accused was ever a Government spy, who was intended to be a Crown witness, but who was made an accused in the case by the action of the Government Advocate. It is possible that he may have at some time thought of running with the hare and hunting with the bounds; but had he ever been genuinely on the side of Government in the capacity of an informer, he would certainly have not now been in the position he occupies.

(17) Gurmukh Singh, *alias* Anoop Singh, son of Hoshnak Singh, of Laltu, District Ludhiana, aged about 30.

This accused, who pleaded "Not guilty" to the charges framed against him (page 507), was admittedly one of the "Komagata Maru" passengers, who reached Calcutta on September 26th, 1914, and was interned, and released on December 3rd, 1914. He was afterwards restricted to his village but was admittedly arrested along with accused Parmanand II outside the Lahore House No. 2, on February 23rd, 1915.

He was identified on Jail parades by approvers Amar Singh, Sucha Singh, and P. Ws. 220 and 303 (who, however, failed to identify him in court). In court he was identified by Amar Singh, Sucha Singh, Mula Singh, approvers, and P. Ws. 28, 30 and 227. Apart from the question of conspiracy, the main allegation against the accused is that he took part in the Mansuran dacoity of January 27th, 1915.

Approver Amar Singh (page 75) mentions this accused as present along with other conspirators at the Baba Atal House in Amritsar during the first week in February, when this witness returned from Lahore with 3 revolvers and cartridges; and the same witness tells us that a day or two later accused left for an abortive dacoity in company with the Anarkali murderer, Banta Singh, absconder, Kirpal Singh, accused, and others, taking with them 3 revolvers and some inkpot bombs. He further mentions accused as at a conspirators' meeting at House No. 1 on February 15th from which the accused was sent with accused Nidhan Singh, and Harnam Singh of Jhelum with "*Ghadr-di-Gunj*" literature to prepare troops at Pindi, Jhelum and Hoti Mardan for local risings on February 21st. Approver Mula Singh (*vide* page 104) corroborates regarding accused's starting for an abortive dacoity at Kartarpur (twice, he says), and he also associates accused with the attempts to seduce troops at Jhelum, Pindi, Mardan and Peshawar. Approver Sucha Singh, who knew accused as a student, states that he was present when Nidhan Singh made over chemicals to the witness for Jhabewal; that accused complained to him and accused Kartar Singh of the delay in starting the mutiny; and that accused was the actual person who pointed out to himself and the Anarkali murderer the house to be robbed in Mansuran, afterwards taking part (unarmed) in that dacoity, and leaving for Badowal with accused Kartar Singh.

P. Ws. 17, 28 and 29 give evidence as to his arrest. P. W. 81 (a *Lambardar*) speaks as to accused's being restricted to his village, but leaving it after two months; his absence being reported; and P. W. 354 (Mr. Slattery of the C. I. D.) has identified the signature of Mr. Isemonger on an order dated 9th December 1914 (*vide* exhibit P. 293) to accused not to leave his village without permission of the Deputy Commissioner. This purports to bear the thumb impression of accused. P. Ws. 220 and 227 speak of accused visiting approver Sucha Singh. P. W. 303 identified accused on Jail parade as a Mansuran dacoit; and so did Umrao Singh, approver, who corroborated on the point that accused was the actual guide to the house to be looted, but said that he went armed with a pistol.

P. W. 30, who identified accused as his old school-fellow, stated that the accused visited him and told him about his "Komagata Maru" grievances, and suggested a rising; and asked the witness if he would take charge of "melons," which the witness understood to mean bombs. In cross-examination this witness (presumably, out of consideration for his old school-fellow) said that when accused left him, he told the witness that "he did not intend to make any fuss in the country."

Accused's own statement (page 444) is full of half-admissions, which go far to prove the truth of the Prosecution story. For instance, he admits visiting P. W. 30, and telling him about the "Komagata Maru"; but denies having mentioned "melons." He admits going to see accused Kartar Singh, and meeting Sucha Singh and Nidhan Singh, but says that the object of his visit was only to discuss the starting of the newspaper to air grievances. He admits that Sucha Singh asked him to join the Mansuran dacoity; but says he refused on the ground that the place selected

was "too near his own village"! He denied taking part in that dacoity; but admitted that he returned with Kartar Singh, accused, to Lahore. He denied ever going to the projected dacoity at Kartarpur; but we have sufficient evidence of this. He admits visits to Rawalpindi; but asserts that he went there to see about the hiring of a Press—this accused being the only one of the accused who has suggested that there was ever any intention of starting a newspaper Press in Pindi. He admits being arrested with Parmanand II, whom he met in Hong Kong and at Lahore, outside House No. 2; but can only say that he went with him there because Parmanand II "knew of it." According to his statement, House No. 1 in Lahore was only used as a place to collect subscriptions for starting the newspaper; and he joined the movement to start the newspaper on account of his "Komagata Maru" grievances. He admitted having met accused Rash Behari Bose in House No 1.

This accused produced no Defence witnesses; and all that his Counsel could urge was that, even if his client were proved to be a Mansuran dacoit, at any rate he had not been proved to be in the conspiracy. With this proposition we are utterly unable to agree. There is ample proof both that he was a Mansuran dacoit and a conspirator. He has not proved what he was doing after he absented himself from his village without permission; and he has admitted association with dangerous criminals, like Kartar Singh, Nidhan Singh and Rash Behari Bose.

(18) Gurdit Singh, son of Gurmukh Singh, Nai, of Sur Singh, Police Station Khalra, District Lahore, aged 50.

This accused, who pleaded "Not guilty" to the charges framed against him (page 509) admittedly reached India by the ss. "Salamis" on November 20th, 1914—this being the boat by which the accused Pingley, Balwant Singh (No. 5) and Wasawa Singh arrived. On arrival the accused was restricted to his village; and he was admittedly one of the Sur Singh men arrested in house No. 1 on the 19th February, just prior to the projected rising.

The approver, Umrao Singh, has stated that this accused was one of those present at the extremely seditious meeting held at Oxnade (California) in July 1914; and, though accused has denied this in his statement (page 392) no attempt was made to cross-examine this approver as to why he should have invented this piece of evidence. Amar Singh, approver, has made no specific mention of this accused, beyond saying that he was one of the men caught with him in house No. 1; but at page 82 this approver has made the important allegation that "all the men arrested in that house were in the conspiracy; though some had only just joined, being brought by accused Kharak Singh at the request of accused Jagat Singh. Accused Kharak Singh said he had brought them in," and we have evidence that Kharak Singh and Jagat Singh were sent out to collect men for the projected rising on February 21st, namely, statements of approver Amar Singh and the Police spy, P. W. 72. This last witness tells us that accused came to the house on February 19th shortly before the raid, along with accused Kharak Singh and others and accused Hirde Ram, who brought with him bomb materials. The spy also was not cross-examined. P. Ws. 77 and 78 are Police officials who speak as to accused's absence from his village. A report was made that he had gone to Daleke village to visit his brother-in-law; but on enquiry this was found to be untrue (*vide Ruqa* exhibit P. 147, dated February 21st).

Accused has stated (page 393) that he returned to India, because he was too ill to work; and that he left his village on account of eye trouble, without permission, because the policeman at the Police *Chauki* happened to be absent. He left, he says, on February 18th, arriving at Lahore on the 19th and walked about Anarkali, but could not find any doctor. Searching about for somewhere to spend the night (he says), he met the approver Amar Singh, who told him he had rented a house and invited him into house No. 1, where he went to sleep on a bed, and the Police came and arrested him. He was quite unable to account for the presence of other men of his own village, Sur Singh, in that house. He produced three witnesses (D. Ws. 186, 187, 188) to support his story of eye trouble; but his story is, in our opinion, quite unsatisfactory. It is important to notice that accused Jagat Singh, who was sent out to collect men for the 21st (some of whom, no doubt, arrived late owing to the date being altered) himself is a resident of Sur Singh. We find the accused returning to India in most doubtful company; and then being arrested on the eve of the projected rising at a house which was the headquarters of the conspiracy. Amar Singh, whom accused has stated to be his previous acquaintance, could not even give his name, and was not cross-examined. There is no explanation as to why accused, if his eyes were troubling him, did not go to the Tarn Taran Hospital (only some 5 *kos* from his village; or to that renowned eye-doctor, the present Civil Surgeon of Amritsar. There is no proof of accused's search for any doctor in Lahore; nor any proof that, after his arrest, his eyes required treatment. As regards his age, even if he be 50 years old (as he says), we noticed nothing decrepit about him in court. Though it is quite probable that this accused was not acquainted with the full details of the conspiracy, we see no reason to doubt that he was quite well aware of the reasons for his presence in house No. 1 at the time of his arrest.

(19) Gujar Singh, son of Sham Singh, *Jat*, of Bhakna, Police Station Gharinda, District Amritsar, aged 36.

This accused, who pleaded "Not guilty" (page 511) to the charges framed against him, is one of a group which includes accused 31, 58, 67 and 72, persons who were either interned, or restricted, or arrested early. He admittedly returned to India from Shanghai early in October 1914; but we have been unable to ascertain by what ship he came He was apparently arrested on November 18th, 1914, and was interned in Hissar Jail.

The only approver, who identified him on Jail parade, was Mula Singh—as "a man he knew in Shanghai." The Crown Counsel has, of course, called our attention to the evidence of Mr. Scott (Superintendent of Police) that approver Amar Singh was very nervous at the Jail identification. In court this accused was identified by Amar Singh and Mula Singh—Nawab Khan, approver, failing to do so.

Amar Singh tells us that at the Moga meeting accused Kartar Singh named this accused as ready to help; and has stated that accused attended the Phagwara meeting (which we have held to have taken place on November 12th—Amar Singh appears to be mistaken in fixing the 22nd or 23rd of November as the date) and was detailed to await Kartar Singh's arrival. This witness has also stated that he and Kartar Singh went to accused's village, but did not find him there; and that Nidhan Singh, accused, was sent from the Mullanpur-Badowal meeting to inform him of the plan of attack. Approver Mula Singh states that at Tarn Taran he learnt from accused Lal Singh and Jagat Singh that accused and Nidhan Singh had promised arms; but had failed to supply them. He admittedly never saw accused in India.

Approver Nawab Khan, who could not identify accused, only stated (page 148) that Kartar Singh once told him that this accused had charge of some bombs (the name "Gujar Khan" has been mistakenly entered in the record for the name of this accused). P. W. 173 (a *Lambardar* of accused's village—but of a different *Patti*) tells us that accused was never restricted to his village, and was occasionally absent. This is all the evidence against this accused.

Accused in his statement (page 444) denied his presence at any Phagwara meeting; and stated that he only once left his village, to go to the *Amawas* fair at Tarn Taran, and was arrested on the way back at Amritsar Railway Station.

D. W. 129 (Major Ward, Superintendent of the Lahore Central Jail) supplies the information that accused suffers from piles. D. Ws. 135 and 136 are as to character, and to the effect that accused was arrested at the fair, but was released and again arrested at the Railway Station. D. W. 137 (a *Jagirdar* of accused's village) also says that accused never indulged in revolutionary talk, and had no returned emigrant visitors. D. Ws. 135 and 182 to 185 inclusive give evidence that up till the time of his leaving for the fair, the accused was taking a prominent part at a reading of the *Granth Sahib* got up at the house of a co-villager, Mit Singh, who left for Shanghai (where he had been in service with accused) just afterwards.

From the above evidence it appears to us that the only overt act of this accused in connection with a conspiracy seems to be his attending one meeting; and the bulk of the evidence against him concerns matters of which one or other of the approvers became cognizant through some one else. The accused may have had leanings in favour of the conspirators; and it may have been his good fortune that he was interned before he had an opportunity of doing mischief. There is a doubt in his case, though we are certainly not prepared to say that the approvers have concocted their stories against him. We do not think the evidence sufficiently strong for a conviction of this accused of any offence.

(20) Hardit Singh, Doctor, son of Bhup Singh, of Kala Ghanupur, Police Station Sadr, Amritsar, aged 48.

This accused, who pleaded "Not guilty" to the charges framed against him (page 513), admittedly kept a druggist's shop in Amritsar. From his Discharge Certificate filed on this record we find that for more than 19 years he served (until October 1908) as a compounder and ward orderly in the regimental hospital of the 13th (D. C.) Lancers He also served in the following Expeditions:—Chin-Lushai, Manipur, Chitral, Tirah and China—and, whilst in the Regiment, his conduct was exemplary. He looks a good deal older than the age he has given. His father, apparently, served in a regiment before him.

He was identified on Jail parade by approver Amar Singh and Mula Singh—approver Udham Singh failing to do so. In court he was identified by those three approvers and P. W. 99—this last witness and Udham Singh simply calling him "the Doctor". The main allegations against this accused are contained in paragraph 47 of the complaint; that, in furtherance of the conspiracy, a bottle of nitric acid, and receipts for rent of house No. 1 were made over to his charge; that a paper containing the name and address of the absconding accused Rao was found on his premises; that he medically treated two of the Chabba dacoits; and that he harboured conspirators.

Approver Amar Singh states that at Kapurthala accused Kartar Singh gave him this witness's address to enable him to ascertain Mula Singh's whereabouts, and that accused gave him, Pingle and Nidhan Singh the address of Mula Singh as care of accused Naurang Singh, *darzi*. He speaks of Mula Singh renting the Baba Atal house close to accused, and of Mula Singh's depositing with accused a bottle of nitric acid and potash which the witness brought from Lahore. The witness says that towards the end of January Mula Singh deposited 5 lbs. of potash, obtained from Ram Rakha, chemist, and some "M. S. Kohli" forms with accused, and that on the 4th February he found accused treating Bir Singh, absconder, who had been injured in the Chabba dacoity on the night of February 2nd. Approver Mula Singh was arrested on the afternoon of February 13th, and Amar Singh says that he learnt of his arrest that day from accused, and after going elsewhere, returned to wait at accused's shop and warn "members of the party" not to go to the Baba Atal house. In cross-examination this witness said that he came to know accused through Mula Singh.

Approver Mula Singh states that about the end of December 1914, he went and got medicine for a headache at accused's shop. After this, Mula Singh apparently used accused for different purposes; for instance, we find him asking accused to tell the witness's father to come and remove the witness's child from Gulab Singh's *Dharmsala*. The witness says that about January the 11th accused brought him to accused Ram Saran Das of Kapurthala, who had been sent in by Pingley, and accused was also employed to write a letter in the name of "Daswandha Singh, *Darzi*," which was sent by accused Madan Singh to Mussammat Atri *re* hiring her house. The witness states that he deposited 2 receipts for rent of Lahore houses, the address of the alleged conspirator Sanyal, and an address for corresponding with one Ram Chand of the "Yugantar Ashram" with accused. On February 3rd the witness found him treating the Chabba dacoits, Bir Singh and Prem Singh, removing pieces of a bomb from the back of the former. The witness has said that he paid no fee for this operation, because he was arrested before he could do so. He says that about February 6th he temporarily left a trunk of silver loot in accused's charge, and that on about the 10th of that month he met accused Kharak Singh and Sajjan Singh (youths) at accused's shop, saying that they were acquaintances of accused Kartar Singh, and wanted to "join the Party." The witness further states that he once purchased 2 lbs. of potash from accused. This approver has said (page 101)—*re* the treatment of the Chabba injured—that he told accused that his friends had fought, and that one of them had dropped a bomb; but that "accused did not ask what the bomb was being used for." He has also made the important statement that the accused "had no knowledge whatever of our mission"—

and "he may have had an idea of our plans; I do not know." Approver Udham Singh corroborates *re* the treatment of the Chabba injured, and in cross-examination says that he himself mentioned injuries by a *gola*, and that Mula Singh told accused that there had been a quarrel, and that one man had been injured by a bomb and another by a *lathi*. P. W. 16 (Deputy Superintendent of Police Liaqat Hayat) tells us that accused's house was locked up on February 26th, and was searched on 4th March, when the following articles were found:—3 receipts for rent of Lahore houses 1 and 2 (exhibits P. 9 A. B and 10 A.), an address of "Venkala Rao Sanyal" (exhibit P. 39) and a pamphlet relating to the grievances of the "Komagata Maru" passengers (exhibit P. 87—and P. 88 is the search list). The witness says that there were a lot of papers on and under accused's table; and that looking over them, he found the receipts. Further, that Mula Singh, approver had mentioned having deposited a bottle of nitric acid with accused. This was not recovered until March 16th (page 248), when a second search took place, at accused's shop; and P. W. 195, Maulvi Amir Ali, Inspector of Police, tells us in cross-examination that he first learnt of accused from approver Amar Singh, and that accused at first denied having the nitric acid, but admitted it when confronted with Mula Singh. P. Ws. 94 and 95 are the witnesses of these searches; and one of the documents signed by P. W. 94 was *exhibit P.* 41, a paper bearing the address of a "Mr. Lewis" of San Francisco, care of Ram Chand, Peshawaria. This witness states that on the spot he signed "a bundle" of papers, and afterwards, at the *thana*, papers taken from the bundle. P. W. 99, who identified accused in Court as "the doctor", but denied in cross-examination that he had himself ever got medicine from him, has stated on one occasion Mula Singh told him that his whereabouts could always be ascertained from a *darzi* or a "doctor." P. W. 101 is the *darzi* Daswandha Singh, who states that accused asked him whether Mussammat Atri's house could be rented, and that accused wrote a letter asking whether the witness might be allowed to lease out her house. Two or three days later he saw Mula Singh in the house. This witness has identified the reply postcard, *exhibit P.* 158, but has denied writing the postcard, *exhibit P.* 157, dated February 28th, produced by Mussammat Atri to the Police. Mussammat Atri herself is P. W. 102, and *exhibit P.* 40 is a letter copied by Mula Singh *re* taking her house on rent. P. W. 163 is a small boy who was taken by Mula Singh to "a doctor's" house, and corroborates a small detail of Mula Singh's evidence about his having been given a watch. P. W. 125, *Mahant* of the Virpali *Dharmsala*, once met Mula Singh (Punjab Singh) at accused's shop. Major Ward, Superintendent of the Central Jail, Lahore, has given evidence regarding the healed injury on Bir Singh's back. Bir Singh was arrested during the present trial, and we have ourselves examined his back, and the photograph, *exhibit P.* 306. According to Major Ward, the injury must have been caused within the last 6 or 8 months; is consistent with a bomb injury; but is not consistent with an injury caused by "an iron spike." It could not have resulted from a boil two years before (Bir Singh's version to this witness). There are marks of injury also to Bir Singh's left foot. In this witness's opinion, a ward orderly (such as accused had been) could probably not differentiate between different kinds of injuries.

Accused's statement and supplementary statement will be found at pages 369 and 629 of the record. In the latter statement he asserted that when Mula Singh first came to his shop for headache medicine, he was wearing a medal, and told the accused that he, too, had been in Military service, which was why the accused allowed him to keep things at the shop. Accused further urged that had he known Mula Singh to be a bad character, he would have made away with the bottle of nitric acid and receipts, etc., after Mula Singh's arrest on February 13th. There is certainly force in this suggestion. Accused has denied any connection with the *Ghadr* party and conspirators; and has admitted that the documentary exhibits above referred to were found in his possession; his explanation being that Mula Singh (who, along with some of his relations, became his client for medical treatment) gave him a bundle of rolled up papers to keep—and also a bottle wrapped up in paper on January 24th. He denied having taken charge of any potash; or having sold any to Mula Singh; and he denied having introduced Ram Saran Das to him. He admitted having treated Bir Singh's injury on February 8th at the Baba Atal house,

and three times afterwards at his shop, but denied having extracted any bits of metal from the wound ; and stated that he understood it had been caused by the iron head of a *lathi*. He denied having treated the absconding dacoit Prem Singh. He admitted having taken temporary charge of a small box, as related by Mula Singh, but denied telling people of Mula Singh's arrest. He admitted helping in the renting of Mussammat Atri's house, which he understood was for occupation by Mula Singh and his relations.

His defence witnesses certainly do not impress us much. They are D Ws. 51 to 60 inclusive. Two of them are persons of good position, who give accused a good character, and the gist of the statements of all these witnesses is that accused was at his own village visiting his sick mother from about the 1st to the 6th February ; that is to say, he could not have treated Vir Singh until some 5 days after the Chabba dacoity, and not just after it.

We have carefully considered all the evidence ; and we are of opinion that there is at least a doubt as regards this accused, of which he must, of course, have the benefit. The Government Advocate has pressed for a conviction, at least, under section 123, Indian Penal Code ; admitting that, though it may be arguable whether accused was a member of the conspiracy, still, he knew what was going on and did not disclose his knowledge. We are not prepared to go so far—though this does not mean that we believe the approvers and other witnesses are telling concocted stories. It is quite consistent with the innocence of this accused that Mula Singh, having a need for him, first went to accused as a patient, and then used him as a person with whom to deposit papers, etc., and his house as a house of call. Both on our own record and in the statement to the Magistrate we find that accused only brought and left Ram Saran Das, who apparently introduced himself as sent by Pingley ; and Mula Singh has himself said that accused had no knowledge of " our mission." The Crown Counsel has, of course, admitted that the mere selling of 2 lbs. of potash could not saddle the vendor with criminal knowledge. There is certainly some doubt as to whether the papers found were all loose, or in a bundle ; and it is possible that accused may have been unaware of their meaning. He never attended any meetings; and Mula Singh has not mentioned the deposit of " Kohli " forms with accused. The accused is not really a doctor ; and, though it is most probable that he extracted bits of metal from Bir Singh's back, it is not necessarily the function of a medical man to probe into the origin of his patients' injuries. No doubt, he may have had his suspicions. He may have been willing to help a client to secure a house—without criminal knowledge ; and the " Komagata Maru " pamphlet (*Canada ka dukhra*) can certainly not be called seditious. As has been pointed out by the Defence Counsel, if accused were a co-conspirator, why should Mula Singh have taken the 2 youths off to his own house to talk to them ? (page 104). It is certainly a point in accused's favour not to be overlooked that, though Mula Singh was arrested on February 13th, the papers and bottle of acid had not been made away with by the 4th and 16th March. Lastly, there is the exceedingly good previous record of this old man ; and the probability that, though Mula Singh may have thought him a person to be made use of in various ways, he would hardly have selected an old Government pensioner with a long record of good service and several medals as a person to whom to entrust the details of a conspiracy against Government. Accused may have had an inkling that all was not right ; he may have been too frightened to be open with the Police when they came enquiring ; but we consider that there is, at least, some doubt about the guilt of this accused.

(21) Harnam Singh, *Tunda*, son of Gurdit Singh, *Jat*, of Kotla, Police Station Hariana, District Hoshiarpur, aged about 30.

This accused, who pleaded "Not guilty" to the charges framed against him (page 515), stated (page 464) that he left S. Francisco only in October of 1914—by either the ss. "Siberia", "Manchuria", or "Korea," he does not remember which. It is uncertain on what ship he returned to India, though the approver Umrao Singh has stated that he saw him in Stockton at the end of August talking of revolution, and ready to sail on August 29th.

He was identified on Jail parades, by approvers Amar Singh and Mula Singh, and P. W. 82; and in court by the same two approvers, and Nawab Khan (as "seen him, but don't know his name"), and Kirpal Singh (Police spy, and the witnesses P. Ws. 62, 63 and 82.

We may say at once that we attach no importance whatever to the evidence suggesting that this accused lost a portion of one arm when experimenting in America with bombs. We have ourselves examined all the upper part of his body; and the approvers themselves seem somewhat vague, and may have confused him with some one else. Accused himself has said that he received the injury at a Spokane factory in October 1913; and, of course, has not had an opportunity to produce his witnesses on this point.

Approver Amar Singh states that accused was present at Har Dyal's meeting at Bridalveil, when it was suggested to start the "*Ghadr*" newspaper; and has said that accused was working with him on the "*Ghadr*" Press in Frisco at the end of 1913. It is difficult to see why Amar Singh should have invented this last assertion. He goes on to say that accused was with other conspirators at the Baba Atal house about the 7th and on 13th February; and that on the 14th February this accused accompanied the witness, Nidhan Singh and Kehr Singh, accused, to the spy's house to satisfy themselves as to the spy's *bona fides* (*vide* the statement of the spy, P. W. 72). The witness states that he and accused went in to Lahore about February 15th to consult accused Rash Behari, and that accused was present at house No. 1 when the spy arrived with 3 or 4 inkpot bombs (from Dadher). This witness states that it was decided to send accused to Jallo (when it became doubtful, on account of the suspicions against the spy, whether the rising should take place on the 19th) to warn people not to come in. An important point which came out in cross-examination of this witness was that the witness had seen accused about February 8th at Mula Singh's house in company with the absconding accused, Banta Singh; and, as will be seen, the witness, P. W. 82, also mentions him in company with Banta Singh. (The said Banta Singh, by the way, has been arrested and sentenced to death in two other cases.)

The approver, Umrao Singh, as has been said, speaks of meeting accused in Stockton (California) at the end of August 1914; and Mula Singh mentions meeting him there in the middle of August. Mula Singh also mentions him as present at Rash Behari's private house in Lahore on February 12th, when the 21st February was originally fixed for a general rising; and it was decided to have a national flag. Mula Singh says that he and accused returned to Amritsar on the 13th February, on the afternoon of which day Mula Singh was arrested. The statements of both Amar Singh and Mula Singh, therefore, tend to corroborate each other to the effect that accused was in Lahore on the 13th and in Amritsar on the 14th of February. Approver Nawab Khan has but little to say about this accused; and has evidently not been tutored to say more. He thought him to be a man of the United Provincee; and has probably made a mistake about Jwala Singh accused's mentioning this accused as a man who lost his arm in a bomb experiment.

P. W. 72 (the Police spy) mentions accused as present at a meeting on February 14th, when the witness was told that the rising had been fixed for the 21st, and himself made the suggestion of looting the Lopoke *Thana*. He mentions him as present at house No. 1 on the 15th; and again on the 19th, when accused told the witness that the rising had been expedited to that very evening, and

the witness made over to him the Dadher bombs, which accused put in a cupboard in which there were a pistol and some cartridges, and which were subsequently recovered after the raid.

P. W. 16 Liaqat Hayat says that this accused was mentioned by Mula Singh in a statement made between the 12th and 14th March.

P. Ws. 54 and 55 (a Sub-Inspector of Harianna, and a *Lambardar* of accused's village Kotla give evidence as to the accused's coming to his village after his return from abroad, and leaving almost immediately after the *Lambardar* had reported his arrival. However, we have to bear in mind in this connection that accused's brother and family are living, apparently, in Patiala and elsewhere; so that his ties with his own village were not strong.

P. Ws. 82 and 83 give important evidence. Both of them belong to Sangwal village of the Jullundur district (it will be remembered that accused's own district is Hoshiarpur); and the first of them is a *Lambardar* and related to accused Banta Singh. Both of them tell us that accused Harnam Singh *Tunda* came and lived for some time at a well near the village dressed as a *fakir*; and that he and Banta Singh delivered lectures and harangues, telling the people not to pay revenue to Government and to rob the *lambardars*; that the Germans were coming to turn out the English; that the Army was with the people; and that men on leave should be stopped from returning to their regiments. The *lambardar* witness tells us that he made a report on the day following one of the lectures; and that accused and Banta Singh used to visit neighbouring villages, either singly or together. P. W. 83, who is an old Government pensioner, tells us that in one of the lectures the people were told that in England there were "Indiarubber roads", and that the English looted India in order to make them. How could this witness have invented such a piece of evidence? We have already mentioned that approver Amar Singh speaks of once meeting accused in company with Banta Singh at Mula Singh's house. P. W. 17 (Inspector Ahmad Khan), states that this accused was brought to Lahore under arrest on March 4th, along with accused Kartar Singh and Jagat Singh; and P. Ws 61, 62, 63 and 64 give evidence *re* the arrest of accused at *Chak* No. 5, in the direction of Sargodha, where there is the Horse-Run of the 22nd Cavalry. The first of these witnesses is a *Risaldar*, and the next two are men of that regiment; and from them we learn that accused Jagat Singh used formerly to belong to the Regiment, and that on the 10th February 1915 Jagat Singh came to the *Chak*, and tried to seduce the men of the Regiment (who would have none of him) with all kinds of revolutionary talk—saying that returning emigrants were going to rise; that funds obtained by dacoities were to be deposited at the Amritsar headquarters, and so on. The *Risaldar* reported to the Police; and when Jagat Singh returned to the *Chak* with Kartar Singh and the accused with whom we are concerned, on March 2nd, all 3 of them were arrested. Accused and Kartar Singh were passing under false names at the time. P. W. 64 is the Sub-Inspector who arrested them; and he has stated that, after their arrest, all three burst into a revolutionary harangue to those present. Exhibit P. 6, a copy of the "*Ghadr di Gunj*," was found on the person of accused Jagat Singh.

Accused in his statement (page 464) has, of course, denied all connection with the *Ghadr* movement. He was questioned regarding a certain letter; but, as it had not been properly proved, we have entirely excluded it and the evidence regarding it from consideration. He denied having lived at Sangwal dressed as a *Sadhu*, but we cannot see why the two independent witnesses P. Ws. 82 and 83 should have invented this story. There appears no reason why the approvers should have spoken against this accused. He admits being taken to a "house" in Amritsar on one occasion by Amar Singh. His explanation as to how he came to be arrested at *Chak* No. 5 is of the weakest possible description. He says that he was going to visit an uncle, and chanced to meet Kartar Singh (whom he had known in America) with Jagat Singh, and that he "unwillingly agreed" to go with them to the *Chak*. He admitted having lived at Bridalveil in 1912; and having become a member of the "Hindustani Association" at Portland. He admitted his acquaintance with accused Banta Singh. He stated that in February 1915 he went to Amritsar with the idea of opening a restaurant, and chanced to meet Amar Singh in company with the Police spy. The former, he says, took

him to a house, and then left for Lahore. In spite of this story, the accused has atrempted to make out that Amar Singh has personal motives for enmity, alleging that at Portland about 1907 he had a quarrel with Amar Singh's father, who was his tenant, and who set fire to his house, and was punished. The accused has had, of course, no opportunity to produce any witnesses from America in support of this assertion; but it is most important to note that not a single question about the matter was asked of Amar Singh in cross-examination.

The Defence witnesses are D. Ws. 38, and 48 to 50 inclusive. They are produced to prove that accused has practically no family ties with his own village—this we are prepared to believe—and that he went on a visit to his uncle, and had some idea of starting a restaurant in Amritsar. The evidence is quite unconvincing; and P. W. 49, besides admitting that accused's brother has been his customer, is a convicted house-breaker. Accused's counsel has been able to urge practically nothing of any value on behalf of his client.

In fact, there is, in our opinion, ample evidence of this accused's connection with the conspiracy; and that he took an active part in attemping to seduce from their loyalty both villagers and soldiers.

(24) Harnam Singh, son of Arura, of Bhatti Guraya, District Sialkot, *Jat*, aged 24.

Accused, who pleaded "Not guilty" to the charges framed against him (page 517), was admittedly one of the Sahnewal, Chabba and Mansuran dacoits (*vide* his statement at page 431). It is uncertain what ship he returned by; but he gave as his reason that he returned from Shanghai because work there stopped on account of the war. In the Sahnewal and Chabba dacoities murder was committed.

Accused was identified on Jail parade of April 24th by approver Mula Singh; and approver Amar Singh and P. W. 17 (Inspector Ahmad Khan) speak as to Amar Singh's identification of him after a certain Jail parade. He was identified in Court by those two approvers, approvers Udham Singh and Sucha Singh, and P. Ws. 125 (the *Mahant* of the Virpali *dharmsala*), 163 (the small boy to whom Mula Singh gave a watch—who saw accused at the doctor's house), 184 and 227 (as visiting approver Sucha Singh).

Amar Singh tells us that on about January 2nd, 1915, this accused in company with accused Nos 65, 68 and 70 left Amritsar for an abortive dacoity in the Doaba, taking bombs; again, for another abortive dacoity; and that he attended a conspirators' meeting at Sant Gulab Singh's *dharmsala*.

Mula Singh has stated that he first met accused at the Baba Atal house in Amritsar, about the end of December 1914, in company with accused Nidhan Singh and Kartar Singh (on their return from Kapurthala). He says that it was this very accused who introduced him to the absconding accused Dr. Mathra Singh at the Virpali *dharmsala*; and that accused was one of those who went to test the experimental bomb. This witness corroborates Amar Singh *re* accused's going to the unsuceessful Doaba dacoity Further, that accused brought to Gulab Singh's *dharmsala* accused Wasawa Singh (the suggester of the Chabba dacoity) along with a pock-marked stranger. That on about January 10th the accused was present at the same *dharmsala* when Nidhan Singh stated that chemicals were ready at Jhabewal, but that bomb cases were required. That accused was sent with Bishan Singh of Virpal to ascertain from accused Wasawa Singh where to assemble for the Chabba dacoity, and to bring accused Jagat Singh and his men. The witness further implicates accused in two abortive attempts at dacoity at Chabba; and in the successful one; asserting that accused returned with part of the loot. He says that accused once left with Kartar Singh and others (armed with bombs and pistols) for a dacoity in Ludhiana direction; and that he once sent accused to a *Havildar* whom he had met on the ss. "Atsuta Maru" to ask for revolvers. Neither of these approvers was even cross-examined. Approver Udham Singh (who failed to identify accused on Jail parade—but did identify him in court) states that accused, along with accused Bakshish Singh of Gilwali, came to his village about the end of January trying to collect men for a dacoity at Chabba; that accused came to Bakshish Singh's well armed with a pistol shortly before the Chabba dacoity, and after it took charge of part of the loot. Approver Sucha Singh states that he first met accused in Kartar Singh's company at Ludhiana, and put him up for the night; and that accused attended a conference at his abode. This witness, too, implicates accused in the Sahnewal and Mansuran dacoities, armed with a *chavi*. On this latter point approver Umrao Singh corroborates.

From P. W. 16 (Liaqat Hayat, Deputy Superintendent of Police) we learn that this accused had been mentioned by Mula Singh prior to the recording of his statement which commenced on March 12th, 1915; and P. W. 195 (Inspector Amir Ali) tells us that he arrested accused on April 22nd (page 253) in pursuance of a statement made by Mula Singh on February 25th P. W. 184 (a Padri witness) states that accused came to Udham Singh, approver, collecting men for a dacoity, and went on to Sur Singh. The witness, of course, is counsel of that approver. P. W. 227 (a student) did state in cross-examination that accused never spent a night with approver Sucha Singh, though he used to see him sitting there; but it is quite probable that the witness is unaware of all Sucha Singh's nocturnal visitors.

Accused, who admitted taking part in the three dacoities aforementioned (and who named companions in the Chabba dacoity—to which he said he was taken by approver Udham Singh and Udham Singh's father), denied going to other attempted dacoities; and denied having met approver Umrao Singh after the Sahnewal dacoity, wearing bloodstained clothes, and having given him the names of the Sahnewal dacoits. He denied having attend conspirators' meetings at Sant Gulab Singh's *dharmsala* when bombs were prepared; but admitted meeting the absconding accused Dr. Mathra Singh in Amritsar and going to the Virpali *dharmsala*, though he has attempted to support the story of other conspirators that the discussion only concerned the starting of a newspaper to air grievances. Questioned as to who murdered Beli Ram, he tried to support accused Kartar Singh's version that Beli Ram's death resulted, more or less unintentionally, from an excessive beating given him by the Anarkali murderer. He has asserted that he was arrested in his own village; but we see no reason for doubting the statement of P. W. 195 that the arrest really took place in the village of accused's maternal uncle.

The accused produce no witnesses for his defence. In two of the three dacoities in which he took part, murder took place; and we have held that the object of these dacoities was to obtain funds for the conspirators. Accused's own connection with the conspiracy is fully borne out by the evidence,

From H5

512

(25) Hazara Singh, son of Bela Singh, of Dadher, Police Station Sirhali, District Amritsar, *Jat*, aged 28.

This accused, who pleaded "Not guilty" to the charges framed against him (page 519), admittedly reached India from Manilla by the ss. "Katana Maru" on January 7th, 1915; and he says that Bishen Singh (accused No. 9) and accused Wisakha Singh came by the same boat. He gives as the reason for his return that he had been away 9 or 10 years. He has stated that, on his return, he was restricted to his village, which he says he never left; and he denied being accused Nidhan Singh's man, or even knowing the Police spy Kirpal Singh (P. W. 72).

Approver Jwala Singh, who could not identify him on Jail parade, only identified him in Court as having been "a watchman at Shanghai"; and the two prosecution witnesses against him are the Police spy and the detective (P. W. 110), the first of whom identified him on Jail parade of the 18th April and in Court, and the latter of whom has stated that he used to see accused at Singapore. This last witness noted him down on his list of returned emigrants who visited Nanak Singh's *chaubara* in Amritsar on January 11th, 1915; and accused himself has admitted that, on arrival in India, he went there in company with accused Bishan Singh and Wisakha Singh and spent the night there; though he has denied that accused Nidhan Singh and Kartar Singh or Mula Singh, approver, were there; or that any funds were collected, or pistol and cartridges displayed. He has admitted that he had about Rs. 1,000 with him when he reached the *chaubara*.

The case of this accused (who is a distant relation of, and resembles in appearance, accused No. 9 Bishan Singh) really rests upon the evidence of the Police spy, Kirpal Singh; and is practically identical with the case against accused No. 9 Bishen Singh. We see no reason to repeat all our remarks regarding the spy's evidence; and we adopt them (*mutatis mutandis*) for the purposes of the case against the present accused.

As regards the Defence witnesses, D. W. 117 (brother of accused) has stated that he wrote to accused to return, because he (the witness) had bought land in Gwalior State; and D. W. 105 says that accused is married, but has no children, and that he wrote the letter at the brother's request. D. W. 96 (*chaukidar* of Dadher) says that accused was present when Nihal Singh, uncle of accused Wisakha Singh, produced a box containing two revolvers. The remaining Defence witnesses D. W. 106, 116 and 90 to 99 inclusive give evidence that accused never left his village after his return (it is not the case for the prosecution that he ever did so), and attempt to support the futile story of the locking up of the Dadher *Gurdwara*—which evidence we discussed in the separate case of accused No. 9 Bishan Singh. We adopt our remarks regarding it; and our remarks regarding the arguments of both Crown and Defence Counsel.

(26) Hari Singh, son of Gurmukh Singh, of Nathana, District Ferozepore, aged 32.

This accused, who pleaded "Not guilty" to the charges framed against him (page 521), has stated that he returned from Hankow in China in January 1915, his object being to redeem his land; which, however, he was prevented from doing owing to his arrest on February 9th in company with accused 14, Dalip Singh—whose case his case very much resembles. Accused's own statements will be found at pages 440 and 479 of our printed record. He produced no defence witnesses.

He was identified on Jail parade of April 18th by approver Narain Singh, and by the witnesses Ichhar Singh and Kirpal Singh (Police spy); and on Jail parade of April 24th by approver Jwala Singh as "a man who came with us to Mian Mir". In court, he was identified by P. W. 264 (Sewa Singh, son of Ichhar Singh, witness) and by P. W. 282, who at first mistook accused Ram Saran Das for him. P. W. 356 failed to identify him in court.

Approver Jwala Singh, who speaks of him as a man of Nathana, and says he saw him in Shanghai, has stated that accused was at the Badowal meeting (which, according to this witness, put a stop to the projected dacoity at Rajoana) with Nidhan Singh, Kartar Singh and Jagat Singh, accused—whence Nidhan Singh sent people to Moga with instructions to collect by twos and threes near Lahore Cantonment (Mian Mir) on November 25th in order to get the keys of the armoury and attack the Territorial troops. The witness says that on the 25th November he met accused at Mian Mir; that some of the Ferozeshah murderers were there; but that it was decided to go off to Ferozepore (*vide* pages 117, 118) for an intended attack on the arsenal.

P. W. 198, Ichhar Singh (page 256) tells us that accused visited him along with "Amli" (the deceased dacoit), when "Amli" read to the witness a letter received from accused Parmanand II from Cawnpore regarding the latter's movements; and further says that accused was at the *Gurdwara* on January 29th, and left with others for the Jhaner dacoity, which took place that night—afterwards receiving Rs. 220 (in silver bars) as his share of the Jhaner and Rabhon loot, the witness also giving him Rs. 10 "for expenses". (Pages 256 to 259 of the record should be seen). In cross-examination this witness admitted that he and accused were in the lock-up together at Maler Kotla. Approver Narain Singh corroborates that this accused was with him, and the Anarkali murderer and others in the Jhaner dacoity, armed with a sword—accused holding the looted *Bania* by a cloth round his neck. He says that accused afterwards went to Ichhar Singh's *Gurdwara* with others, carrying the loot. He implicates accused in the Rabhon dacoity of February 3rd, armed with a sword; corroborates regarding the Rs. 220 in silver bars; and he says that accused once told him that numbers of men of the revolutionary party were in Germany, and were coming to fight the British. Cross-examined, this approver says that after he had made his statement to the Maler Kotla Police, he and Ichhar Singh and accused were kept in the same room. P. W. 264 Sewa Singh, son of the witness, Ichhar Singh, mentions this witness as a Rabhon dacoit and as taking part in the unsuccessful exploit at Rajoana (page 305). This was the witness who produced certain articles to the Police, and identified in court the bag, exhibit P. 257, silver and gold bars, and melting implements of the series exhibit P. 214, etc. He corroborates on the point that accused and accused Dalip Singh were given silver bars. P. W. 356 (though he failed to identify accused in Court) states that he did identify accused at Kotla as a Jhaner dacoit. This witness's house and shop were both looted in Jhaner; and he identified some of the property given in the list, exhibit P. 294, including the 5 Kotla rupees, P. W. 282, a teacher at witness Ichhar Singh's Girls' School, states that accused recited the *Granth Sahib* at the school; that the meetings there were for *dharm* work; that on one occasion he saw 5 or 6 swords in a box there; and that on one occasion this accused and eight others discussed looting a *Bania* at Jhaner—the witness next day hearing of the Jhaner dacoity. P. Ws. 334 and 352 (a Sub-Inspector of Maler Kotla) give evidence as to the arrest of accused on February 9th, through the agency of Kalu, *Khairi*, along with accused Dalip Singh—this

814

accused being himself in possession of 6 silver bars. The Sub-Inspector asserts that, after his arrest, accused started a seditious harangue to the onlookers. Lastly, Nand Singh in his confession (pages 418 and 419) implicates this accused as being one of the Jhaner dacoits, *armed with a sword;* and tells us that in that dacoity the accused brought out two boys from inside one of the places being looted, and handed them over to Narain Singh, who took them outside to prevent their crying.

Accused stated (page 479) that he proceeded direct from Calcutta to Amritsar to bathe; and thence went wandering about in search of a *Mohant* of Mastoana, his road lying through Lohatbadi. Close to that place he overtook Narain Singh, approver, Dalip Singh, accused No. 14, and one Ganga Singh. He then made a weak attempt to support the story of accused Dalip Singh as to how he and that accused came to be arrested in possession of 14 bars of silver, which, according to him, were all found in a bundle with Dalip Singh. It has to be noted that this supplementary statement was put in three days after accused has made his first statement. At page 440 we find accused admitting that he and accused Dalip Singh were arrested together; and simply alleging that it was Dalip Singh who had the silver bars. He denied attending meetings, or meeting other conspirators, or being in any dacoities, or receiving a share of loot. He denied even knowing witness Ichhar Singh, or making a seditious harangue after arrest—saying that he only complained that he, an innocent passer by, had been arrested. He stated that P. W. 282 was able to identify him, because he saw him in Kotla *thana*; but that witness was never cross-examined as to this. He alleged that Jwala Singh, approver, was his personal enemy; but we find that accused's counsel (Dr. Alam) declined even to cross-examine that approver—*vide* page 119—and we can only conclude that this assertion was made with the object of afterwards pleading accused's inability to produce witnesses from Shanghai. Objection has been taken that the two boys mentioned in Nand Singh's confession have not been produced—a trivial matter; and that Narain Singh did not tell the Maler Kotla Police about "the men in Germany"; but it must be remembered that the Maler Kotla Police, in the earlier stages, were investigating the dacoities as such; and not in relation to any conspiracy. We are not prepared to attach weight to the argument that P. W. 282 is an "accomplice," simply because he did not at once go off and inform the Police. Lastly, it has been urged that, as accused (as alleged) received part of the Jhaner and Rabhon loot, he should in any case only be treated as a common dacoit, and not as a conspirator. However, we consider that there is ample evidence connecting him with the conspiracy, as well as with the Jhaner and Rabhon dacoities; but, as regards those dacoities we, of course, bear in mind that no one was murdered in the course of them.

(27) Hirda Ram, son of Gajjan Singh, Rajput, of Mandi State, goldsmith caste, aged 21.

This accused, who is not a returned emigrant, and who has pleaded "Not guilty" to the charges framed against him (page 523), is admittedly one of the persons arrested in house No. 1 at Lahore on the 19th February 1915.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh, and by the spy P. W. 72, and on Jail parades by P. Ws. 45, 46, 48 and 71 (who also identified him at a *Thana*). In court, by the above witnesses and P. W. 93. The witness P. W. 21 (a search-witness of house No. 4) failed to identify accused in Court, but stated that he remembered that some one named "Hirde Ram" pointed out that house to the Police.

There is a mass of evidence against this accused, who himself produced no Defence witnesses. The principal prosecution witnesses are approvers Amar Singh and Mula Singh, neither of whom was cross-examined.

Amar Singh tells us that on about December 29th, 1914, in Amritsar, he was introduced to this accused by the absconding Dr. Mathra Singh; and that it was accused who brought the inkpot which was used for the experimental bomb test, at which accused personally assisted (page 69) He tells us of accused's preparing inkpot bombs at Sant Gulab Singh's *dharmsala*, some of which were taken by Kartar Singh and his companions for use in dacoity. He mentions him otherwise as connected with bombs, and states that about 11th or 12th February the accused accompanied him to Lahore Cantonment, to arrange the meeting between Mula Singh, approver, and accused Madan Singh, and then to the Mochi Gate house, for which he helped this approver to purchase 2 beds. Witness alleges that accused was introduced to the spy at that house on February 13th (the same date is given by the spy himself), and that accused accompanied the witness on February 15th to find a house for accused Rash Behari, and viewed houses in the Wachhowali and Gumti *bazars*, being sent the same evening from a conspirators' meeting at house No. 1, to secure both houses. This witness has further stated that on one occasion he sent this accused by Rash Behari's orders to one Atma Singh with a closed cover, to get certain articles and tell Atma Singh to come to Lahore with money. The witness appeared uncertain regarding the date of this; but stated that accused returned to Lahore on the 18th, bringing a revolver in a leather case (exhibit P. 27), and saying that Atma Singh would come with money; being then sent to Amritsar to bring chemicals for bombs. That accused made him over the keys of the Wachhowali and Gumti *Bazar* houses; and that shortly before the raid on house No. 1 on the 19th February, accused came there with chemicals.

Approver Mula Singh first meets him in company with Dr. Mathra Singh at Sant Gulab Singh's *dharmsala*; and corroborates the story of the experimental bomb. He asserts that accused was sent with chemicals to Ludhiana (to the shop of Atar Singh, watch-maker); and on to Jullundur to "sound" troops there. That between January 15th and 30th, accused met Rash Behari at the witness's house, and said that Jullundur Sikhs and Dogras were ready to join; being sent with the absconder Rao to Benares for pistols and bombs. That he returned with Rao about the beginning of February, bringing Rash Behari's cook; and also a biscuit tin containing 2 bombs and four pistols, and a phial of "Greek fire." That on February 2nd accused prepared 4 inkpot bombs for the Chabba dacoity of that date. He corroborates both Amar Singh and the Spy in the matter of accused Madan Singh; and says that accused was told on the 13th February (a date mentioned by both Amar Singh and the spy) that February 21st had been fixed for the rising. P. W. 72 (the Spy) says that accused came that day just after Madan Singh had introduced the spy to Amar Singh; and mentions him at house No. 1, on February 15th. On the 19th, the witness says, accused came to that house about half an hour before the raid, bringing chemicals, small knives and *kirpans*, and began to prepare bombs. P. W. 71 has identified accused as the purchaser of 2 *charpoys*; and P. W. 49, as coming to hire the upper story of a house in Gumti *Bazar*, accused giving no name.

P. Ws. 45, 46, 47 and 48 concern the leasing of the house in Wachhowali (house No. 4). Accused is identified as the lessee; P. W. 45 saying that accused himself wrote out the lease as "Ramji Lal." The lease is exhibit P. 121, of February 15th (compare approver Amar Singh as to this date), and P. Ws. 46 and 47 are attesting witnesses. P. W. 48 sold the stamped paper for P. 121 exhibit to one "Ramji", and has explained how the alteration on the back of it came to be made.

P. W. 16, Liaqat Hayat, Deputy Superintendent of Police, has given evidence how on February 26th accused's books and clothes were found at Amritsar at the shop of Gurdas (P. W. 109), and the "M. S. Kohli" forms (exhibits P. 83, 84); and how Mula Singh, in his statement recorded between March 12th and 14th spoke of accused as "one of the actual makers of bombs" along with Parmanand II and Dr. Mathra Singh.

The witness Gur Das (P. W. 109) is a relation of this accused, and corroborates that accused spent one night with him, and left with him clothes and books which the Police subsequently recovered—though he has denied knowing whether exhibit P. 84 (bundle of "Kohli" forms) was found at the same time. P. W. 93 has told us how accused came to him in Amritsar to learn stone-setting or engraving, which would require 6 months, but left after 8 days on a pretext that there was much sickness in the place. P. W. 17 is Inspector Ahmad Khan, who states that on February 24th, 1915, accused admitted having rented the Gumti Bazar and Wachhowali houses—the latter under the name of "Ramji"—and took him to both houses. In the Wachhowali house was found a biscuit tin containing 2 bombs (exhibits P. 25 A to D). Other things found in this house were picric acid, chlorate of potash, sulphur, *manṣal* and "Greek fire" (*vide* exhibits P. 114 to 120 and P. 25 a country-made pistol) Accused admitted to this witness having given the key of this house to Amar Singh, approver. The witness states that the owners of the 2 houses identified accused, and one of them produced the lease, exhibit P. 121. Accused further pointed out the shop where the 2 beds had been purchased. This witness also corroborates how the stamp-vendor and his register explain the scratching out of a name on the back of the lease, due to the confusion of the names of two purchasers.

The accused, who produced no witnesses for his defence, made a long statement (page 393). He denied all connection with the *Ghadr* party, and with bombs; and denied even knowing Gulab Singh's *dharmsala*. He denied attempting to seduce troops, going with Rao to Benares, or even knowing Rash Behari by sight. He admitted coming to Lahore with approver Amar Singh on February 11th to see the sights—not to give Madan Singh a message—and admitted going with that approver to the Mochi Gate house on arrival from Amritsar, and assisting at the purchase of 2 charpoys. He admits having been at that house on 13th February, and bears out parts of Amar Singh's and the Spy's stories by that admission. He also admits the hiring of the 2 houses; which, he says, he did with Amar Singh, who said he wanted them for students. He denied having given him the revolver, exhibit P. 27. He admitted having put up with the witness, Gurdas; but could offer no explanations as to how the "Kohli" forms came to be found there. He admitted having taken the Police to the 2 hired houses; but asserted that the name "Ramji" was entered at Amar Singh's request. He admitted that the various *exhibits* before mentioned (series 25 etc.) were found in the Wachhowali house; but could not explain how they came there. He admitted taking the Police to the shop of the witness, Gokal Chand (P. W. 71). He denied having met any of the other conspirators at the Mochi Gate house; alleging that he was away from the house all day except on February 13th, when he saw the spy and Balwant Singh *sowars*. He stated that Mula Singh was introduced to him by Amar Singh only in February 1915; and that he first met the latter at the beginning of that month at the Amritsar *Darbar Sahib*. Towards the conclusion of his statement, accused asserted that Amar Singh brought him the lease ready written in the name of "Ramji Das" and asked him to make it over to the landlord, which he did. He offered no reason why Amar Singh or P. W. 45 should be wishing to get him into trouble; and he has given an absurd explanation as to his visit to the house No. 1 on

February 19th—namely, that he came in from Amritsar to fetch a *paltu* blanket and get some enamel, as he was about to leave Amritsar for his home on account of the prevalence of plague. He asserted that a letter from his brother was found on his person; and a receipt for a telegram announcing his intended return home; but we have no evidence in support of this.

His Counsel had, naturally, but little to urge on his behalf. It was urged that accused could not have been much in the conspirators' confidence, or (being by trade a goldsmith) he would have been employed to melt gold instead of the Virpali goldsmith--however, the accused was away from home, and presumably without all his implements. It was put forward that he took no part in any dacoities; and it was argued that we should not rely on Amar Singh, approver, because, when he commenced to make his statement on February 27th, he was aware that accused had given him away by pointing out the 2 houses on the 24th.

In our opinion the guilt of this accused has been proved to the hilt; and (even if his age really be only 21 years), he was one of the most important of the conspirators. His connection with bomb-making has been fully established; he pointed out a house in which bombs and other deadly exhibits were found; he apparently attempted to seduce troops; and he was finally arrested in house No. 1 on February 19th, 1915.

(28) Indar Singh, *Granthi*, son of Ala Singh, of Mala, Police Station Jagraon, District Ludhiana.

This accused, who gave his age as 23 years, but who, in our opinion, must be nearer 30 years of age, pleaded "Not guilty" to the charges framed against him (page 525); but did not wish to produce any witnesses for his defence.

According to his own statement, he went to America in August 1913 from Hong Kong; and returned to Calcutta by the ss. "Korea" and "Tosha Maru", being interned after arrival in Montgomery Jail. He was identified on Jail parade of the 18th April by approvers Amar Singh and Mula Singh; and in Court by those two witnesses and approver Nawab Khan, and by P. Ws. 362 and 383, who were also passengers by the "Tosha Maru." The last of these mentions him as "reading from a book" on board; and they speak as to the seditious nature of the lectures which took place on that ship. P. W. 362 mentions accused's "copy-book".

Approver Amar Singh states that seditious literature belonging to accused was thrown everboard between Kobe and Nagasaki; and Mula Singh that he saw accused in Manilla, and at San Francisco when about to return to India, one of those returning in August 1914 for the revolution. Approver Umrao Singh has said that he first knew accused at Hong Kong; and met him next at Fowler in August of 1914; and, at page 334, he tells us that accused was one of those present at the extremely seditious meeting at Fresno on the 9th or 16th of August 1914. Approver Nawab Khan has described accused as an itinerant stipendiary preacher of the *Ghadr* Party in America; and mentions him as attending a seditious meeting at the Hong Kong *Gurdwara*. The same witness tells us how seditious poems in cypher were found with accused, which the Superintendent of Police at Hong Kong allowed him to keep, on being assured that accused was a religious man who had only recently left Hong Kong. On that occasion accused denied having known one Bhai Bhagwan Singh in America—the same being a former *Granthi* at Hong Kong, and a very prominent preacher of *Ghadr* in America—although he actually held a certificate from Bhagwan Singh.

P. Ws. 89, 192 and 195 are concerned with this accused's statement (page 385) made in Montgomery Jail. P. W. 89 (S. Sukha Singh, Deputy Superintendent Police, of the C.I.D.) tells us that in Montgomery Jail on November 13th, 1914, he saw accused and certain papers found with him by Inspector Amir Ali and the Jail *Daroga* — some being in *Gurmukhi*, and some in cypher. The witness has identified exhibits P. 150 A. to F., and has stated that accused gave him the key to the vowels (exhibit P. 150 G.), and read to him exhibit P. 151 on November 24th (*vide* also exhibit P. 152). Exhibit P. 153 A. is a memo.-book of Gurmukhi-English exercises; not seditious, but noteworthy as containing the name of Har Dyal. Exhibit P. 153 B. is accused's certificate, or credentials as an itinerant preacher of the "Pacific Coast Khalsa Diwan Society" of Stockton, California (mentioned in the "*Ghadr*" newspaper, and the nature of which Society has been elsewhere described). In cross-examination, this witness denied that he had ever ordered solitary confinement (which he could hardly have done of his own motion); and denied that any inducement had been held out to accused to give the key of the cypher. He admitted that he had seen the accused 5 times in Jail—on November 13th in company with Mr. Tomkins (Deputy Inspector-General of the C.I.D.), the Deputy Commissioner of Montgomery, and the Jailor. He further stated that accused explained that the "Burman Singh" mentioned in his statement was accused Parmanand II; that "Nabbu Khan" meant Nawab Khan, approver; and that "Jagat Singh" stood for accused Jagat Ram. There is no satisfactory proof that "Burman Singh" was accused Parmanand II.

P. W. 192 is Ram Ditta Mal, formerly Jailor at Montgomery. He denies that any hope of pardon was held out to accused; speaks as to exhibits P. 150 *A—G*; and say and that accused signed the statement with his own hand; the witness, Sukha Singh, *not* being present at the time.

819

P. W. 195 (Maulvi Amir Ali, Inspector, C. I. D.) identifies exhibit P. 151 A—F (coded papers, with the exception of E) ; and says that he saw accused in Jail 2 or 3 times, sometimes with the witness Sukha Singh ; and that Mr. Tomkins also saw him there.

Accused (page 379) denied having attended any meeting at Fresno ; and all connection with the American *Ghadr* Party. He denied having made or heard any seditious lectures on board ship. He admitted that exhibit P. 151 E. (not coded) was in his handwriting ; but denied that the cypher papers, etc., were ever in his possession. He admitted that exhibit P. 153 A. was in his writing ; and said that the Har Dayal mentioned therein was some person whom he did not know—then saying, that he used to receive telegrams from him from Washington. As regards exhibit P. 150 F., he admitted signing it ; but stated that it was never read out to him. He made a similar assertion with regard to the papers giving identification notes of various persons. According to him, he signed his statement, exhibit P. 150 C, on a promise that he would be let off ; and he asserts that it was never read over to him ; that part of it was made by him from his own knowledge of facts ; that part was made by him from hearsay knowledge ; and that part of it he never made at all. That statement has been fully discussed elsewhere in this judgment ; and, seeing that it was made during November 1914, it is difficult to see how any one could have invented a portion of it. At accused's own indication, the various parts of it have been marked blue (hearsay), black (the portion admitted as based on accused's own knowledge), and red (as the part which accused says he never made at all). The only *blue* portion is from the top of page 386 down to and including the words "funds of the *Ghadr* Party." The *black* portions are from the top of page 385 down to and including the words "Lala Har Dyal was the President" ; and from the words—"There were other members" down to and including the words (2 lines below) "was confiscated". The remaining portion of the statement is marked *red*.

It is unnecessary, in our opinion, to here again discuss the statement and other documents further with respect to this accused. We hold that the entire statement was made by him, and that he has been fully implicated in the conspiracy in America ; and that the evidence produced against him is to be believed.

We cannot accept the argument of accused's Counsel that the confession is inadmissible in evidence because, though in Jail, accused was really in the custody of the Police ; nor the argument that paragraph 14 of the complaint has not been proved—the inference is that accused *did* return in order to deliver seditious speeches ; but he was, of course, interned after arrival. The confession may, no doubt, be in some ways inaccurate and incorrect, but the mere fact that he made it proves his knowledge of the conspiracy. We cannot accept the view that the statement explaining the cypher is inadmissible because made to a Police Officer, since it led to discovery ; and the suggestion of Counsel is absurd that "Nawab Khan somewhere got hold of the cypher, and made it over to the Police"—since the confession is of the middle of November, and Nawab Khan, approver, was not got hold of till the end of December 1914. Some of the decyphered material (for instance, the poem "*Bharat Mata ki Faryad*") was published in the "*Ghadr*" newspaper.

We are unanimous in finding that the guilt of this accused has been established. His Counsel finally urged that he is consumptive (which may be true) ; is young ; was never one of the leaders ; and was "an absolute idiot to behave as he did." We are afraid that there was method in his madness.

(29) Indar Singh, son of Ganda Singh, *Hajam*, of Basin, Police Station Manawan, District Lahore, aged 23.

This accused, who pleaded "Not guilty" to the charges framed against him (page 527), according to the evidence of P. W. 354, Mr. Slattery, Superintendent of Police, C. I. D., reached India on November 30th, 1914, by the ss. "Fau Sang". According to his own statement he did not return on that ship; but by a Jardine company boat arriving at Calcutta on December 1st, 1914.

Accused was identified by name on Jail parade of April 18th by approver Amar Singh; who also pointed him out in court, saying that he had seen him in the Mochi Gate House (No. 1), and that he thought his name was Indar Singh. He was identified in Court by P. Ws. 26 and 27.

Approver Amar Singh has stated that he saw accused at house No. 1 about February 12th in the company (page 75) of Dr. Mathra Singh, the absconding accused; and he also makes mention of accused's sister's marriage.

P. W. 17 (Inspector Ahmad Khan) and P. Ws. 26 and 27 (two Police Constables) give evidence as to accused's arrest; and we see no reason to doubt their statements. After the raid on house No. 1 on February 19th, Police were set to keep a watch on the house; and we find that at 5-45 A.M., on February 20th this accused and accused No. 22 Harnam Singh of Padhana (whom we discharged during the trial) were arrested together when trying to enter house No. 1. According to the statements of the Head Constable and Constable, accused and his companion tried to make off; and said they were on their way to a marriage, and had mistaken the road.

Accused stated (page 364) that he had returned to India for his sister's marriage, which took place some 3 days after his arrest; that Amar Singh was lying when he asserted having seen him at house No. 1; that Amar Singh came to know him by seeing him in the *havilat*; and that he had come to Lahore to fetch his uncle to the marriage, and some ornaments, and had been arrested when he happened to be passing house No. 1. He produced D. W. 189, his uncle, a barber of Lahore, to corroborate his story—which does not impress us favourably. The case against accused is stronger than that against the man we discharged on the benefit of the doubt.

The Defence Counsel is mistaken in saying that this accused was not mentioned in Amar Singh's statement to the Magistrate—he is mentioned at page 36 of the Magistrate's printed record, as in Mathra Singh's company, and as saying he would join after his sister's marriage. Amar Singh and accused were not arrested at the same time; and yet Amar Singh is able to identify him, and knows about the marriage. Counsel has pointed out that Amar Singh stated to the Magistrate that when he saw accused with Mathra Singh, Kirpal Singh, Police spy, was present; whereas, to us he stated that it was Kirpal Singh, student. This may be due to a mistake on our record, or to some confusion in the mind of the witness; but there seems no reason whatever why Amar Singh should have spoken falsely, nor any reason why the Police should have wantonly arrested an innocent passer-by. It is pointed out that, after arrest, accused gave his correct address. We have evidence that February 21st had originally been fixed for the general rising; that men were being called in; and that the date was expedited to the 19th. It was quite natural that some persons should not receive intimation of the change of date; and accused appears to have been one of such persons. We learn of him in the company of the very dangerous conspirator, Mathra Singh; and we find him trying to enter the headquarters of the conspirators on the early morning of February 20th. To what extent he was aware of the plans of the chief conspirators, we do not know; but we see no reason to doubt that he was in the conspiracy; and that his motive for trying to enter house No. 1 was not an innocent one.

(30) Indar Singh, son of Moola Singh, *Jat*, of Sur Singh, Police Station Khalra, District Lahore, aged 35.

This accused, who pleaded "Not guilty" to the charges framed against him (page 529), has stated (page 452) that he had been in Canada, and returned in response to letters, having been abroad 10 or 12 years.

He admittedly sailed by the ss. "Korea"; and got off at Nagasaki, he says, to visit Shanghai, where his two brothers had been for several years. He stated that, from Nagasaki to Shanghai, and from Shanghai to Calcutta, he was the only Indian passenger on his ship—of which he cannot remember the name.

Accused was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh, and by P. W. 112 (Nikka, *dalal*) on Jail parade as one of those present at Nanak Singh's *Chaubara* in Amritsar on January 11th, 1915. Approver Nawab Khan was not present at Jail parades; and it has been urged by the prosecution that approver Udham Singh was only present to try and identify dacoits.

In Court, he was identified by approvers Amar Singh, Mula Singh, Nawab Khan, Udham Singh; by the Police spy (who did not know his name) and P. W. 158. Approver Jawala Singh only stated that he had seen accused in Shanghai long ago; and, regarding P. W. 164 (who failed to identify accused in Court) we made a note at the time that the witness appeared to be confused and frightened.

Approver Amar Singh has stated that this accused, together with accused Nidhan Singh and Piara Singh, got off the "Korea" at Nagasaki (page 63) to collect money due to them, see friends, and "bring others along with them." That subsequently he met accused at the Nankana fair, who introduced him to one Sundar Singh of Shanghai, who made mention of a meeting at Chaherta for November 6th. This witness further states that on February 13th the accused was introduced at the Mochi Gate House to the Spy (who pointed him out in Court; but did not know his name).

Approver Mula Singh has stated that he saw accused in San Francisco before the sailing of the "Korea"; and that accused was one of the revolutionary group under him—he has even given his number as "No. 25" of that group (page 91). At page 95 he mentions accused as at the *Amawas* fair at Tarn Taran in company with accused Jagat Singh and Lal Singh; and he further states that some time before the middle of January he met accused, along with Jagat Singh and Hari Singh of Waring; and that accused was given by him a hack-saw to pass on to accused Lal Singh of Bhure (page 97). Further, that about February 8th the accused left Amritsar for the abortive dacoity at Kartarpur. Approver Nawab Khan corroborates the story that accused left the ship at Nagasaki in company with the two accused Nidhan Singh and Piara Singh, and says that these persons did so with "secret instructions" to proceed to India *viâ* Shanghai.

Approver Udham Singh states that he met accused at Padri asking the way to the Jhar Sahib, and accompanied him there; where they found accused Lal Singh and others, and the witness was invited to join next day in a consultation about a rebellion. This was the only approver who was cross-examined; and he stated that he learnt accused's name from Lal Singh—a point which further establishes this accused's connection with Lal Singh (*vide* pages 227 and 234).

Approver Umrao Singh (page 334) says that he met accused at Stockton along with such persons as accused Harnam Singh *Tunda*, Shiv Singh, Ram Rakha, absconder, and Rahmat Ali (one of the Ferozeshah murderers) "talking *Ghadr*," and ready to sail on the "Korea."

P. W. 158 has identified accused (whose name he did not know) as seen by him on the way to the Jhar Sahib, and also at Lal Singh's house (page 221)—and says that he also saw accused, not under arrest, at Padri when the Police were there.

P. Ws 159 and 169 (a *Lambardar*) speak regarding accused's being sent for to Padri by the Police ; and the latter says that accused was released on security after his arrest.

The hack-saw according to Mula Singh, approver, was one which accused Lal Singh wanted for cutting iron (presumably, in connection with dacoities), and which Kartar Singh, accused, was sent to Lahore to obtain—and the exhibit is P. 38. The boy, P. W. 163, son of Mahi, *Havildar*, with whose mother Mula Singh was on terms of intimacy, has identified that exhibit as similar to a hack-saw which Mula Singh brought to the village ; and he says that Mula Singh sent a letter by the hand of Hukm Singh to the present accused.

This is corroborated by P. W. 164 (Hukm Singh)—the frightened witness, who failed to identify accused in Court—who has stated that he took the letter, and that accused came, along with a man who had a mark above his eye. The accused Jagat Singh appears to have such a mark. P. W. 186 (Court Inspector at Ludhiana) is a connection of accused by marriage ; and he states that accused's father came and told him that accused had been taken to Padri. He went to Padri, and enquired about the hack-saw P. 38 from accused, who at first denied all knowledge of it ; but the witness was told by Inspector Amir Ali that it was only required as corroborative evidence ; and that, if surrendered, accused would be released. This witness has further stated that he learnt from his brother that the saw was left at his house by accused's father. The witness (authorised by the *ruqa* exhibit *D.* 6) took accused and the saw into Amritsar to the Police. In cross-examination the witness said that, after accused's arrest, Mula Singh stated that the saw had been bought in Anarkali. P. W. 195 Inspector Amir Ali corroborates (and identifies *exhibit* D. 6 and his letter exhibit P. 207), and states that at the time it was not his intention to prosecute the accused, who told him (page 252) that the saw was with one Ganda Singh of Basao. He also identified exhibit P. 211—the Court Inspector's letter to him ; which is dated March 28th, and says that Indar Singh accused and the saw will be brought in on the 31st. P. W. 51 (of Anarkali, Lahore) has identified exhibit P. 38 as a saw sold by him in January 1915 to "a Sikh."

Accused in his statement has denied ever seeing the Jhar Sahib, or meeting Mula Singh at Tarn Taran ; and says that on his arrival from abroad he spent one day at Amritsar, but did not visit Nanak Singh's *Chaubara*. He denied being given the hack-saw by Mula Singh ; and said that possibly his father bought it to be made over to the Police.

He was arrested, he says, in Padri ; and was told he would be released, if he produced the saw ; was taken to Amritsar, and released, but was re-arrested some three weeks later. He added that he had been told by the Police to say that he had been given the hack-saw to take to accused Lal Singh ; and that his father is a *Lambardar*, and his grandfather was a *Zaildar*.

He produced eight defence witnesses. D. W. 168 is a *Lambardar* of his village, who states that accused is a good character ; that he returned alone from abroad, had no emigrant visitors, and only left the village once to visit an injured relation, after telling the Police of his intention. D. W. 169 corroborates, and says that two constables were kept in the village to report on emigrants ; that accused was arrested, but released ; and that accused's father and P. W. 186 said that the Inspector wanted a saw, which must be got. D. W. 223 is in support of the story that accused spent one night with him (about March 15th) on his way to visit some relations. D. Ws. 172 and 173 are as to character. D W. 174 purports to have met accused's father on his way to purchase a saw. D. W. 170 is accused's father ; who says that accused was taken to Padri under arrest ; and that he and D. W. 171 went and bought the saw from "Dhani Ram" of Lahore ; and put it in the room of P. W. 186, who took accused into

the Amritsar Police; that accused was released, but was re-arrested some 15 days later. D. W. 171, a Hong Kong pensioner, corroborates *re* the alleged purchase In our opinion this defence evidence is quite unconvincing. "Dhani Ram and Sons," Anarkali, Lahore, is the name of the firm which employs the witness Ishar Das, P. W. 51 ; and this witness, though he had no written memo. appeared to have a very distinct recollection of the hack-saws sold by him ; yet he stated in cross-examination that he sold none after January (when he sold three) till April (when he sold one).

We are quite unable to see why the approvers should have been anxious to implicate this accused ; nor why the Police and other prosecution witnesses should have been anxious to concoct a story against him—and the hack-saw exhibit P. 38, has been produced. We consider that this accused's connection with the conspiracy has been established. His counsel has urged that he returned to India alone ; but accused says he cannot remember the name of the boat by which he arrived ; and, if he came on the "Fau Sang," he came with accused Piara Singh in whose company he got off at Nagasaki. It is urged that accused attended no meetings in America ; but his Counsel himself has admitted that accused spent practically all his time in Canada. It is argued that accused would not have had to ask Udham Singh the way to the Jhar Sahib, since he himself (as alleged by Counsel) "lived quite close to it" ; but Counsel had evidently forgotten accused's own statement that he had "never even seen the Jhar Sahib"—and what reason could Udham Singh have had for inventing this piece of evidence ? Counsel has relied for accused on a contradiction as to dates between Mula Singh and the P. W. 163—a difference of about 12 days—but, as argued by the Crown Counsel, might not a small boy of 13 years forget exactly how many days after his return to his village from abroad Mula Singh came on a visit to his mother ? Lastly, it was urged that accused has been implicated in the case simply to drag in accused Lal Singh : and that the Police at first did not intend to proceed against him : but the explanation seems to be that at first the Ludhiana Police were trying to prove dacoities only ; and at that time thought of using accused as a witness.

We consider the guilt of this accused proved.

(31) Jaggat Ram, son of Dittu Mal, Brahmin, of Hariana, District Hoshiarpur, aged about 40.

This accused, who pleaded "Not guilty" to the charges framed against him (page 531), is one of the most important accused in this trial. An error crept into the charge-sheet, wherein it was originally entered that accused had personally taken part in the Rabhon dacoity—which he did not do.

The accused, who is a very well educated man, speaking Engliah most fluently, made a lengthy statement (page 457); put in a lengthy written statement (page 629); and argued his own case before us for between 3 and 4 hours.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh—Approver Nawab Khan did not attend Jail parades. The same three persons identified him in court; as did also P. Ws. 362, 379, 383 (by name), and 381 (after first mistaking accused Kidar Nath for him). P. W. 380 failed to identify him.

Approver Amar Singh has stated that this accused was on the permanent staff of the "*Ghadr*" Press at San Francisco at the end of 1913; and accused has himself admitted his connection with the *Ghadr* Party in America and that he was on the staff of the Press. He has also admitted sailing by the "Korea," getting off at Manilla, and coming on to India by the "Tosha Maru" from Hong Kong; thus corroborating Amar Singh so far. That approver goes on to say that accused was one of the deputation to the Governor of Penang; that he visited Indians there, and gave witnes his address as care of accused Bhai Parmanand, chemist, Lahore. The witness says that, on arrival at Calcutta on October 29th, 1914, accused managed to get away with the Singapore passengers; and the next place where the witness saw him was Moghal Serai platform, where accused again reminded him of his address. A day or two later, accused comes to Lahore asking for the address of accused Parmanand II; and tells the witness of a forthcoming meeting at Phagwara. He takes charge of the witness's and accused Pirthi Singh's baggage; and later, at Phagwara is told that 7 gold dollars (part of which was accused's own property) have been deposited with Bhai Parmanand. He attends the Ladowal meeting; but not the Moga meeting (though he tells witness the date of it); and sends accused Kartar Singh to the witness with a message regarding the meeting at Phagwara; which meeting he attends, and says that Kartar Singh and Parmanand II have gone to Calcutta for arms *vid* Benares; and that he has made over the 7 gold dollars to Parmanand II for that purpose. He advises meeting Kartar Singh by twos and threes at different stations on his return. This is the story according to approver Amar Singh, who further stated that he heard from Kartar Singh that accused had gone to Peshawar to get arms.

This approver, no doubt, was mistaken as to the date of the Phagwara meeting said to have taken place on November the 22nd or 23rd. This accused was arrested in Peshawar on November 23rd; and consequently, could not possibly have been at Phagwara on that date; but we have elsewhere given our reasons for holding that this meeting was on November 12th, when accused could well have been present at it.

Approver Mula Singh, who says that he first saw accused in San Francisco, mentions him as one of those returning in August 1914 for the revolution.

Approver Nawab Khan has a great deal to say about this accused, whom he says he first met in Sacremento about the end of December 1913. He says that at the Astoria meeting of May 1913 Har Dyal told the audience that accused and Kartar Singh had organized a successful meeting at Woodland, California, and were organizing a big one for Sacremento. This witness's story continues as follows—about December 1913 accused came to a hotel which the witness was carrying on in Sacremento, and asked to be allowed to paste up in the hotel an advertisement of a *Ghadr* meeting at Stockton. This meeting took place about February 1914; and was arranged by accused, who gave verbal

explanations of certain Bioscope views intended to display "the sorrows of India," with pictures of Tilak, Arabindo Ghosh, Bepin Chandra Pal, Lajpat Rai and others. The meeting was attended by Har Dyal, in whose compay accused left it (*vide* pages 124, 125). Later we find accused visiting Oxnard, where the witness was working, to raise subscriptions for Har Dyal's bail. When a harangue took place on the beach just prior to the sailing of the ss. "Korea," accused was designated as one of those whose instructions were to be followed. At Yokohama, accused leaves the ship in order to visit a friend in Tokio; and, on his return, after consultation with accused Jowala Singh and Kesar Singh, causes the absconding accused Ram Rakha and one Amar Singh of Kotla to disembark, with a slip of paper bearing an address. At Nagasaki, he causes accused Nidhan Singh, Piara Singh and Indar Singh of Sur Singh to disembark with secret instructions. On arrival at Manilla, he takes over pistols and seditious literature to avoid an expected search at Hong Kong; and while there makes a speech at a seditious meeting, distributes *Ghadr* literature, and makes a list of those ready to come to India for a revolution. On October 4th accused reaches Hong Kong with some seven adherents; and is made a member of the Central Committee to discuss plans—the main decision being to assemble at Laddowal about November 17th it being also decided that this accused and accused Pirthi Singh and approver Amar Singh should run a seditious Press in India. Accused continues his journey by the "Tosha Maru", and at Singapore attempts to tamper with troops. At Penang he goes with Parmanand II to send a telegram to the "Amrita Bazar Patrika," in order to ascertain whether a revolution has yet started. Knowing English well, he acts as spokesman of the Deputation to the Governor of Penang (accused himself calls him the Resident Consul). He is mentioned to witness as having practised bomb-making at accused Jowala Singh's farm near Stockton. He is mentioned in connection with the aluminium pan for cooking "potatoes"; and on arrival at Calcutta (as recorded in the notes of 2 Commissioners and the Magisterial statement) tries to smuggle revolvers, and manages to get away by pretending to be ill, and making out that he has come from Penang, giving a false name and address. (On this point, and regarding the episode on Moghal Serai platform, this approver corroborates approver Amar Singh; and also with regard to accused's presence at the Laddowal meeting). After the Laddowal meeting he tells the witness that he has been to Peshawar where there is a branch of the revolutionary party; and that the witness ought to go there and be introduced to the members. This approver (Nawab Khan) has also stated that he learnt from accused Kartar Singh that accused's work in the *Ghadr* Press at Frisco included the superintending of the mail work. This is Nawab Khan's story about this accused and we cannot see how he, or any one else, could have invented it and neither he nor the other approver was cross-examined.

Approver Umrao Singh simply mentions accused as at the "*Ghadr*" Press on August 28th, 1914.

P. W. 54 (Sub-Inspector at accused's village Hariana) tells us that accused on arrival from America spent only two hours in his village (on November 2nd), and never returned—and see also accused's own absurd explanation of this. P. W. 89 (Sardar Sukha Singh, Deputy Superintendent, of Police of C. I. D.) describes how the 2 notes (exhibits P. 149, A and B.) of Rs. 100 each which were found on accused when arrested, were traced to accused Bhai Parmanand; and in respect of this matter we have also the evidence of P. Ws. 84 to 88 inclusive. P. Ws. 362, 379, 380, 381, and 383 give evidence as to the sedition which went on on board the "Tosha Maru." P. Ws. 211 and 212 speak as to accused's arrest at Peshawar by Inspector Ahmad Khan at 11 P.M. on November 23rd just as the Calcutta Mail was starting. The first of these two witnesses is Mr. Chapman, Station Master at Peshawar Cantonment Station, who states that accused had a Lahore ticket and gave his name as "Ram Rakha". It is a noticeable point throughout this case that many of the accused made a habit, when it seemed to them advisable, of assuming the names of a co-conspirator—presumably, to lead to confusion. This witness was present when accused was searched, and 4 currency notes of Rs. 100 each were found on him; two of which were exhibits P. 149 A and B.

P. W. 212 is Inspector Ahmad Khan, who corroborates *re* the arrest (the search-list is exhibit P 246), and says that accused stated that he had come from Jullundur to see about starting a *halwai's* shop—not giving his real name till the following day. Accused was proceeded against under section 109, Criminal Procedure Code ; and was afterwards, along with four Peshawar suspects, placed on security under section 40 of the Frontier Crimes Regulations. The record of the proceedings is exhibit P. 247, and it appears that accused was first shown as "Ram Rakha", son of Kharaiti Ram, *Jhiwar*, of Kukar Pind, Jullundur Cantonment. Accused was said to have been trying to get arms at Shankargarh In connection with the smuggling of pistols, we have the evidence of P. W. 354 (Mr. Slattery) concerning the suit-case exhibit P. 292, containing 6 pistols and ammunition found on board the "Tosha Maru".

Accused produced nō defence witnesses ; and it is apparent from his own statements (pages 457 and 629) how largely details in the statements of the approvers and other prosecution witnesses are corroborated by the accused himself. As we have said accused has fully admitted his connection with the American *Ghadr* Party, which he has called the "Hindustan Revolutionary Party of San Francisco;" and he has given us the names of seven office-bearers (page 459) and three workers. Har Dayal was President ; and approver Amar Singh was one of the workers on the Press. Accused denies that any meeting of that party ever took place at Stockton *Gurdwara*. He admitted having interpreted the Bioscope pictures at the Sacremento meeting ; and at first admitted, and then denied that he was the person who hired the hall. He denied his presence at the Oxnard meeting, or at the "*Ghadr*" Press on August 28th ; or having caused other accused (as alleged) to disembark *en route* to India. He denied having collected arms and seditious literature on the ship at Manilla ; but admitted landing there with literature brought by himself from the *Yugantar Ashram*, which he distributed, and making a speech which, he says, was not seditious. He makes the naïve statement that he did not consider his literature seditious in Manilla : and admits that two of the Ferozshah murderers came on with him to Hong Kong. He denies that any Central Committee was formed at Hong Kong ; but admits giving lectures on the "Tosha Maru" He admits landing at Singapore, and acting as spokesman of the Penang deputation, and giving approver Amar Singh his address as care of Bhai Parmanand—this, he says, he did in the passenger-shed at Calcutta, in the hurry of the moment. He denies the matter of the aluminium pan for "potatoes", and the allegation of smuggling pistols. At page 635 (paragraph 2) he has given the most absurd explanation as to why he only spent 2 hours in his village on his return from America. He admits passing Phagwara (he says, on November 14th) on his way to Nawanshahr to get his dollars from approver Amar Singh—and Amar Singh speaks of accused's visit on about that date. He denies having told this approver that Kartar Singh and Parmanand II had gone with dollars from Bhai Parmanand in the direction of Benares ; but admitted receiving 4 currency notes of Rs. 100 each in exchange for 140 American dollars (which would be the equivalent of 7 gold dollars) from Bhai Parmanand. He denies having given his name on arrest as "Ram Rakha" but it is inconceivable why any one (especially Mr. Chapman) should have wished to invent such a statement. He asserts that his object in visiting Peshawar was to convey a message regarding the illness in America of Ram Chand, Peshawaria—a known seditionist according to the testimony of some approvers. Towards the conclusion of his first statement accused added a few remarks about the "Hindustan Association" attempted to explain why so many Indian passengers sailed by the "Korea", on account of the War having stopped the sailings of other ships ; and stated that his sole object in returning to India was the starting of a newspaper to air grievances, the articles in which were to be "adapted to the tone of journalism in India." We do not think it necessary to notice in detail this accused's lengthy supplementary written statement (pages 629 to 636 inclusive of our record). It is a lengthy rigmarole, containing much irrelevant matter and some damaging assertions. We are told the subject matter of the proposed newspaper ; the six vows of the *Ghadr* Party ; that Har Dyal was succeeded by Ram Chandar as president the name of the Ashram paper being then changed from "*Ghadr*" to "*Hindustan Ghadr*"—for which change accused could offer us no explanation

when arguing his own case) ; that there was a squabble between the *Ghadr* Party and the "Khalsa Diwan Society"—and so on. We are told that stoppage of work, owing to the War, was responsible for the return of so many persons to India at the end of August—and the reason why so many had to sail by the "Korea". In this statement the visit to Tokio is admitted ; and accused has asserted his suspicions that Nawab Khan, approver, was a spy—the last few paragraphs of the written statement being a sort of general indictment of him. Another attempt is made to explain how accused came to give Bhai Parmanand's premises as his address to Amar Singh ; and we have a fuller explanation of the changing of the gold dollars—accused now trying to make out that the matter was put through by "a Sikh" *at the request* of Bhai Parmanand. Accused admits going to Shankargarh *vid* Peshawar—to deliver the message from Ram Chandar.

Accused's lengtly arguments on his own behalf did nothing to impress us in his favour ; though, of course, we take into consideration that he was unable to produce any witnesses from America. He is admittedly an associate of revolutionaries ; and himself one of the most important of these conspirators. We see no reason to suppose that the 2 trunks sent to "Kanshi Ram" were sent by Government spies ; or by persons who afterwards became spies—and the shippers, no doubt, knew nothing of the arrest of Kanshi Ram in November 1914. This point, amongst others, was taken by accused in the course of a general argument as to the unreliability of the approvers. Accused is no doubt a man of considerable education ; and Mula Singh (according to him) was only a "second class" man, not likely to be a leader. In the course of his argument, accused admits that he and Nawab Khan were allowed to pass without much difficulty at Calcutta, because only Sikhs were being detained. We have already noticed Amar Singh's mistake as to the date of a Phagwara meeting. Accused has asserted that his Peshawar witnesses were arrested ; but the first we heard of this was at the time of arguments ; and, after hearing the charges read to him, accused stated that he only wished to produce American witnesses for his defence. The error in the original charge sheet we have noticed—accused, of course, took no part in any dacoity. Perhaps the most extraordinary statement made by this accused was made by him at the conclusion of his lengthy argument, when he told us that the acts committed by him in America were not against the laws of America ; and that had he known that acts committed by him as a British subject outside India would be against him, he would never have returned to India !

Of the guilt of this accused there can be no doubt whatever.

(32) Jaggat Singh, *alias* Jai Singh, son of Aror Singh, *Jat*, of Sur Singh, Police Station Khalra, District of Lahore, aged 32.

This accused, who pleaded "Not guilty" to the charges framed against him (page 533), admittedly took part in the dacoities at Mansuran, Sahnewal and Chabba—in the two last of which murder took place. He has stated that he left America by some Japanese ship, of which he cannot recollect the name, intending to take his brothers from Japan to Canada or America (*vide* accused's statement and supplementary written statement at pages 425 and 628); but, as he could not get back to America, he left his brother at Shanghai, and came on himself to India (but with no idea of rebellion), reaching Calcutta in November 1914.

He was identified on Jail parade of the 18th April by approvers Amar Singh and Mula Singh and the Spy (P. W. 72); and on Jail parades by P. Ws. 112 (Nikka, *dalal*), 125 (*Mahant* of the Virpali *dharmsala*, Amritsar), 139 and 147. P. Ws. 230 and 231 failed on Jail parades. In court, he was identified by Amar Singh, Mula Singh, the Spy, P. Ws. 61, 62, 63, 99, 125, 139, 147 (as a Chabba dacoit), 172 (by name), 227, 230 and 231. Sucha Singh, approver, failed to identify him in Court.

Amar Singh mentions him as present at the Moga meeting of November 19th; the Badowal—Mullanpur meeting (whence he returned to Lahore with accused Kartar Singh); a conspirators' meeting at Sant Sulab Singh's *dharmsala*, offering to mortgage land and raise funds for the cause. He was sent to Ferozepore to stop Nidhan Singh's party when the plan for attacking the Lahore Cantonment troops fell through; was at a conspirators' meeting at the Baba Atal house on February 13th; was one of those who came to consult Rash Behari in Lahore on the 14th or 15th; and on the 16th left with accused Kharak Singh for Jallo direction to collect men and funds. It was mainly due to his efforts that men from outside began to arrive at house No. 1 on February 19th and afterwards.

None of the approvers was cross-examined; and Mula Singh particularly has a long story against him. He meets accused in Yokohama, and is reminded that they were acquainted at Shanghai. In December this witness meets him at Tarn Taran *Amawas* fair, ready for revolutionary work. Witness is taken by him to meet Lal Singh, and is told by him of a large gathering at Sarhali, which dispersed for want of weapons expected from Bengal. He agrees to bring accused Kartar Singh and Nidhan Singh to meet witness at Amritsar; a few days later tells him at the Darbar Sahib that they have gone to Kapurthala; and then informs him of their arrival at Amritsar. He fetches accused Pingle, Parmanand II and approver Amar Singh to the Virpali *dharmsala* (the *Mahant* identified him in Court); and at Sur Singh, along with accused Indar Singh and Hari Singh, tells witness that he has sent Rs. 100 to Ludhiana—receipt of which amount is admitted by Nidhan Singh to the witness about January 10th. This approver implicates accused in 2 abortive attempts at dacoities at Chabba; and as leaving with Kartar Singh for an attempt at dacoity in Ludhiana direction (which accused has admitted). He implicates him in the Mansuran and Chabba dacoities; and says that accused helped accused Hirde Ram to prepare the bombs for the latter dacoity. He returned from this dacoity with part of the gold and silver loot; and about the 7th February is given Rs. 20 by the witness to go to Sargodha to try and seduce the Indian cavalrymen there (*vide* page 104—where "Jagat Ram, who was arrested at Peshawar on November 23rd, has been mistakenly written for "Jagat Singh").

Approver Udham Singh corroborates that accused took charge of part of the Chabba loot; and supports Mula Singh's statement that accused visited Mula Singh's house in Amritsar.

Approver Sucha Singh (who failed to identify him in Court) has implicated him in the Sahnewal and Mansuran dacoities—and accused has himself admitted that he saw Sucha Singh when he started for the Sahnewal dacoity.

Approver Umrao Singh, who met him at Yokohama, but was mistaken in thinking him a "Komagata Maru" passenger, mentions accused in company with Nidhan Singh at Ludhiana ; implicates him as a Sahnewal and Mansuran dacoit (armed with a pistol—Sucha Singh said, with a *takwa*) ; and corroborates Sucha Singh on the point that accused visited Sucha Singh.

P. W. 164 (Hukm Singh) in Court stated that accused was *probably* the man with a mark or growth above his eye who accompanied accused Indar Singh of Sur Singh (*vide* Indar Singh's separate case) to meet Mula Singh at "Mussammat Mahi's" house in Chibal ; and the witness, Mr. Scott, has told us that Hukm Singh on Jail parade at first mistook Sher Singh for this accused, and that the dead approver, Dalip Singh, made the same mistake. P. W. 112 (Nikka, *dalal*) has identified accused as one of the men at Nanak Singh's *chaubara* on January 11th. P. W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that a clue to this accused was obtained through *Zaildar* Gurbaksh Singh, who arrested accused Bakshish Singh, Chabba dacoit (which the *Zaildar* himself, P. W. 124, corroborates), and says that Mula Singh had mentioned meeting accused in Yokohama, and that accused had been meeting Amar Singh in Lahore. P. W. 99 corroborates that Accused and Mula Singh had a private talk at the Golden Temple ; and regarding a visit to the Virpali *dharmsala* (this witness belongs to Mula Singh's village). P. W. 125 (the Virpali *Mahant*) met accused at the Tarn Taran fair enquiring for "Punjab Singh" (*i e.*, Mula Singh).

P. W. 139 is the son of the murdered Beli Ram of Chabba, who has identified accused as "like a man who beat him." P. W. 172 also met accused with Mula Singh at Tarn Taran. He had known accused in Shanghai ; and, at a subsequent fair, was invited to join in a dacoity—accused saying that he had pistols. This witness denied that accused or one Ujagar Singh had ever given evidence against him in a case for the murder of one Wir Singh. Three students, P. Ws. 227, 230 and 231 were produced in respect of accused's visiting Sucha Singh, approver.

P. W. 17 (Inspector Ahmad Khan), P. W. 61 (a *Risaldar* of the 22nd Cavalry at *Chak* No. 5, Sargodha) and the P. Ws. 62, 63, 73 and 90 have given evidence regarding the arrest of the accused, along with accused Kartar Singh and Harnam Singh *Tunda* on March 2nd at Chak No. 5 where they had gone in order to try and seduce men of that Cavalry Regiment. The value of the evidence of these witnesses has been already discussed in the separate case of Harnam Singh *Tunda* ; and we adopt our remarks regarding it. Exhibit P. 6, copy of the *Ghadr di Gunj*, was found on this accused when arrested. It will be remembered that Mula Singh stated that he gave Rs. 20 to this accused to enable him to go to Sargodha, and accused was well fitted for this mission, since he himself had once been in the 22nd Cavalry Regiment.

Accused only produced one witness—or rather, his Counsel asked one question of a witness produced for accused No. 30 Indar Singh. The witness was D. W. 168 (a *Lambardar* of Sur Singh), who stated that he reported this accused's absence from the village.

Accused's 2 statements are at pages 425 and 628 ; and largely confirm the statements of the approvers and other Prosecution witnesses. He denies having attended meetings at Badowal and Moga ; but admits meeting Mula Singh at Tarn Taran ; and going to see him at the Virpali *dharmsala*—he says, *re* the starting of the newspaper, and that he promised to subscribe Rs. 100 for that purpose. He denies having been at Nanak Singh's *chaubara*, but has admitted going for a dacoity in Ludhiana direction, and actually taking part in 3 dacoities. He denies having seen Rash Behari in Amritsar ; and puts the blame for the murder in the Sahnewal dacoity on the Anarkali murderer. He has named some of his campanions in those dacoities. He denies that his visit to *Chak* No. 5 was for the purpose of seducing troops ; but says that he and accused Kartar Singh went there on the way back from Peshawar to visit a man in the Cavalry ; and that the copy of the *Ghadr di Gunj* found on him was given him by Mula Singh at Tarn Taran. We omitted to say before that the spy had mentioned him as being selected along with Kharak Singh, accused, on February 15th, at house No. 1 to collect

men for February 21st ; and that on the 16th accused left for Jallo direction—further that he (the spy) met accused in the *Bazar* just after the raid on the 19th—and told him of it. These allegations accused denies. He suggests that Beli Ram was murdered by "local men" (which seems to be true) ; and says that the object of the dacoities was to raise funds for a newspaper and a deputation ; and says that he suggested the idea of a newspaper to Mula Singh at Tarn Taran. His supplementary statement contains only a rehearsal of some alleged grievances ; and a suggestion that it was the *Ghadr di Gunj* given him by Mula Singh, approver, which inflamed his mind.

His connection with the conspiracy has been amply established ; and he is a self-confessed dacoit.

(33) Jamna Das, *alias* Charan Das, son of Hari Ram, of Baragaon, District Barabanki (United Provinces), *Brahman*.

This accused, who pleaded "Not guilty" to the charges framed against him (page 535), but did not wish to produce any defence witnesses, has given his age as 17 years, but in our opinion, must be nearer 24 years of age.

This man, who was also known by the names of "Charan Das" and "Ram Singh" was admittedly in the service of the absconding Rash Behari Bose as his cook.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh; and on April 24th by Approver Sucha Singh. Also at the *Thana* by P. W. 57. In Court, he was identified by the same three approvers, and P. Ws. 28, 29, 41, 42, 69, 208, 209 and 227 (who failed to identify him on Jail parade).

Approver Amar Singh is first introduced to accused at Rash Behari's ("Satindar's) house in Amritsar about the beginning of February and takes accused and "Chemist" to the Gawal Mandi house, Lahore, where the shop-keeper who helped witness to secure the house is told that accused will in future be responsible for the rent. Accused goes with this approver to buy cooking utensils for "Satindar," and to Ram Rakha, Chemist, to enquire about chemicals He was present at the Gawal Mandi house (page 74) when news of the Chabba dacoity is read in the "Bulletin" newspaper of February 4th; and was still there on February 15th engaged in using a duplicator, while accused Kartar Singh was making a copy of the "*Ghadr di Gunj*." On the 19th February he was at "Satindar's" private house with Rao and Pingle. This approver, who was not cross-examined as to the above story, has told us that Rash Behari altered accused's name from "Charan Das" to "Jamna Das" when he changed his residence in Gawal Mandi.

Approver Mula Singh knew accused as "the fat Bengali's cook, Ram Singh," who was brought by Hirde Ram and Rao; and states that accused was present on the 12th February, when the 21st was fixed as the date for the general rising.

Approver Sucha Singh, who was unable to name accused, saw him at the Gawal Mandi house on February 11th when he (Sucha Singh) returned from his tour; and again on February 14th, when accused advised a change of address, owing to Mula Singh's arrest on the 13th. On the 17th this witness finds accused at house No. 5, and accused is sent out of the room, while the witness receives instructions for Ambala in connection with the proposed writing.

P. W. 17 Inspector Ahmad Khan testifies to the arrest of accused outside the Gawal Mandi house on the evening of February 22nd, when accused gave his name as "Charan Das". However, on his person was found the letter exhibit P. 111, signed "Jamna Das" which name accused then admitted was his real name. According to this witness, accused admitted having rented that house along with Amar Singh, approver; and was identified by P. W. Ishar Das. Exhibit P. 10 B. is a blank deed of lease of house No. 2. Accused told this witness of Rash Behari's shifting from house No. 2 to house No. 5; and utensils were found in the latter house, which Amar Singh identified, along with the portion of the Liner exhibit P. 26 C.), the other portion of which was found in house No. 2. P. Ws. 28 (a constable) and 29 corroborate *re* the arrest of accused; and P. Ws. 41 and 42 are on the same point, and regarding the finding of the letter on accused, who was apparently attempting to get the door of the house open with a brick.

P. W. 69 is a search-witness of house No. 5, which was pointed out by accused. He signed the search list, exhibit P. 143, and identifies the utensils, exhibits P. 18 A to E., and exhibit P. 26 C. (portion of a Liner). P. W. 227, who failed to identify accused on Jail parade, stated that he had often seen accused with approver Sucha Singh. We may note that the change in this accused's appearance, according as he has his head shaved or not, is remarkable.

P. Ws. 208 and 209 (of Benares) have identified accused as the cook of a "stout Bengali" who once stayed there. The first of these witnesses was unable to identify Rash Behari's photograph exhibit P. 31; but stated that the stout Bengali who called himself "Nagendra Nath Sen", was his tenant in Benares.

P. W. 57 is the person who gave house No. 2 (which belongs to Rai Bahadur Ganga Ram) on lease. He has identified exhibit P. 10 A., dated the 16th January 1915, in favour of "Charan Das"; and approver Amar Singh as the person calling himself "Karam Chand" who asked that the receipt should be given in that name. He identified accused at the *Thana* as "Charan Das"; but is probably mistaken in saying that accused *twice* came with Amar Singh and paid the rent in advance. According to the evidence (and accused's own statement), this accused did not arrive in these parts till the beginning of February 1915; but the probable explanation is that, since it was Amar Singh who transacted the business on January 16th, the witness did not take much notice of his companion at that time, but remembered him as paying the second month's rent in advance. The statement that Ishar Das, P. W. 57 was told about the beginning of February that accused would be responsible for *future* rent lends support to this view. The receipt, P. 10 A., is in favour of "Charan Das". We find (page 70) that it was Amar Singh and accused Ram Sarn Das who came to Lahore on January 15th in search of houses, and that Ram Sarn Das gave his name as "Jamna Das" in respect of house No. 1. We have already noted (in the separate case of accused Jagat Ram) how the conspirators were in the habit of using each other's names; and it is also possible (*v de* bottom of page 70) that Amar Singh himself found the assuming of different names somewhat difficult to bear in mind.

Accused, who produced no Defence witnesses, identified the photograph of Rash Behari, exhibit P. 31 (*vide* page 375) as that of his late employer; whom he knew as "Satish Chandar," and who engaged him as cook in Benares in November 1914. He states that he reached Amritsar on February 1st, where his master already was, in company with a Bengali whose name he does not know. There he stayed in a house where he saw amongst others accused Kartar Singh and approver Amar Singh, and corroborates this approvers assertion that he and "a tall Bengali" came in to Lahore to the Gawal Mindi house. He admits going with Amar Singh to buy utensils; but denies that the receipt, exhibit P. 10 A., is in his writing. He says that Rash Behari arrived at that house on February 3rd, and stayed there some 15 days, and was visited by accused Kartar Singh, Pingle and many others; including a "Sikh with spectacles," whose photograph (exhibit P. 32—photograph of the absconding accused Dr. Mathra Singh) accused has identified. He denies having seen any bombs, etc., there; or having attended any meetings (being busy in his own work), or knowing what was going on. He admits living in house No. 5, where he saw approvers Amar Singh and Sucha Singh and accused Kartar Singh; and asserts that he was on his way to that house, and not house No. 2, when arrested. He denies having mentioned Mula Singh's arrest, or worked the duplicator, and says that he gave his name to the Police as "Jamna Das", but told them that the house was rented in the name of "Charan Das". He admits having pointed out house No. 5 to the Police; and denies having been the servant of the *Mahant* who was murdered at Arrah — of which we have no proof.

Accused's Counsel has referred us to page 279 (6 lines from the bottom) regarding a statement by Sucha Singh that accused remarked that the mutiny was being delayed. Counsel is obviously wrong in thinking that it was Sucha Singh who made this remark— the context shows this. He has urged that his client is not a returned emigrant, and was on one occasion turned out of the room. However, we find that on other occasions more important persons were not allowed to be present when Rash Behari was issuing instructions; and it is in favour of Sucha Singh, approver, that he made this statement to accused's benefit. We find that Rash Behari did change his place of residence in Lahore; and why should Sucha Singh have invented the statement that it was this accused who advised the change? We see no reason to doubt that accused was passing under different names; and, in our opinion, Rash Behari would hardly have employed as his cook a person who was not likely to sympathise with his ideas — nor could any one have long remained in the service of this arch conspirator without having become at least aware of the sort of work his master was engaged in. We consider that, on the evidence, we are a least justified in holding that this accused knew of the existence of a design to wage war; and concealed his knowledge with a view to facilitate that design, or at least knowing it to be likely that such concealment would facilitate the waging of war against the King Emperor.

From H5

(34) Jawand Singh, son of Uttam Singh, *Jat*, of Sur Singh, Police Station Khalra, District Lahore, aged 32.

Accused, who pleaded "Not guilty" to the charges framed against him (page 537), admittedly arrived in India by the ss. "Nam Sang" on January 23rd, 1915; and after arrival, was restricted to his village. He was one of the Sur Singh men arrested in house No. 1 on February 19th.

He was identified on Jail parade of April 18th and in court by the Police spy. P. W. 139, the son of Beli Ram, who was murdered in the Chabba dacoity, on different occasions identified him as being "like one of the Chabba dacoits"—but there is good reason to believe that this accused did not take part in any dacoity; and it appears that he was confused with the Anarkali murderer, whom he must have resembled.

P. W. 72, the Police spy, has mentioned seeing this accused at house No. 1 on February 15th; again on the 16th; and says that accused was one of those who came to that house just prior to the raid on the 19th. In cross-examination this witness said that he never saw accused before the 15th; and that he did not mention his name to the Police, as he did not know it, but told them he could identify accused. P. W. 76 is a distant cousin of accused, and is a *Lambardar* of Sur Singh. He states that accused was away in Canada for some 5 years; and, on his return, was ordered not to leave the village without the permission of the Deputy Commissioner; that he conveyed an order of the Circle Inspector to this accused and accused Kala Singh (another man of Sur Singh, who was captured at the same time as this accused) to present themselves on a certain date—but they absented themselves from the village. In cross-examination the witness says that they told him they were going to put in applications to have the restriction removed; but were told not to leave the village for that purpose.

We have exhibit P. 305 bearing date of the 16th February, an application of this accused to the Deputy Commissioner of Lahore; but there is nothing whatever on it to show where it was written, and it may quite well have been written in Lahore, and the spy may be correct in stating that he saw accused in Lahore on the 15th.

Accused's statements (he produced no Defence witnesses) will be found at pages 382 and 389. He states that he was not allowed to enter United States Territory from Canada; so came to Hong Kong, and, not being allowed to stop there, came on to India. He denies having received any special order to present himself in his village on a particular date; and says that he only once went to house No. 1. According to him, the Police recorded his presence at his village on the 15th February; and, as the Superintendent was very strict, he wished to petition the Deputy Commissioner. He sent a written application; but not receiving an answer, left his village along with accused Kala Singh to personally petition that officer. In Lahore they happened to meet the Police spy, who said it was too late that day for a petition, and invited them into a house where they were captured next day. In his statement at page 389, accused says that he and Kala Singh used to know the spy in Hong Kong—and that he reached Lahore on *February 19th* at 4 P.M. (*i.e*, just before the raid). He has alleged no enmity against the spy; and though in this second statement he has alleged that his application was written by one Bishan Singh of his village, he has not attempted to produce him.

Accused's story is obviously absurd. The petition purports to have been written on February 16th; and on it is an order of the Deputy Commissioner of the 18th referring it to the Superintendent of Police for opinion; so what reason had the accused for expecting an answer with such rapidity?

His counsel could only urge that accused had not returned by the "Korea", and that Amar Singh, approver, said nothing against him. This latter point is in favour of the prosecution—and Amar Singh (who was arrested at the same time as accused) would probably have only known him as an ordinary villager. As has been urged by Counsel for the Crown, accused must have had some very urgent reason for defying the Police, and leaving his village without permission—and we know that men were being collected for the intended rising. Other men of Sur Singh were also captured in house No. 1 on the 19th. We have no clue to any petition prior to exhibit P. 305.

In short, we see no reason to doubt that accused had a knowledge of this conspiracy; and was well aware for what purpose he was at house No. 1 on February 19th.

(36) Jowala Singh, *alias* Santa Singh, son of Kanhaya Singh, of Thattian, Police Station Beas, District Amritsar, aged about 45 years.

This accused, who pleaded "Not guilty" to the charges framed against him (page 539), was arrested at Calcutta on the arrival of the "Tosha Maru" on October 29th, 1914; and is one of a batch of persons (including accused Nos. 43, 51, 73, 74, 77 and 28) who were interned on arrival in India. We, of course, bear in mind that acccused was unable to produce any witnesses for his defence from Hong Kong and America; he produced no others.

Accused was identified on Jail parade of April 24th by Amar Singh, approver; and in Court by Amar Singh, Nawab Khan, approver (who was not present at Jail parades) and P. Ws. 362 and 383. Approver Udham Singh pointed him out in Court; but called him "Jagat Singh." Accused admittedly returned to India by the ss. "Korea" and "Tosha Maru."

Approver Amar Singh mentions him as giving scholarships to Indian students in America; and states that he was one of three persons deputed to search their fellow-passengers and throw overboard undesirable articles, in anticipation of the search at Hong Kong (pages 63 and 64). He was, admittedly, one of the persons who visited the *Subedar* at Hong Kong.

Approver Nawab Khan also describes him as the giver of the "Jowala Singh" scholarships; and it was the method of awarding these which led to the rupture between this approver and Har Dayal about May or June 1913. This approver (page 125) mentions how the "Korea" passengers were harangued on the beach just before that ship sailed; and that accused was one of those persons whose instructions were to be obeyed. We learn that accused was consulted by accused Jagat Ram before Ram Rakha, absconder, and his companion were caused to disembark; and that accused at Yokohama visited Japanese traders, and brought accused Parmanand II on board. At Kobe he visited others of the "Party" on their ship; and at Nagasaki caused accused Nidhan Singh, Piara Singh and Indar Singh of Sur Singh to disembark with secret instructions. At Manilla he directs that pistols and seditious literature should be handed over to accused Jagat Ram in anticipation of the official search at Hong Kong; and, on leaving Manilla (page 127), in consequence of a telegram from Nidhan Singh from Shanghai, helps to search his fellow-passengers baggage and throw overboard seditious literature. He attends a seditious meeting at the Hong Kong *Gurdwara*, and becomes a member of the Central Committee to discuss plans—the main decisions being to meet at Laddowal on November 17th, and to start a seditious Press in India. On the "Tosha Maru" plans were discussed for making the Government of India impossible; and at Singapore accused attempts to tamper with troops. At Penang (pages 131, 132) he is one of the party detailed to make enquiries about rifles in Police Stations; and forms one of the deputation to the Governor. The only matters elicited in cross-examination of this approver were that he did not see accused at any American meetings, and first met him on board the "Korea."

Approver Umrao Singh has stated that accused was at the Fresno meeting of August, the 9th or 16th, 1914; that he met him near Stockton on August 27th, ready to go to India for a revolution; and that he saw him at the "*Yugantar Ashram*" on August 28th, 1914. P. Ws. 362 and 383 have given evidence of the seditious meetings on the "Tosha Maru", and have named this accused as a Leader, and as a speaker at the meetings. The first of these two witnesses has corroborated approver Nawab Khan's assertion that at Singapore this accused attempted to tamper with troops.

Accused's statement will be found at page 470. He denied being a member of the American *Ghadr* Party; and stated that his scholarships for Indian students were founded with no sinister design. He denied his presence at the Fresno meeting or "*Yugantar Ashram*"; and gave as the reason for his return to India that he had been away for 13 years; that work had become slack owing to the war; and that his relations had been writing to him. He denied

the allegations against him in respect of his actions at Kobe, Nagasaki and Manilla, and Hong Kong--admitting only that at the last of these ports he went to the *Subedar* to seek his assistance in getting passports and tickets. He admitted landing at Singapore—but only to see one Karam Singh of his village, whom he found absent. He admitted landing at Penang—but only to pay homage to the *Granth Sahib* at the *Gurdwara* there. He asserted that Umrao Singh, approver, was lying in order to save himself; and that approver Nawab Khan had enmity against him because in that year he gave no scholarship to any Muhammadan. He did not consider Nawab Khan's special *protégé* fit for a scholarship. As regards the matter of these scholarships, we must say that we have no evidence that they were *originally* founded with the intention of getting hold of young Indian students, and instilling into them revolutionary ideas; but we are bound to take notice of the evidence that, at the time with which we are concerned, the actual nominations for them appear to have been in the hands of that Arch-Conspirator, Har Dyal. No doubt, some of the holders of these scholarships may (as alleged) have been doing well in different walks of life; but we must bear in mind the statement of the witness, Ichhar Singh (page 254) that part of the general scheme was to find educated boys to send to America, so that they may learn how to make bombs and guns, etc, and on their return sacrifice their lives and expel the British. Further evidence in support is afforded on this point by the confession of accused Sohan Singh (*vide* Exhibit P. 204 B); according to which both Germany and America were to be training places for "Young boys."

We see no reason to doubt the evidence against this accused; and we cannot agree with his Counsel's argument that "interned men did no harm" by reason of their internment. Some of them, including this accused, appear to us to have been the "Brains of the Party." His Counsel has pointed out that approver Nawab Khan has not mentioned this accused as present at the Fresno meeting; and that he did not speak; but it stands to reason that one person at a meeting may notice certain persons, and another certain other persons; and we find from the "*Ghadr*" newspaper that at the different meetings the views and ideas promulgated received most enthusiastic support from the members of the audience as a whole. Again, the Defence Counsel (generally, in respect of the interned accused) has endeavoured to make capital out of the omissions of some of the approvers, and differences in their statements regarding leaders; but it seems clear enough that there were leaders of gangs for active work, and leaders whose duties were to settle plans, and give advice, and organize. As regards the point taken that approver Mula Singh has not mentioned this accused as one of the "*Ghadr*" party on the "Korea," it need only be said that Mula Singh did not himself travel by that boat, and may not have been able to remember every one who travelled by it. Nothing would have been simpler than to have got him to concoct some sort of story against the accused; but he has not done so. It has been urged that approver Amar Singh does not mention the formation of a Central Committee at Hong Kong; but we find that he was himself only added later on for purposes of Press work—work on which he had been engaged in America. He has certainly omitted to mention the sending out of parties at Penang; but, though we have held that this approver seemed inclined to modify his statement in some respects, it is noticeable that no application was ever made to us to have him re-called for further cross-examination on various points to which exception was taken in arguments. Counsel has urged that approver Nawab Khan is a bigoted Muhammadan; but, while we quite appreciate the fact that he was angered over the matter of the awarding of the scholarships, his anger appears to have been mainly directed against Har Dyal himself; and we are certainly not prepared to hold that his statement, on several points in which he is corroborated, is a deliberate concoction; and no enmity has been shown (nor suggested) on the part of the other two "Tosha Maru" witnesses.

(37) Kala Singh, son of Ghasita Singh, *Jat*, of Sur Singh, Police Station Khalra, District Lahore.

The case of this accused who pleaded "Not guilty" to the charges framed against him (page 541), but who produced no witnesses for his defence, is extremely simple. He was, admittedly, one of the men of Sur Singh village who were arrested in house No. 1, at the time of the raid on February 19th, 1915. He reached India on January 23rd, 1915, by the ss. "Nam Sang," the same boat by which accused No. 34 Jawand Singh of Sur Singh travelled; and his case is practically on all fours with that of Jawand Singh. We adopt in the case of this accused such of our remarks in Jawand Singh's case as are appropriate. He was identified on Jail parade of April 18th by approver Amar Singh and the Police spy; and by them and the *Lambardar* P. W. 76 in court. P. W. 72, the spy, has stated that accused was one of those who came to house No. 1, shortly before the raid—he did not at that time know accused's name. P. Ws. 16, 17 and P. W. 22 (the canal *zilladar*) have given evidence of accused's attempting to run into the room in house No. 1, where the bombs were kept, when the raid took place. P. W. 76, the *lambardar*, has given the same evidence as in the case of Jawand Singh, regarding accused's restriction to his village, and his absenting himself therefrom.

Accused has given as his reason for returning from Canada the stoppage of work there (page 397); and has admitted leaving his village without permission, as he says, to present a petition to the Deputy Commissioner. No such petition is forthcoming. He denies that he received special orders to present himself in his village on any particular date, or that he attempted to get into the bomb-room. He tells the same absurd story as does accused Jawand Singh about the spy's inviting him into house No. 1 to spend the night.

His Counsel has referred us to his remarks in the separate case of Jawand Singh; and we do not wish to press unduly on the evidence that he ran towards the bomb-room. The spy has said that accused only arrived shortly before the raid; and the accused may only have been attempting to find a means of escape. But we have received no reasonable explanation why several men of Sur Singh should have decided to come in to Lahore (more or less separately) about February 19th; nor how they all came to be in house No. 1. As regards the alleged invitation by the spy, he was out after bigger game; and it is absurd to suppose that he was luring into that house mere innocent passers-by in order to get them arrested.

(38) Kala Singh, son of Gulab Singh; of Amritsar, *Tarkhan*.

The case of this accused, who pleaded "Not guilty" to the charges framed against him (page 543), is very simple. He is one of the gang of Chabba dacoits, and was actually captured on the spot by the villagers. He has given his age as 55 years ; but the allegation against him is that he was only taken to that dacoity in order to open safes and boxes, and his age is probably the reason for his being more readily captured.

Approver Mula Singh merely mentions (page 97) a *lohar* of Amritsar, who was to be taken by the dacoits to open safes. Approver Udham Singh states that he met accused at the house of accused Bakhshish Singh, and that, in the course of the Chabba dacoity (in which Beli Ram was murdered) this accused broke open Beli Ram's safe.

P. W. 16 (Liaqat Hayat Khan, Deputy Superintendent of Police) tells us that he reached the scene of the Chabba dacoity at 1 P.M. on February 3rd ; and found accused under arrest. The witness was shown certain burglarious implements and (he thinks) some cartridges as having been found on accused, who implicated the two accused named Surain Singh and accused Sawan Singh.

P. W. 122. (Kesri Chand, Sub-Inspector, Amritsar) recorded the 1st Report (exhibit P. 166) of this dacoity, and found accused (whom he was unable to identify in court) in custody on the spot. He states that the *lambardar*, Buta Singh, made over to him the burglary implements (exhibit P. 167) A, B, C.—the *fard baramdagi* is exhibit P. 167 D. as found on accused, along with 2 cartridges (exhibit P. 167 G.), also said to have been recovered from accused's person. (Exhibit P. 167 E.), pieces of a bomb, were made over at the same time. In cross-examination the witness admitted that a used railway ticket (exhibit D. 4) was also found on accused—the ticket being from Amritsar to Jhandiala. P. W. 123, Buta Singh, *Lambardar* of Chabba, has corroborated the last witness ; has said that accused was caught near Beli Ram's house ; and has admitted that accused himself bore *lathi* marks. P. W. 124, *Zaildar* Gurbaksh Singh, has stated that accused Bakshish Singh, when confessing his own guilt, implicated this accused on February 9th. We have elsewhere discussed the admissibility of this piece of evidence. P. Ws. 141, 146 and 150 are as to the actual capture of accused near Beli Ram's house with his burglarious instruments.

Accused in his statement (page 434) denied having taken part in the dacoity, or being in passession of burglar's tools, or cartridges, or having identified and implicated any one as a Chabba dacoit. His story was that his nephew in Gwalior State wanted a man to saw timber ; and that he left Amritsar on the morning of the dacoity at 4 A.M., having a swollen foot, to go to Jabal (or Behl) village in search of a man to saw timber. On his way he was seized and beaten by the *Jats* of Chabba village. The story is quite absurd ; and the Defence witnesses, D. Ws. 71 to 74, do not convince us. They state that accused saws wood for combs ; and one of them says accused was on his way in search of sawyers (mistakenly recorded as "saws") ; but there is no reason whatever why the Chabba villagers should have assaulted and captured an innocent passer by ; nor any reason for disbelieving the prosecution evidence. We have held that these dacoities were committed in order to obtain funds for the conspiracy ; we have the fact that Beli Ram was murdered in this dacoity ; and we have the evidence that 2 cartridges were found on accused's person. We have also the evidence of approver Udham Singh (page 229) that among the persons who assembled at the well were such conspirators as Jagat Singh, accused, Ram Rakha and "Amli" (who was killed during the dacoity by a bomb explosion—and whose photograph is exhibit P. 57. A.). It seems, therefore, reasonable to believe that accused, though only brought for the purpose of opening safes, may have had some knowledge at least of the object of this dacoity. His Counsel has urged that the actual murderers of Beli Ram were local men ; and that, two Chabba villagers, P. Ws. 143 and 144, do not mention accused. But they were only speaking of what they themselves witnessed, and both of them were injured themselves by bombs, and probably saw nothing of accused's capture.

(39) Kartar Singh, son of Mangal Singh, *Jat*, of Saraba, Police Station Rai Kot, District Ludhiana.

This accused, who pleaded "Not guilty" to the charges framed against him (page 545), has given his age as 18½ years; but he is certainly older than that, and probably over 20 years of age. In spite of his age, he is one of the most important of these 61 accused; and has the largest *dossier* of them all. There is practically no department of this conspiracy in America, on the voyage, and in India in which this accused has not played his part. Throughout the trial he declined to have any questions put by counsel; or (with the exception of one or two questions) to cross-examine himself; though he made two lengthy statements (pages 443 and 480). He admitted having taken part in the Sahnewal dacoity of January 23rd (in the course of which Khushi Ram was murdered); and freely admitted his association with Har Dyal in America and his position on the "*Ghadr* Press" at San Francisco.

The evidence against him is absolutely overwhelming; but, in justice to him, we must discuss it in detail.

According to his statement he left America by the ss. "Nippon Maru;" and reached Colombo on September 15th or 16th by some other ship from Hong Kong, of which (he says) he does not remember the name.

Against him there is the evidence of six approvers, the witness Ichhar Singh, the Police spy and 24 other witness.

Approver Nawab Khan was not present at Jail parades; but on Jail parade of April 18th this accused was identified by Amar Singh, Mula Singh and the Police spy; and on that of April 24th by approvers Jwala Singh (at the second round) and Sucha Singh. Also on Jail parades by the witness, Ichhar Singh, and P. Ws. 36, 43 and 283. In court, by the above mentioned persons, approver Nawab Khan, and P. Ws. 44, 61, 62, 63, 75, 223; and the students, who named him, P. Ws. 227, 228, 230, 231. The witness P. W. 74 (in spite of his evidence) actually tried to make out that he could not identify accused in Court.

Approver Amar Singh mentions this accused as on the staff of the "*Ghadr* Press" in November 1913, where the approver himself worked; and Amar Singh's story continues as follows:—Accused attends the Ladowal meeting, and the Moga meeting, where he names accused Gujar Singh as "ready to help" (*vide* Nawab Khan on this point). He suggests dacoities as a means of raising funds for the purchase of arms, and he brings a message from Jagat Ram about the Phagwara meeting of November 12th. He returns to Lahore, where he stays at the "Hindu Hotel" under the assumed name of (probably) "Naurang Singh." He goes to Calcutta for arms. He tells the witness at Lahore that Jagat Ram has gone to Peshawar for arms, and suggests the looting of the Lahore Magazine. At a Moga meeting he tells of the arrangements for carrying out this plan, and at the Badowal-Mullanpur meeting it is decided to collect men at Lahore Cantonment, this accused being detailed to obtain implements for cutting telegraph wires. Subsequently, at Lahore, he tells the witness of the failure of the Lahore Cantonment plan, owing to the transfer of a sepoy; and is sent to Lahore Cantonment to bring back any men who had assembled. He meets the witness at Ludhiana, and tells him that a Bengali is to reach Jullundur at the end of November, and, about November 30th the witness meets him on Jullundur City platform with a Bengali. A discussion then takes place in a garden with the Bengali about arms, bombs and funds; and the Bengali gives accused a revolver and a few cartridges. The approver mentions other meetings with accused, including a meeting with him at Kapurthala in company with accused Nidhan Singh and Pingle, the latter of whom says that a Bengali of the "Bengal Party" will co-operate. Accused informs them (page 69) that approver Mula Singh has arrived from America, and it is decided to see Mula Singh (whose address accused gives as "care of" accused Hardit Singh and Naurang Singh) and make definite arrangements for the revolution. Accused leaves with accused Parmanand II for Jullundur; and, about the end of December, attends a meeting at Amritsar, at which Dr. Mathra Singh (absconder) is introduced; and it is decided to join the "Bengal Party." About the middle

of January, accused is present at a meeting at the Baba Atal House, Amritsar, when accused Rash Behari, Pingle, Mathra Singh, Rao, this approver and "Chemist" are present, and Rash Behari suggests the renting of houses in Lahore (which this approver and accused Ram Saran Das are sent to arrange). Later, according to this witness, accused sends him to one Dhanraj, student, in Lahore to get certain chemicals, and to ascertain the whereabouts of accused Kidar Nath. Accused is informed by the witness of his suspicions about the proprietor of the "Ragho Foundry," and offers to get funds by means of dacoities. He attends other conspirators' meetings, and leaves for Ludhiana in company with the absconder Ram Rakha and others for dacoity work, taking bombs prepared by accused Hirde Ram. About January 28th he returns to Amritsar with ornaments (the proceeds of Sahnewal and Mansuran dacoities), which are made over to approver Mula Singh to be melted.

He introduces accused Kirpal Singh, student, as "one of us." On February 15th we find him at House No. 2, Lahore, along with Rash Behari, Pingle and others, engaged in writing out the "*Ghadr di Gunj*;" and on the evening of that day (compare the spy's statement) he brings coloured cloth for flags. He attends a conspirator's meeting at House No. 1, on the evening of February 16th. He is sent to Ludhiana and Ferozepore with Pingle, taking flags and copies of the "*Ghadr di Gunj*," to collect men and seduce troops; and returns on the 18th, when, on account of suspicions against the Police spy, he favours the changing of the date for the rising from the 21st to the 19th February. He is, accordingly, sent to Ferozepore (compare the evidence of P. W. 385) with flags, copies of the "*Ghadr Sandesa*," files and pliers.

We have said that scarcely a single question was asked in cross-examination; and how could Amar Singh have possibly invented this detailed statement? As we continue, the mass of corroborative evidence will become apparent.

Approver Mula Singh, who also states that accused was on the "*Ghadr* Press" staff, tells us that about the beginning of December he applied to accused Bhai Parmanand for the address of this accused. He learns from accused Jagat Singh of Sur Singh that this accused and Nidhan Singh have gone to Kapurthala; and later, towards the end of December, meets them in Amritsar, and learns of the arrival of Amar Singh, Pingle and Parmanand II. The witness mentions accused as attending a conspirator's meeting at the Virpali *dharmsala*, and says that accused suggested to him that accused Bhai Parmanand could supply funds. We learn from this witness that the reason for accused's failure to obtain arms in Bengal was that he was suspected of being a detective; but he tells the witness that he has given his Malwa men 2 pistols. Mathra Singh offers to make bombs; and some 2 days later accused tells the witness that Rs. 1,000 have been obtained by dacoity in the Malwa tract, of which amount Rs. 750 have been given to his men for getting arms and animals from Bikanir, and he makes over the balance of Rs. 250 to the witness, of which Rs. 150 are advanced to Mathra Singh, Nidhan Singh and Parmanand II for the preparing of bombs at Jhabewal. Accused is then sent to Ferozepore "to sound troops," and returns about January 10th with the information that the Ferozepore troops will join if a date be fixed; and is sent to Ludhiana. He is sent to Lahore to get the hack saw (exhibit P. 38) for accused Lal Singh, and to Ludhiana for 2 pistols. About January 11th, he meets the witness at Nanak Singh's *chaubara* at Amritsar (the date and place have been constantly mentioned in this judgment); tells the witness that he has brought a pistol and cartridges, which he leaves with witness, and then goes to Ferozepore to see about adherents in the regiments there. He returns with details of "reliable men" about the middle of January, and approves of the selection of Mussammat Atri's house. He then leaves with accused Harnam Singh of Sialkot, Balwant Singh of Sathiala and others for a dacoity in Ludhiana direction, taking 4 bombs, a revolver and an automatic pistol. Between January 15th and 30th, he is one of those who visits Rash Behari at this witness's house in Amritsar; and at about the beginning of February (Amar Singh, approver, makes the date January 28th) he makes over gold ornaments from the Mansuran dacoity to the witness for melting, and is present when gold bars are made over to Amar Singh to be disposed of. Accused returns injured in the right ear from

the Mansuran dacoity, and says that some local men and students took part in it (accused Kirpal Singh is a student). About January 30th Rash Behari tells Rao, absconder, to take accused and Pingle to Allahabad or Meerut to be introduced to partisans (*vide* P. W. 206), and witness gives accused Rs. 200 for expenses. About February 6th Rao returns, saying that he has left accused and Pingle at Meerut. On February 12th accused is present at a meeting at Rash Behari's house in Lahore when February 21st is fixed on as the date for the general rising, and it is decided to have a National Flag.

Approver Jowala Singh meets accused at Badowal about November 23rd, and is sent by Nidhan Singh with a letter to accused to join in the proposed attack on Lahore Cantonment Magazine on November 25th. The people who had assembled, however, go off to Ferozepore, where they learn from Nidhan Singh next day of the failure to get the keys of the Armoury, and decide to re-assemble at Ferozepore Cantonment on November 30th.

The approver Nawab Khan tells us that at about the end of 1912, at Astoria, he "converted" this accused to his way of thinking; but we consider this doubtful. This approver is a conceited person; and the probability is that accused imbibed his views in Bengal, where he was educated. His account of accused is as follows:—Accused speaks at an Astoria meeting towards the end of 1912, when the "Hindustani Association" is formed; and about the beginning of 1913 leaves for Califorina. At the Astoria meeting of May 1913 Har Dyal tells the audience that this accused and Jagat Ram have brought off a successful meeting at Woodland (Califorina), and are organizing a big meeting at Sacramento. Accused attends the Stockton meeting arranged by Jagat Ram (at which the Bioscope display took place), and makes a speech, and leaves the meeting in Har Dyal's company. After arrival in India, accused sends the witness a message to meet him either at Ludhiana on November 8th or in the vicinity of Phagwara on the 12th; and he and the approver do meet at Ladowal (*vide* Amar Singh) on November 17th when accused is detailed to loot a *Tahsil* in the Manjha tract, and says that many big bombs capable of blowing up bridges are being made in the Manjha, and 200 *gandasas*, for which he gives Jagat Ram some notes. At Moga on the 19th November accused tells the witness that accused Bhai Parmanand is in favour of an attack on the Lahore Magazine; that he has enlisted the help of a Sikh *Havildar*; and that accused Gujar Singh is ready to help (compare how this corroborates Amar Singh's statement). Accused arranges to meet at Badowal on November 23rd and discuss plans for attacking the Lahore Magazine. He addresses a recruiting party in the train (why should Nawab Khan have thought of inventing this episode?), and turns up at Badowal Station on the date fixed. Plans are discussed for attacking Lahore Cantonment on November 25th or 26th, and accused gives Nidhan Singh money for expenses, saying that he has received Rs. 1,000 from the brother of the seditionist Ajit Singh, out of which he has advanced Rs. 500 to Jagat Ram. He gives the witness Rs. 100 for the expenses of his men, and Rs. 50 to Kanshi Ram (the Ferozshah murderer). He sends a message to this approver on November 25th at Ludhiana to the effect that the Lahore Cantonment plan has been postponed, and that an assembly is to take place at Ferozepore on the 26th. On December 2nd the witness gets a message to meet accused at Ludhiana Railway Station next day, and accompanies him to Phagwara, and on to Nangal Kalan. On December 6th at Nangal Kalan it is decided that accused shall bring his Ludhiana men to a place near Phagwara on December 10th, and accused and the approver (whom accused had supplied with a sword-stick) meet there on that date. On December 11th at Burobarian accused suggests cutting the telegraphic communication on both sides of Chaheru, and attacking a Military Bridge Guard. He also suggests looting a wealthy *Brahman* of Bhinwal ("a friend of Government.") This dacoity fails, and it is arranged to meet at Chaheru on the 19th to attack the Bridge Guard. On about December 14th accused and the witness visit a Sirdar at Jandiala, whom accused greets "with his left hand" (by way of a sign); who supplies some funds, and gives accused a blue *pashmina chadar*. On the way to Lahore accused tells this approver of his association in America with Har Dyal and the "*Ghadr* Press"; of how he went to New York to learn aviation and how to build air-craft; of how he returned to India with an anarchist Gupta and an American anarchist named "Jack", paying a visit to Gurdit Singh

842

on board the "Komagata Maru" at Kobe. According to this approver, accused at the same time told him that accused Bhai Parmanand had supplied a revolver, and had sent him to Calcutta with a letter and Rs. 2,000 to get arms from a Bengali; which, however, he had failed to get, and so had returned the money to Bhai Parmanand, informing him that the Bengal Party were in touch with the Kapurthala Party. Further, that Bhai Parmanand had once sent him to Kishan Singh, brother of the seditionist Ajit Singh, who had subscribed Rs. 1,000, of which amonnt Bhai Parmanand had given accused Jagat Ram Rs. 500 to get arms in Peshawar. Regarding this matter of Rs. 500 there seemed to be some little confusion in the mind of the witness; but it does not appear that there is really much discrepancy (*vide* page 136, and page 144, cross-examination.) The accused asks witness to be present at Kupp Railway Station on December 17th, and projects various attacks on Military Bridge Guards for the 19th, proposing himself to attack the Bain Sufed bridge with Amar Singh and others. This approver concludes by saying that accused Nand Singh, in his conversation on February 18th, implicated this accused in the Mansuran and Chabba dacoities. Nand Singh was not in either dacoity himself, and may have been talking with imperfect knowledge, because, though accused admittedly took part in the Sahnewal and Mansuran dacoities, he was apparently not in the dacoity at Chabba.

P. W. 198 witness Ichhar Singh has only stated that the Anarkali murderer implicated this accused in the Sahnewal and Mansuran dacoities.

Approver Sucha Singh is another witness with a long story against accused. The accused first meets him at the witness's own Boarding House, and talks about the "*Ghadr di Gunj*" (page 272)—thereby helping to poison the mind of this student. This approver states that accused's morning orison consisted of "*Maro Faringhi*!", and that he said that his "religion was to kill Europeans". At the Boarding House the witness always called accused "Harnam Singh" and he tells us of a discussion between accused and "Sham Lall" (Pingle) about bombs. Accused shows the witness an inkpot bomb and Ram Rakha absconder's revolver; collects men for the Sahnewal dacoity; and on his return therefrom gives witness a *kalma* rupee (exhibit page 239) as a memento (*vide* also P. Ws. 215 and 231 *re* this rupee). Accused sends the witness to buy newspapers with an account of the Sahnewal dacoity. Accused takes part in the Mansuran dacoity, armed with a revolver, and brings gold ornaments from it (*vide* approvers Amar Singh and Mula Singh in corroboration). About February 1st accused sends witness a letter telling him that he will have to leave Ludhiana "for responsible work"; and on February 2nd takes him to Sant Gulab Singh's *dharmsala* in Amritsar, and then to the Baba Atal house where he introduces him to Rash Behari Bose. Accused tells the Anarkali murderer to get revolver cartridges by February 10th, and, on the way to the station with the witness, to take train for Ludhiana, tells a man (presumably, accused Hirde Ram) to prepare 4 inkpot bombs. Accused and the witness reach Meerut (compare approver Mula Singh and P. W. 206) on the morning of February 3rd, and, along with accused Pingle proceed to seduce troops there. On the 5th, 6th and 7th the three of them pursue the same tactics at Agra, Cawnpore and Allahabad, reaching Benares (where they meet Rao) on the evening of the 7th. There they read in the "Pioneer" of the Chabba dacoity; accused says that a "Sikh Gunner" can be obtained; and further attempts to seduce troops take place. Accused sends the witness to Fyzabad with a copy of the *Ghadr di Gunj*; and the witness rejoins him and Pingle at Lucknow. On February 11th the witness is taken by Pingle to house No. 2 in Lahore, where he finds this accused, Rash Behari and Parmanand II. On February 13th, the witness meets accused at the house in Ludhiana of the dead approver Dalip Singh; and the witness is sent to get the loan of a bicycle (compare P. W. 223); and the same night, at the house of accused Puran Singh, the accused shows him and Puran Singh how to use a duplicator. On the morning of February 14th accused leaves on the bicycle for Lohat Badi, and the witness meets him in the evening at Dalip Singh's Boarding-house, when accused enquires from Dalip Singh whether the silver loot from Mansuran has yet been melted? On the morning of the 15th, accused leaves for Lahore. On the morning of the 17th, he arrives with the absconding accused, Anokh Singh, at Puran Singh's house to tell the witness

that February 19th has been fixed for the rising, taking papers and flags; and despatches the witness to Lahore to receive instructions from Rash Behari. The same night accused gives the witness pliers to complete his equipment from Ambala.

These are the very lengthy statements of witnesses against this accused; and no sensible person, having heard them, could imagine that they are concoctions.

Approver Umrao Singh, who speaks as to accused's connection with the *Ghadr* Press, tells us that accused Balwant Singh implicated him as a Sahnewal dacoit; and that he himself saw accused cleaning a pistol at Sucha Singh's dwelling. The witness himself took part in the Mansuran dacoity; and he includes this accused among the participants, armed with 2 bombs, and a pistol which accused uses. He is another witness corroborating the allegation that accused took charge of the gold portion of the loot. He also corroborates Sucha Singh *re* the letter sent by accused at the beginning of February, calling in the witness and others urgently to Amritsar as they were required to preach sedition in regiments.

P. W. 16 (the Deputy Superintendent of Police) states that approver Mula Singh in his statement recorded between March 12th and 14th spoke of the visit of this accused with accused Nidhan Singh to Kapurthala.

P. W. 17 (Inspector Ahmad Khan) verified Amar Singh approver's assertion that accused had stayed at the Hindu Hotel, Lahore, under the name of "Naurang Singh", and we have the register of that Hotel (exhibit P. 128). The witness also speaks of accused's arrest, and as to the purchase of cloth for flags. P. W. 36 who identified accused both on Jail parade and in Court, proves from his books the sale of cloth on February 15th and 17th; and identified the *blue* cloth in one of the flags.

P. Ws. 43 and 44 are a servant and the proprietor of the Hindu Hotel. They have identified accused as "Naurang Singh"; and we find that he put up at that Hotel on October 5th and November 24th, 1914.

P. W. 61 (a *Risaldar* of the 22nd Cavalry) and P. Ws. 62 and 63 are as to the arrest of this accused along with accused Jagat Singh and Harnam Singh *Tunda* at *Chak* No. 5; and we adopt our remarks regarding their evidence in the separate cases of those two other accused. P. W. 72, the Police spy, gives corroborative evidence that accused brought coloured cloth for flags on February 15th; and identifies exhibits P. 24 A. to C. He also states that it was decided that accused should go to Ferozepore, and says that accused was present when he (the spy) was detailed to go to Dadher and Marhana with money, literature and a flag.

P. W. 74 (who admitted that accused lived near him, but denied any relationship—and actually made out that he could not identify him in Court) admits that accused only spent one morning in his village just after his return from America.

P. W. 75 (*Lambardar* of accused's village) corroborates and says that accused ostensibly left to visit a sister in Rajoana (which place has been mentioned in connection with an abortive dacoity). Accused returned 10 days later and spent one day only. In cross-examination the witness said that he did not hear accused urging the villagers to join the party. He was able to identify accused in Court, although accused had put on spectacles and a small round cap. P. W. 195 (Inspector Amir Ali) states that Amar Singh made a statement that he and accused worked together on the *Ghadr* Press without remuneration. P. W. 206 (a *Jemadar* of the 12th Cavalry) gives evidence regarding the visit of Sucha Singh, approver, "Dalpat Singh" (*i.e.*, Pingle) and this accused to Meerut, and as to the Urdu copy of the *Ilan-i-Jang* (exhibit P. 235.)

P. Ws. 223, 227, 228, 230 and 231 are all students, who corroborate *re* accused's visits to Sucha Singh, approver, the loan of a bicycle, the *kalma* rupee, talk by accused of a seditious nature, and about bombs. Some of them

speak about accused in connection with the Sahnewal and Mansuran dacoities; one of them was able to identify from among several photographs that of the absconder Doctor Mathra Singh (exhibit P. 32); and we find that, amongst other things, this accused was giving out that the Bengal Party would join; that Germany would help; and that Har Dyal would come with an Army!

P. Ws. 385 (a *Jemadar* of a Regiment), 386 (Captain Cargill), 387, 388, 389 and 394 are Ferozepore witnesses. The Regiment to which the *Jemadar* belongs had been stationed at Hong Kong; and about the end of 1913 it had been found necessary to prohibit the troops from visiting the *Gurdwara* there. The regimental depôt was stationed at Ferozepore; and, on its being found that some of the men had been attending a meeting, certain sepoys were turned out of the Regiment on February, the 19th (the day of the raid of house No. 1). One of these men (*vide* the evidence of Captain Cargill) returned to the Lines, and was arrested on February 20th with a heavy weighted stick. P. Ws. 387 and 388 give corroborative evidence. P W. 389 (Mr. Lamacroft, Inspector of Police at Ferozepore Cantonment) states that Constable (now Head-constable) Maula Bakhsh reported to him the arrival of some 30 suspicious-looking men at the cantonment, who had entrained at Ludhiana. The Territorials patrolled the cantonment that night, and later an Indian Officer brought in a copy of the *Ghadr Sandesa* which was said to have been found on the road between the 2 depots. P. W. Maula Baksh corroborates as to the arrival of these men on February 19th—none of whom he could identify.

In addition to all this oral evidence, we find accused mentioned as a prominent member of the *Ghadr* Party in the confession of Indar Singh, *Granthi*, accused (pages 385 and 387); and accused's age is given therein as "about 27 years." He is certainly not 18½, as he wishes to make out. He is also mentioned in Nand Singh accused's confession (*vide* pages 409, 413, 415), which goes to corroborate the statements of prosecution witnesses.

Accused's statements will be found at pages 443 and 480 of the record. Whilst admitting having taken part in the Sahnewal dacoity (in which Khushi Ram was murdered), he has given us his own version of it. According to him funds were required "to bring out a newspaper to air grievances." He and his party went, armed with 3 pistols (one broken), a few cartridges, and 2 inkpot bombs (prepared by Mathra Singh), which were supposed not to be dangerous and were only intended to frighten away any possible pursuers. Dalip Singh (the dead approver) took the gang to Sahnewal. According to accused, he himself took no part in the actual dacoity, but stood near of *Thana* ready to throw down the bombs in order to warn his companions, if necessary. The death of Khushi Ram resulted, more or less unintentionally, from a beating given him by the Anarkali murderer in order to make good his escape. It was an ingenious idea to endeavour to throw the blame on the Anarkali murderer, who has expiated his crimes on the gallows, but we are not prepared to believe this version of this dacoity, which version has obviously been concocted so as to take advantage of a certain Ruling of the Allahabad High Court. (The point has been elsewhere discussed in this judgment).

Accused has fully admitted his association with the *Ghadr* party in America, and his acquaintance with Har Dyal. He admits attending meetings at Astoria and Sacremento, and says the speeches "would not have been considered seditious in America." He was deputed to found an *Ashram* in India "of the same type as the *Yugantar Ashram*"; and, if necessary, to circulate literature secretly. He attended the Ladowal and Badowal meetings, but not Moga (he says). He admits living at the Hindu Hotel under the name "Naurang Singh". He denies that there was ever any plan to attack Lahore Cantonment, and says that Nawab Khan, whom he always suspected to be a spy, used to tempt him and his companions to attack some cantonment, in order to get them arrested. He did visit Jullundur, but met no Bengali there. He knew Ganda Singh, absconder, in America only. He did visit Kapurthala in company with accused Parmanand II, Pingle and Amar Singh, approver, and there met accused Ram Saran Das, who was only asked to co-operate in the newspaper scheme, but who declined. He, Pingle and Parmanand II did go to Sant Gulab Singh's *dharmsala*; but only to meet Mula Singh, approver, and discuss the project of a newspaper;

but accused did not agree with Mula Singh's suggestion of "guerrilla warfare against Government." He gave Rs 200 to Mula Singh to keep for the newspaper fund, not for the expenses of a Bengali expert. On the 15th or 16th January, he was at the Baba Atal house, but only discussed newspaper matters with Mula Singh and Amar Singh. About January 27th, Pingle introduced him to Rash Behari Bose at the same house, only because it was desired to have the newspaper issued in Bengali also. He did meet Nidhan Singh and others in Ludhiana in January, but there was no talk of bomb-making. He never went to Jhabewal, but did take part in the Sahnewal and Mansuran dacoities, and did take gold ornaments to Amritsar. He admits that he, Pingle and Sucha Singh visited Meerut, Agra, Cawnpore, Allahabad and Lucknow—but only to get sepoys to induce their officers to exert their influence on behalf of a deputation to the Viceroy about grievances. He admits a visit with Sucha Singh to the Baba Atal house, where he saw Rash Behari, who called himself "Satish Chandar"; and was at the Gawal Mandi house in Lahore on February 12th. He admits borrowing a bicycle—just to visit the Girls' School at Lohat Baddi. He was present at House No. 1 on February 15th, but it was only decided to meet again on the 21st for newspaper work. As Kirpal Singh, witness, was suspected of being a spy, the date was altered to the 19th "to see what steps he would take."

He did buy cloth for flags; the flag being the symbol of the "*Yugantar Ashram*", signifying "liberty, fraternity and equality". It was only intended to make one flag; but, as extra cloth had been obtained, more flags were made—(a particularly absurd explanation !). He was admittedly arrested at *Chak* No. 5 with accused Jagat Singh and Harnam Singh *Tunda*, but never saw accused Bhai Parmanand till in Jail. He admits that he was trying to avoid the Police. He did meet approver Amar Singh and accused Jagat Ram and Pirthi Singh at Ladowal on November 17th, but only in connection with the newspaper; and admits that approvers Amar Singh, Nawab Khan, accused Nidhan Singh and Kanshi Ram (the Ferozshah murderer) were at Badhowal. He even admits the small incident of talking "to a sepoy" in a train (*vide* Nawab Khan's statement) about grievances. He asserts that he has never even seen Naurang Singh accused's shop.

This is a very full record of the accused's case, and it can be seen how very far his own statement goes to prove the truth of the evidence of the Prosecution witnesses. There are no Defence witnesses; there was practically no cross-examination throughout the trial; and before us the accused did not wish to argue his own case, nor to allow the Counsel appointed for him to argue. It only remains to be said that the guilt of this accused has been proved to the hilt. He is a young man, no doubt; but he is certainly one of the worst of these conspirators; and is a thoroughly callous scoundrel, proud of his exploits, to whom no mercy whatever can or should be shown.

Punjab Government Branch Press, Simla—7-9-15—No. 224—300.

(41) Kehr Singh, son of Nihal Singh, of Marhana, Police Station Sirhali, District Amritsar (gives his age as 62 years).

This accused, who pleaded "Not guilty" to the charges framed against him (page 547), admittedly reached India from America by the ss. "Katana Maru" on January 7th, 1915. Whatever may be his real age, he certainly looked to us old and weak; and during a part of the trial we allowed him out on bail. He has stated (page 472) that he went to America because a *Zaildar* troubled him, and returned to India because one son died, another was ill, and his people wrote to him to return.

He was identified on Jail parade of April 18th by approver Mula Singh and the Police spy—approver Amar Singh failed to do so; but described him to the Magistrate, and we have Mr. Scott's statement that Amar Singh was very nervous at Jail parade. Both these approvers and the spy identified accused in court.

Accused's village Mirhana is apparently only about a mile from Dadher; and this accused is one of the men (including Bishan Singh, accused No. 9, of Dadher) whom the spy met at Dadher on February 18th. We adopt our remarks on the spy's evidence in Bishan Singh's case so far as they apply to the present case; but the case against this accused is even stronger than that against Bishan Singh of Dadher, No. 9.

Approver Amar Singh states (page 70) that he learnt from Mula Singh, approver, that this accused was one of those who had helped to contribute Rs. 1,000 to the funds; and we have the statement of the detective, P. W. 110, that accused was one of those who visited Nanak Singh's *chaubara* on January 11th, 1915. Amar Singh further states that on February 14th, he and accused, and Nidhan Singh went to examine the Police spy Kirpal Singh as to his *bonâ fides*, that the visit of the spy to Dadher was decided on, and that accused was deputed to help in the proposed raid on Lopoke *thana*; and that mention was made of bombs and revolvers supplied by Mula Singh (*vide* pages 76 and 87).

Approver Mula Singh has asserted that he met accused at Nanak Singh's *chaubara* on January 11th; and that accused contributed Rs. 100 out of the Rs. 800 then collected.

P. W. 72, the Police spy, corroborates as to meeting accused on February 14th, when he (the spy) was informed that the general rising had been fixed for the 21st. He himself suggested the raid on Lopoke *thana* (which was never intended to really take place), and says that Nidhan Singh mentioned that there were 3 bombs and 3 revolvers with accused and others at Marhana and Dadher. Accused was told that the spy would visit him shortly, and that he should take what he brings, and give what he wants. It was arranged that accused and the Dadher accused should meet the spy in the Dadher *dharmsala* (about which, as mentioned in the cases of separate accused, we have had the futile Defence evidence that it had been locked up), and accused was told that seditious literature (which he said was needed) would be brought him by the spy. On February 18th the spy met accused and the Dadher men at Dadher, and made over certain articles, and was given 3 inkpot bombs, some phials and a bottle of acid. We have already commented on his evidence in the separate case of accused No. 9, Bishan Singh, and have given our reasons for believing it. An attempt was made in cross-examination to make out that this witness had grounds for personal enmity, and he was questioned as to certain proceedings under section 107, Criminal Procedure Code. He stated that those proceedings were against himself and some 60 other men of his village (proceedings between 2 factions); but the Defence admittedly could get no clue to them (though this accused was allowed out on bail), and we have nothing whatever to prove enmity on the part of the spy.

P. Ws. 120, 121 and 195 are concerned with the production by this accused to the Police on March 28th of a revolver and cartridges (*vide* exhibits P. 164 A., B., C.) from the field of one Bhagwan Singh. The first of these

847

witnesses is a *lambardar*, who states that accused returned to the village 2 months before this recovery, but is not prepared to admit that accused ever left the village. The second witness prepared a plan showing Bhagwan Singh's field about 400 *karams* from accused's land, and he has denied that accused and Bhagwan Singh are related. The third witness is Inspector Amir Ali, who in cross-examination has said that the spy told him of *bom's* with accused Nos. 9, 10 and 80, and has denied that accused was a known bad character (whom the Police would be anxious to drag in somehow). P. W. 197 (Man Singh), who admitted having received a sentence of 14 years' imprisonment in connection with a murder, was tendered to corroborate.

Accused (page 472) denied having visited Nanak Singh's *chaubara* on January 11th; but admitted having visited Amritsar with some Rs 650, on his person. He asserted that he had bitter enmity with a *Zaildar*, and the witness, Man Singh He denied all the spy's allegations; and said that his enemies had arranged the recovery of the revolver, etc, and that the Police had got Mula Singh and the spy to identify him at the *thana*. He denied having left his village, and asserted that he was arrested there and taken to Amritsar, where he was beaten and was told to produce something. He was then taken back to his village, and to a field where he was made to stand, while his enemy Man Singh, pointed out the place where the revolver and cartridges were found. His story and those of his Defence witnesses are utterly unconvincing. D W. 107 (a Sub-Inspector of Sarhali) states that accused's absence was never reported to him; and admits that accused's *brother* has a history sheet. The remaining witnesses are D. W. 108 to 115 inclusive and D. W. 95. They include accused's brother, a cousin, and Bhagwan Singh, in whose field the incriminating articles were found. There are discrepancies in their statements, and vague allegations regarding the witnesses, Ujagar Singh, *Lambardar*, and Man Singh. We have no documentary proof of enmity, and do not believe this evidence. D W. 95 has stated that the co-accused Wisakha Singh *said* that the Police had asked him to put a pistol in accused's house.

The Defence Counsel referred us to his argument in the case of accused No. 9 Bishan Singh, on which we commented in that case. He has urged that his client attended no American meetings; and has urged that Man Singh put the revolver and cartridges where they were found—but cannot suggest where Man Singh got them from. The *Lambardar* witness was not even cross-examined as to enmity, and D. W. 112, even denied that any existed on the part of that *Lambardar*. As we have said already, the 3 revolvers and the bombs are exhibits in the present case.

The guilt of this accused has been clearly established; and we are only prepared to take into consideration in his favour the question of his age.

(43) Kesar Singh, son of Bhup Singh, *Jat*, of Thatgharr, Police Station Tarn Taran, District Amritsar, aged 40.

This accused, who pleaded "Not guilty" to the charges framed against him (page 549), but who produced no defence witnesses, is another of those ss. "Korea" passengers who were interned on arrival in India. We, of course, bear in mind the fact that accused had no opportunity of producing witnesses from outside India; and we adopt in this case our general remarks *re* interned accused made in the separate case of accused No. 36, and elsewhere in this judgment.

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh—Nawab Khan did not attend Jail parades. Those three persons identified him in court, as did P. Ws. 362 and 380.

Approver Amar Singh mentions accused as a passenger by the ss. "Korea" and "Tosha Maru"; and approver Jwala Singh says merely (page 114) that he "thinks he saw him at Shanghai". Approver Umrao Singh (pages 335, 336) states that he met accused at the "Yugantar Ashram" on August 28th, 1914; and that accused addressed a seditious meeting at Hong Kong *Gurdwara* on the voyage.

Approver Mula Singh states that accused attended the Astoria meeting of March 1914; that he acted as president of the Sunday seditious meetings at Astoria; that in April 1914, 1,000 dollars were raised and sent to the "*Yugantar Ashram*" in connection with Har Dyal's arrest; that accused attended an Astoria meeting in June 1914; and, on hearing of the War, decided with others that the times were favourable for a revolution. According to the notes of two Commissioners (the record—middle of page 91, is obviously incorrect; there is no Kasur Singh—accused No. 4) this accused was present at a Portland meeting, and at the Sacramento meeting in August, when some 5,000 dollars were collected to provide returning Indians with arms. Mula Singh further states (page 91) that accused was one of his revolutionary group.

Approver Nawab Khan has asserted (page 122) that this accused was one of those he converted at Astoria towards the end of 1912 to his own way of thinking; and that accused was made President of the "Hindustani Association" on its foundation at Astoria. He was one of the deputation sent to Portland in May 1913 to bring Har Dyal "with honour" to that place; was elected a member of the Fund Committee for Astoria; and, at a subsequent meeting of the Executive Committee, assisted at the formation of the "Hindi Association" of the Pacific coast; the press to be called the "*Yugantar Ashram*", to print the "*Ghadr*" newspaper and translate Savarkar's book on the Mutiny into Urdu. After the meeting, says this approver, accused visited Har Dyal at the Hindu Hotel, and promised 10 dollars towards the fund for bringing Ajit Singh, the seditionist, from Paris. On August 29th, 1914, accused meets this approver at the "*Yugantar Ashram*" ready to sail for India, and presses him to embark without money or baggage, which accused said were unnecessary "as they were going to lay down their lives". At the harangue on the beach just prior to the sailing of the "Korea" accused was designated as one of those whose instructions were to be followed. At Yokohama he was consulted before Ram Rakha and his companion were disembarked; and he and Jowala Singh accused brought accused Parmanand II on board. He visits others of "the Party" on their boat at Kobe; and at Nagasaki is one of those who directs a further disembarkation of the three passengers with "secret instructions." He directs the handing over of pistols and literature to Jagat Ram at Manilla to avoid search at Hong Kong; becomes a member of the Central Committee formed at Hong Kong; takes part in seditious meetings on the "Tosha Maru"; attempts to seduce troops at Penang, and manages to make a brief seditious speech there in the *Gurdwara* (page 132). He is one of the deputation to the Governor there; and at Rangoon is stopped by a Subadar from making a speech at the *Gurdwara*, and visits a Pathan to get arms. This is Nawab Khan's indictment of him; he was not cross-examined; and it is difficult to see how he could have invented a story full of all this detail.

Approver Udham Singh simply states that in his presence a man of "Thatgahar" (accused's village) was told by accused Wasawa Singh of Gilwali of accused's internment in Ludhiana Jail. The "man of Thatgahar" is P. W. 181—and the fact that Wasawa Singh (who was not a "Korea" passenger, but came by the ss. "Salamis") knew about accused shows that accused was a man of importance. P. Ws. 362 and 380 are the two "Tosha Maru" passengers (mentioned before), who state that accused was one of the speakers at the seditious meetings on board; and the first of them corroborates that accused read extracts from the "*Ghadr*" at Hong Kong *Gurdwara*. We have no good grounds for believing that this accused is the "*Jamadar*" mentioned in Nand Singh's confession. He admits he was once in a Cavalry Regiment.

Accused (page 462) denied all connection with the American *Ghadr* Party, and the various allegations made against him. He stated that at Astoria he was nothing more than a member of the management of the small *Gurdwara*; and that he was only one of 150 persons who visited Har Dyal at the Hindu Hotel, having heard of him as a well known man of intellect. He returned to India because his sister wrote that his father, mother and wife had all died of plague (he has produced no evidence to support this assertion); and had intended leaving on a ship of the 15th August, which was stopped from sailing on account of the War. He was only told by accused Jowala Singh of the meeting with the *Subadar* at Hong Kong; and never even got off the boat at Penang, being ill with fever. At Rangoon he only visited the *Gurdwara*. It is to be noted that approver Nawab Khan was never even cross-examined; and yet, at the end of his statement, accused has asserted that he and Nawab Khan worked in the same mill at Astoria, where the latter used to foment Hindu-Muhammadan quarrels; that Nawab Khan embezzled some money, and that accused exposed him—hence his enmity. As regards approver Mula Singh, accused has stated that he only knew him by sight in Astoria, and never saw him again until on Jail parade. He has suggested no reason why this approver should have given evidence against him; but has suggested that "possibly" the witness P. W. 362 was released from internment for the express purpose of giving evidence against him.

Accused's Counsel has urged that no conspiracy existed in 1912, and that possibly the promise of 10 dollars towards the fund to bring Ajit Singh from Paris was made "in a moment of enthusiasm"—very possibly, it was! We have the same argument regarding alleged differences between the approvers as to who were leaders, and the remarks as in accused Jowala Singh's case regarding the different reconnoitring parties at Penang. We are told that Amar Singh does not mention the small Kobe incident, but why should Nawab Khan have thought of inventing it? It is true, certainly, that nothing incriminating was found with this accused when he was interned.

In our opinion the connection of this accused with the conspiracy prior to his internment has been fully established.

(44) Kharak Singh, son of Ganda Singh, of Bhupa Rai, Police Station Rai Kot, District Ludhiana, student.

This accused, who pleaded "Not guilty" to the charges framed against him (page 551), was formerly a Ludhiana student. He has given his age as 14 years; two of the Commissioners considered him to be 16, and one of them thought him to be 14 or 16—he has down appearing on his upper lip. We are quite ready to agree with his Counsel that accused is at "the impressionable age"; but it is quite apparent that, inveigled into a plot by a set of scoundrels, this accused did what he could to assist his co-conspirators. He was one of those arrested in house No. 1 at the raid on February 19th, 1915.

He was identified on Jail parade of 18th April by approvers Amar Singh, Mula Singh and the Police spy; and on that of the 24th April by approver Sucha Singh. The same persons identified him in Court, as did also P. W. 227 (by name) and P. W. 268 (Udham Singh of Hans—the man who returned from Italy).

Approver Amar Singh states (page 76) that he first met accused on February 13th at Sant Gulab Singh's *dharmsala* in Amritsar along with other conspirators, and understood him to be a companion of accused Kirpal Singh, student. That accused came to Lahore with other conspirators to the house No. 1 on February 14th, attended a meeting there next day, and was sent with accused Jagat Singh to collect men and funds from Jallo direction. That on the 17th he returned to Lahore to enquire where the men were to assemble—and we have the evidence that he arrived with men shortly before the raid on the 19th. What earthly reason had this approver for concocting such a story against this youth?

Approver Mula Singh meets him about February 11th at accused Hardit Singh's shop, in company with the absconding accused Sajjan Singh (also a youth), saying that they were acquainted with accused Kartar Singh and Jagat Singh and the Anarkali murderer, who used to stay in Ludhiana; and that they wanted to join the party. Accused is sent by this approver to arrange for a house in Ludhiana; and told him that many other students were ready to join. These two students this approver also saw at Mussammat Atri's house in Amritsar on February 13th (*vide* page 105). P. W. 227, formerly a Ludhiana student, who identified accused by name in Court, has said that accused did not visit Sucha Singh, approver, frequently.

P. W. 72, the Police spy, states that accused was at house No. 1 on February 15th, when it was decided to collect men for the 21st; and that accused and Jagat Singh were sent off to the Jallo side to collect men. On the 19th accused arrived at house No. 1 shortly before the raid.

P. W. 16 Liaqat Hayat (Deputy Superintendent of Police) tells us that accused, after his arrest, stated that he had gone to house No. 1 to meet the accused, Kirpal Singh, student; and gave the clue that certain books found in that house belonged to Kirpal Singh. P. W. 17 (Inspector Ahmad Khan) tells us how, on February 22nd, accused pointed out house No. 2—and exhibit P. 95 is the list of the articles found there.

Accused in his statement (page 396) denied most of the allegations against him; and denied even knowing accused Jagat Singh. He admitted having told the Inspector that he had come to house No. 1 to see accused Kirpal Singh, and on a question suggested by his Counsel, endeavoured to explain how he came to tell the Inspector this. His own story was that he became ill in February and so applied to have his name removed from the school registers. One Jawand Singh happened to meet him near the clock tower in Ludhiana on February 16th and suggested taking him to Lahore to get sanction for accused's enlistment in a Cavalry Regiment, saying that he had also got accused Kirpal Singh of accused's village enlisted. Accordingly, accused and this Jawand Singh came to Lahore on the 18th, and Jawand Singh took him to house No. 1, telling him that a "*Jamadar*" and other recruits were there. Approver Amar Singh met him and

Jawand Singh at the door of house No. 1, and said that there were too many recruits there ; so Jawand Singh was given the key of house No. 2, where accused spent the night with other "recruits"—not one of whom accused can name ! Next day he and Jawand Singh returned to house No. 1, where they found Amar Singh and the Police spy, and were told that the *Jemadar* had gone to the *bazar*. Accused went to sleep and was arrested by the Police. Amar Singh, after the raid, threatened accused for giving a clue to house No. 2.

We have heard several absurd stories as to how different accused came to be in house No. 1 at the time of the raid ; but this story is certainly the most foolish of them all. Nevertheless, it was thought necessary to produce D. Ws. 144 to 149 (two students of a Ludhiana School, and a few persons of accused's village) to try and support this story. Their statements carry no conviction whatever ; the accused's own father was neither produced, nor even summoned ; and of course, the mysterious Jawand Singh has not been produced. Evidently, the absurdity was noticed of making out that a youth of 14 (as alleged) was likely to be eligible for the Cavalry—so the Defence witness No. 149 was produced to say that his son, aged 15, had enlisted 5 months before in an Infantry Regiment.

Of the guilt of this accused there can be no manner of doubt ; and we see no reason to accept his Counsel's suggestion that he was unaware of what he was doing. It is urged that Mula Singh never consulted accused about dacoities—of course he did not ; and it is in Mula Singh's favour that he did not even try to name this young student. It was during the argument on behalf of this accused that a Defence Counsel once more tried to rake up the absurd suggestion that the absconding Rash Behari is really a Police spy, who had perhaps put the bombs in house No. 1 ! It has been sought to make out that the mysterious Jawand Singh was the absconding accused of that name ; but this is absurd, since this youth would have been of no use in a fight, and might have (had he really been falsely decoyed to the house) got away and informed the Police. The witness, Sant Gulab Singh, probably took no notice of him, as being only a youth. Had accused not been very much in the confidence of the conspirators, he would scarcely have been receiving his orders (page 77) from Rash Behari himself. We have no evidence in support of Counsel's assertion that accused is the son of a Lance-Daffadar of the 4th Cavalry, pensioned after some 23 years' good service—and his father has not been produced. We, of course, take into consideration the youth of this accused.

Punjab Government Branch Press, Simla,—26-8 5—No. 200-300.

(45) Khushal Singh, son of Suchet Singh, of Padri, District Amritsar, Jat, aged 22:—

This accused, who pleaded "not guilty" to charges framed against him (p. 553), is not a returned emigrant, though he is alleged to have had knowledge of the conspiracy, and to have taken part in the Chabba dacoity, in the course of which Beli Ram was murdered.

He was identified on Jail parade of the 18th April, and in Court by approvers Udham Singh (who himself took part in the Chabba dacoity); and in Court by Mula Singh, approver, who stated that he saw this accused with accused 24 and 35 at Sant Gulab Singh's *dharmsala* the morning after the Chabba dacoity, and who identified him at Padri when taken there by the Police to identify approver Udham Singh. Mula Singh has said in cross-examination that he only saw accused once at the *dharmsala*, when it was somewhat dark, and that he is not positive about his identification (p. 110). He stated that accused was pointed out to him by the Police among several persons at Padri—this is denied by Inspector Amir Ali, P. W. 195. P. W. 141 speaks as to the 1st list of property stolen at Chabba (*Ex. P.* 183); and P. W. 132 on March 23rd took accused's *kurta* to the Chemical Examiner, whose report is *Ex. P.* 90 *N.*, to the effect that blood-colouring matter was detected on the above *kurta*.

Approver Udham Singh states that towards the end of January 1915 accused agreed to join in a dacoity for the purpose of getting funds for the revolution; and he tells us that accused took part in the Chabba dacoity, and left one shoe stuck in the mud there. He helped to carry the loot, but had to pass it on to accused 7 on account of an injured hand. Accused out of the loot kept a small box containing a nose-stud (p. 233); and went off to Sant Gulab Singh's *dharmsala*. This approver states that he got accused a new pair of shoes from Sur Singh village; and that accused subsequently produced the small tin box to the Police. Approver and accused belong to the same village, and no attempt was made to cross-examine the approver as to enmity. From P. Ws. 16 (Deputy Superintendent, Police) and 124, Gurbaksh Singh, *Zaildar*, we find that the clue to this accused was obtained through accused 7, Bakshish Singh, himself a Chabba dacoit, who implicated him on February 9th. P. Ws. 158, 159 (an *'Ala Lambardar*), and 169 (a *Lambardar*), are mainly as to the production by accused of the tin box *Ex. P.* 182 from one Jiwan Singh's manure-heap. The *'Ala Lambardar* attested search-lists *Exhs. P.* 187 *A. B.*, and testifies to accused's *kurta*, which appeared to have been washed, being taken off him. He states that accused admitted having sold the nose-stud to Bur Singh, goldsmith. This witness said what he could in favour of accused, when cross-examined, namely, that the manure-heap was in an open place; that there is no *jhatka* shop in Padri; and that accused is married (*i. e.*, that his wife might have had a nose-stud). P. W. 170 is Bur Singh, goldsmith, who says that accused sold him a gold nose-stud, which he melted. Cross-examined, he has tried to support the defence story that accused having joined the "Singh Sabha" his wife no longer wears ornaments; but the witness had to deny that accused ever sold him any of his wife's ornaments, and also said that the nose-stud was *not* that of a *Jatni*, but of a *Brahmin* woman or *Khatrani*. P. W. 183 (father of Udham Singh, approver), who only said a few words against accused, was not cross-examined as to enmity.

Accused (p. 432) denied having been in the Chabba dacoity; but admitted his arrest at Padri. He admitted that his *kurta* was taken off him, but denied saying he had washed it. He denied having produced the tin box *Ex. P.* 182; but admitted having sold *his wife's* nose-stud to witness Bur Singh. He asserted that he never knew Mula Singh till the identification in Padri; and that Sohan Singh, father of Udham Singh, approver, had several times invited him to join in dacoity, but that he had always declined the invitation.

He asserted that he had quarrelled with Udham Singh, approver, about the rent of his land. Neither Udham Singh, nor his father, was cross-examined about this alleged enmity when produced as a prosecution witness; though a futile attempt was made to discredit the latter when, with the Court's permission, he was produced as D. W. 15.

The defence witnesses D. Ws. 5 to 16 inclusive give evidence as to character; and in support of the utterly unconvincing theory that accused joined the "Singh Sabha" some time ago, and then sold off all his wife's ornaments to different persons, including the nose-stud to Bur Singh. In our opinion, that evidence is not worth the paper it is written on.

Counsel for the defence has urged that the nose-stud and tin box (which belonged to the murdered Beli Ram's widow) were not entered in the first list of things stolen (*Ex. P.* 183); but the tin box was quite ordinary, and the nose-stud was a very small article. As regards the blood-stained *kurta*, Counsel has urged that as there is no *jhatka* shop in Padri, the Padri villagers have to slaughter their own goats, but he forgets the evidence that there is a *jhatka* shop at Sur Singh, not far off. In short, we find no force in any of the arguments for accused; and consider that he took part in the Chabba dacoity (in which murder occurred) with the knowledge that the dacoity was committed to get funds in aid of the conspiracy.

(46) Kirpal Singh, son of Narain Singh, of Bhopa Rai, District Ludhiana, student, aged 18 or 19 years :—

This accused, who pleaded "not guilty" to the charges framed against him (p. 555), was admittedly a student in the Khalsa School at Ludhiana—another of the students lured into this conspiracy by older scoundrels. He was arrested at midday on February 21st just outside the door of house No. 1.

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh; by approver Sucha Singh on Jail parade of April 24th, and by P. W. 283. In Court by the same approvers, and by P. Ws. 30, 214, 227, 228, 230, 231, 268 and 283.

Approver Amar Singh states that about the 29th January 1915, this accused was introduced to the conspirators at Amritsar by accused Kartar Singh as being "one of us," and that on probably February 2nd (p. 73) the witness along with accused and the absconding Rash Behari came to Lahore, accused being given a bundle of pistols to carry. Accused leaves his 2 companions at the Gawal Mandi House; and goes to the Khalsa Boarding House to a friend; and next day is told by this approver to bring his bedding to the Mochi Gate house, and goes to Ludhiana to get it. On February 7th, he is at the Baba Atal house, Amritsar, when witness returns from Lahore with 3 revolvers. On 9th February he leaves for an abortive dacoity with others in the direction of Kartarpur, taking the 3 revolvers and 5 or 6 inkpot bombs. He leaves again for another abortive dacoity, returning on February 11th; and then accompanies the witness and accused Hirde Ram to the Mochi Gate house. On the 12th February he is sent by this approver to Ferozepore with Rs. 10 to bring the wife of Jewan Singh (one of the Ferozeshahr murderers). Neither this approver, nor approver Mula Singh was cross-examined as to why either of them should be falsely implicating this student.

Mula Singh (p 99) mentions accused as one of those who visited Rash Behari at the witness' house between January 15th and 30th. Witness calls him a previous acquaintance of Kartar Singh, and says that about 6th February, he came to Lahore with Rash Behari, who brought 4 pistols and one out of repair from Amritsar. Mula Singh also corroborates Amar Singh *re* the 2 abortive dacoities.

Approver Sucha Singh, who states that he and accused were fellow-students and in the same cricket team, asserts that he and accused made copies of the *Ghadr-di-Gunj*; that accused was with him when he purchased sulphur and *mansal* (p. 272); and that accused took part in the Mansuran dacoity, armed with a stick. In this dacoity no one was murdered, but some 5 persons were injured, mostly by bombs.

Approver Umrao Singh, who met accused at Sucha Singh's a few days after the Sahnewal dacoity, also implicates him at having been in the Mansuran dacoity armed with a stick, and says that accused was called to Amritsar by Kartar Singh to be used for preaching in regiments.

P. W. 16 (Deputy Superintendent, Police) gives evidence as to accused's books found at house No 1 on February 19th after the raid (the *Exhibits* are *P.* 30 B. E. F.).

P. W. 17 (Inspector Ahmad Khan) speaks as to the arrest of accused in the doorway of house No. 1, and says that accused offered no explanation for his presence there. He named (p. 161) the witness Iqbal Singh as his host, thus giving a clue to that witness, and himself wrote out a statement for the Inspector.

P. Ws. 30, 31 and 32—the first of whom is Iqbal Singh—support the Inspector's story, and clearly prove Iqbal Singh's messing accounts,—*Exhibits P.* 133 A and B, which show that he had a guest from 1st to 4th February, and on the 10th of that month, and on January 15th. Iqbal Singh, who has no

enmity whatever with accused, and is his co-villager, has told us of accused's visits to him; when accused preached revolution, said he had brought 2 or 3 revolvers from Amritsar with other men, and mentioned "a Bengali, and the collection of arms." The witness told neither the Principal of his school, nor the Police, but did tell Bhai Dharm Singh, and accused was warned not to come again. P. W. 214, an old school-fellow of accused; corroborates that accused was in Kartarpur about the beginning of February. P. Ws. 227 to 231 inclusive (4 students and a former Superintendent of the "Islamia Boarding House, Ludhiana") give evidence in support of Sucha Singh, approver, *re* the copying of the *Ghadr-di-Gunj*, and accused's taking part in the Mansuran dacoity; and one of them (P. W. 227) identifies the copy-book, out of *Exh. P.* 30 B., as belonging to accused, both from its contents and because accused's name is in it. P. W. 228 saw accused with Sucha Singh and accused Kartar Singh, when Kartar Singh talked about the ingredients of bombs. Now, these witnesses have certainly no reasons whatever for trying to falsely implicate accused.

Accused (p. 446) denied the allegations against him, and said that he did not even know the absconding Rash Behari by sight. He suggested no reasons, however, why the prosecution witnesses (especially his co-villager, Iqbal Singh and his old school-fellow P. W. 214) should have given evidence against him. His story of his connection with house No. 1, was utterly ridiculous—namely, that on the 11th February, he came to Lahore to enter the Commercial College, and at Amritsar Station met a man, whom he knew before, *though not his name*, who invited him to the house, whither he went with his books and bedding. This man told him that the Commercial College would not open till the 1st of the next month, so, after spending the night, accused returned to his village (apparently leaving his books and bedding behind him).

On February 21st, he returned to get his books and bedding, and was arrested by the Police. He admitted that *Exhs. P.* 30 B. and *P.* 30 E. and F. were his books and bedding. Defence witnesses, 150 to 154 inclusive, were produced to support this absurd story, and we do not believe them. Nor do we believe D. W. 155 (a man of Jaspal Bangar village), who has tried to prove that accused was in his village, Bope Rai, from January 22nd to 29th—and so could not have taken part in the Mansuran dacoity on the night of January, 27th.

Accused's Counsel has argued that approvers Amar Singh and Mula Singh disagree (by about 4 days) as to the dates when the pistols were brought from Amritsar; but P. W. Iqbal Singh's statement is in corroboration of them. It is urged that as accused was not allowed into the Gawal Mandi house, he could not have been in the conspiracy; but we have evidence that Rash Behari took a good deal of thought for his own privacy, and one of his reasons for leaving Amritsar was that there were too many youthful students about the place. Counsel has asked—"Why should accused have brought his school books to Lahore?"—but we frequently find students preparing for examinations, whilst, at the same time, taking part in seditious propaganda; and one of the student accused was even allowed out on security after his arrest in connection with an examination. An extremely feeble point has been urged in respect of P. W. 30 (Iqbal Singh), namely, that "he must have read about the revolvers in some newspaper, and have thought that he would be required as a witness." Lastly, it is urged that accused is an excitable student, and this, of course, we are ready to believe,

Accused's part in the conspiracy, and in the Mansuran docoity has been fully established—and we are only prepared to take into consideration his youth,

(47) Kishen Das, *Sahd,* **son of Khazan Singh, of Babarpur, Police Station Dehlon, District Ludhiana, aged 60 :—**

This accused, who pleaded " not guilty " to the charges framed against him (p. 557), is admittedly a *Sadh* having a *dera* at Babarpur ; and the main allegation is that his *dera* was made a starting place by the Rabhon docoits, whom he even accompanied himself on one of the abortive attempts.

Accused was identified in court and on jail parade by approver Narain Singh and P. Ws. 252 and 315 (*Mussammat* Sardi, whose premises were looted). We may say at once that there was nothing extraordinary about these last 2 witnesses being able to identify accused – they are local people, who would know him and his *dera*.

P. W. 198, Ichhar Singh, admitted that he had never seen this accused himself ; and all that he could state was that (p. 260) the absconding accused, Gandha Singh, had mentioned that accused had put up the Rabhon dacoits at his *dera*, and had promised him (Gandha Singh) a cartridge loading machine given him (accused) by a dacoit.

Approver Narain Singh, who himself took part in the Rabhon dacoity, states (p. 263) that accused's *dera* was used as a place of assembly by the Rabhon dacoits ; who made various abortive attempts from there, and finally, the successful dacoity of February 3rd. He further says that accused himself, armed with a *gandassa*, joined in the second abortive attempt ; that he lent a *gandassa* for the fifth abortive attempt; and a lantern and spade for the successful attempt. That accused (*vide* p. 268) was advanced by Gandha Singh, absconder, Rs. 5 on account of a gun which he said he could procure. There is nothing to show why this approver should have attempted to falsely speak against accused ; and he has even said in his favour—" accused only knew us as dacoits, not as revolutionaries."

P. Ws. 252 and 257 speak as to men assembling at the *dera*, and P. Ws. 278 and 286 (a Sub-Inspector) as to the finding of a lantern and spade (*Exhs. P.* 233 A. B.) and a crowbar at the *dera* on February 22nd, when accused was arrested. P. W. 252 has stated that accused borrowed his iron axle on the plea that he wanted to use it with a pulley for drawing water ; and P. W. 263 has stated that accused gave him the axle to sharpen at one end " for digging holes for fencing," the work to be completed the same day. Witness returned it to accused's *chela*—and next day heard of the Rabhon dacoity, for which purpose, we are to suppose, this crowbar was required. It is difficult to see why these witnesses should wish to falsely implicate an old *Sadh*—their feelings would rather be the other way. P. W. 285 (a most intelligent boy, aged about 14 years) is accused's own *chela*. He is, admittedly, quite blind of one eye; and can see but little with the other ; and he tells us that on different occasions several men came to the *dera* and discussed dacoity; and that accused himself suggested that *Mt.* Sardi, *Khatrani*, of Rabhon, was unprotected and worth robbing. He says there were unsuccessful attempts ; that accused promised to get a gun from a *Subadar*, and was advanced Rs. 5 by one *Bhaiji* (possibly, Gandha Singh, absconder). He says that he heard mention of pistols; and the names of " Amli " and others ; he speaks of the lantern, spade, *gandassa* and crowbar, and says that he "understood " that accused was given Rs. 80 by the dacoits. The Defence have, naturally, suggested that this young *chela* has his own axe to grind in trying to get his *Sadh* into trouble ; but it is noticeable that he has not tried to make out that accused took part himself in any of the attempts on Rabhon.

Accused (p. 475) has denied the allegations against him ; and has said that quantities of persons come to his *dera*, which is very probably true. He has admitted that the lantern and spade belong to him, but has denied lending them to dacoits.

He produced D. Ws. 195 to 200, inclusive, to prove his good character at Babarpur, and at Mamatpur, where he previously had a *dera*.

A reasonable point taken by the accused's Counsel is the improbability that an old weak man like accused would voluntarily go himself to a dacoity, armed with a *gandassa*. There is certainly force in this argument—and it is quite possible that the dacoits, who included ruffians like the absconder Gandha Singh, took accused along with them on one occasion for the purpose of sealing his mouth.

We are not prepared to find that this accused was aware of the conspiracy; and Narain Singh, approver, has distinctly said that accused only knew him and his companions as dacoits. We see no reason to doubt that accused was fully aware that Narain Singh and his companions were dacoits, and that they were using the *dera* as such; and he, no doubt, assisted them as alleged. We are, however, quite ready to consider how far an old man like the accused had it in his power to raise any objections, when a number of burly *jats* assembled at his *dera*; and when pressure was, in all probability, put on him by ruffians like Gandha Singh.

(48) Kidar Nath, son of D. Bhag Mal, of Lahore, *Khatri*, aged 25 :—

This accused, who pleaded "not guilty" to the amended charges framed against him (p. 559), is not a returned emigrant. (In the first paragraph of the charge sheet, the dates 17th, 19th and 21st January 1915 were amended to 17th, 21st and 22nd January 1915).

Accused's statement and supplementary statement will be found at pages 378 and 628. According to his statement, he was the proprietor of the *Khabardar* Press and newspaper of that name.

On Jail parade of April 18th, approver Amar Singh pointed him out simply as "a man he knew," and the Police spy, Kirpal Singh, pointed him out as "a man he had seen in a house with Amar Singh." Amar Singh identified him in court by name; and the spy pointed him out as "a man he had seen."

Approver Amar Singh's statements regarding this accused will be found at pages 71 and 83 (cross-examination) of the record. According to the witness accused Kartar Singh told him to find out this accused's address; and on January 17th the witness went to accused Nand Kishore (discharged by our order), and asked for particulars. Nand Kishore sent his servant with the approver to accused Kidar Nath's house, and the approver then recognized him as an old class-fellow of his at the Technical School. On the occasion of this visit, the approver told him that a rising was contemplated. On January 21st he again visited Kidar Nath, and asked if he could procure a revolver; and Kidar Nath said he could get one "just then" (*i.e.*, practically at once), and also offered to get a gun, which the witness said was not required. On January 22nd this approver again visited this accused, who gave him a revolver, and was given Rs. 40 to get cartridges—the revolver being put by the approver in the Gawal Mandi House. In cross-examination (p. 83), this approver, who seemed somewhat uncertain as to his dates, finally stated that his visits to this accused took place on January 17th, 21st and 22nd, and that on the occasion of the first two visits he talked to accused about his political aims and ideas. He paid nothing for the revolver which on February 16th he made over to the Police spy; and though he (as alleged) gave accused Rs. 40 to get cartridges, he never afterwards asked accused for the cartridges. He never asked accused to join "the party;" and at the first meeting did not know whether he belonged to "the party." He never saw accused in any of the conspirators' houses in Lahore.

Approver Mula Singh only states that at about the beginning of February Amar Singh mentioned that he had got "a gun, a revolver and a country-made pistol" from one "Amar Nath" or "Kidar Nath;" who had no cartridges, but would get some. P. W. 193 (Assistant Jailor, Multan) has spoken regarding an intercepted letter, but we have no proper proof on this point, and omit it altogether from consideration. P. W. 17, Inspector Ahmad Khan, has stated that on March 14th approver Amar Singh stated that accused had given him a pistol, and had been given Rs. 40 to get cartridges. This witness also stated in cross-examination (p. 165) that orders for arrest of this accused were issued on March 15th or 16th; that accused was believed to be in hiding; that he had first seen accused some 3 months before his arrest on March 24th; and had heard of him as a political suspect. P. W. 369, Khan Sahib Abdul Hakim (Deputy Superintendent of Police of Criminal Investigation Department) tells us of the arrest of this accused in Lahore about 11 P. M. on March 23rd or 24th. The witness received information that one Diwan Chand (D. W. 78) was harbouring accused. A watch was kept; and both accused and Diwan Chand were arrested in the street.

Accused (p. 378) has denied any previous acquaintance with Amar Singh—and the allegations of that approver. He only knew Anand Kishore as the owner of a laundry, and says that he once had a suit against him.

He states that about a fortinight before his arrest he went to Hardwar; and asserts that as he used constantly to criticize Police methods in his newspaper, he was looked upon as a political suspect; and so has got into trouble, and that a man (mentioned by Amar Singh, approver) had actually started a false case against him. In his supplementary statement (p. 628) he questioned Amar Singh's dates and asserted that in those days he was away in Rawalpindi and Peshawar on certain urgent business.

Now, this last assertion looks to us very much like an after thought, and we cannot say that we are much impressed with the evidence produced in support of it. Accused has produced in support of his alleged visit to Peshawar (where his urgent business seems to have been a search for an uncle) D. W. 138 (the Editor of the *Shanti* newspaper, of Rawalpindi), D. W. 139, an Octroi official of Rawalpindi; D. W 140; D. W. 141 (a Peshawar goldsmith), and D. W. 83 (*Ahlmad* of the Lahore District Court, who was on a year's leave). These witnesses are not really exact as to dates; the "sick uncle" was never discovered; and it appears that *Ex. D.* 16—the issue of the *Shanti* newspaper of January 16th—did not actually appear till the 18th. In fact, the Editor of that paper has had to admit that the paper can seldom issue on the date given on the paper, for instance, the issue of January 23rd appeared on January 27th. D. W. 81 (District Sub-Inspector of Police, Lahore) and D. W. 82 (Mr. Grey, Confidential Inspector of Police, Lahore) tell us that accused, whose movements, as a political suspect, have apparently been watched since 1907, was reported to have left Lahore for Ferozepore on the evening of January 17th and to have returned to Lahore on the 20th; and that enquiries at Ferozepore did not confirm his visit to that station. According to that evidence, it would have been *possible* for accused to have met Amar Singh in Lahore on January 17th, 21st and 22nd. D. W. 77 (a Lahore journalist), who admitted having published letters of the notorious Ram Chand, *Peshawaria*, gave evidence that accused had contributed to his paper *The Hindu* (now stopped) articles against the Police complaining of searches and shadowing—one signed article being *Exhibit D.* 13 in the issue of May 2nd, 1914—and further stated that in 1911 it was considered advisable to take accused temporarily into custody.

D. W. 78, Diwan Chand, bookseller of Lahore, has denied harbouring accused, but has admitted being himself arrested practically along with accused; and we see no reason to doubt that he had been harbouring accused. D. W. 79 (Mehta Anand Kishore—whom we discharged, giving him the benefit of the doubt) has admitted knowing accused since childhood, and has given an unconvincing account of an alleged dispute with him; but he has denied having ever given Amar Singh any assistance to find accused. D.W. 80 (Sub-Inspector of Lahore *Kotwali*) searched accused's house at the beginning of January 1915, in connection with certain proceedings under section 307, Indian Penal Code, but nothing objectionable was found. It was then reported that accused ought to be put on security as a seditionist, but this also fell through. A few days later, proceedings under section 107, Criminal Procedure Code, were started on a complaint by one Amar Nath, *Parashar* (mentioned by approver Amar Singh) and, according to Mr. Grey, accused did ask for a copy of the Police papers in those proceedings, but they were confidential.

D. W. 84 whose statement is not particularly convincing has been produced in support of accused's alleged visit to Hardwar.

Now, though we are certainly not much impressed by the bulk of the defence evidence, the question really becomes whether we are prepared to convict this accused on what is really the bare statement of Amar Singh, approver—for, Mula Singh has only stated that he "heard" certain things from Amar Singh, and he and Amar Singh do not entirely agree. Then again, we have the noticeable point that, though Amar Singh says he gave Rs. 40 to accused to get cartridges, he seems to have taken no more thought about them. In the interests of this accused we have examined pages 27, 28 and 29 of the printed statement to the Magistrate, and page 17 of the printed statement to the

Police (on which there are two paragraphs towards the end of the statement dealing with this accused). To the Magistrate Amar Singh stated that he did not tell accused that he had come to see him at the bidding of accused Kartar Singh ; that on the occasion of this first visit he only had a *casual talk* with him, and was invited to spend the night, but declined. That it was on the occasion of his second visit that he told accused about the intended rising, and asked him if he could get revolvers ; and that it was on the third visit (January 22nd) that accused gave him a revolver in a leather case, and was given by him Rs. 40 for cartridges. The statement to the Police was, naturally, not made in such detail ; but in it Amar Singh made no mention of having ascertained accused's whereabouts through Anand Kishore. He stated that he straightway consulted him about obtaining arms ; that on a second occasion the accused gave him a revolver in a leather case, which he (the approver) made over to the "fat Bengali," who subsequently gave it to the Police spy, Kirpal Singh ; and that it was on the occasion of his *third* visit to accused that he gave accused Rs. 40 for cartridges, and was told he could be given a gun, which he said was not required, because it would be a difficult thing to conceal.

We attach no weight to the argument of accused's Counsel that Amar Singh, seeing that accused was a Lahore man, should have employed him for renting houses, and that accused attended no meetings at the conspirators' houses. Unquestionably, the accused was a political suspect whose movements were watched (as he well knew); and he had perforce to be extremely cautious. It is perfectly possible (and may even be consistent with accused's innocence) that accused may have thought fit to keep out of the way, if he became aware that the Police were suddenly looking for him, and there is certainly some force in his Counsel's argument that, though Amar Singh was arrested in house No. 1 on February 19th, there is nothing to show that accused immediately absconded. Then, we have the fact that, though admittedly the accused used to make newspaper attacks on the Police on account of their action against himself, we have no evidence, documentary or verbal, to show that he ever otherwise attacked Government or the policy of Government. Counsel for the Crown has urged that accused (like the discharged accused Nand Kishore) belonged to the clique of seditionists of the *Bharat Mata* of 1907, and that he was the sort of person that the conspirators would have wished to get in touch with ; but all that we have to see is whether the *evidence* produced against him justifies our convicting him in the present case. With the question whether he be a person whom it may be desirable to watch, or to intern in the public interests, we have nothing to do.

We are not prepared to say with any certainty that approver Amar Singh has deliberately concocted a story against this accused ; but the case against accused really rests on his evidence, and we have pointed out various discrepancies. Our conclusions, therefore, are that, as regards this accused, there are in our minds doubts as to his guilt ; and of those doubts he must, in justice, have the benefit.

(49) Lal Singh, son of Mihan Singh, of Bhure, Police Station Tarn Taran, District Amritsar, aged about 30 :—

This accused, who pleaded "not guilty" to the charges framed against him (p. 561), is not a returned emigrant. He was admittedly arrested in Padri village, not far from his own village of Bhure, on March 21st, 1915.

He was identified on Jail parade of April 18th by Mula Singh, approver, and in Court by approvers Mula Singh, Udham Singh, and P. Ws. 158 to 161, inclusive. According to the Prosecution, approver Udham Singh at Jail parade was only present for the purpose of trying to identify certain dacoits.

Approver Mula Sirgh states that he was introduced to this accused (p. 95) by accused Jagat Singh, and gave him, Jagat Singh and accused Indar Singh, his Amritsar address. On page 97 he tells us how accused came to him, asking for a saw capable of cutting iron. Accused Kartar Singh was sent to Lahore to obtain this; and the approver has identified the hack-saw *Exh. P.* 38, as the one which he gave accused 30, Indar Singh, to convey to this accused. (Other evidence regarding *Exh. P.* 38 has been discussed in the separate case of accused 30.) This approver (p. 109) thinks that it was this accused who told him on one occasion that accused Kartar Singh and Nidhan Singh had promised arms, but had failed to supply them. In cross-examination he stated that he had named accused to Inspector Amir Ali at Padri; and this is corroborated by that Inspector (P. W. 195), who called in accused to Padri on March 20th; found nothing incriminating in his house, but arrested him for conspiracy.

Approver Udham Singh (p. 227) has stated how he, along with accused 30, Indar Singh, met this accused at the *Jhar Sahib* (not far from Padri and Bhure) fowards the end of November. Accused told him that the *Jhar Sahib* had been selected as being an out of the way place, and that men were to assemble there next day to concert a meeting; that arms were being obtained; and that some of the men could make bombs. This approver has further stated that accused agreed to join in the Chabba dacoity, the date of which had not been fixed at the time—but, apparently, he did not take part in it. P. W. 158, who appeared to be a respectable person of Padri (a mile distant from accused's village) states that accused (a known bad character), on the 28th November 1914, collected a large gang of men at the *Jhar Sahib*, whom accused fed at his house. Witness enquired from accused's brother, who said that the men were only for the purpose of fighting against Government, looting Treasuries, and so on. The witness reported to the Deputy Commissioner of Amritsar on November 30th. On December 2nd or 3rd three *sowars* from Lahore Cantonment came asking the way to the *Jhar Sahib*, and were arrested by the Police. The witness admits that he gave evidence against accused in proceedings under section 110, Criminal Procedure Code (*vide Exh. P.* 185, the final order in which is dated February 1915) but on no other occasion. He states in cross-examination that he saw that the gang had arms, that accused's brother-in-law, a returned emigrant, lives at Dadhir, that the witness Kapur Singh went with him to the Deputy Commissioner and was with him when he questioned accused's brother, Pal Singh.

This evidence is corroborated by P. W. 161 (of Padri), and by P. W. 160, Kapur Singh, *Sahukar*, of Padri, who was only the other day murdered by a gang. This last witness denied having had a case against accused about a watercourse, but admitted that some one of his village had had one. From *Exh. D.* 26, however, we find that a complaint *re* a watercourse was lodged by witness Kapur Singh against accused Lal Singh, his brother Pal Singh, and other persons—though, apparently, the watercourse watered the land of other villagers besides that of Kapur Singh. P. W. 159 (*Ala Lambardar* of Padri) and P. W. 169 (*Lambardar*) speak as to accused's being sent for to Padri, and arrested; and so does P. W. 186 (the Court Inspector of Ludhiana) who recovered the hack-saw (*vide* our remarks in the separate case against

accused 30). P. W. 336 has stated that at Lobatbadi this accused gave a clue to a bottle of acid, which was recovered from a well, and was sent to the Chemical Examiner.

Accused (p. 433) has denied all the allegations against him; and has alleged that he has been implicated entirely by Kapur Singh, with whom he had a dispute; and Kapur Singh's friend, the witness Sardar Ali. We have nothing on this record to support accused's assertion that he was arrested one day prior to a hearing fixed in his case with Kapur Singh. The complaint in that case is dated 17th September 1914; it appears to have been instituted on October 2nd, 1914; and to have been decided on 31st March 1915.

The Defence witnesses are D. Ws. 118 to 128 inclusive. Most of them simply deny that any assembly ever took place at the *Jhar Sahib* or at Lal Singh accused's house. They include a *Mahant* and a *Sadhu* of the *Jhar Sahib*—persons not likely to admit that anything seditious ever took place there; but the former, whilst asserting that Kapur Singh had come and asked him to give false evidence, was obliged to admit the truth of the story that three *sowars* had been arrested in front of the *Jhar Sahib*. This witness at first stated that "he had had no talk" with Kapur Singh. The *Sadhu* also states that Kapur Singh asked him to give false evidence.

D. Ws. 124 and 127, two *Patwaris*, have been produced along with plans, *Exhs. D.* 14 *and* 15, to show that witness Sardar Ali's land would not lie on the way from Bhure to the *Jhar Sahib*, and that Lal Singh's house would not be visible from that land. D. W. 125 has asserted that Sardar Ali was accused by a *Zaildar* of forgery—no documentary evidence has been produced—and, though D. W. 123 has spoken of the disputes between the murdered Kapur Singh and this accused, D. W. 122 (*Lambardar* of Bhure) says there was "not much enmity" between them.

Counsel for the Defence has referred us to his arguments in the case of accused 30, *re* the purchase of the hack-saw; and we adopt our remarks on those arguments. We do not attach importance to his argument that accused "could not have left his village at the time when Mula Singh says he asked for the saw, because the report had been made on the 30th and the police were after him"—we have evidence that he did leave his village; it is not shown that he knew of any report; and, if he did, perhaps that was the reason why he did not himself go to get the saw.

There appears no doubt whatever that a report of an assembly was made to the authorities, with the result that three *sowars* were actually arrested (as admitted by the *Mahant*) in front of the *Jhar Sahib*; and, though it may be possible that Kapur Singh was partly instigated by personal motives in making a report, we are certainly not prepared to believe that he concocted his story along with Sardar Ali. Nor can we see why approvers Mula Singh and Udham Singh (who have not been cross-examined as to reasons for enmity) should have concocted their stories against this accused.

Our opinion is that the connection of this accused with the conspiracy has been established.

(50) Madan Singh, son of Mal Singh, Tarkhan, of Gaga, Police Station Burki, District Lahore, aged 28:—

This accused, who pleaded "not guilty" to the charges framed against him (p. 563), is apparently a Preacher of the *Panth Khalsa* at Lahore Cantonment; and has stated that he has a house in the *Sadr Bazar* there (p. 398).

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh and the Police spy, and in Court by the same three witnesses and P. Ws. 40, 52 and 102.

Approver Amar Singh states (p. 74) that approver Mula Singh asked him to go to Lahore Cantonment, and find out from this accused and Balwant Singh, *sowar* of the 23rd Cavalry, how many men of that regiment would be ready to join. Amar Singh, accordingly, went to see accused on February 3rd; told him to sound the feelings of men in the regiment; and spent the night with accused. On February 11th this approver and accused Hirde Ram took a message from Mula Singh to accused; and on the 12th Amar Singh finds Mula Singh at accused's house. All three of them then go to look for Balwant Singh; and accused brings from the cavalry lines a Sikh *sowar*, who says that his comrades must first know more of the plans for a rising. The approver and Mula Singh and accused then go to select a place of assembly with a view to the proposed attack on Lahore Cantonment magazine, and accused then goes with Mula Singh to the house of the Editor of the *Khalsa Akhbar* in Lahore. Amar Singh follows them there; and takes them to house No. 1, whence accused returns to cantonments. On the morning of February 13th accused comes to house No. 1, saying that two men are enquiring for Mula Singh. The two men prove to be Balwant Singh, *sowar*, and the Police spy, Kirpal Singh; and Amar Singh takes them to house No. 1, where they find Dr. Mathra Singh (absconder) and accused Hirde Ram and Indar Singh of Sur Singh present. This is Amar Singh's statement, on which he was not cross-examined.

Approver Mula Singh states that he first met accused, who was recommended to him by accused Indar Singh of Sur Singh as "a good worker", about January 12th; and that accused took the letter to Mussammat Atri *re* the renting of her house in Amritsar. Further, that on one occasion accused told this approver that arms were procurable at Sukkur, and that about January 14th Amar Singh told him that he had sent accused with Rs. 40 to Sukkur. Further, that later accused brought a country-made pistol from Sukkur, though, in cross-examination, the witness admitted that he could not remember the date (p. 112). The pistol has been identified as *Exh. P.* 25 E. This approver corroborates Amar Singh by stating that on February 12th he went to visit accused, and Amar Singh arrived (with a copy of the *Ghadr Sandesa*); that all three went to find Balwant Singh, *sowar*, and that accused brought a Sikh *sowar*, whose name (this witness thinks) was Lachhman Singh; that the same day they went to select the place of assembly; and then to Lahore, where accused and this approver went to the *Khalsa Akhbar* office, being joined there by Amar Singh.

There was practically no cross-examination of this approver; and what conceivable reason could he have had for inventing this story against a preacher of the Sikh religion, especially the poriton about Sukkur?

Part of this story is corroborated by P. W. 40, the Editor of the *Khalsa Akhbar*. Accused used to bring him handbills for review and witness remembers his visit along with "Panjab Singh" (*i.e.*, Mula Singh) whom this witness verified from his books as "Mula Singh of Oregon," an old subscriber to his paper. The witness identified in court approver Amar Singh as the third man who came that day, and has said in accused's favour that he never knew him speak of politics. P. W. 72, the Police spy, who was himself for three years in the 23rd Cavalry, corroborates Amar Singh, and says that on February 13th

the accused took him and Balwant Singh, *sowar*, to Lahore to visit Mula Singh, who, they found, had gone to Amritsar (he was arrested in Amritsar that afternoon), so the accused introduced the spy to Amar Singh. P. W. 52, Kala Singh, of the *Topkhana Bazar*, Lahore Cantonment, has identified Amar Singh as like a *Mona* who, along with a Sikh, came to his shop with accused. P. W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that on February 14th the spy reported to him that accused was an active sympathiser, and was being used as a house of call; and Mula Singh mentioned him in connection with accused Pingley, and mentioned the visit to the *Khasla Akhbar* office.

P. W. 17 (Inspector Ahmad Khan) tells us that it was accused himself who gave the clue to Kala Singh, *mistri*, and that accused mentioned the *Khalsa Akhbar*. This witness states that accused was arrested on March 8th, that nothing incriminating was found in his house, and admits that accused was one of those whose photographs were taken. P. W. 102 is Mussammat Atri who states that accused brought her a *ruqa* and Rs. 2 in connection with the renting of her Amritsar house.

Accused (P. 398) has admitted assisting in the renting of Mussammat Atri's house, which, he says, was at accused Naurang Singh's request. He has denied most of the approver's allegations, but has admitted the visit to the *Khalsa Akhbar* office. According to his story, he chanced to meet Mula Singh, whom he did not know before, in the *Topkhana Bazar* with a *Mona* (presumably, Amar Singh), and Mula Singh asked him where the *Khalsa Akhbar* was, as he wished to discontinue taking in the paper. Accused had been to condole with Kala Singh over a bereavement; and, as he himself had to go to Lahore about hand-bills, he guided Mula Singh to the Press. Now it is, on the face of it, unlikely that Mula Singh would have been searching for the Press in Lahore Cantonment. Accused further stated that at the end of January he went to Amritsar to bathe, and met Mula Singh (whom he did not even know by sight) at Naurang Singh's shop, and was asked to take the letter to Mussammat Atri, which he did.

The defence witnesses are D. Ws. 213 to 218 inclusive. They give accused a good character and state that he has delivered lectures, illustrated by magic lantern slides, on the life of *Guru Nanak*; that he was once Secretary of a local *Singh Sabha*; and was once associated with a loyal telegram to His Majesty the King Emperor. One of these witnesses is a pensioned *Risaldar*, who is Secretary of the Manjha Diwan Society.

It is quite true, as urged by counsel for the defence, that approver Amar Singh made no mention of the Sukkar incident, but it has also to be noted that the defence did not apply to have him re-called for cross-examination on that point. We are not prepared to accept the suggestion that the spy was enabled to indentify accused because he was shown a photograph of him. It has been urged that Balwant Singh, *sowar*, and Lachman Singh have not been produced; but we have no information as to the former's whereabouts at the present time; and, if produced, he would not have been likely to incriminate himself, while the name Lachman Singh was only hazarded by Mula Singh, who was not sure of it, though he was able to describe the man he was speaking of. The accused himself has said that Mula Singh was "unacquainted with Lahore"—and as Counsel for the Crown has pertinently asked—how did Mula Singh know that a cemetery was selected as a place of assembly? Again, why should this Preacher of Lahore Cantonment have been wantonly selected as as uitable person upon whom to foist the story of the country-made pistol?

We see no reason to doubt the guilt of this accused and his connection with the conspiracy.

(51) Mangal Singh, son of Sarmukh Singh, of Lalpur, Police Station Tarn Taran, District Amritsar, aged 31 :—

This accused, who pleaded "not guilty" to charges framed against him (p. 565), was admittedly one of the "*Korea*" passengers and was interned on his arrival in India. Some of our remarks regarding interned accused (*vide* the cases, for instance, of accused 36 and 43) will apply to the case of this accused.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh and by the spy (who only stated that he had seen him in the Hong Kong Police). On Jail parade of April 24th approver Jowala Singh simply said that he had seen him in Shanghai. He was identified in court by these persons and approver Nawab Khan (who was not present at Jail parades).

Approver Amar Singh has simply mentioned accused (p. 63) as a passenger from Hong Kong, which does not look as if there were any special desire to concot a case against this accused.

Approver Mula Singh states that accused, along with Kanshi Ram (the Ferozeshahr murderer), Ram Rakha (absconder) and others, attended the Sacremento meeting in August 1914, and that accused was one of his revolutionary group—page 91. Approver Umrao Singh states that accused was one of those whom he saw at the "*Ghadr* Press" on August 28th, 1914 (p. 335). Approver Nawab Khan has named him (p. 131) as one of the party deputed to tamper with troops at Penang.

Accused (p. 478) denied all connection with the *Ghadr* party in America and having ever been to Sacremento. He denied having even landed at Penang, and stated that he was unaware of the existence of a "*Ghadr* Press." He stated that the approvers must have named him to save themselves, and that he returned to India after 11 years' absence, as his parents wrote to him to come and look after them and get married.

D. Ws. 163 to 167 inclusive (among them being a brother of accused) were produced to support the reason given for accused's return to India. We, of course, take into consideration accused's inability to produce witnesses from outside India, but we fail to see why the approvers should have concocted evidence against him and it is apparent that they have not tried to exaggerate.

(53) Nand Singh, son of Ram Singh, Jat of Kaila, Police Station Rai Kot, District Ludhiana, aged 32 :—

This accused, who pleaded "not guilty" to charges framed against him (p. 567), apparently reached India by the SS. "Nam Sang" on October 13th, 1914, on which boat the absconding accused 35 and accused Sohan Singh also arrived. He was arrested at his village on March 3rd, 1915.

This accused was not identified by any one on jail parade. Counsel for the crown, in arguments, has stated his impression that accused, having made a confession, was not present at jail parades, but the point is uncertain. He was identified in court by Nawab Khan, approver, P. W. 198 Ichar Singh and P. Ws. 264, 268, and 287.

Approver Nawab Khan's story regarding this accused is as follows. He first met accused in Vancouver in 1911; and at Badowal about the end of November 1914. Accused Kartar Singh asks him to bring this accused to Lahore (p. 136); so a message is sent to accused to meet the witness at Jagraon. The witness learns from accused of the Ferozeshah incident, and is warned to make himself scarce; and on November 30th accused refuses to accompany the witness anywhere, on the plea of "a swollen foot." On or about December 11th accused meets the witness at Burobarian and starts with him and others to dacoit a wealthy *Brahman* of Bhinwal. He explains his absence from the Phagwara meeting by saying that he and Jawand Singh, absconder, were away getting potash from Hoshiarpur. We find that the proposed dacoity failed, and that it was arranged to assemble at Chaheru on the 19th to attack the Doraha Military Bridge Guard. We know that this approver was arrested for purposes of internment; and he tells us that after his release on bail on February 15th, this accused came to him on the 18th and told him that the 5 dacoities with which we are concerned in the present case had been committed by "himself and his friends"; and told him the names of several of the present accused as participators in the dacoities at Mansuran and Chabba. Accused further told him that he had helped to melt gold bars at Lohatbadi; that Rs. 10,000 had been sent to accused Bhai Parmanand; that accused Parmanand II had supplied many revolvers; that accused Nidhan Singh had sent him (accused) 2 *maunds* of bomb powder; that he himself had purchased sulphur and glass phials; that Nidhan Singh had gone to Pindi to seduce Sikh troops; and that a horse had been purchased for Rs. 200. Now, many of these assertions of this approver are fully borne out by this accused's own confession.

P. W. 198, Ichhar Singh (p. 254), states that he was introduced to accused by Buta Singh (the accused who was absconding in this case, but who has now been hanged in connection with another case) and that accused used to preach sedition. That accused sent him a message to meet Gandha Singh, absconder, and the Anarkali murderer, and introduced him to accused Uttam Singh, absconder, at the witness's shop in Raikot as "one of our party." Accused was present at a meeting at the *Gurdwara* on January 29th; leaves for the Jhaner dacoity; and, on the way back, receives Rs. 135 from Buta Singh out of money given by Uttam Singh for purchase of a gun. Of this amount, accused makes over Rs. 70 to Nidhan Singh, and keeps the balance for revolvers. This witness, at page 255, also mentions accused in connection with the horse purchased from Mit Singh, witness, for Rs. 200. In cross-examination he states that he knows of no case against accused, though Mit Singh is a connection of the witness. Approver Narain Singh was unable to identify this accused in court, but he has said that he "only learnt accused's name afterwards"; that he only saw him once in the dark, and would not be able to identify him. However, he has stated that accused, armed with a pistol, accompanied him, "Amli," the Anarkali murderer, and others to the Jhaner dacoity (p. 264).

Approver Jwala Singh only states that he knew accused at Shanghai. P. W. 264 (son of Ichhar Singh, witness) stated that he once saw accused at the *Gurdwara*; and added, in cross-examination, also once at Ludhiana *Thana*.

P. W. 268 (Udham Singh of Hans—the man from Italy) corroborates that accused was one of the Jhaner dacoits, and states that accused was present when the absconding Uttam Singh handed over Rs. 1,000 to Nidhan Singh. P. W. 271, who did not pretend to identify accused, states that accused came and pointed out to the Police the witness's shop as the shop where he had obtained nitric acid, sulphur and 11 small glass phials (*Exh. P.* 259).

P. W. 287 is an important witness, Mit Singh, who was not even cross-examined as to any enmity. He states that the Anarkali murderer and the absconding Gandha Singh bought his horse through accused, who belongs to his village. He was present on March 3rd when accused's house was searched, and the memo-block (*Exh. P.* 260) was found. Also, on March 7th, when accused caused the recovery of a cloth full of sulphur, a *lota* (v. *Exhs. P.* 261 *A. B.*—bomb-case), 9 glass phials, sandpaper (*Exhs. P.* 259—261 *C.*) saltpetre and powder (P. 261 D. E.), 4 bundles of powder (P. 262); and from accused's own field the *lota* with the screw top (p. 263). Also the same day, accused took this witness and others to the vicinity of the Doraha Railway Bridge, where from the canal *patri* were dug up 6 *lota* bombs loaded with chemicals (*Exh. P.* 264).

P. W. 289 was produced *re* the purchase of the horse.

P. W. 300 (a Sub-Inspector), who arrested accused at his village on March 3rd, corroborates as to the finding of the memo-block (of which *Exh. P.* 260 *A.* is a transliteration made by P. W. 326), and as to the recovery of the bombs, etc., P. W. 334 (Circle Inspector of Ludhiana) tells us that witness Ichhar Singh mentioned accused on February 27th; and P. W. 335 (a Sub-Inspector of the Criminal Investigation Department) that approver Nawab Khan mentioned him on February 23rd in connection with sulphur from Rai Kot and phials. This witness corroborates P. Ws. 287 and 271.

Before this accused was questioned, he was required to listen to his confession, which was recorded by Lala Shibbu Mal, Magistrate, 1st class, at Ludhiana, on April the 6th and 7th, 1915. He admitted to us having made that statement and that he had signed it; but asserted that it was utterly false and that he had been beaten by Police constables with 3 *Thanadars* looking on. The confession in question covers pages 406 to 425 of our printed record.

Accused denied all connection with the *Ghadr* party in his statement before us, and gave as his reason for returning to India that he had been away 8 or 9 years. He denied wandering about after his return, or meeting approver Nawab Khan; in short, he denied all the allegations against him, but admitted that witness Mit Singh did sell a horse, though he himself was not concerned in the matter. At the conclusion of his statement he added that his statement to the Magistrate really only consisted of a couple of pages, but that the Police added more pages, and then caused him by violence to sign the whole document after reading it to him. He produced one witness for his defence—D. W. 156 *Lambardar* of his village—who only stated that he was not present when any discovery was made in the fields, and that he had never heard that accused was against Government.

Accused's confession has been very fully dealt with elsewhere in this judgment, and we do not propose to discuss it again here. We see no reason whatever to doubt that accused made it voluntarily; and it forms most powerful corroboration of the statements of the various prosecution witnesses—even down to trivial incidents like the "swollen foot."

Exh. P. 260, the memo-block, has also been separately dealt with, and all that we need say here is that that document goes even further than the *Ghadar* newspaper in its advocacy of the burning of churches and the wholesale massacre of Europeans of both sexes.

Of the guilt of this accused there can be no possible doubt whatever. His counsel argued mainly on the value of retracted confessions—a point with which we have dealt elsewhere—and also urged (why, we cannot understand) that the witness Mit Singh was an *accomplice*. The Police, no doubt, got the name of this witness from accused's confession.

(54) Nidhan Singh, son of Sunder Singh, *Jat*, of Chuga, Police Station Dharmkot, District Ferozepore, aged 60.

This accused, who pleaded "Not guilty" to the charges framed against him (page 569), is one of the most important of the accused in the present case; with a *dossier* second only to that of accused Kartar Singh. He admittedly left San Francisco by the ss. "Korea" on August 29th, 1914; left that ship at Nagasaki for Shanghai; and arrived at Colombo (for Madras) on the ss. "Mashima Maru" on October 25th, 1914. He was arrested on April 29th, 1915 (three days after the commencement of this trial), after a violent assault with a dagger upon a Police constable. The evidence against him is overwhelming; and, except as regards dacoities (of which, at first at any rate, he does not seem to have approved), he appears to have lent his willing aid in most departments of this conspiracy. Regarding him we have the evidence of six approvers, the witness, Ichhar Singh, and 14 other Prosecution witnesses.

He was identified in Court by approvers Amar Singh, Mula Singh, Jawala Singh, Nawab Khan and Sucha Singh; and by P. Ws. Ichhar Singh, 72 (the Police Spy), 99, 172, 202, 203, 204; the students 230 and 231; and 267, 268 and 370.

Approver Amar Singh stated that "probably" this accused or accused Jawala Singh brought accused Parmanand II on board the ship at Yokohama; but, from other evidence we find that it was not this accused, but accused Jawala Singh and Kesar Singh who brought Parmanand II on board This approver's story continues as follows:—At Nagasaki accused leaves the "Korea" to collect both money owing to him, *and men*, at Shanghai. He arrives with a following at Hong Kong on the ss. "Mashima Maru" and proceeds to Madras. He is present at meetings at Ladowal, Moga (twice) and Phagwara; and offers to collect debts due to him and supply funds for the purchase of arms. He is told to bring his men to Mullanpur; and we find him attending the Baddowal-Mullanpur meeting with adherents, with whom he goes from Moga to collect at Ludhiana. He is at first opposed to the scheme of an attack on the Lahore Magazine, on the ground that the party "was not strong enough" to hope for success; but to the Baddowal meeting he and accused Kartar Singh bring money, which is doled out, and it is decided to assemble at Lahore cantonment. He goes to the *Majha* to inform Gujar Singh's men of the plan of attack. He is told by Kartar Singh, accused, of the expected arrival of a Bengali at Jullundur at the end of November; and at Kapurthala, in company with accused Kartar Singh and Pingle, meets the witness and accused Parmanand II; and it is decided to meet approver Mula Singh, and make definite arrangements for a revolution. He returns with the witness and Pingle to Amritsar, and meets Mula Singh at accused Naurang Singh's shop. He is introduced to Dr. Mathra Singh, and by him to accused Hirde Ram; and is one of those who go to make trial of the experimental bomb near the canal (*vide* page 69). When accused Rash Behari proposes moving to Lahore to manufacture bombs and start a seditious press, the accused offers financial support. After a meeting at Sant Gulab Singh's *dharmsala*, accused leaves for Ludhiana. At the same *dharmsala*, on February 13th, the witness informs accused that the 21st has been fixed as the date for the rising. On the 14th accused and the witness and others go the Police Spy Kirpal Singh to examine him as to his *bonâ fides*; accused recognizes the Spy as a Shanghai acquaintance, and is also re-assured by Balwant Singh, *sowar*, who was accused's fellow-passenger on the "Mashima Maru". Accused and Harnam Singh, *Tunda*, go to Lahore to consult Rash Behari; and on the 15th after a meeting at house No. 1, accused is sent with accused Harnam Singh of Jhelum and Gurmukh Singh to Pindi, Jhelum and Hoti Mardan, to distribute "*Gadr di Gunj*" to the troops, and prepare for local risings on February 21st. We find (page 78) that accused and his companions met the Spy at the Lahore Railway Station; and it was owing to their suspicions of the Spy that the date was altered from the 21st to the 19th. The extremely short cross-examination of this approver will be found at the bottom of page 83.

Approver Mula Singh speaks of him as one of those returning for a revolution in August 1914 ; and says (page 92) that 500 dollars (originally collected for the "Komagata Maru" passengers) were made over to accused by the Shanghai *Gurdwara* for *national work* in India. We find from the witness that several persons at Shanghai were without the passage money for India ; and we are to understand that these funds were used by accused for the chartering of the ss. "Mashima Maru". The witness makes over to accused 6 automatic pistols and 600 cartridges supplied by "a German friend" of one Karam Chand. About the middle of December 1914, the witness learns from accused Jagat Singh of Sur Singh of accused's visit to Kapurthala with accused Kartar Singh ; and later on meets those two persons in Amritsar and learns of the arrival of accused Pingle, Parmanand II and Approver Amar Singh (compare Amar Singh's statement). At a conspirator's meeting at the Virpali *dharmsala*, when Dr. Mathra Singh is introduced, accused suggests having a bomb-factory near Ludhiana, page 96 (this was the Jhabewal factory where material for bombs was prepared) ; and the witness gives accused and Parmnand II and Mathra Singh Rs. 150 for Jhabewal expenses. Later on, accused is given a bottle of acid by the witness. Towards the middle of January at Gulab Singh's *dharmsala*, accused tells the witness and his co-conspirators that his "*Nihang* gang" is ready to revolt ; that chemicals are ready at Jhabewal ; but that bomb-cases are required. Sanyal is sent to Benares with Rs. 500 for arms and the expenses of the Bengali bomb-expert ; and accused returns to Ludhiana. About the first week in February the witness meets accused at Mussammat Atri's house with a *Jat* stranger from Canada, and accused gives witness 14 sovereigns and some rupees, totalling Rs. 1,000—the proceeds of dacoities in the Malwa tract—out of which the man from Canada is given Rs. 300 to get a gun and pistol, and as accused's name had become known to the Police, the witness advises him to go to Pindi to seduce troops. On this occasion the accused gives witness the long Afghan knife (exhibit P. 30 A). This knife was recovered from house No. 1, after the raid on February 19th ; and we have the evidence of the Spy (page 187) that it was brought to that house just before the raid by accused Balwant Singh All that was elicited in cross-examination of this witness (page 111) was that accused knows Gurmukhi.

Approver Jawala Singh states that he first knew accused at Shanghai where they were both watchman, before accused went to America. Accused was treasurer of the *gurdwara* there. During September 1914 accused arrives at Shanghai in company with Dhyan Singh (who was killed in the Ferozshahr incident) ; lectures in the *Gurdwara* on revolution ; distributes "*Ghadr*" literature ; and takes on board the "Mashima Maru" this witness and some 70 or 80 Indians. At Madras, after arranging to meet at the next Tarn Taran *Amawas* fair, and at Moga during the first week in November at the shop of Sri Ram, accused goes off to visit a shrine in the Nizam's dominions ; and prior to his departure advances the witness a sovereign to get a fresh ticket in place of the one he had lost when drunk. About the beginning of November he meets the witness and others at Sri Ram's shop ; and out of a false-bottomed bucket (one of four) are extracted arms, wire-cutters, hack-saws, cartridges, etc. Accused departs with Bakshish Singh, saying he will send a message when the others are required. Soon afterwards accused again meets the witness at Sri Ram's shop, and sends him off to Ghal, and to tell accused Roda Singh that pistols expected from Bengal should be awaited at Mehana station. As a "Leader," the accused abstains from liquor. He again meets the witness at Sri Ram's shop, and tells him that there has been some mistake about the arms from Bengal and that Ganda Singh, absconder, and accused Roda Singh have been sent to learn bomb-making. He meets the witness at Badowal towards the end of November, and tells him to collect certain men and take them to Moga. On November 24th, accused himself goes to Moga along with "Amli" and others ; and tells the men assembled there to assemble by twos and threes next day near Lahore Cantonment, to get the keys of the Lahore Cantonment armoury and attack the Territorials. This approver tells us the sources of this accused's funds, namely, Shanghai subscription, and money advanced by a Lahore *sahukar* at the instance of a brother of the seditionist Ajit

Singh. Nothing of value was elicited in cross-examination (page 119), except that accused had personally but little to do with matters like thefts and dacoities.

Approver Nawab Khan tells us that the approver landed at Nagasaki with "secret instructions" to proceed to India *via* Shanghai; and that he arrived at Hong Kong with some 60 adherents, and was made a member of the Central Committee. As the accused had to leave for Colombo, it was arranged to meet at Ladowal on November 17th, and to start a seditious Press Accused leaves Hong Kong on the "Mashima Maru," which he himself has chartered, and at Penang pays a visit to the ss. "Tosha Maru," and discusses a garbled version of the Budge Budge incident. The idea was mooted of pillaging Penang; and accused is one of the party deputed to ascertain the shops of dealers in arms. He is also one of the deputation to the Governor. On arrival in India, he attends the Ladowal meeting, and is detailed to loot the Jagraon or Moga Treasury, and meet witness at Moga on the 19th. He, like the witness and Kanshi Ram (who was hanged for the Ferozshahr occurrence), is one of the leaders of the Malwa party, and undertakes to produce some 40 men, and says that his party has 5 pistols (one out of repair). He attends the Moga meeting of the 19th, and is sent with Kartar Singh, accused, to see if an attack on Lahore Cantonment Magazine is feasible, with instructions to discuss this with accused Bhai Parmanand. It is arranged to meet at Badowal on the 23rd November, and on that date he meets the witness at Badowal Railway Station, and the Badowal-Mullanpur meeting takes place, with a discussion about attacking Lahore Cantonment on the 25th or 26th November—the accused being given Rs 200 by accused Kartar Singh for expenses. After the Ferozshahr occurrence, he sends the witness a message to clear out of Halwara; and the witness subsequently learns from Kartar Singh that accused has gone to Delhi for arms, and is expected back by December 5th. Later, Kartar Singh tells the witness of his having given this accused a revolver. At the conversation (discussed elsewhere) between this witness and accused Nand Singh, on February 18th, Nand Singh tells the witness of accused's sending him some 2 *maunds* of bomb-powder, and of his going to Pindi to seduce troops (compare the statements of approvers Amar Singh and Mula Singh on this last point) The little cross-examination there was of this witness will be found at page 148—witness corroborates that accused knows *Ga·mukhi*, and admits that accused was not with him in any dacoity.

P. W. 198 Ichhar Singh calls accused "President of the American Committee," and "the connecting link of all parties." He states that he supplied accused with 4 bags for bomb materials; and, a few days later, the accused brings bomb material, which is concealed in the witness's *Gurdwara* and house. He gives the witness a copy of the "*Ghadr di Gunj*", and sends Dalip Singh (the deceased approver) to the witness with bomb material On about January 5th the witness learns from the absconding Gandha Singh that accused has taken the proceeds of the Rabhon dacoity to Amritsar (compare approver Mula Singh on this point) The witness adds that he, this accused and Gandha Singh discussed the advisability of killing "traitors" like the Hon'ble Messrs. Gajjan Singh, Sardar Sundar Singh Majithia, S. Arur Singh of the Golden Temple, and the Editor of the "*Khalsa Samachar*."

Approver Sucha Singh, who, after some study, identified accused in Court, states that accused once made over to him 15 *seers* of a certain chemical in a gunny-bag, to be taken to Jhabewal to the men there with a message that everything would be ready by February 1st. In cross-examination the witness stated that he last saw accused just before the Mansuran dacoity, which accused did not discuss.

Approver Umrao Singh first meets accused and approver Mula Singh about the middle of 1913, and parts from them at Seattle. In August 1914 he meets accused at Fowler, and says that accused was present at the Fresno meeting on the 9th or 16th August 1914. He says that accused was appointed a leader at San Francisco on August 20th; that he met him at Stockton "ready to sail on the 29th"; and at the "*Ghadr* Press" on August 28th, 1914. He next meets accused at Shanghai on the ss. "Mashima Maru", and corroborates that Mula Singh gave accused 6 pistols and cartridges, which (the witness says) accused distributed before reaching Hong Kong to accused Rur Singh and others,

two being thrown overboard. At Penang, accused makes a seditious speech. At Madras, accused goes off to the "*Hazur Sahib*" shrine for the purpose (so the witness understood) of getting arms from "some State" On the 9th and 16th November witness meets the accused at Ludhiana, and accused says that patience must be exercised till after the Badowal meeting, and returns with the witness to Jhabewal. At that place, about December 20th, accused gives Dr. Mathra Singh and the deceased approver Dalip Singh certain amounts for the purchase of chemicals, and leaves in company with accused Pingley. Before leaving he sends the witness to fetch a bottle of acid from Bela Ram's shop in Ludhiana. On the 16th January, he returns to Jhabewal, and leaves with the absconding Bir Singh for Ludhiana on hearing of a projected dacoity on the deceased Approver Dalip Singh's own mother-in-law. He gives the witness Rs. 2, wherewith to purchase an iron pestle and mortar. We have two pestles and mortars in this case as exhibits; one of which, exhibit P. 255, was recovered from the house of this approver at Jhabewal (*vide* P. W. 243, a *Zaildar*, as to this recovery). The ground given to us for not cross-examining this witness was that his statement was inadmissible in evidence; this point has been elsewhere discussed in this judgment.

From P. W. 16 (Deputy Superintendent of Police) we learn that approver Mula Singh, in his statement recorded on 12th-14th March mentioned having met accused in Shanghai; and that accused had paid a visit to Kapurthala along with accused Kartar Singh.

P. W. 72, the Police spy, who identified accused in court by name, corroborates approver Amar Singh *re* the 14th February, and says that he was told of the rising fixed for the 21st, and himself proposed the looting of Lopoke *Thana*. Accused told the witness of bombs and revolvers with the Dadher and Marhana men. The witness also speaks of its being decided on February 15th at Lahore House No. 1 that accused and Dr. Mathra Singh should go with copies of the "*Ghadr Sandesa*" to Jhelum, Pindi and the Frontier to prepare for local risings on the 21st. It was meeting this witness (who asked too many questions) on the Lahore Platform that caused the alteration of the date to the 19th.

P. W. 99 (Thakur Singh) says that accused and accused Jagat Singh discussed revolution and dacoities at the Virpali *dharmsala* (*vide* Mula Singh, approver).

P. W. 172 states that he returned from America to Colombo with this accused; who himself "chartered the ship", and had revolutionists on board who were "going to India to win a victory." The witness understood from Jwala Singh, approver, that the visit to the "Hazur Sahib" shrine was really for the purpose of getting arms. The witness states that he and others paid their passage-money to accused, whom he had known for years, and that accused supplied the passage-money of other passengers (presumably, out of the 500 dollars); and gave 2 or 3 lectures on board. Out of the 70 passengers, "some 20 or 30" were of accused's way of thinking. The witness asserts that he told a *Thanadar* of dacoities projected by approver Mula Singh, and that his statement was recorded. In cross-examination also, the witness admits that he was accused of the murder of one Wir Singh, but denies that any of the accused persons about whom he has testified gave evidence against him, and the Defence have produced no proof of this.

P. W. 202 (constable Phuman Singh), 203 (a *chaukidar*) and 204 (a constable) give evidence as to the arrest of this accused on April 29th along with accused Rur Singh; when this accused grievously injured Phuman Singh with the dagger, exhibit P. 231. P. W. 329 (Assistant Surgeon, Jagraon) gives evidence as to Phuman Singh's injuries.

P. Ws. 230 and 231 are two students. The former identified accused in court as "the old man who got into a train with Sham Lal (*i.e.* Pingle)" when the witness was given a ticket for Meerut on the night of the 18th of "some month" (apparently February). The latter witness states that he once saw accused at Sucha Singh's dwelling when accused Kartar Singh was present; and learnt accused's name from Sucha Singh.

P. W. 251 (of Jhabewal) speaks of accused Parmanand II and a "Doctor" coming wanting to meet accused at Lohat Badi. P. W. 267 (brother-in-law of the dead approver Dalip Singh) speaks of accused's coming with accused Dewa Singh to get singers for a feast at Jhabewal. He admits that he learnt accused's name at the *Thana*. P. W. 268 (Udham Singh of Hans—the returned emigrant from Italy) states that accused brought a sack said to contain bomb materials; and that accused Uttam Singh (an absconding Rabhon dacoit) handed over Rs. 1,000 to the accused

P. W 370 (of Badowal) pointed out accused (who is a man of striking appearance) in court as a man who drank milk at his shop with approver Nawab Khan.

It is quite clear from the above recital that besides the evidence of approvers, there are apparently independent witnesses to corroborate different points in the approvers' stories.

The accused's lengthy statement commences at page 447. The denies all connection with the American *Ghadr* party, and says he knows nothing of a meeting at Fresno. He stayed at Stockton on his way to join the ss. "Korea"; and disembarked at Nagasaki simply because his Chinese wife and son are at Shanghai, where he had lived for 32 years. He denies having chartered the ss. "Mashima Maru", and asks how he could have managed to collect sufficient funds? (According to the evidence, we know the different sources). He admits (in answer to the very next question) that at Shanghai he was given "Rs. 500 by a Police *Jamadar*, who was on the *Gurdwara* committee, out of funds collected for the "*Komagata Maru*" passengers, in order that he might convey to India some poor and disreputable persons who were not wanted in Shanghai". He admits that Dhyan Singh (killed in the Ferozshahr occurrence), accused Jowala Singh and the absconder Gandha Singh were his fellow-passengers. He denies visiting the Governor of Penang He merely visited the "Hazur Sahib" shrine, because it is well-known. He admits paying the passage money of approver Jwala Singh "and other poor and disreputable persons." He reached Ludhiana on November 7th, where he entered his name in a book brought by a Police *Havildar*. He admits going with approver Amar Singh to Phagwara on November 23rd, but met no one there, and the discussion only concerned the starting of a newspaper to air grievances. He and Amar Singh also attended at Badowal (where the question of raising funds by means of dacoities was discussed); accused, however, said he would subscribe towards the newspaper, but would have nothing to do with dacoities. He only once met Kanshi Ram (the Ferozeshahr murderer) at Badowal. He went to Delhi about the beginning of December 1914 (*vide* approver Nawab Khan), but only to visit a friend, the Chief Inspector of Tramways, with whom be had had monetary dealings—and met his friend's friend, a *Brahman Thanadar*. He went to Jhabewal about the middle of November to get his suit-case, which he had left with approver Umrao Singh in Madras, and, while there, wrote his name in a *serai* register. He never went to Kapurthala. He did spend one night at Lohat Badi with the witness Ichhar Singh, in a *Gurdwara*, but knows nothing about any gunny-bags. He admits attending a meeting (about the newspaper) on the 25th December 1914 at the Virpali *Dharamsala*, at which Mula Singh and accused Jagat Singh were present, but declined to have anything to do with dacoities. He did meet accused Pingle, Kartar Singh and others at Ludhiana, but did not accompany them to Sucha Singh, approver. He does not know accused Rash Behari Bose, and denies the other allegations against him He admits his arrest at Kamalpuria on April 29th, but asserts that he was not trying to rescue accused Rur Singh—he had the dagger in his pocket and suggests that, during the struggle, it somehow or other injured the constable, Phuman Singh. Between the 18th February (the day before the raid on House No. 1) and the day of his arrest he was at Anandpur and Hardwar. At the conclusion of his statement he added that during his 32 years in Shanghai, he assisted many poor men to return to India. He went to Seattle by the same boat as approver Mula Singh, who was quarantined with many others. Accused and Nawab Khan and another collected funds to bring a

case about the men who were quarantined, and 100 doll ars in gold were made over to approver Nawab Khan, who absconded with the money. Asked why he did not cross-examine Nawab Khan on this allegation, the accused gave the absurd answer that "his mouth was paining at the time". He asserted that approver Mula Singh knew about the matter, but, "what was the use of cross-examining an informer?" On his return from Delhi, he says, he found that his house had been searched and feared arrest. On November 27th, he went to get Rs. 350 from "a *Brahman*" of Mega ki Mari, and was paid Rs 10 by the *Brahman's* brother, who entered this in a book. The *Brahman* belongs to Lahore, and accused went to him on December, the 10th, to get his money. Accused winds up by saying that he was not travelling along with accused Rur Singh at the time of his arrest, but chanced to meet him at a well. This story carries no conviction to our minds, and it is apparent how far it goes to support many of the allegations of the Prosecution witnesses.

He produced four witnesses for his defence and gave up the remainder. D. W. 86 (Chief Inspector of Tramways, Delhi) tells us that when accused went to America, he left his accounts with the witness at Shanghai. Accused came to Delhi last November to get his papers, but the witness had left them at his village, and gave accused a ticket, he thinks, for Moga. Approver Mula Singh, he says, bore an "ordinary character" at Shanghai, and took part in a Police strike.

D. W. 87 (of the Ferozepore District), related to accused by marriage, says that accused sent Rs. 100 to him 4 years ago, and came to recover the amount—which the witness had not got.

D. W. 88, also of Ferozepore District, makes a similar statement *re* an amount of Rs. 50. D. W. 89 (who was not specifically cross-examined for accused when he appeared as P. W. 58) identifies the Mool Chand *Serai* Register, exhibit P. 127, in which entry No. 911, dated December 28th, shows "Nidhan Singh of Chuga—unaccompanied—on his way home from Bangla Nanu. It is obvious that the above defence witnesses do not improve the position of this accused.

Accused's Counsel argued that accused was a "prominent social reformer who had helped Indians at Shanghai, and so would be known to all approvers". We bear in mind that accused was unable to produce any witnesses from outside India, but we have remarked on the absurd reasons given for not cross-examining Nawab Khan and Mula Singh; and, according to the evidence and accused's own admission, accused, leaving his family at Shanghai, employed himself in bringing back to India the sweepings of that port. The Defence Counsel has pointed out that in tha issue of the "*Ghadr*" newspaper of May 19th, 1914, there is a reference to an attempt on the part of the *Granthi* of the Shanghai *Gurdwara* to get the well-known sedition-monger Bhagwan Singh arrested; and he asks whether it is likely that the *Granthi* would have given accused monies for "*Ghadr*" purposes? But the *Granthi* may have had some personal grudge against Bhagwan Singh; and Counsel apparently forgets that his client stated that one of the "*Gurdwara* Committee" did give him money. According to Counsel, the "national work" alluded to by Mula Singh only meant the "amelioration of the lot of the poor." It is certainly correct that Mula Singh omitted to mention accused as present at the bomb experiment. We fail to see that it was any fault of the Prosecution that they were unable to supply witnesses in corroboration of Jwala Singh's story of the false-bottomed bucket; it would have been sinple enough to produce tutored evidence in support. Counsel suggests that, because this accused was so well known for his "philanthropic work," the approvers have concocted their long and very detailed statements against him. He has, wisely, made no reference to his client's violent assault upon constable Phuman Singh with a dagger.

In our opinion, it has been very fully established that this accused is an extremely dangerous criminal, and one of the worst and most important of the conspirators.

Punjab Government Branch Press, Simla,—10-9-15—No. 231—300.

(155) **Nourang Singh, son of Chanda Singh, of Amritsar, darzi, aged about 50 :—**

This accused, who pleaded "not guilty" to the charges framed against him (p. 571), admittedly kept a tailor's shop in Amritsar.

He was identified on jail parade of April 18th by approvers Amar Singh and Mula Singh and the Police spy. In court by the same 3 witnesses and by P. Ws. 95 and 100.

Approver Amar Singh states that at Kapurthala he was given this accused's address by accused Kartar Singh for finding out approver Mula Singh's whereabouts. Accused's shop adjoins that of accused 20 Hardit Singh. Further, that accused Pingley, Nidhan Singh and he (the approver) met Mula Singh at accused's shop, and that Mula Singh rented the Baba Atal house close by. In cross-examination he stated accused never attended any conspirators' meetings.

Mula Singh states that about the end of November 1914 accused made a speech at Nanak Singh's *haveli re* a memorial to Government about the stopping of the canal water-supply to the Golden Temple tank. Apparently, there was nothing objectionable about this speech; and the witness makes the important statement "we told this accused that we were from America, but not our mission." On November 28th, 1914, this approver and Balwant Singh, *sowar*, visit accused's shop, and he assists in getting a house for the approver. The witness again asserts that "our revolutionary mission was not disclosed." He gives his father his address in Amritsar as "care of" this accused. Accused later on informs him that Balwant Singh has enlisted, and assists in the renting of *Mussammat* Atri's house in conjunction with accused Hardit Singh (p. 92). The witness again says—"Naurang Singh knew nothing of our mission." Accused opens the house of *Mussammat* Atri for Mula Singh with one of his own keys, and (according to this approver) among the persons whom the approver met at accused's shop were Kartar Singh, accused, and the absconding accused Rao. On 13th February 1915, the approver advances accused a sovereign for the making of national flags, after showing him a copy of the *Ghadr Sandesa;* and was himself arrested the same afternoon on leaving accused's shop.

P. W. 72, the Police spy, states that Balwant Singh, *sowar*, referred him to accused in order to ascertain Mula Singh's whereabouts, telling him of the sign of a black turban and white turban (p. 184), whereby accused should be satisfied that he might give such information. On another occasion Balwant Singh was referred by accused to Madan Singh for information about Mula Singh. The witness mentions Amar Singh and Balwant Singh going once to accused's shop; and admits that he himself only visited the shop on one occasion.

P. W. 16. (the Deputy Superintendent of Police) states that the spy reported that accused was acting as a "Post Office for revolutionaries."

P. W. 95. speaks as to the search of accused's shop; when accused told his mother to hand over Rs. 15 (the amount of the sovereign given him by Mula Singh); this is corroborated by P. W. 195. P. W. 99 makes a rather vague mention *re* Mula Singh's address, identifies accused as "the *darzi*", and says that he once saw Mula Singh at accused's shop. P. W. 100 is the owner of the Baba Atal house, which he leased at accused's request to Mula Singh who put in a box and locked the house—Mula Singh afterwards pointing out the house to the Police. P. Ws. 113 and 124 (*Zaildar* Gurbakhsh Singh) speak as to 8 articles of clothing (belonging to Mula Singh and this accused) given by accused to the first of these 2 witnesses to be washed, and which were produced by him to the Police. P. W. 125 (*Mahant* of the Virpali *dharamsala*) says that he enquired from accused about Mula Singh's arrest. P. W. 195 (Inspector Amir Ali) states in cross-examination that he learnt of accused through the

spy; that there was never any intention of making him a Crown witness; and that accused admitted that the money had been given him for the making of flags. Further, that Mula Singh mentioned the *dhobi* (P. W. 113) and accused confirmed the information.

Accused in his statement (p. 374) denied even knowing Kartar Singh, accused. He admits that Mula Singh told him to give his address if a man came from his village enquiring, and that he mentioned that *Mussammat* Atri's house was available, and referred Mula Singh to Hardit Singh. He denies that Balwant Singh was with Mula Singh at the time. He admits having requested accused Madan Singh to take the letter to *Mussammat* Atri, to oblige Mula Singh, and says that Madan Singh brought back 2 keys which he (accused) made over to Mula Singh. He admits that the spy once came enquiring for Mula Singh, but denies referring him to Madan Singh. He denies the alleged visits of Rao, Kartar Singh and other conspirators to his shop. He admits giving up Rs. 15 to the Police; and asserts that Mula Singh gave him a sovereign for the making of clothes for himself and his sister-in-law—not for flags. He never made any admission to the Police about flags. As regards the Baba Atal house, he merely told Mula Singh it was vacant. He admits one visit from Balwant Singh, whom he told that Mula Singh had gone to Mian Mir to see him. He denies that Mula Singh ever showed him a copy of the *Ghadr Sandesa*, which he never read; and admits that that approver was arrested near his shop.

The defence witnesses are D. Ws. 60 to 70 inclusive. Most of them are as to the good character of accused, who has apparently written loyal articles in a *Darzi's* newspaper, sent a telegram of congratulations to His Majesty the King Emperor, and an address to His Honour the Lieutenant-Governor offering his services at the front (*v. Exhs.* D. 9 *to* 12 inclusive). D. W. 63 was produced to prove enmity on the part of the owner of the Baba Atal house (P. W. 100), but that prosecution witness was not even cross-examined on the point. D. W. 67 has stated that "a tall man" gave accused a sovereign to make clothes for "himself and his wife."

Counsel for the Crown has himself admitted that accused's case is an 'arguable' case; and it is much on a par with that of accused Hardit Singh, whose shop adjoins that of this accused. There is no doubt that Mula Singh chose the premises of these two accused when in need of a 'house of call', and he used both accused for the doing of various odd jobs. This approver has denied several times over (and he denied in Hardit Singh's case also) that this accused had any criminal knowledge; and Amar Singh has said that accused never attended any meetings of conspirators. The defence counsel has urged that no copy of the *Ghadr Sandesa* was found on Mula Singh, though he was arrested just after leaving accused's shop; and Mula Singh has stated (page 105) that, when accused questioned him about the flags, he told him that he was collecting the flags of all nations, and wanted another kind to add to his collection. The matter of the black and white turbans is certainly a noticeable point; but counsel for the defence has asked why, if that were really a sign, did accused not immediately afford information about Mula Singh? However, it is quite possible that Mula Singh may have instructed accused that he did not wish his address communicated indiscriminately, without telling accused anything about the conspiracy. It is quite possible that accused may have had some sort of suspicion about Mula Singh and his companions; but it is very unlikely that any old Indian *darzi* would refuse to make himself useful generally to his customers, or would refuse a sovereign if offered one, or would decline a job of making flags or anything else.

In any case, we think, the accused could only be convicted of an offence under section 123, Indian Penal Code; but, in our opinion, on the evidence produced there is a doubt as to whether this accused had any criminal knowledge.

(56) Parma Nand, Bhai, son of Bhai Tara Chand, Brahman, of Karyala, District Jhelum, aged 40.

This accused, who pleaded "Not guilty" to the charges framed against him (page 621), is one of the most important accused in this case. He has stated (page 434) that he is the owner of a Medical Hall in Lahore; and that he reached India from America in December 1913, travelling by way of England.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh, and by P. W. 72, the Police spy, who pointed him out at the second round, saying "he now has a beard". As regards this identification by Mula Singh, we have the evidence of Mr. Scott (Superintendent of Police, Lahore—P. W. 10) and Major Ward (Superintendent of Lahore Central Jail—P. W. 392). We are quite prepared to accept the statements of these two witnesses that the Jail identifications were carried out in the fairest possible manner that could be devised. Mr. Scott (pages 28 and 29) has given a full description of the method employed. Regarding the identification of the accused whose case we are now considering, Mr. Scott has stated as follows:—"Mula Singh, approver, going down the line, went some distance past Bhai Parmanand, and stood looking back at men he had passed, and then came back and pointed out Bhai Parmanand. Major Ward was with me at the time, and the approver's action was purely voluntary" (page 30). The witness Major Ward has stated as follows:—"I remember the identification of No. 56 (Bhai Parmanand) by Mula Singh. I was with Mula Singh at the time. He identified him on the second passing. He passed him first; he returned of his own accord and picked him out without prompting. I think he went down the whole line before returning, that is my impression. 56 began to talk about it. I spoke to 56, and told him at the time he must be aware everything was fair and square and above board" Page 48 of the record shows the notes made at the time of identifications on the 18th April; and we find this note recorded—"Bhai Parmanand here questioned witness where he had seen him Mula Singh replied at your shop." In cross-examination before us, Mula Singh made the following statement (page 112):—"On the occasion of identification in Jail, I first saw all the men in the row, recognized some 8 or 10 men, but passed over Bhai Parmanand, but soon after I turned back and identified him. As a matter of fact, I *had* identified him in my mind from the very first, but I wanted to be certain." It is possible that the beard, which at first confused the spy, may have caused Mula Singh to be at first doubtful; but, in justice to the accused we have recited these facts at some length, because the evidence against this accused largely consists of evidence admissible under section 10, Evidence Act.

In Court, this accused was identified by approvers Amar Singh and Mula Singh; by P. W. 72, the Police spy, who stated that he knew accused, but knew nothing about him in connection with the present case; by P. W. 88; by P. W. 87 (who only stated—"this appears to be the man"); and by approver Nawab Khan, who stated that he had seen him, but did not know his name It is, of course, possible that accused's wearing a beard caused Nawab Khan to be doubtful, as it did in the case of the Spy at the Jail identification; but what is very noticeable is that approver Mula Singh has at page 112) said what he could in accused's favour; and that the Police spy has obviously not been tutored to try and implicate this accused in any way.

Approver Amar Singh states (page 61) that in May 1913 Har Dyal and accused (whom the witness knew before by name when he was in Lahore) came to St. John, where accused spent 2 days and a night, and then left for New York *en route* to London to study for 6 months in order to write a book on Indian History. He further states that no lecture was delivered in St. John during accused's stay there. He says that on board the "Tosha Maru" accused Jagat Ram gave him his address in India as "care of" this accused; and that, after his arrival at Lahore, he (the witness) along with accused Pirthi Singh went to accused, whose place they found by his signboard (page 67), to ascertain Jagat Ram's whereabouts. The accused said he had not yet seen Jagat Ram, but promised that the witness should be informed of his arrival. Soon afterwards

the witness again goes to accused, who tells him that accused Parmanad II is anxious to meet him, and will be found at the Arya Samaj Mandir, Anarkali, and there the witness finds him. (*Re* this point, see P. Ws. 66 and 67). The witness goes on to say that, as he had to go with Parmanand II to Chaherta on November 6th, he deposited 7 gold dollars (in value Rs. 420), some of which belonged to accused Jagat Ram, with the present accused, which accused at first refused, and then agreed to take charge of. At page 68, the witness says that he learnt later from Jagat Ram that the gold deposited with accused had been taken by Jagat Ram and made over to accused Kartar Singh, who had gone to meet Parmanand II at Benares, and proceed thence to Calcutta to buy revolvers. On the same page the witness states that he met Kartar Singh at the Hindu Hotel, Lahore, who told him that he had failed to meet Parmanand II at Benares, and that revolvers were not obtainable in Calcutta, and that Jagat Ram had gone to Peshawar to procure arms. Later, the witness read of Jagat Ram's arrest at Peshawar. The cross-examination of this witness appears at pages 82, 83 and 84 ; and he stated that this accused was in possession of a ticket for New York when he came with Har Dyal ; that he never had any correspondence with him ; that he never saw him in any of the hired houses in Lahore or Amritsar ; that no correspondence with accused took place while the witness was on the staff of the "*Ghadr*" Press ; but that accused did not say he was going to get some machine connected with medicine when he set out for England.

Approver Mula Singh states (page 95) that Kanshi Ram (who was hanged in connection with the Ferozshahr occurrence) told him at Shanghai to enquire for him at accused's Lahore medical shop ; so the witness goes there early in December, and has a talk with accused lasting for about a quarter of an hour. The witness asks him for the addresses of Kanshi Ram and Kartar Singh ; and the accused says he has seen them both, but asks the witness to leave the shop quickly. He tells the witness of Jagat Ram's arrest in Peshawar, and of the arrest of accused Sohan Singh, and says that Jagat Ram has given away his (accused's) name to the Police. In cross-examination (page 112) the witness says that accused told him that Kanshi Ram had gone to Ferozepore, leaving no address behind. That "he cannot say whether Bhai Parmanand was in the confidence of our party. I did not mention our mission to him", and that the only other time he saw accused was at the Jail identification parade. The witness, however, states that, towards the end of December, at a conspirators' meeting at the Virpali *dharamsala* in Amritsar, accused Kartar Singh remarked that this accused was the only man who could help with funds, but that he had already subscribed Rs. 400 or Rs. 500. The witness has stated that no reference was made to this accused at the meeting at Rash Behari's house on February 12th, when the 21st was fixed for a rising. In short, it does not appear to us that this approver (any more than approver Amar Singh has tried to exaggerate in order to get accused convicted.

Approver Nawab Khan (page 122) states that he attended Har Dyal's lecture at San Francisco in December 1912 on the "Non-Existence of God", and, after the lecture, he was taken to be introduced to Har Dyal, whom he found talking to this accused, Bhai Parmanand. He only saw him once, clean-shaven and wearing European clothes. At the top of page 123 we find this approver stating that he received a postcard from one Thakar Das, telling him that within two or three days Har Dyal and this accused would arrive in Portland, and would probably visit Astoria ; however, after their arrival in Portland, Thakar Das again wrote to the witness to say that accused was about to return to India ; and that Har Dyal would visit Astoria (where the witness was) alone. At the Astoria meeting in May 1913, Har Dyal tells the audience that part of the funds collected at St. John, Bridal Veil and Portland have been given to this accused in order that he may return to India by way of England, and carry on in India the work he had been doing in America. At the Ladowal meeting of November 17th (page 134) accused Pirthi Singh tells the witness that this accused has undertaken to do the Press work ; and at Moga, on November 19th, accused Kartar Singh tells the witness that he has learnt from accused that arrangements had been made for obtaining arms from Lahore Cantonment (*vide* page 135). Nidhan Singh and

Kanshi Ram discuss the plan with accused. On the same page we find the witness stating ~~that accused Kartar Singh said~~ he had been sent by this accused to Kishen Singh (brother of the well known seditionist Ajit Singh) ,who had given Rs. 1,000 "for our work", and that out of that amount the accused had given Rs. 500 for arms to accused Jagat Ram. Directly after making this statement, the witness corrected himself and said that the Rs. 500 given by accused to Jagat Ram were given on another occasion, and that the Rs. 500 he was speaking of at the time had been given by accused "for the Doaba group." On this point, in cross-examination (page 144), the witness still held to this assertion that accused had given Jagat Ram Rs. 500 for the purchase of arms ; but he stated that he learnt this from Kartar Singh on December 14th ; and that he did not know whether Kartar Singh had been speaking the truth or not. He did not ask Kartar Singh when accused had given Rs. 500 to Jagat Ram for the expenses of the Doaba group ; and at Badowal Kartar Singh said nothing about having been to Kishen Singh at accused's request. The witness, apparently, did not question Kartar Singh much, and states "one of our rules was that we were not to question each other" In our opinion, this approver clearly means to assert that he learnt that on two occasions Rs. 500 were made over by this accused to accused Jagat Ram ; once "for the Doaba group expenses," and once "for the purchase of arms"; but he is confused in his mind as to the dates, and he had, of course, no personal knowledge. The importance of this statement will appear when we come to the evidence *re* certain currency notes found on Jagat Ram at the time of his arrest. This approver's story continues as follows :—At Badowal, Kanshi Ram (hanged in connection with the Ferozeshahr occurrence) says that he has talked over the plan of attack on Lahore Cantonment with accused. At Ludhiana, at the beginning of December, Kartar Singh explains the "aimless wanderings" to which some persons had been subjected by saying that accused, whose orders he had been directed by the "*Yugantar Ashram*" to obey, was always issuing contrary instructions. On page 138 we find that Amar Singh, approver, told the witness that accused wished to handle the Press work himself, and would disseminate seditious literature "after the looting had commenced." According to the witness, it was on December 14th, on the way from Jandiala to Lahore, that Kartar Singh told him about being sent to Kishen Singh, and about the giving of monies to Jagat Ram for purchase of arms ; and at the same time the witness was told by Kartar Singh that accused had once given him a revolver ; and had once sent him with Rs. 2,000 to get arms from a Bengali in Calcutta ; which he failed to get, and so returned the money to accused, giving him the information that the Bengal and Kapurthala revolutionary Parties were in touch with one another. The witness was urged by Kartar Singh to visit accused and get maps of the Punjab and wire-cutting implements ; and he also states that accused Nand Singh, in his conversation on February 18th, told him that Rs. 10,000, the proceeds of dacoities, had been sent to accused. In cross-examination (page 144) the witness has stated that he was unware, until Nand Singh told him, that monies had been kept with accused. Now, it is quite possible that Nand Singh was speaking somewhat at random or with imperfect knowledge ; but we fail to see why it should have entered Nawab Khan's head to *invent* such a statement. He has also stated in cross-examination that he did not ask Pirthi Singh when accused had said that he would personally look after the Press work ; and that Pirthi Singh gave him no details ; but that he gathered from Pirthi Singh and Amar Singh that accused was kept informed of the doings of the revolutionary party.

An important point to be noticed about the statement of this approver is that he has frankly admitted that he only saw accused *once*—namely, at that meeting of Har Dyal's. Had there been any desire to concoct a false story, we should have expected to find this approver speaking of at least one meeting with this accused in India.

P. W. 17 (Inspector Ahmad Khan) states that accused was arrested on February 25th, and was kept in the Naulakha *Thana*, Lahore.

P. W. 211 (Mr. Chapman, Stationmaster, Peshawar Cantonment station) and P. W. 212 (an Inspector, Criminal Investigation Department, Peshawar) give evidence regarding the arrest of accused Jagat Ram at the Railway Station

on the night of November 23rd, 1914. The accused Jagat Ram gave a false name ; and upon his person were found, amongst other things including currency notes, the 2 currency notes of Rs. 100 each which are exhibits P. 149 A. & B.

P. Ws. 84 to 88 inclusive are concerned with the question of these notes, and the changing of certain monies. P. W. 84 is a clerk in the "National Bank of India," Lahore, who produced 2 certified extracts from Bank-books, and a certificate that one particular note could not be traced, and gave evidence that certain currency notes were received from the "Punjab National Bank"—(*vide* exhibits P. 148 A. C. and P. 149 A. B., 2 notes of Rs. 100 each, bearing the seals of the "National Bank of India.")

P. W. 85 (Kirpa Ram, clerk of the widow of the late Rai Bahadur Lal Chand) states that, at the beginning of November 1914, he got some 16 notes of Rs. 100 each from the "National Bank of India", and 5 of them (he cannot give the numbers) he changed with the witness Sukh Ram Das for sovereigns P. W. 86 is this Sukh Ram Das, who remembers P. W. 85 bringing 5 notes, which the witness changed with P. W. 87 (Ram Chand, goldsmith) for sovereigns and "one large gold *mohur*" (really, an American gold dollar). The transaction was entered in the witness's *roznamcha*, which he produced in Court.

P. W. 87 (Ram Chand) states that about six months prior to the date of his deposition before us the witness Raja Ram (P. W. 88) came to change 40 sovereigns and "a large gold *mohur*," along with "a Babu wearing a *topi*." The witness afterwards identified the "Babu" at Naulakha *thana*, and in Court he pointed out accused Bhai Parmanand, saying, "this appears to be the man." He states that he paid currency notes in exchange, which he had received from P. W. 86. He could suggest no reason, naturally, why the "Babu" came with Raja Ram ; and stated that the latter did not say to whom the gold *mohur* belonged. He admitted that this accused (whom he did not know before) was alone at the *Havilat* when he identified him there.

P. W. 88 (Raja Ram) who admits that he has known accused for over 10 years, and that he stood security for accused in 1910, and whose statement is most certainly biassed, corroborates *re* the exchanging of the 40 sovereigns and "gold *mohur*"; but has tried to make out that accused did not accompany him ; and that he accompanied accused's *servant*, who effected the exchange. He states that the servant was a Sikh wearing a *pagri* named Hukm Singh ; but this Hukm Singh has not been produced by the Defence and we entirely fail to see why P. W. Ram Chand should be lying.

P. W. 89 (S. Sukha Singh, District Superintendent of Police, C. I. D.) gives evidence in respect of the "*Tarikh-i-Hind*, which has been fully discussed elsewhere in this judgment. The exhibit (with translation by P. W. 398), is P. 303 A. B. The witness states that the book was ordered to be confiscated, but that he found no copies of it at accused's house on February 20th, and that accused said that some might be with the printer Pindi Das. The report of sales of the book according to the register is exhibit P. 154, and the edition consisted of 1,000 copies, of which only 28 were recovered from Pindi Das, whose upper and lower storeys were also searched on February 20th (*vide* search-lists, exhibits D. 2 and 3). Accused was called to the *Thana* between February 21st and 23rd, and was arrested on the 25th for "conspiracy to murder and dacoity." The witness admits that no large item was found credited in accused's account-books (this question was asked in cross-examination with intent to show that accused was not acting as a Bank for the conspirators' funds) ; but denies that accused ever stated that Pindi Das, in publishing the book, was taking all risks. The witness states that he, personally, was not in the enquiry *re* this conspiracy case, but was on duty *re* returned emigrants from about November 12th, 1914. The first the witness knew of the servant Hukm Singh was when examining accused's account-books, which showed payments of salary to Hukm Singh in August and September, and for (perhaps) one month after January 1915 ; but no trace of Hukm Singh is forthcoming to this day. The witness admits that P. W. Raja Ram did mention Hukm Singh in his statement to the Police. This witness tells us also in detail how the 2 currency notes found on Jagat Ram were traced back to this accused ; and, in cross-examination, says

that the enquiry *re* the notes started on February 27th (2 days after accused's arrest), and that accused, being under arrest, declined to say anything with regard to them.

P. W. 393 (Nawab Din, Court Inspector, Ambala), the relevancy and admissibility of whose evidence has been elsewhere discussed, tells us that in 1909 he received orders to search the house of Kishan Singh, brother of the seditionist Ajit Singh, who, with the well-known seditionist Amba Parshad, lived in the "*Bharat Mata*" buildings. On November 5th, 1909, he went to the house and was told that accused Bhai Parmanand was the lessee, though the lease showed Kishan Singh as lessee. On November 6th, 1909, accused's box and desk were searched in his presence, and the Bomb Manual (produced to us in Court) was found in the box. Also, a document called "*Taqsim-i-Hindustan*" and a letter from one "Ishar Das" *re* collecting funds for Har Dyal. Some pages in a copy-book also showed that accused was writing about the Mutiny of 1857. Some of the documents included in exhibit P. 301 (which has the record of the proceedings against this accused under section 110, Criminal Procedure Code, attached) have been discussed elsewhere in this judgment. At the request of accused's Counsel cross-examination of this witness was reserved till next day; but counsel then did not wish to cross-examine him.

Accused's statement commences at page 434 of the record. He, of course, admits the proceedings against him in 1909, but says that the "Bomb Manual" was found in a box without a lock; that he "*does not think*" the "*Taqsim-i-Hindustan*" was found; that some of the documents forming part of exhibit P. 301 were found in his box or desk; but that others were simply produced as exhibits by the Police in the proceedings under section 110, Criminal Procedure Code. Eight months after he was put on security he proceeded to America, and Har Dyal came to California some months after he got there; but he never became Har Dyal's associate; nor even knew the revolutionists Bhagwan Singh and Barkat Ullah. However, he admittedly accompanied Har Dyal in May 1913 to St. John and Portland (the one being a suburb of the other). He never received any money from Har Dyal to go to England, but proceeded there from St. John, and reached India in December 1913. He returned, because his family were in India. Soon after his return, be handed over his rough notes for a history of India to Pindi Das, at Pindi Das's request; and Pindi Das, on his own responsibility, published the "*Tarikh-i-Hind*", which book the accused never even read after it was compiled and published. He "may have seen accused Jagat Ram once only," he thinks, in Berkeley; and suggests that, as his medical business was advertised in local papers which reached America, Jagat Ram may have selected his address as a house of call in Lahore. He only once saw Kanshi Ram—in St. John, when he (accused) went there with Har Dyal—and suggests the same reason for Kanshi Ram's having selected his shop as a house of call. He admits that at the beginning of November 1914, Amar Singh, approver, did come asking for the address of Jagat Ram, which he told him he did not know. On another occasion he did give Amar Singh the address of Parmanand II. He admittedly received the 7 gold dollars from Amar Singh, not for deposit, but to be changed; and some 4 or 5 of them did belong (accused thinks) to Jagat Ram. Regarding this money, accused states that it was his *servant* who went with P. W. Raja Ram to effect the exchange, and admits that some few days later Jagat Ram came to get the money. He was unaware that Jagat Ram was going to Peshawar. He never even met accused Kartar Singh; does not remember Mula Singh's asking him for the addresses of Kanshi Ram and Kartar Singh; and did not even know Mula Singh by sight. He does not even know accused Pirthi Singh. He refers to his identification by Mula Singh on Jail parade, and suggests that some kind of hint was given to that approver. This is a point we have discussed earlier. At the conclusion of his statement, he tells us of his early acquaintance with Har Dayal, and how "Ishar Das's" letter came to be written. He never made any other efforts to get funds for Har Dyal. After the proceedings under section 110, Criminal Procedure Code, were concluded, and his services as a Professor at the D. A.-V. College had been dispensed with, he spent 8 months in his village, and then went to America intending to learn the manufacture of medicines. In September 1911, after varied experiences, he came to California, and started a two years' course of Pharmacy at a College.

Some months later, Har Dyal was appointed a Professor at a University 50 miles from San Francisco, where accused then was living. Some 3 months later Har Dyal came to live in Berkeley, and started lectures on socialism and free-thought, which accused did not attend. Har Dyal learnt of accused's intention to return to India, and invited the accused to accompany him to St. John, which accused agreed to do; and, on the journey, Har Dyal tried to dissuade him from returning to India. Accused states that he went to England to see manufacturers of drugs and buy machinery; not to write any book. He got what he wanted, and returned to India. He states that, from December 11th, 1914, his correspondence began to be censored; and says that he gave to Pindi Das in January or February 1914 his copy-books of rough notes composed before the search in 1909 and in London during 1913.

Accused's association with the Arch-conspirator Har Dyal is apparent even from his own statement; and Pindi Das has not been produced.

The accused produced five defence witneses; of whom D.W. 208 (a Superintendent in the office of the Postmaster-General) pleaded privilege in respect of certain confidential files relating to the interception of correspondence. The other defence witnesses are D. Ws. 206 to 209 inclusive and 222. The last of these witnesses is a Professor of the D. A.-V. College; and he states that he gave evidence for the accused in the 1909 proceedings. He says that accused had been living at the house which was searched prior to the summer vacation in 1909; and that, on his return after the vacation, accused took a sub-lease of the house from Kishan Singh. Kishen Singh left some of his things in the house, mainly on the ground-floor. The witness states that Kishan Singh and Amba Parshad never lived with accused, but can only say that he is "not very certain whether the major portion of the house was in accused's occupation." D.W. 206 (who, as D. W. 84, also appeared as a witness for accused Kidar Nath) states that he and the missing Pindi Das were partners in 1912, 1913 and 1914, in the book-selling part of the business only. In February 1914 Pindi Dass got 2 or 3 small school copy-books from accused, in which there were only rough notes. He identifies the letter exibit D. 18 as being in Pindi Das's handwriting, and says that some time after March 1914 Pindi Das sold his Press to the "*Zimindar*" newspaper. The "*Tarikh-i-Hind*" was set up in type, he says, after he left the partnership, and was boomed by Pindi Das in the "*Desh*" newspaper. He admits that accused Bhai Parmanand never contradicted the announcements that he was the author of the book. D. W. 207 (a Pleader of Ferozepore) is Secretary of the local "Hindu Sabha"; and was Secretary of the Hindu Conference held at Ferozepore in 1914. He produced a copy (exhibt D. 19) of Resolution No 6, of December 1914, regarding the writing of a history of the "Hindu Period", which the "Sabha" had had under cousideration for 6 years. The programme included a history for school-children, and also a more advanced one. Various well-known persons (whom the witness named), including this accused, were invited to read papers. The accused, however, did not attend the conference, nor consent to read a paper; but he sent a copy of a History of India, and that copy this witness has identified as the very exhibit P. 303, "*Tarikh-i-Hind*" which he made over to the Deputy Commissioner of Ferozepore when he learnt from a newspaper that the book had been proscribed. Now, this witness's statement is most important; and how can we possibly believe accused's assertion that he "never read the book after it was compiled and published?"

We would here take the opportunity of saying that there is not the slightest ground for supposing that the "*Tarik-i-Hind* was written at the suggestion of, or with the approval of, the "Hindu Sabha". All that appears is that the accused, of his own motion, sent the copy (exhibit P. 303) of a book, which he now asserts he had never even read, but the authorship of which he had never contradicted when announcements and reviews appeared in newspapers, to the conference; and that the Secretary, very properly, handed over the copy to the Deputy Commissioner as soon as he learnt that the book had been proscribed.

D. W. 209 (a pleader of Delhi) is a brother of Har Dyal. He states that Har Dyal last left the Punjab in 1908; that he had lung-trouble in London, and was treated in France; that he then went to San Francisco—since when the witness has not heard from him. The witness, since 1908, has sent his brother monies totalling Rs. 600. The Defence have also produced exhibits D. 23 *A*. to

D, seven censored letters, D. 21, accused's Diplomia of Pharmacy of California University, and D. 22, accused's drug account with a London firm. We are, of course, quite ready to accept these as genuine.

We have heard very lengthy arguments of counsel regarding this accused ; and we are quite ready to accept the argument of Counsel for the Defence that Government and the Police looked upon his client as a dangerous man, because he was once in possession of a Bomb Manual—there was surely good reason for such a view. We quite agree that the evidence against the accused in the present case largely consists of evidence admissible under section 10 ; but, as the Government Advocate has pointed out, one of accused's overt acts in furtherance of this conspiracy was the "*Turikh i-Hind*". Take into consideration the time when it appeared, and the tone of it as compared with the tone of Savarkar's History of the Mutiny as reproduced in the columns of the "*Ghadr*" newspaper. We say that in the present case there is a great deal more than "a strong moral conviction" of the guilt of this accused. It is possibly true, as Amar Singh (who apparently has no reason for speaking falsely) has stated, that during accused's stay at St. John no lecture was delivered ; but if, as accused says, he had "nothing in common with Har Dyal", why did he accompany Har Dyal to that place ? We, of course, agree that, when accused went there, he was already about to return to India ; but is it to be supposed that Har Dyal never told him anything about the "*Ghadr*" scheme ? Amar Singh, no doubt, has said that no correspondence took place between accused and the "*Ghadr*" Press ; but, even if he be not trying to minimise the case against this accused, we find that accused, naturally, was cautious, and did not even want Mula Singh hanging about too long at his shop. It is urged that accused, being an M. A., would not have conspired with "ordinary conspirators" ; but, on the other hand, look at the list of his acquaintances—Har Dyal, James of "Ca Ira" fame, Ajit Singh's brother, and other sedition-mongers—and read the correspondence on exhibit P. 301. In 1909 we find him in possession of a Bomb Manual (there is no suggestion whatever that he was the auther of it) and other seditious documents ; on his own admission he at least associated to some extent in America with Har Dyal ; and, on his return, he is (as we believe) responsible for the "*Tarikh-i-Hind*". And we have the evidence showing that 2 currency notes found on Jagat Ram were traced back to him ; and all the other evidence already recited. He was a house of call for some of the conspirators ; and neither the servant Hukm Singh, nor Pindi Das, has been produced. It is true that there is no evidence that he attended any conspirators' meeting ; but he had to be very cautious ; and, had there been a desire to concoct a false case, why do we not find some approver making out that accused attended some important meeting ? We have the evidence that accused approved of and discussed the attack on Lahore Cantonment Magazine for the 25th November. Why does Nawab Khan say that he *only once* saw this accused at Har Dyal's meeting at San Francisco ? Counsel has asked why accused should have been asked for the address of Kartar Singh, who had not given his address as "care of" accused ; but, surely, there would be nothing extraordinary about a conspirator asking for information about 2 or 3 or any number of co-conspirators whom he might wish to meet, in the hope of learning something about them ? Approver Mula Singh has certainly said what he could in accused's favour—namely, "I do not know whether he was in our confidence, or not". We are told by counsel that the Police were most anxious to implicate this accused somehow ; but the Police Spy, Kirpal Singh, distinctly says—"I know nothing about him in connection with this case." It is pointed out that accused never got as far as starting any Press in India ; and it is urged that, knowing the power of Government, he could never have favoured any attack on Lahore Cantonment ; but the columns of the "*Ghadr*" newspaper, which was edited by educated men, are full of such suggestions. Reference has, of course, been made to Nawab Khan's confusion as to the matter of the Rs. 500 ; this we have already noticed. It is urged that no maps nor wire-cutting instruments were found in accused's house ; but Nawab Khan never stated that he went to get them ; and Kartar Singh never told him that accused kept a supply of such articles. We cannot see force in the argument that, though accused may have once had a Bomb Manual, "he never took any steps to publish it abroad." Counsel has admitted that his client had "independent" ideas ; but

has asked whether this Court can draw the inference from the evidence before it that accused continued in the same "state of mind" from 1909 onwards, and that he was connected with the *present* conspiracy? In our opinion, on the evidence before us, we can draw such an inference. Admittedly, Nawab Khan's statement to the Police had been recorded prior to the arrest of this accused, and at the request of Defence Counsel we have examined that statement to see whether Nawab Khan mentioned this accused to the Police. We find that he did at pages 4 and 8, for instance, of the printed statement.

It has been urged that, as the "*Tarikh-i-Hind*" has been proscribed and forfeited it can do no further harm; and that this is the first occasion on which a book has been confiscated prior to a prosecution; but, what about any harm already done? So far as we have evidence, only 29 copies have been recovered out of an edition of 1,000 copies. Obviously, the suggestion that accused *thought* that he had made over all responsibility for the book to Pindi Das can carry no weight; and we have no proof of the suggestion of Counsel that "the object in writing the book was that others reading it should collect materials for a history." It is admitted that *publication* of the book took place *after* the declaration of War with Germany (and this is shown by the concluding paragraph); but Counsel has urged that at the time when the "rough notes" were handed over to Pindi Das, there was no idea of the coming War; and that Pindi Das had parted with his own Press, and hence the delay in publishing. In another portion of the judgment we are discussing the point that the book has been largely compiled from the writings of other authors. We see but little force in the argument that the book was priced at Re. 1 per copy; whereas the "*Ghadr*" was distributed free. As regards the Pindi Das letter, exhibit D. 18, Counsel for the Crown has pertinently asked how it came about that that letter was not found when accused's correspondence was removed at the time of the search in connection with the present case? The suggestion, of course, is that it was concocted for purposes of defence. He has also asked, what was the hurry about getting the memoranda (a special messenger being sent to fetch them), and, why was the book published in November 1914, just at the time when a large number of malcontents were returning to India?

A discussion of the "*Tarikh-i-Hind*" itself will here be appropriate.

The author in the prefatory note regrets the loss by theft of the materials he had collected for writing a History of India from the Indian point of view. Friends pressed him nevertheless to write one. He set himself to the task; and had barely finished it when, in 1909, the police seized some of the manuscript note-books during the search of his house, and the remaining ones got mislaid, and could not be found. Some time after, he stayed in London for a while after his return from America, and there wrote on the basis of Cunningham, Duff, Hunter, Kaye, Malleson, and Todd the present "*Tarikh-i-Hind*" which he presents to the public. There is no date of publication on it; and, although the accused *thinks* he gave the manuscript notes to Pindi Das perhaps in January or February 1914 (*vide* his statement in Court, P. 437), yet it is clear from the last few lines at the end of the book that it was published *after* the date of the declaration of the present war, namely, 4th August 1914. Either the accused's memory is playing him false, or he is making a deliberate mis-statement to save himself from the responsibility of issuing a book after the war had begun. Whether Pindi Das brought it up to date, or the author wrote the concluding words, we must take it as a fact that it was published *after* the war; which is, in our estimation, a very material circumstance. The author's chronology of events has a significance. In his concluding remarks the author says that, "while a *Swaraj* party was assuming formidable proportions in the Congress, Lord Curzon partitioned Bengal." This, according to him, was not of much consequence in itself; but the trampling on public opinion at a time when there was so much excitement in the country created great discontent and consequent unrest, resulting in the *swadeshi* movements which, though technically beyond the scope of the Congress, succeeded in attracting the Congress towards it. Fears of detriment to British trade were entertained; but the greater danger was lest that *swadeshi* movement and *swaraj* movement should get so intertwined as to be blended into one. The *swadeshi* movement spread like wildfire all over the country, and people resorted to a boycott of foreign manufacture and thousands took solemn vows not to buy foreign goods.

Then followed turbulence in the Punjab in 1907. "The Punjabi" case; the riots at Rawalpindi; the agitation *re* assessments in the district of Lyallpur and on the Bari Doab Canal; deportations in the Punjab; anarchism in Bengal, Madras, Bombay and London; War between Turkey and Italy; the awakening of Muhammadans; agitation in British Colonies; transfer of the capital from Calcutta to Delhi; War between England and Germany, and its effects in India—all these (says the author), are present day events passing before our eyes, and considering it inadvisable for us to write on these events at this time, we leave this task to others."

The above is a fair indication of the author's full realization of the times in which he is issuing his History.

We have carefully read the passages culled by the prosecution as pieces of seditious literature, as well as the whole of the pages in which they occur, as desired by Mr. Rughnath Sahai. It is contended by him that there is not a fact in the book which is not borne out by eminent European historians like Kaye, Cunningham, Malleson, Hunter, Beccles Wilson, and James Mill. We have not deemed it necessary to verify the passages translated and placed before us by the Government Advocate by reference to the works of the above-mentioned authors, because that would have involved us in a controversy which would have, for our present purpose, proved fruitless. We shall assume, therefore, that the incident related by the accused are more or less, or in the main, or even literally supported by certain European writers.

In order to be perfectly sure of the design, the aim, and the likely effect on Indian minds, we have gone through the whole book.

The account of the Vedic period is very brief. It covers 24 pages, and is chiefly based on the researches of European authors. The Buddhist period occupies the same number of pages; the conclusion arrived at is that it sapped all valorous traits in the population, and that a new Hinduism tried to restore the old spirit.

Then comes an account of the Muhammadan wave of conquest, and the conditions of Hindus in that period. This takes up 77 pages of the work.

One chapter is devoted to an account of the rise of the Mahratta power (3 pages being devoted to the early history of Mysore), and the struggle of the Mahrattas with the Mughal power.

The rise of the Sikhs, the struggle between the Mahrattas and the English and the conflict between Sikhs and the English have a chapter devoted to each. Then comes an account of the mutiny of 1857; its cause, why it failed, and how it was suppressed.

The last chapter is devoted to the Arya Samaj, Brahma Samaj, Theosophical society, the Afghan war, the Indian National Congress, etc., etc.; concluding with the remarks already quoted.

No doubt, a historian enjoys certain privileges. Criticism, exposure and condemnation of what is wicked or unethical; approbation of what is noble and chivalrous; and vindication of the truth are some of the privileges universally conceded to him; but he has no right, under the guise of a historical treatise, to malign, traduce, or calumniate anybody; much less, a ruling race, with the object of bringing the subject of his criticism into hatred and contempt, which, as a citizen owing allegiance to a Government, he has no right to assail. He may point out the demerits of a Government, or of a race, or of an individual; but, if a historian takes up only the dark side, and studiously avoids all mention of and does not even hint at any merit of the subject of his criticism, he is not a historian, but is a man who abuses his privileges, and renders himself accountable to Government and the public.

Now, there are times and times. In times of peace a dispassionate condemnation of a people or of persons, albeit they be rulers or Kings, cannot be impugned; but to rake up old things long buried and forgotten, except in books, and to impress upon the subjects of a Government that it is an evil worth ridding themselves of is nothing short of sedition clothed in an ostensible historical treatise. Mutilations and distortions may be forgiven in a historian, few are free from this fault; bias may be excused as a human frailty; but perversion with a sinister motive cannot be forgiven.

We are concerned with only so much of the work as deals with the rise of the English power in India and the mutiny of 1857.

The design of the work is to show that the Hindu population has always been intolerant of foreign domination. They have never reconciled themselves with it, except for a short period when some of the Moghal Emperors settled in the country. They were just beginning to view the Moghal Government as more or less indigenous, when Aurangzeb caused them to shake off the yoke again.

The idea to be conveyed to the reader with regard to the English is that their trading company, the old East India Company, resorted to a variety of tricks, dishonest intrigues and corrupt means, which enabled them to transform themselves from traders into rulers.

The most objectionable part is the account of the causes of the mutiny of 1857, and of its failure. According to the author, the mutiny was not due to any folly on the part of the mutineers, nor to any misapprehension or misunderstanding, but was actually due to the high-handed measures of the administrators and to certain unwarrantable interferences with the rights of Natives States, and of Indians generally. We do not propose for obvious reasons to enter into them. When reading translations of Savarkar's history of the Mutiny as published by instalments in the *Ghadr*, it struck us that the account of the Mutiny in the *Tarikh-i-Hind* is mainly based on Savarkar's work. By pointing out the causes of the failure of the mutiny, the author aims at warning his readers against future pitfalls. For instance, what effect would the following passage produce on a Punjabee's mind :—

> " In this way , the storm blew away in India (speaking of the Mutiny). The great cause of its failure was that these very Hindustani regiments conquered the Punjab seven years before for the English. To retaliate, the Punjabees conquered India for the English.

In other words Punjabees are told that it was purely a spirit of vendetta which actuated their ancestors to assist the English in the suppression of the mutiny.

A work which is exclusively a narrative of risings and their failures, which does not touch on any other subject, *e. g.*, the habits, the manners of the people, the laws, the administration, the economic conditions, trade and the other thousand and one topics which it is the province of the historian to deal with, can have only one object, *viz.*, to educate people to guard against future mistakes in connection with struggles against their rulers.

We hold, therefore, that the publication of such a work in the light of the events chronologically mentioned by the author himself, which we have quoted above, can have but only one object, namely, to bring His Majesty's Government in India into hatred and contempt, thereby rendering the author liable under section 124 A.

We see no reason to doubt that this book was written in pursuance of the conspiracy with which we are concerned. Counsel has urged that the work was accused's " life-long work ;" and that he had three times tried to write the book. How this betters accused's position, we do not understand. Counsel urged that his client did not go to England only to write the book, but also to order drugs. He did order drugs while there, no doubt. Counsel concluded his arguments by saying that his client accepted responsibility for practically all the extracts on which the prosecution have laid stress, except the concluding portion ; and, indeed, we can scarcely believe that an ordinary person, such as Pindi Das would appear to be, would be called on to polish and add to the writings of an educated man like the accused, who is an M. A., and who was a College Professor.

Finally, we can only say that we have examined and considered all the available evidence with the utmost care ; and the only conclusion to which we can come is that this accused was not only one of the persons concerned in the present conspiracy, but was one of the most important of the revolutionists.

Punjab Government Branch Press, Simla,—10-9-15—No. 231—300.

(57) Parma Nand II, son of Gia Parshad, Kayasth, of Sukrada Kharka, District Hamirpur, United Provinces, aged probably about 28.

This accused, who pleaded "Not guilty" to the charges framed against him (page 573), is one of the most important of the accused before us. He, apparently, started for America, but says (page 380) that he was not allowed to go on there; and he admittedly joined the ss. "Korea" at Yokohama and reached Calcutta on October 29th, 1914, by the ss. "Tosha Maru".

He was identified on Jail parade of April 18th by approvers Amar Singh, Mula Singh, the Police spy, and the witness Ichhar Singh; on Jail parade of April 24th by approvers Sucha Singh and Jwala Singh, and by P. Ws 68, 243 and 251 on Jail parades. In Court by the aforesaid persons, and the P. Ws. 28, 29, 66, 67, 213 (a Pathan tonga-driver), 264, 362, 379, 380 and 381. P.W. 172 mistakenly pointed him out in Court as a man who had joined the ship at Singapore, and P. W. 242 was unable to identify him in Court.

This accused's *dossier* is a big one.

Approver Amar Singh tells us of accused's joining the "Korea" at Yokohama, and says that on the "Tosha Maru" accused lectured on "Unity". We have pointed out elsewhere that this approver appeared to be trying to modify his statement in favour of the accused. This approver's story continues as follows:—On arrival at Calcutta, the accused manages to remain behind there; and later, comes enquiring at accused Bhai Parmanand's for accused Jagat Ram and this witness, and meets them in a temple. He is told by the witness of a proposed meeting at Chaherta; and goes there with him about the first week in November, but returns at once to Lahore. A little later he meets accused Kartar Singh and the witness, and tells them that arms are obtainable on payment from Calcutta. His attempt to go there with Kartar Singh *vid* Benares fails (page 68), and he tells the witness of this at Jullundur, and says that he is going to Kapurthala to meet accused Pingle. The witness accompanies him there, and they meet the conspirators Pingle, Kartar Singh and Nidhan Singh, and Pingle states that a Bengali is going to join them. About the end of December, at Amritsar, accused assists at the experiment with the test bomb prepared by the absconding Dr. Mathra Singh. He proposes going to Ludhiana with Mathra Singh and Harman Singh of Jhelum after buying chemicals. About February 14th he accompanies the witness and others to Lahore from Amritsar to discuss plans with Rash Behari Bose, and on the 15th or 16th is sent to Amritsar to find out the whereabouts of Mula Singh's separate house, and bring to Lahore any articles therein (it will be remembered that Mula Singh was arrested on February 13th.) On the 16th or 17th he returns to Lahore, bringing bombs, cartridges and a country-made pistol (exhibits 25 A. to F.) which are put in the Wachhowali House, along with other chemicals in the possession of accused — the key being made over to witness (page 78). After the alteration of the date for the rising to February 19th accused is sent to Peshawar with literature and flags. A noticeable point is the absence of cross-examination of this approver on any but general points, what there is of cross-examination will be found in a small paragraph near the bottom of page 84.

Mula Singh, approver, first meets accused at the Virpali *Dharmsala*, when Dr. Mathra Singh is introduced. Accused explains his failure to meet Kartar Singh on the trip to get arms. This approver then corroborates Amar Singh's evidence *re* the test-bomb. He says that he and accused went and bought a brass inkpot and chemicals, and accused brings *kirpans* and helps Mathra Singh to grind chemicals on the stone slab (exhibit P. 34). He then goes with others to test the bomb near the canal bridge; accused throws the bomb aganist a masonry boundary pillar (page 96). The witness gives accused, and Mathra Singh and Nidhan Singh Rs. 150 — for making bombs at Jhabewal. About the middle of January Dr. Mathra Singh tells the witness that accused has gone to Bengal for arms. On about February 13th accused arrives at Amritsar, and says that he had been arrested by the Police, but had been released, and

that arms and partisans are available in Jhansi direction, and is told by witness that accused Hirde Ram will be sent with him. Nothing was elicited from this approver in cross-examination.

Approver Nawab Khan states that accused was brought on board the "Korea" at Yokohama by accused Jwala Singh, and Kesar Singh wearing Japanese dress. The witness speaks of him as "a great Sanskrit scholar" and says that he used te recite seditious Sanskrit poems on the ship—some of them on the "Tosha Maru"—between Hong Kong and Calcutta. At Singapore, accused is one of those who attempts to tamper with troops, and is one of those sent to despatch the telegram at Penang to the "*Amrita Bazar Patrika*". On or about December 14th Kartar Singh tells this witness that accused has made over a revolver to Bhai Parmanand, who has passed it on to Kartar Singh. On February 18th after this approver's release on bail, Nand Singh, accused, tells him that accused had supplied many revolvers, and had sent 2 chests by train, which had failed to arrive. (This approver's brief cross-examination as to his conversation with Nand Singh will be found at page 142, and, as shown on page 144, he was practically asked not a single question to test his veracity *re* the present accused).

P. W. 198 Ichhar Singh has explained his calling accused "his old friend" at the Court identification by saying that accused "grinned" at him in Court. He states that accused was brought to Lohatbadi by the Anarkali murderer as knowing how to make bombs, and that he gave accused Rs. 30 for rail-fare to Bengal, accused being told to consign revolvers obtained to the witness at Kup railway station. This evidence goes to corroborate that of the previous witnesses. Accused tells the witness that the Delhi bomb thrower is ready to come to the Punjab to make bombs, but the witness says he cannot find him a hiding place. From Cawnpore the witness receives a letter from accused saying that accused is going to Allahabad. Now, how came this witness to invent all these details, if his story be false?

Approver Sucha Singh (page 272 also mentions accused and Dr. Mathra Singh in connection with bombs, and is told by accused and the Anarkali murderer of their intention to go to Calcutta. On February 11th, the witness finds him at one of the Lahore houses, Rash Behari being there also. On February 17th witness again meets accused in company with approver Amar Singh, and is directed to Rash Behari's private house. In cross-examination (page 286) this witness merely replied to Defence Counsel that he had never met accused at Jhabewal, and that accused "was not mad."

Approver Jwala Singh has only said that "he thinks he saw a Bengali like accused on board, who had no beard then", and that he saw him at the Penang *Gurdwara*.

Approver Umrao Singh states that accused recited verses at Hong Kong *Gurdwara*; and speaks of accused, along with Dr. Mathra Singh, visiting Jhabewal, and selecting a place near a well about a mile from that village for bomb-making. Accused spends his nights there with Mathra Singh grinding chemicals; and is given by the witness 5 *seers* of a chemical supplied by Sucha Singh. About the 8th January accused and Mathra Singh leave Jhabewal, on the witness's telling him that people are becoming suspicious. A few days later at Jhabewal he tells the witness that he had been without success to Bengal for arms—and leaves for Ludhiana.

P. W. 16 (Liaqat Hayat, Deputy Superintendent of Police) tells us that Mula Singh, approver, mentioned this accused (before that approver's statement began to be regularly recorded) as having been present at the bomb experiment; and as one of the 3 "actual makers of bombs"—the other two being accused Hirde Ram and the absconding Mathra Singh.

P. Ws. 28, 29 and 17 (Inspector Ahmad Khan) speak as to the arrest of this accused when loitering *outside* house No. 2 on February 23rd. On his person was found exhibit P. 112, the missing page of the Atlas (exhibit P. 110 A.—found in house No. 2.)—upon which page 6 large stations have pencil cross-marks set against them, whilst other places have been underlined in pencil. Exhibit P. 113 is the list

of things found on accused, and this witness says that accused when arrested, stated that he had come to Lahore to study Sanskrit at the D.-A.V. College. This witness further states that accused admitted that he had buried a copy of the "*Ghadr Sandesa*" near Peshawar; and this was recovered (exhibit P. 129). P.W. 42 corroborates *re* the finding of exhibit P. 112, on accused—and signed the search-list exhibit P. 113. P.Ws. 66 and 67 speak as to accused's residing at different times in the "Arya Smaj" *Mandir* in Anarkali, Lahore, (compare approver Amar Singh's statement about meeting in a temple): and P. W. 68 is on the same point, and regarding accused leaving a *lohi* with him at Jullundur. In February accused left some clothes at this last witness's shop in Lahore, saying that he had come to study Sanskrit at the D.-A. V. College, but had not been admitted. P.W. 72, the Police spy, saw accused at house No. 1 on February 15th, and again on the 16th when accused was given a pistol in a leather case, which the spy could not get into his pocket—after which, accused left with the spy and Bela Singh, *Zaildar*, for Amritsar. In cross-examination this witness stated that he did not mention accused's name to the Police, as he did not know it—it being part of the conspirator's policy not to be too curious about names. To the Police he spoke of accused as the "Rajput." In cross-examination on behalf of this accused, approver Narain Singh admitted that he himself had never seen "the Bengali." P.W. 384 tells us that on March 19th accused admitted having buried a copy of the "*Ghadr Sandesa*" near Peshawar; and it was dug up exhibit P. 129) on March 20th by accused himself in the vicinity of Jamrud. This piece of evidence is corroborated by P.W. 213, a Pathan *tonga*-driver of Peshawar. P.Ws. 242 and 243 are as to accused's presence in Jhabewal. The first of them could not identify accused, but "saw two men dressed as *Sadhus* pounding some yellow stuff." The second (a *Zaildar*) identified accused on Jail parade and in Court as a "stranger" who was in Jhabewal about January 9th, and this witness also identified 2 pestles and mortars. P.W. 251 (of Jhabewal) also identified accused on Jail parade and in court as having come with "a doctor"—the "doctor" being anxious to meet accused Nidhan Singh at Lohatbadi, where the witness used to teach girls in the *Dharmsala*.

P. Ws. 362, 379, 380 and 381 have been produced in respect of the seditious speeches on the "Tosha Maru"; and the first of these has spoken of accused as "a leader".

It appears from the above what a vast volume of evidence there is against this accused—who only produced two Defence witnesses. They are D.Ws. 227 (a pensioned Army *Havildar*) and 228 (a *Mukhtar* of a *Zamindari*). Their evidence is to the effect that accused went to Japan in May 1914, and returned in November, because work stopped on account of the War. He remained in his village for 1½ months, and returned there for a month in January. One of his brothers is a *Mukhtar*, and another a *Patwari*. These two witnesses belong to accused's District in the United Provinces.

Accused in his statement (page 380) has denied most of the allegations of the witnesses for the Prosecution; but his statement is full of half-admissions, which tend to corroborate the Prosecution evidence. He admitted having recited a poem on board at Singapore, which Nawab Khan or Amar Singh copied—namely, the poem "*Bharat Mata*" which accused has actually described as "not seditious." We cannot agree with him—it is only necessary to read the poem to see how seditious it is. He admits staying at the *Arya Smaj Mandir* in Lahore in November 1914; and has given as his reason for coming to the Punjab that approver Amar Singh gaves him 2 sovereigns to enable him to learn Sanskrit at the D. A.-V. College. He says that on December 29th he was taken to Kapurthala by Amar Singh, Pingle and Kartar Singh, to show him the Maharaja's Palace. He did not see accused Nidhan Singh there, but saw accused Ram Sarn Das, who was asked by Pingle and Kartar Singh to join in "national work"—accused did not understand what was meant. He admits going to Sant Gulab Singh's *Gurdwara* at the beginning of January, and meeting Amar Siugh, Mula Singh and Mathra Singh at the Virpali *Dharmsala*, where (he says) there was a discussion about starting a newspaper. He never had anything to do with bombs. He admits going to Ludhiana with Dr. Mathra Singh,

889

and meeting accused Nidhan Singh ; but denies having gone to Jhabewal. He denies seeing approver Sucha Singh at house No. 1 on February 11th, but saw him on February 17th or 18th. He identified the photograph (exhibit P. 31) of Rash Behari Bose ; and says that he saw such a man in house No. 1 on February 14th. Arur Singh, who took him there, called the man some name like "Gorindar Ravendra Nath". Accused first stated that he had conversed with that Babu on February 16th or 17th, and then said that there was no direct conversation, but that Amar Singh told Rash Behari that he (accused) had come to learn Sanskrit, and was a "quiet fellow, who would not tell any one anything." He admits the circumstances of his arrest ; and says that he went to house No. 2 specially to see Amar Singh, who was his friend, and Dr. Mathra Singh, who was Amar Singh's friend. He has not suggested why Amar Singh should have tried to get him into trouble ; nor why the witness Ichhar Singh should have concocted the piece of evidence about the letter from Cawnpore. He admits that the page of the Atlas was found on him—he took it out of the Atlas with Amar Singh's permission—but denies having made the pencil cross-marks on it. He admits being taken to Peshawar—for purposes of identification—but denies having recovered exhibit P. 129.

The Crown Counsel did not trouble to argue the case against this accused. Counsel for the Defence has not attempted to support his bare assertion that the "Tosha Maru" witnesses (P.W. 362, 379, etc.) have laid themselves out to implicate every one they could recognize. It is urged (why, we do not know) that accused is of the "type of which *Sadhus* are made." We are told that it would have been "an act of madness" to take the "*Ghadr Sandesa*", and bury it at Peshawar—but why should the Police have invented this ? We agree with accused's Counsel that this accused cannot be connected with the "Barman Singh" spoken of in Indar Singh *Granthi's* confession. Lastly, accused's Counsel has pleaded that "accused is very young, and played a subordinate part."

We most certainly cannot agree with him ; and the evidence of accused's guilt is overwhelming.

(58) Pirthi Singh, son of Shadi Ram, of Sabhu, Patiala State, aged about 26.

This accused, who pleaded "Not guilty" to the charges framed against him (page 575), was admittedly one of the ss. "Korea" and "Tosha Maru" passengers; and was arrested at Ambala on December 8th, 1914, after a violent struggle with a Police official—in respect of which incident this accused is now undergoing a sentence of 10 years' rigorous imprisonment. He was, of course, unable to produce any witnesses from America for his defence; and produced no other witnesses—and admittedly belonged to the *Ghadr* Party in America; and was on the permanent staff of the Press at the "*Yugantar Ashram*."

He was identified in Court by approvers Mula Singh and Nawab Khan; P. W. 65 failed to identify him; P. W. 368 was at first doubtful about him; and P. W. 228 at first pointed out accused Kartar Singh as this accused. The approver Amar Singh failed to identify him on Jail parade, and also at his first attempt in Court; but there is excellent reason to believe that Amar Singh did this deliberately—accused being his special associate. He also stated to us that accused's complexion had now darkened, and that he had started growing a beard (page 65).

Approver Amar Singh, who himself worked on the staff of the "*Ghadr*" Press, tells us of accused's association with it (page 62); and positively asserted in cross-examination that he and accused came together in the special train from Calcutta to Raewind, and that accused came to Mool Chand's *serai* in Lahore in his company. Next day both of them visit accused Bhai Parmanand to get accused Jagat Ram's address; and accused leaves his baggage in Jagat Ram's charge (Jagat Ram, too, had admittedly been on the "*Ghadr*" Press Staff). Accused goes to the Nankana fair with this approver to meet returned emigrants. He apparently attended meetings at Phagwara and Ladowal; and returned to Ambala to agitate among Rajputs. Later, at Phagwara he is told to get his Ambala men ready. He meets witness at Ludhiana, and goes with him to Jullundur, and to meet accused Hari Singh. Then about November 30th to Jullundur City, where he meets "a Bengali", who gives him an address privately, and arranges meeting at Lahore and at Benares (for December 5th). Again, at Phagwara, he tells witness that the Bengali gave him nothing at Lahore, but again arranged to meet him at Benares on December 5th. Accused then leaves for Ambala. At his own village this approver reads of accused's arrest for an attack on a Sub-Inspector. In cross-examination he stated that accused was not at the Moga meeting

Approver Mula Singh has only mentioned accused as one of those returning in August 1914 for a revolution.

Approver Nawab Khan meets him first on the ss. "Korea"; and says that at Yokohama this accused supplied accused Parmanand II with Hindustani clothes (in place of Japanese dress). At Manilla, accused handed over seditious literature to Jagat Ram to avoid the search at Hong Kong; but, after leaving that port, objected to handing over the publication "Land and Liberty," which belonged jointly to himself and Amar Singh. At Hong Kong this accused and Amar Singh are added to the Central Committee to assist accused Jagat Ram to run a seditious Press in India (page 131). At Penang, he is one of the party sent out to enquire about rifles in Police Stations. At page 132 we find a mention of him in connection with the "aluminium pan" for cooking "potatoes"; which this witness says was in the baggage of accused Amar Singh and Jagat Ram. At Calcutta, he makes over revolvers to Jagat Ram and assists him to get away. The witness next meets him at Ludhiana, and drives with him to the Ladowal meeting of November 17th, 1914; one of the matters there arranged being that accused and others should loot the treasury at Nawanshahr (the village of accused's friend approver Amar Singh). Accused is given a Rs. 50 note by Jagat Ram with secret instructions; and tells the witness that accused Bhai Parmanand has advised him to keep to the "military part of the mission," saying that he himself (the *Bhai*) would look after the seditious Press. This witness further states that on about December 9th Amar Singh told him that accused

had taken 2 cocoanut bombs from the assembly on November 26th, and accused himself after November 19th, Singh that accused had been arrested. "Kapurthala Party" to the Ferozepore on to Ambala. The witness never saw but heard on December 10th from Kartar

Approver Umrao Singh (page 333) states that he and accused, when abroad, lived together at Claremont, where accused showed him the 1st or 2nd issue of the "*Ghadr*". They worked together at Chickamauga, where accused received the "*Ghadr*" regularly, and then went to work on the Press. He comes to tell the witness that the ship is ready for revolutionists, and leaves with accused Bhan Singh (page 335), and the witness finds him at the "*Ghadr Ashram*" on August 28th, 1914. On 9th November, the witness meets him and accused Nidhan Singh, two of the Ferozeshah murderers, and others at Ludhiana clock-tower (page 336).

What good reason could these approvers have had for inventing all this evidence ?

P. W. 65, who could not identify accused, remembers that Amar Singh visited him in company with a man whom he called "Pirthi Singh—this witness is a relation of Amar Singh. P. W. 368 is a tonga-driver of Halwara (Nawab Khan's village) who corroborates *re* Nawab Khan's drive with this accused from Ludhiana to Ladowal.

P. Ws. 350 and 365 give evidence *re* the arrest of accused at Ambala on December 8th. The first of them is an Ambala Sub-Inspector, who tells how he was sent to arrest accused, and how accused attacked him and got him down, and assaulted him. The latter witness is an Executive Engineer who arrived after the struggle, and found both combatants unconscious. Accused was grasping the barrel of the Sub-Inspector's revolver which the witness removed.

In his statement (page 461), besides admitting his connection with the "*Ghadr*" Party in America, accused admitted having read out the "*Ghadr*" newspaper in Claremont, and having been at the "Ashram" on August 28th, though he denied knowing approver Umrao Singh. He admitted having possessed the pamphlet "Land and Liberty", and admitted having given Jagat Ram a *dhoti* to wear to help him to get away at Calcutta. He asserted that it was with Jagat Ram only that he drove from Ludhiana to Ladowal in a *tonga*; but, if this were so, how did Nawab Khan come to know of it ? Accused admittedly attended the Ladowal meeting, and thinks he did meet Amar Singh at Phagwara on November 18th. He went to Ambala, but not to seduce troops. He states that the Police Sub-Inspector (who was not in uniform) commenced the assault on him. Most of the allegations against him he denies altogether. At the end of his statement, he says that in August 1914 he invited Amar Singh to join in the work of starting a newspaper in India, but denies travelling with him to Raewind. He denies having met any Bengali at Jullundur, and gives a fuller account of his struggle with the Sub-Inspector, whom he says, he did not know to be a Police Officer.

Counsel for the Defence has urged that accused was led astray by Har Dyal, and has made a quantity of general observations to the effect that there were two conspiracies, the first of which ended (he says) when accused and Jagat Ram were arrested. This, in any case, would not be of much use to his client. He has pointed out that there is no evidence that accused ever collected any men in Ambala—this is true; but no witness has alleged that he did. It is asked how the "aluminium pan" was not found on the occasion of any search; and we are told (on no authority) that such a pan could not be used for containing acids. We do not wish to attach undue importance to this bit of evidence, but there is nothing to show why it should have been an object of suspicion to a searching official, and why should the approver have thought of concocting a statement about it ?

We, of course, bear in mind that accused is already undergoing a sentence of ten years; but we have no hesitation about finding his guilt proved in the present case.

(59) Pingley Veshno Ganesh, son of Ganesh Pingley, Brahman Marhatta, of Talegoan Dhamdhera, District Poona, aged about 22 years.

This accused, who pleaded "Not guilty" to the charges framed against him (page 577), but did not wish to produce any evidence for his defence, is one of the most important of the accused before us. He admittedly reached Calcutta on November 20th, 1914, by the ss. "Salamis", on which ship accused Balwant Singh of Sathiala, Gurdit Singh of Sur Singh, and Wasawa Singh of Gilwali were also passengers. He was arrested at Meerut on the night of March 23rd, 1915.

He was identified in Court by approvers Amar Singh and Mula Singh; by approver Sucha Singh and the students P Ws. 227, 230, 231 as the man they had known as "Sham Lal"; by P. W. 72, the Police Spy, as a man "who was with the fat Babu"; by the boy, son of Mahi, *Havildar*, P. W. 163, at his second attempt, as a man whom he had seen in Singapore; and by P. Ws. 125 and 206. P. W. 183 failed to identify him; and P. W. 99 was doubtful.

Approver Amar Singh states that at the end of December 1914 this accused, in company with accused Kartar Singh and Nidhan Singh, was introduced to him and accused Parmanand II at Kapurthala; and that accused told them that a Bengali of the Bengal Party would co-operate. The accused returns with the approver Kartar Singh and Nidhan Singh to Amritsar, where they meet approver Mula Singh and accused Harnam Singh of Jhelum; and attends a conspirators' meeting, where it is decided to join in with the Bengal Party. He meets the absconding Dr. Mathra Singh, and goes with him to Sant Gulab Singh's *Dharmsala*. Accused then leaves with a Bengali for Benares. He is present at a meeting at the Baba Atal house, Amritsar, about the middle of January, when Rash Behari suggests the renting of houses in Lahore. The approver next sees him at the Gawal Mandi House, Lahore, in company with Rash Behari, Dr. Mathra Singh, the absconder Rao, and Rash Behari's cook, accused Jamna Das. This was on February 4th, when the news of the Chabba dacoity was read in the "Bulletin" newspaper. On the 8th or 9th February, accused is present at House No. 2 when Mathra Singh brings a sample duplicator, and at the same house with Rash Behari and others on February 15th. He attends a meeting at House No. 1 on the evening of the 16th, and is sent with accused Kartar Singh to Ludhiana and Ferozepore to collect men, taking flags and "*Ghadr di Gunj*" for troops. On the 19th (the day of the raid on House No. 1) he is found in Rash Behari's private house with Rao and Jamna Das. Two lines of cross-examination appear at page 87.

Approver Mula Singh states that in November 1914 he met accused at Singapore; and it was arranged to meet at Amritsar and start a revolution; and plans were discussed next day before the sailing of the witness's ship. He corroborates *re* the meeting with accused at Amritsar at the end of December, on accused's return from Kapurthala. Some time before January 10th, accused (dressed as a Punjabi) along with Sanyal meets the witness, and they go to the Virpali *dharmsala*, where accused says that he can bring the Bengali who threw the bomb at the Viceroy (*vide* P. W. 99); but tells the witness that "it is not necessary for him to know the name of the Bengali". Accused further says that pistols are obtainable if funds are forthcoming, and offers to go to the Doaba to raise funds. About January 11th, he sends accused Ram Sarn Das to meet the witness with Rs 200 (page 98). He returns to Amritsar about January 13th, and is informed of Sanyal's departure for Benares, and of the hiring of two houses in Lahore. He goes with Amar Singh to Lahore, and approves of the two houses, and of the house in Amritsar hired from Mussammat Atri. He sends a letter under the assumed name of "Zinda Singh" by the hand of Rao to the witness, and about the middle of January (page 99) arrives with Rash Behari. The time of this arrival approximates to that given by approver Amar Singh. The same day there is a discussion about the Viceroy's bomb, and revolutionary methods in general, and Pingle describes the accused Rash Behari as "Chuchandra Nath Dutt." He suggests sending Rao and Hirde Ram to Benares for bombs and pistols. He is present when certain gold bars are made over to Amar Singh. About the end of January, Rash Behari sends him with Rao and Kartar

Singh to Allahabad or Meerut to be introduced to partisans, and about the 6th February Rao returns to Amritsar, saying that he has left accused and Kartar Singh in Meerut. Accused is present at Rash Behari's house in Lahore on the 12th February, when the 21st is fixed for a rising ; and it is decided to have a National Flag. In cross-examination (page 113) the witness says that he never saw accused in America, but told him to come to the Punjab, and that he would find him (the witness) in Amritsar.

Approver Sucha Singh states that he knew accused as "Sham Lal", and that, at their first meeting, accused discussed bombs with accused Kartar Singh. Accused takes him to the house of accused Puran Singh. The witness meets accused at the Baba Atal house on February 2nd ; and on February 3rd accused joins the witness and Kartar Singh at Meerut, where they proceed to try and seduce troops. They proceed on a similar errand to Agra, Cawnpore, Allahabad and Benares, where on the 7th they meet the absconder Rao. Accused changes into Bengali costume ; and there are further attempts to seduce troops. The witness is sent with seditious literature to Fyzabad, and rejoins his two companions at Lucknow, where accused goes searching for one Gupta. On February 11th, the witness reaches Lahore and meets accused at the station, and is taken to House No 2, where he finds Rash Behari, Kartar Singh and Parmanand II. He meets accused at Puran Singh's house on February 13th, and next morning accused leaves for (the witness thinks) the United Provinces. In cross-examination the witness states that accused did not accompany him to Ambala.

Approver Umrao Singh states that, towards the end of December, accused came with the two absconding accused, Dr. Mathra Singh and Harnam Singh of Jhelum, to Jhabewal, the Doctor bringing a certain chemical with him, and accused leaves in company with accused Nidhan Singh.

P. W. 16 (the Deputy Superintendent of Police) states that, in his statement recorded between March, the 12th and 14th, Mula Singh, approver, mentioned this accused as meeting Amar Singh in Lahore, and also in connection with a message sent to accused Madan Singh.

P. W. 72, the Police Spy, states that accused was with "the fat Babu", and that he saw him at House No 1 on February 15th. Again on the 16th when accused gave the witness Rs. 10, and, along with Rash Behari, supplied him with a flag, seditious literature and a pistol out of repair (exhibit P. 56). The witness says that when he first saw accused he thought him to be a Bengali. In cross-examination the witness states that he never saw accused in Shanghai (page 190).

P. W. 99 (who was in some doubt about accused at the Court identification) states that a "person with protruding teeth"—(accused's teeth are noticeable)—"said he would bring a bomb expert from Delhi" (compare the statement of Mula Singh, approver).

P. W. 125 (*Mahant* of the Virpali *dharmsala*) states, in corroboration, that Mula Singh came with accused to that *dharmsala*.

P. Ws. 176 (Mr. Wilkinson, Assistant Superintendent of Police, Meerut), 177 (Colonel Humphreys) and 178 (Major Tabourdin) give the full details of accused's arrest in the lines of the 12th Cavalry at Meerut on the night of March the 23rd. P. W. 183 (the father of approver Udham Singh) failed to identify accused in Court ; and could only say that he had heard his name on board ship.

P. W. 206 (a *Jemadar* of the 12th Cavalry) is an important witness. He tells us how he learnt from Bugler Amar Singh, cousin of Sucha Singh, approver, that accused and Sucha Singh and Kartar Singh had visited the Lines, bringing seditious literature. Accused was passing under the name of "Dalpat Singh." The witness reported to his Commanding Officer. He tells us of the subsequent visits of the accused, who said that 300 men were ready at Ferozepore, and that bombs would be got from Ludhiana. Accused goes to Delhi, and on his return, tells the witness of the arrests of Kartar Singh near Sargodha, and of approver Sucha Singh. He invites the witness to go to Cawnpore and Benares, and, on

March 20th, he and the witness leave for Benares On arrival there, accused changes into Bengali costume ; the witness is given darkened glasses to wear, and is taken to the house of a Bengali, who shows him a bomb, Shown exhibit P. 31 (Rash Behari's portraits), the witness could only say that "may be, that was the Bengali". The witness reaches Meerut on the night of March 22nd with accused, whom he takes to the Lines, along with a trunk containing 10 bombs and 10 phials (*vide* exhibit P. 193) At the witness's request, accused writes in English in the witness's pocket-book a recipe for bombs (exhibit P. 197). The witness corroborates as to the details of the arrest of accused. P. W. 227 (a student) states that "Sham Lal" invited him to go to Meerut ; but, as he declined, accused left with Surti Singh. P. W. 230 (another student) is this Surti Singh, who states that "Sham Lal" visited Sucha Singh, approver, and says that "*perhaps*" the Anarkali murderer told accused that he had beaten a *bania* at Sahnewal (this appears to be an attempt to bolster up Kartar Singh's version of that dacoity). The witness identifies an inkpot bomb shown to him, and corroborates P. W. 227 as to meeting accused just after going to fetch a duplicator. He says that accused taught him to use the duplicator, invited him to accompany him, and then took him a ticket for Meerut, at the same time taking one for himself for Delhi The witness is despatched to Meerut with flags and a bundle of literature to be made over to Ishar Singh, *sowar* (regarding whom, *vide* the statement of the 12th Cavalry Officers'. The witness is instructed to mention to Ishar Singh the names of "Kartar Singh" and "Sham Lal" ; and according to this witness, Ishar Singh was to find out particulars about treasuries, telegraph offices, etc. The witness states that he performed his mission.

P. W. 327 (Colonel Muspratt-Williams, Chief Inspector of Explosives) has given expert evidence regarding the 10 bombs (5 with clamps), the 10 "perfume-bottles", and the "Greek-fire" ; and Mr. Denham (on special duty in the C. I. D), P. W. 396, speaks of his tour with Sucha Singh, approver, to Benares and elsewhere, in verification of the truth of that approver's statement.

The accused, who produced no witnesses for his defence, made the statement which commences at page 428. He states that he was never a member of the American *Ghadr* Party ; and that he returned to India because, on account of the War, some 40 per cent. of self-supporting students could find no employment. He admits meeting Mula Singh on board Mula Singh's ship at Singapore, when Mula Singh spoke to him of the *Ghadr* Party. However, accused did not listen to him, but said he would come to the Punjab and "study the condition of the Punjab first". At Kobe, he received a telegram to the effect that all Indians were being arrested on arrival in India. Official action with regard to himself at Hong Kong and Calcutta caused him to believe this. He came to the Punjab at Mula Singh's request, not to cause a revolution. He admits that at the end of December he visited Kapurthala with accused Kartar Singh, Parmanand II and approver Amar Singh (he *thinks* Nidhan Singh was not there), and admits that he saw accused Ram Saran Das, whom he asked to "join the national cause", but who refused. The visit was only for the purpose of "seeing educated men, and enquiring what they thought of the conditions of India." He knows nothing of the experimental bomb. He went down country from Amritsar after a meeting at Virpali *dharmsala*, and his statement continues thus :—Mula Singh told me he wanted arms and explosives. I asked what for, and he said he wanted to loot *Thanas* and kill European officers. I said I was not sufficiently acquainted with the Punjab to express any opinion, and I went down country to see a Bengali, but am not prepared to say that it was Rash Behari Bose. I cannot say why I went to see the Bengali, or whether he was a member of the revolutionary party."

He admits returning to Amritsar with a Bengali named "Narendra Nath Dutt" ; but is not prepared to say whether it was, or was not, Rash Behari. That Bengali "only came to the Punjab to see the conditions of the country." He had not known the Bengali long ; had seen him twice before he came to Amritsar ; and was unwilling to say how he got to know him. He admits seeing at Amritsar a Bengali whose servant was accused Jamna Das, but declines to say whether the Bengali was the man whom he had seen before. He had much talk with him about how to form a society which would last more than a century ;

how to obtain self-government by legal methods ; and about passive resistance. Hearing that Kartar Singh, accused, " was working on different lines," he went with others to see him in Ludhiana in January 1915. Questioned as to whether he invited the student witness P. W. 227 to go down country and tamper with troops accused replied—" I asked someone to go down country, but not with the object of tampering with troops, or of bringing of bombs." He denied the allegations that he was present at an Amritsar meeting about January 22nd, and at several specified meetings at the Gawal Mandi house. He denies having been deputed on February 16th to go to the United Provinces to raise a rebellion, but says that a Bengali (whom he declines to name) sent him to enquire " what the troops thought of the War and present conditions." He admits visiting Meerut, Agra, etc., in company with Kartar Singh and Sucha Singh, approver ; but interviewed one soldier only—at Meerut. He denies having seduced Ishar Singh and others of regiments, but says that the *Jemadar* witness brought the bombs (accused not being with him) from a Bengali to whom he had introduced the witness. He got to know that witness through the aforesaid Ishar Singh, and introduced him to the Bengali at Benares simply " to talk things over." Accused was at first " not prepared to say," and then admitted that he had written out the bomb recipe (exhibit P. 197) for the *Jemadar* witness, " who frequently asked him " for such a recipe. He says that he told the witness that he did not know how to make a bomb, but finally gave him the recipe, which was " a false process." He admits his arrest in the 12th Cavalry Lines, but " does not know if there were any bombs there." He states that accused Jamna Das knew nothing about his master's work ; that he never used the names " Sham Lal " and " Zinda Singh " (why should any one have invented them for him ?) ; and that he changed his costumes " as a kind of fancy." He *thinks* he met no Bengali in Benares when he went there with Sucha Singh, but declines to say whether he knows any persons named Sanyal and Rao. He only saw accused Ram Saran Das once, and never asked him to take Rs. 200 to Mula Singh. He never stayed at the house of Accused Puran Singh. Mula Singh never came to Lahore until February 12th. The other allegations against him accused denies.

This is the statement of this accused, and it can obviously carry no conviction of his innocence ; whilst it is apparent how far it goes to confirm the statements of the Prosecution witnesses.

As the accused is a well-educated man, with a very good knowledge of English, and as he had done most of the cross-examination of witnesses himself, we enquired from him whether he wished to argue his own case before us. All that he wished to say amounted to a brief statement that, on arrival at Calcutta he met some (alleged) eye-witnesses of the Budge Budge affair, who told him that the true facts had not been published, and who said that they wished to see the relatives of some of the deceased rioters, so as to petition the Viceroy. The Bengali, accused said, came from Benares with him for that purpose ; and accused gathered from his conversation that he had been to the Punjab before.

There can be, of course, no doubt whatever regarding this accused's connection with this conspiracy, and his association with Rash Behari. There can be no doubt about his endeavours to seduce troops ; and we believe the evidence that he assisted to bring bombs from Benares just prior to his arrest at Meerut. It is certainly regrettable in the extreme that a young man of accused's talents, who might have made a success of his life and have been of service to his country, should have chosen to associate himself with a band of revolutionaries.

Punjab Government Branch Press, Simla—10-9-16—No. 231—300.

(60) Piara Singh, *alias* Karm Singh, son of Lakha Singh, of Lageri, Police Station Mahalpur, District Hoshiarpur, aged about 32.

This accused, who pleaded "Not guilty" to the charges framed against him (page 579), was admittedly a ss. "Korea" passenger; but reached India by the ss "Fau Sang" about October 16th, 1914. He was arrested on April 12th, 1915.

He was identified in Court by name by approver Amar Singh, and by approver Nawab Khan, who stated that he knew him by sight only.

Approver Amar Singh states that at Nagasaki this accused, along with accused Nidhan Singh and Inder Singh of Sur Singh, disembarked from the "Korea" to visit friends at Shanghai, and collect money due to them and bring others with them. He next meets accused along with Indar Singh aforementioned at Nankana fair, and learns of a proposed meeting at Chaherta for November 6th. The witness did not see him again after that (page 67).

Approver Nawab Khan states that at Kobe he, along with this accused and accused Kesar Singh and Jowala Singh visited "others of the Party" on their ship; and that accused, with Nidhan Singh and Indar Singh of Sur Singh disembarked with secret instructions from the leaders, accused 31, 36 and 43, to proceed to India *viâ* Shanghai. Further, that at the Ladowal meeting of November 17th (at which accused himself was not present) it was decided that accused should be deputed to collect Doaba men for the proposed looting of the Nawanshahr Treasury. On or about December 5th (page 137) this witness learns at Nangal Kalan that accused has gone to Kohat to stir up Sikhs in regiments. The witness admits that he never himself met this accused in India; and neither of these approvers has appeared desirous to unduly press a case against this accused.

Approver Umrao Singh (page 334) meets accused at the Stockton *Gurdwara* in company with approver Mula Singh and Bhai Bhagwan Singh towards the end of August 1914. P. Ws. 346 (a Sub-Inspector) and 347 (tendered to corroborate) are as to the arrest of accused on April 12th, 1915. A clue to his whereabouts was obtained through Chanda Singh, *Zaildar* (who was murdered on April 25th—the day this accused was sent in to Lahore; and whose assassins have been dealt with by us in a separate case), and accused was captured, dressed as a *Sadhu*, after he had severely injured the Sub-Inspector in the thigh with a *takwa* (exhibit P. 290).

We also find this accused mentioned at page 415 (accused Nand Singh's retracted confession) in connection with the collection of men.

Accused in his statement (page 454) denied the allegations against him, and stated that he returned to India, because he heard from his father that he was very ill. He admitted disembarking at Nagasaki for Shanghai, merely to visit a co-villager. He denies wandering about the country with the co-accused Nand Singh. He admits being arrested at Bidwan in *Sadhu's* dress, and states that the Sub-Inspector struck him with a stick, and that he struck at the officer's mare with his *takwa*, but accidentally hit the Sub-Inspector. His story is quite unconvincing, when he says that, as he was sitting in a *Sadhu's* hut, some men on horseback passed (whom he thought to be *shikaris*—as they were not in uniform); he ran away "for some miles," and was captured after a struggle. Even according to this story, what reason had accused for running away, if his conscience had been clear? He states that he used to live at Toronto, three thousand miles from S. Francisco; and had purchased a ticket direct to Hong Hong by the ss. "Manchuria," due to sail on August 15th, 1914; but, as that vessel was chartered by Government, he had to come by the "Korea." He reached his village on November 20th, and reported himself to the Police; remaining there for over 2 months (with occasional visits to relations). His house was twice searched, nothing being found; and he resented this, and turned a *fakir*. His ticket, he says, was in the name of "Karam Singh"—which name he has borne since 1908.

As regards Defence witnesses, D. W. 129 states that this accused reached the Jail with a fractured leg in splints. D. W. 224 (a pensioned *Havildar*) supports the story that letters were sent to accused about his father's illness. His brother could not get leave from a regiment at Kohat, and accused took his brother's wife there—(if approver Nawab Khan's story be a concoction, how did he become aware of this fact ?). The witness tells us that accused quarrelled with his father, because there were two house-searches after accused's return ; and that a brother of accused has been twice wounded in the present War. D. Ws. 225 and 226 support the story that a number of persons, not in uniform, and some on horse-back went to arrest accused ; that the Sub-Inspector first struck accused, who was hurt on the eye and leg (the *Naqsha Mazrubi* is exhibit D. 20) ; and that accused used his *takwa* to prevent the horse from pushing him into a hedge. D. W. 210 (a Sub-Inspector of Hoshiarpur) states that accused's eyes were not closed up when he (the witness) went to the spot on April 14th. He says there was a thorn-hedge near the road ; and that he saw a big stick at the *Thana*, and understood that accused's leg had been hurt by a peasant, who came to the other Sub-Inspector's assistance. D. W. 211 (father of accused) and D. W. 212 support the reason given for accused's return from Canada ; the story of accused's failing to get his original ship (no letter is produced) ; and the story of accused's quarrel with his father, whose house was twice searched. The father says he has two sons in the Army—one of whom has twice been wounded.

Counsel for the Defence has urged that Mula Singh does not mention accused at Stockton ; that the Sub-Inspector first struck accused, who had a right of private defence, and who had an apprehension of death or of grievous hurt ; that there was no attempt to murder the Sub-Inspector.

We see but little force in these arguments. As accused was only brought to Lahore on the morning of April 26th (when this trial started)—how have Nawab Khan and Amar Singh been able to identify accused, if their stories be concoctions ? If accused's conscience had been clear, why was he disguised as a *Sadhu*, and why did he run away from people who were not even in uniform ? It has been admitted for the Prosecution that the Sub-Inspector did strike the first blow, but the accused had been chased for a long distance, and was armed with a *takwa*, which he promptly used with great violence.

As regards accused's statement that he had intended to catch a ship sailing on August 15th, 1914, but perforce had to come by the "Korea," it must be pointed out that, according to approver Mula Singh (page 91) the members of the audience at the seditious Sacremento meeting were actually advised to catch a boat fixed for sailing on the 15th August. Accused returned to India under an assumed name.

We see no reason to doubt the connection of this accused with the conspiracy ; and the case is also clear as to his unwarranted assault on the Sub-Inspector who had to arrest him.

(62) Puran Singh, son of Hoshiar Singh, of Isawal, Police Station Dakha, District Ludhiana, aged about 16.

This accused, who pleaded "Not guilty" to the charges framed against him (page 581), is another student accused. He gave his age as 15 years, but looks rather older than that. He was arrested on February 25th, 1915.

He was identified on Jail parade of April 24th by approver Sucha Singh, and in court by that approver, P. W. 199 (his relation), 224, 227 to 230 inclusive, and 268 (Udham Singh of Hans—the man returned from Italy).

Approver Sucha Singh, who was a school fellow of accused, mentions him at page 273, and further on says that after the Mansuran dacoity he made over to accused's keeping a bomb given him by accused Umrao Singh, which bomb exploded afterwards in the house in which accused was living. On February 12th at Ludhiana, the witness meets accused (page 279), and digs up an inkpot bomb, the phial of phosphorus (exhibit P 241) and some blinding-powder, and makes them over to accused to keep. On the 13th, the witness goes with accused to accused's abode and finds there "Sham Lal" (*i. e.*, accused Pingley), whom accused thought to be "the Doctor." Accused is instructed by accused Kartar Singh in the use of the duplicator, and puts up that accused for the night. When the witness leaves for Ambala, he leaves one copy of the "*Ghadr Sandesa*" with accused, who later on helps him to duplicate copies, and himself writes out one copy (the Urdu copy being headed "*Paigham Ghadr*"). On 17th Kartar Singh and Anokh Singh, absconder, fetch the witness from accused's house to tell him of the proposed rising on the 19th, and on the 18th morning accused helps witness to make Urdu copies of the "*Paigham Ghadr*." In cross-examination this witness states that he told accused that it was a bomb which he was making over to him (*vide* page 283).

P. W. 199 (a pensioned ***Risaldar***) states that accused, his relation, was living at his house (but was out of it at the time) when the bomb exploded in his chimney. He identifies the 1st report to the Police (exhibit P. 228 of February 20th, 1915) and exhibit P. 229 (bits of the bomb, etc.). P. W. 200 proves the report, and identifies exhibits. P. W. 201 speaks as to exhibits P. 230, a bundle of seditious newspapers, found by his servant in a well near his ***Shiwala*** on February 23rd, which papers the witness took to the Police (and ***vide*** approver Sucha Singh on this point). P. W. 215 says that on February 25th accused produced from his room, prior to his arrest, a bottle containing a liquid "like water," and ***kirpans*** and a bit of a bomb (exhibits P. 241, 249 A. B.). Accused said the bottle had contained phosphorus, and he also produced a copy of a pamphlet on the "Rikab Ganj Gurdawara" in Urdu and Gurmukhi, with a map (exhibit P. 249 C.). The pamphlet was not seditious. Accused said that the bomb had been up the chimney. From this witness we learn that the clue to accused was obtained from Sucha Singh, and that accused, after his arrest, was allowed out on security to appear at an examination.

P. W. 216 and 217 give evidence that accused wrote the sample writing exhibit P. 250, copied from a page of exhibit P. 230; and we learn from them that the bottle was taken from an *almirah*; that it had the number "54" scratched on it; and that the bits of bomb lay round the fireplace. P. W. 218 (a drug-vendor) failed to identify accused *re* the sale of a certain chemical (which he sells for skin complaints) to Sucha Singh.

P. W. 224 (a teacher at the Ludhiana "Khalsa High School) speaks as to accused's being with Sucha Singh in the room of two other students, Anokh Singh and Sajjan Singh. He asked Anokh Singh why he had left off studying; to which Sucha Singh replied that the witness would very shortly see. The witness "thought he was speaking of the war." Sucha Singh threw a copy of the "*Ghadr Sandesa*" into the witness's house, and the witness burnt it.

P. Ws. 228, 229 and 230 are students, and the last of these tells us of Sucha Singh's shifting his things to accused's abode. He corroborates P. W. 227 *re* the fetching of the duplicator (exhibit P. 20 E.), and corroborates that witness *re* meeting "Sham Lal" just afterwards. P. W. 227 states that accused used

not to visit Sucha Singh frequently, but that he and accused were present when Sucha Singh showed them 2 files and a bundle of the "*Ghadr Sandesa.*" Accused sent him to fetch the duplicator from the students, Anokh Singh and Sajjan Singh; and, at the witness's Boarding-House, accused duplicated 3 dozen copies of the "*Ghadr di Gunj.*"

Accused in his statement (page 477) asserted complete ignorance of the *Ghadr* Party, but admitted writing, at Sucha Singh's dictation, a copy of the "Ghadr." He never saw the duplicator, nor did any duplicating, nor removed any bomb, nor bomb-materials. He did not know Kartar Singh by sight even, and cannot explain how the bomb came to explode in his relative's house. He says that there were 6 or 7 glass phials in the house, and that the one shown him in court may be one in which his cousin Pritam Singh's medicine had been kept. He gives a weak explanation as to how he came to do copying of seditious matter for Sucha Singh, who, he says, told him that there would shortly be a rising, and that the Germans would come, and who threatened him into silence. He has also attempted to explain how he was able to identify accused Kartar Singh on Jail parade of April 9th, and has suggested (also in a short supplementary statement at page 683) that it was really Sucha Singh who put the bomb in the house where it exploded, and other articles in the *almira*.

The Defence witnesses are D. Ws. 142, 143 and 85 (Mr. Donald, Superintendent of Police, Ludhiana)—the remaining witnesses were given up. Mr. Donald has no recollection of ever telling accused that he would be made a crown witness (as accused had asserted). The other two witnesses can say nothing of any value.

The Defence counsel could say but little for his client; he repeats the suggestion that Sucha Singh was coming to live in accused's house, and probably put the bomb there. The copying of seditious literature he has actually described as "innocent mischief." He, like his client, tries to make out that it was really accused himself who made the first report to the Police.

We see no reason to doubt accused's guilt, and that he was fully aware of the conspiracy existing; but we are, of course, prepared to take into consideration the youth of this accused.

(64) Ram Saran Das, son of Sant Ram, of Kapurthala, *Khatri*, aged 27.

Accused, who pleaded "Not guilty" to the charges framed against him (page 583), but who withdrew all his defence witnesses, is one of the Kapurthala branch of revolutionaries.

He was identified on Jail parade of April 1st by P W. 33, and on Jail parade of April 18th by approvers Amar Singh and Mula Singh The same persons and P. W. 53 identified him in Court. P W. 341 failed to identify accused either on Jail parade or in Court, but said the man he was looking for had prominent teeth (which this accused has). On this point we have the statement of Mr. Scott, Superintendent of Police (page 28) that at Jail parade the witness Mahtab Rai (P. W. 341) hesitated before two men, saying that he was looking for a man with prominent teeth, and that this accused was hanging back and keeping his mouth shut ; and in Court it appeared to us that at the time of identification by Mahtab Rai, this accused was keeping his mouth shut, whilst other accused (with the not unnatural desire to help accused) endeavoured to display their teeth as they passed the witness.

Approver Amar Singh states that he was introduced to this accused by accused Kartar Singh at Jullundur City Station at the end of November 1914, and that accused was present later on at the discussion in a garden with a Bengali, *re* bombs, arms, etc. Accused goes to Lahore, and on the witness's return from the wedding at Kapurthala about the middle of December, enquires from witness whether bombs have yet been made ? At Kapurthala, in the presence of the witness and accused Pingle, Kartar Singh, Nidhan Singh and Parmanand II, accused is asked to say definitely whether he wishes to join them, but pleads that at present he is on security. However, he arrives at Amritsar on January 14th, and leaves the next day with this approver for Lahore to rent houses (page 70). He writes out an agreement to rent house No. 1 in the name of "Jamna Das" and keeps the receipt for Rs. 19 rent. He helps to select house No. 2, and on January 16th introduces this approver to the witness Ram Rakha, Chemist, and then leaves for Kapurthala, being on security. He attends a conspirators' meeting (page 77) at house No. 1 on February 16th, when it is agreed to distribute literature prior to the intended rising on the 21st. In cross-examination, this approver adhered to his former statement.

Approver Mula Singh states that early in January this accused was sent to him by accused Pingle (being actually brought to him by accused Hardit Singh), paid him over Rs. 200, and discussed revolutionary matters. (In this connection we may mention that Nawab Khan—page 138—stated that Amar Singh told him in December that the Bengal party wanted Rs. 200 from the Kapurthala party, and that he would go and get it from one Sundar Singh of Simli) Accused suggested blowing up Railway bridges with the help of the Bengali bomb-expert, and was sent with approver Amar Singh to change 20 gold dollars, and to hire a house for head-quarters in Lahore. About the middle of January, he hands over to this witness rent-receipts of two Lahore houses at accused Naurang Singh's shop, one being in the name of "Jamna Das," whom accused described as "a friend"—after which accused leaves for Kapurthala. Between January 15th and 30th accused meets Rash Behari Bose, whom he knew previously (so this witness *thinks* but he is not certain), and is sent by Rash Behari to Lahore to fetch "a stranger"—after which accused again (page 99) returns to Kapurthala. About January 29th (the date is fixed with reference to the Mansuran dacoity of the 27th) the accused is given Rs. 15 by the witness to purchase a stove for Rash Behari, to be used in preparing bomb materials. This approver has said that accused was present at Rash Behari's house in Lahore on February 12th when it was decided to have a National flag, and the 21st was fixed for the rising. It is true, as urged by the Defence, that approver Amar Singh does not mention him as being present on that date. However, Mula Singh was not cross-examined as to why he should have concocted all his story against accused. P. W. 4 has spoken as to the search of accused's house in

901

Kapurthala on April 6th, 1915, when the copy book, exhibit P. 140, was found. P. W. 53, a teacher at the Lahore Mission High School, has identified this copy book as one belonging to accused, and it contains certain corrections by the witness himself; he was a class fellow of accused in October 1913. However, he makes out that he cannot identify exhibit P. 9 C. (the agreement of 16th January 1915 to lease house No. 1) as being in accused's handwriting, and asserts that he wrote out his statement, exhibit P. 139, at Police dictation. There seems but little doubt that this witness deliberately attempted to shield this accused.

P. W. 16 (Deputy Superintendent of Police) states that Mula Singh, in his statement of 12th-14th March, mentioned accused as having accompanied Amar Singh to change 20 gold dollars; and P. W. 17 (Inspector Ahmad Khan) states that Amar Singh told him that accused had introduced him to the witness, Ram Rakha, Chemist, through whom Amar Singh and accused Mathra Singh, absconder, ordered certain chemicals (*vide* exhibit P. 16, 17 A, B, C, 124, 125.)

P. W. 33 is Ram Rakha, Chemist, who was accused's old school-fellow. He states that at about the beginning of January 1915, the accused introduced Amar Singh to him, telling him to get "what Amar Singh wanted." After that, Amar Singh often came with "another man" (the witness hesitated for some time over the photographs of accused Dr. Mathra Singh and another person, and then chose the wrong photograph). Amar Singh and "the other man" came for a certain acid, and paid witness Rs. 25. The witness identified exhibits P. 17 A, B, C. (gallon-jars of an acid) got from the witness, Kilu Ram. Amar Singh also ordered potash (obtained through Messrs. Plomer of Lahore) which was entered in the witness's note-book, exhibit P. 125. Again, a large supply of potash. The same witness identified the Indent, exhibit P. 16, of January 21st, and admitted that on the 13th March he gave up potash and an acid to the Police accompanied by approver Amar Singh. On a question suggested by some of the accused, this witness further stated that this accused, when he happened to come to Lahore, usually put up with one Gajju Mul, the father of that Dinanath who was an approver in the Delhi conspiracy case (in which case this accused himself was mentioned). P. W. 34 (Kilu Mul) corroborates *re* the sale of the acid to the witness, Ram Rakha, and P. W. 35 (an Assistant at Messrs. Plomer's) *re* the sale of 5 lbs. of potash on January 16th, 1915. P. W. 341 (Mahtab Rai) is the owner of house No. 1—regarding whom we made remarks when discussing identifications. He speaks of the leasing of house No. 1 on January 16th by Amar Singh and a man who called himself "Jamna Das of Jullundur." We have commented before on the habit of different conspirators of assuming each other's names—and *vide* the case of accused Jamna Das. Exhibit P. 9 C (agreement to lease) and receipts exhibits P. 9 A B, are the exhibits, and this witness has stated that on January 21st he found the house still empty, and that Amar Singh came and occupied it on February 14th. On the 16th February another month's rent in advance was paid.

Accused's statement is at page 377. He admits having met approver Amar Singh along with accused Kartar Singh, Pingle and Parmanand II in Kapurthala, and says that Pingle, *whom he did not know before*, called him from his house to meet those persons. He says, however, that this meeting took place "towards the last week in December." Pingle, he says, told him that his name had been mentioned in the Delhi conspiracy case, and asked him whether he were willing to "act for the country"; but he replied that his name had been mistakenly mentioned, and that he had no sympathy with such work. He has denied most of the allegations of the Prosecution witnesses, has asserted that he does not even know Rash Behari Bose, and has denied that the lease and rent-receipts are in his handwriting, or that he was the person who rented house No. 1. Questioned as to whether he introduced approver Amar Singh to the witness, Ram Rakha, chemist, the accused replied that on January 10th he happened to be sitting at Ram Rakha's shop, when Amar Singh happened to pass by, and greeted him (accused), having met previously in Kapurthala. Accused called him into the shop for a few minutes, but never introduced him to Ram Rakha. Now, Amar Singh was never cross-examined as to why he should have

tried to twist any evidence so as to get accused into trouble ; and no reason has been suggested by the accused himself why that approver or any of the other witnesses should be lying. The accused was particularly questioned why the witness, Ram Rakha, should be giving false evidence against him, and his answer was—"I do not think he gives such evidence against me, or possibly he did not understand the questions properly". Such an answer is worse than useless, and accused did not produce a single defence witness. Accused asserted that his name had been taken in the Delhi case, because he had refused to give evidence against Bal Raj, accused in that case, and that he had had no opportunity to clear himself.

His counsel could urge very little on his behalf. We are told that, as accused was on security, he could not have been absent from Kapurthala State for as long as five days, and that Amar Singh concocted his story *because accused refused to join the conspirators.* Counsel is incorrect in suggesting that, in the spy's statement to the police, the spy stated that the "21st February" was fixed on the 16th of that month. Since counsel for the defence mentioned the point, we have seen the Police statement, in which the spy mentioned that he heard of that date (21st) at meetings on the 14th and 15th. We have other evidence that the "21st" was a date decided on the 12th, and discussed on subsequent dates. We see no reason to doubt the evidence regarding the leasing of house No. 1, and it is noticeable that the bogus "Jamna Das" gave his address as Jullundur—which place is quite close to Kapurthala. It is true that approver Amar Singh did not mention accused as present at a meeting on February 12th ; but, as can be seen at page 75, he did not give any regular list of persons present on that date (principally making mention of Rash Behari), and he was not cross-examined on the point.

(67) Roda Singh, Jat, of Roda, Police Station Bagha Purana, District Ferozepore, aged 43.

This accused, who pleaded "Not guilty" to the charges framed against him (page 585), admittedly sailed from Shanghai on the ss. "Mashima Maru", and arrived at Colombo on October 25th, 1914. We have evidence that this ship was one specially chartered by accused Nidhan Singh,—*vide* P. W. 172, who identified accused in Court as one of the passengers.

Approver Mula Singh identified accused by name in Court, merely as a man he had seen at Shanghai, and the chief witness against this accused is Jawala Singh, approver, whose story is as follows :—Accused was one who sailed with the approver and Nidhan Singh's party on the ss. "Mashima Maru", and on that ship there were daily lectures, the "*Ghadr*" was read out, oaths were taken, and it was agreed to meet at Amritsar and plunder *Tahsils* and *Thanas*, etc. At Penang the ss. "Tosha Maru" was overtaken, and the passengers of both ships, male and female, met in the *Gurdwara*. After arrival in India about the first week in November this witness is sent by accused Nidhan Singh with a message to this accused (page 116) that arms expected from Bengal should be awaited at Mehana Railway Station, and the witness is told by Nidhan Singh at Sri Ram's shop that accused has been sent to learn bomb-making. Accused comes to Moga and grumbles to Nidhan Singh about the non-fixing of "a *pace* date"; suggests looting Police Stations, and is told to get the help of accused Bakhshish Singh and rob the Gidhar-Baha Police Post. Accused starts, and on the way a dacoity is contemplated at Singhanwala, but the idea is given up. The attempt to loot the Police Post is also abandoned, and a project is formed to rob a *Sahukar* of Bhikki (who also has a residence at Bhaini), and accused is sent to reconnoitre his house. Accused and his companions are armed with pistols (presumably, those mentioned by this approver as having been smuggled in false bottomed buckets), but, on its being found that the villagers are on the alert, this project is also abandoned. The gang then form the idea of looting the Bhikki Police Station; but eventually go on to Halwara to approver Nawab Khan to ask his help for a dacoity at Rajoana, and find out from him what the leaders' instructions are. Nawab Khan, however, disapproves of this proposed dacoity, saying that the Badowal meeting is about to take place, when Nidhan Singh himself will be present, and arms will be distributed. (Nawab Khan himself corroborates as to this incident). About November 22nd, accused takes one of the gang who has fever (again, *vide* Nawab Khan) to Ludhiana. Accused is with others of the gang at Ferozepore Cantonment on November 26th, when the project is formed to loot the Moga Treasury (*vide* page 118—and our remarks elsewhere in this judgment on the Feroz Shah incident). On November 30th accused, in possession of a pistol aud in company with this approver, is arrested at Moga Railway Station. In cross-examination, this approver adhered to his statement, and admitted that accused did not accompany him and his companions to Lahore Cantonment. He denied any private enmity against this accused, and was not cross-examined as to any.

Umrao Singh, approver, states that he met accused on the ss. "Mashima Maru", and that accused was one of those who went with accused Nidhan Singh to visit a certain shrine on arrival at Madras. He next meets accused at Ludhiana clock-tower on November 8th in company with Nawab Khan, approver (page 336). Accused visits this witness at Jhabewal on the day of the Badowal meeting, and goes with him to Ludhiana, where they hear that there has been a decision to attack either Lahore or Ferozepore Cantonment—and accused leaves for Moga. This was, of course, just prior to the Feroze Shah incident mentioned by approver Jwala Singh.

P. W. 344 (a Ferozepore Police Constable) and P. W. 351 (a *Zaildar* tendered, but not cross-examined) were produced in respect of the arrest of this accused at 2 P. M. on November 30th at Moga Railway Station, in company with approver Jwala Singh. On accused were found the pistol and cartridges, exhibit P. 289 A B. The accused has already been punished by another Court for his possession of these articles.

Accused (page 478) denied most of the allegations against him, but admitted having known approvers Mula Singh and Jwala Singh and accused Nidhan Singh at Shanghai—not as his friends. He denies all Jwala Singh's allegations about his actions prior to the Feroze Shah incident, and his association with the Anarkali murderer. As regards his arrest he asserts that on the day in question he had come from his village to get or buy (the word "wash" in the record is an error) some clothes. He was sitting *outside* the Railway Station at a *halwai's* shop, when he heard an outcry, and went and saw that Jwala Singh, approver, and "Amli" (fellow-passengers on the "Mashima Maru") had been captured. A policeman had a pistol in his hand, which he said had been taken from a dacoit, and accused was arrested on suspicion, because he spoke to the approver and "Amli." Nothing incriminating was found on him, but he was robbed of 25 sovereigns by the Police, and was later sentenced at Ferozepore to 3 years' rigorous imprisonment and Rs. 200 fine for alleged possession of the pistol. This is his story, which we do not believe.

Accused produced D. Ws. 219, 220 and 221—an *Udasi Fakir*, a *patwari* and a *lambardar* of his village. They have spoken as to his good character, and try to make out that he never left his village till he went to buy cloth on the day of his arrest.

Counsel for the Defence has argued that the Feroze Shah case does not concern the present case. We cannot agree with him, and, had accused not missed the train, there is every reason to believe that he would have been present at the Feroze Shah incident. It is urged that Nawab Khan has not identified accused, but it was a gang of persons who interviewed Nawab Khan, and he did corroborate Jwala Singh as to one of the gang having fever. On pages 116 and 337 of the record we find accused mentioned in association with the dangerous criminal Gandha Singh, absconder.

In short, we see no reason whatever to doubt that accused's guilt and his connection with this conspiracy have been fully established.

(68) Rulia Singh, son of Jaggat Singh, *Jat*, of Saraba, Police Station Rai Kot, District Ludhiana, aged 36.

This accused, who pleaded "Not guilty" to the charges framed against him (page 587), admittedly returned to India by the ss. "Korea" and "Tosha Maru."

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh (who called him "Rur Singh"). The same approvers identified him in Court, and also approver Nawab Khan, P. W. 375 (as "Rulya"), and P. W. 75 (a *Lambardar*). Approver Sucha Singh did not point out this accused on Jail parade, but, when questioned by us after he had mentioned him, explained that when he used to see accused previously, the accused used to be shaved and wear his hair cut short. The change in his appearance appears to have also struck P. Ws. 366 and 367.

According to approver Amar Singh who first knew accused at Astoria, this accused, after reaching India, along with the approver and others, got out of the train at Raewind, and proceeded to Mool Chand's *Serai* in Lahore (page 65). Accused goes to Ludhiana to accompany Nawab Khan's party to Moga and attends a Phagwara meeting and the Moga meeting. He is sent to inform Nawab Khan of the failure of the plan to attack Lahore Cantonment. Accused, along with Nawab Khan, visits this approver at the approver's village, Nawanshahr; and it is from him that the approver learns of Nawab Khan's arrest. About the 7th and 9th January, accused leaves Amritsar with Ram Rakha, absconder, and others for 2 abortive dacoities, taking bombs, and about January 10th attends a conspirators' meeting at Sant Gulab Singh's *Dharmsala*. The cross-examination of this witness (page 85) only served to strengthen his statement against this accused; and no reason was even suggested for his speaking falsely.

Approver Mula Singh mentions accused as present at the Astoria meetings of March and June 1914; and as one of those who decided when the War broke out that the time was come for a revolution. Accused (whom this witness speaks of as "Rur Singh") goes to Portland on August 6th, and on to the Sacremento meeting of August 11th, 1914 (page 91), at which the audience were advised to catch a ship advertised to sail on the 15th. He is mentioned at a conspirators' meeting at the Virpali *Dharmsala* towards the end of December 1914; and about January 10th is present at Gulab Singh's *Dharmsala* when accused Nidhan Singh says that chemicals are ready at Jhabewal, but that bomb-cases are required. About January 13th, he leaves with Balwant Singh of Sathiala and others for an abortive dacoity at Chabba; and later (page 98) with accused Kartar Singh and others for dacoities in "Ludhiana direction," the party having bombs and pistols. This approver was not even cross-examined.

Approver Nawab Khan, who stated in cross-examination (page 149) that he did not see this accused at Sacremento, has alleged that accused attended the Astoria meeting in May 1913, and subscribed, and was one of those who visited Har Dyal at the Hindu Hotel there. On August 29th the witness meets him at the "*Yugantar Ashram*," when the witness is asked to embark on the "Korea" without money or clothes as he is "going to lay down his life." Accused becomes one of this approver's revolutionary group (page 129). On November 3rd (page 133), the accused meets this approver at Ludhiana Station, and tells him that accused Jagat Ram wants to meet him at Jullundur City Station on November 4th. On November 7th, he visits the witness's village, and tells him of a meeting between Amar Singh and accused Kartar Singh. About November 24th, the witness visits accused and Amar Singh at Soraba, and tells them to be at Ludhiana Station on the 25th; and on that date accused is sent by the witness to Lahore with a message to accused Kartar Singh, after the failure of the plan to attack Lahore Cantonment, being told to enquire for Kartar Singh as "Naurang Singh" at the Hindu Hotel. Accused is sent by

Kartar Singh on November 26th to the witness at Ludhiana *re* the postponement of the Lahore Cantonment plan, and is sent back to Kartar Singh with a message to him to meet the witness at Jagraon on the 27th. On about December 2nd, accused acts as a messenger for accused Kartar Singh and Nidhan Singh, and is left by the witness to bring those two persons on from Ludhiana Station to Baring village. On December 10th, accused meets witness at Phagwara, and next day leaves with others to dacoit a *Brahman* of Bhinwal (*vide* accused Nand Singh's confession). The dacoity, however, fails, and it is arranged to meet at Chaheru on the 19th, and attack a Military Bridge Guard (page 140), accused being sent by accused Kartar Singh to inform Amar Singh and Ram Rakha, absconder (who are expected back from Kapurthala) of this. Lastly, this witness says that Nand Singh, accused, told him on February 18th (page 141) that this accused was one of the Mansuran dacoits ; but we have no really good evidence to prove this. Now, this approver's statement is a very detailed one, with scarcely a question asked in cross-examination.

Approver Sucha Singh, who says he knew accused as "Rulya," mentions him at pages 272, 273 of the record in company with the Anarkali murderer and others ; and implicates him as a Sahnewal dacoit. (In that dacoity, Khushi Ram was murdered).

Approver Umrao Singh states that he first met accused at Fowler ; that accused attended the Fresno meeting of August 9th or 16th, and was at Stockton ready to sail on the 29th ; and that he met him at the "*Ghadr*" Press before sailing (page 334). At page 338, he gives this accused's name as one of those mentioned by accused Balwant Singh just after the Sahnewal dacoity as having taken part in it. P. W. 17, Inspector Ahmad Khan, cannot recollect whether Amar Singh mentioned accused as having stayed at Mul Chand's *Serai* ; but the witness verified this among the 13 names entered in the *Serai* Register (exhibit P. 127—entry No 945 of October 31st, 1914). P. W. 75, a *Lambardar* of accused's village, has stated that accused left the village from time to time, and lived with a returned emigrant there. Also, that accused had emigrant visitors, including Nawab Khan, who came 2 or 3 times. P. W. 366 (of Halwara) *thinks* that accused was one of three Sikhs who visited approver Nawab Khan 5 or 6 days after his return from America. Nawab Khan, however, had gone to Ludhiana ; and the witness was sent to Litran well to tell them to meet Nawab Khan at Sikhana. P. W. 367 is a man of Sikhana, who speaks of three Sikhs (including one called "Rulya Singh of Soraba") coming to meet Nawab Khan. P. W. 375 is a *fakir* of Ludhiana, who pointed out this accused in Court as "Rulya" ; who visited Nawab Khan at the witness's *Takkia*. In addition to the above evidence, we have this accused mentioned at pages 415 and 416 of the record in accused Nand Singh's confession—and this goes to corroborate approver Nawab Khan's statement *re* the abortive attempt at a dacoity at Bhinwal.

Accused in his statement (page 441) said that he returned to India, because his wife and children had died of plague (this he did not attempt to prove), and because work had stopped on account of the War. He denied most of the allegations of the prosecution witnesses, including the allegation that he had seen Har Dyal. He denied going to Mool Chand's *Serai*, and admits going on one occasion to Nawab Khan at Halwara, "to ask him to repay a loan lent in America." Not a single question regarding this alleged loan was asked of Nawab Khan in cross-examination. Accused denieda ttending meetings in India, and stated that on his arrival from America he was too ill from venereal disease even to walk. He denied taking part in any dacoity, or attempts at dacoities, including Bhinwal. He asserted that Nawab Khan had quarrelled with him about the loan ; but made no attempt to prove this, nor to cross-examine on the point. He says he has not been to Amritsar for 18 or 19 years. He asserts that he does not even know approver Sucha Singh, but suggests no reason why Sucha Singh should have given false evidence. He was arrested, he says, in Sidduan near Jagraon, where he had gone to get medicine from a *Sadh*, and only once or twice left his village to get medicine. He had no emigrant visitors, but their relations sometimes came to make enquiries. He denied having taken part in the Sahnewal dacoity of January 23rd, 1915.

The defence witnesses are D. Ws. 129 to 134 inclusive. Major Ward (Superintendent, Lahore Central Jail) and the Sub-Assistant Surgeon of Campbellpur Jail give evidence that accused is even now suffering from Syphilis of several months standing ; but it seems clear enough that he was not unable to walk or run. Two witnesses of accused's own village have tried to make out that accused was too ill from Syphilis to be able to get about at all ; but their statements are discounted by the evidence of D. Ws. 131 and 132. These two last witnesses also give evidence tending to show the difference in accused's appearance according as he wears moustaches or a beard.

Really, the only point of any importance advanced by accused's counsel in argument was that Dalip Singh (the approver who died of cholera during this trial) did not identify accused on Jail parade as a Sahnewal dacoit, though Dalip Singh himself was in that dacoity. The Prosecution suggest that, though accused was in that dacoity, his disease (we have mention of "a bad throat" by approver Sucha Singh) may have prevented his taking part in the Mansuran dacoity 4 days after Sahnewal.

The prosecution also suggest that accused Nand Singh, when he mentioned accused to Nawab Khan as a Mansuran dacoit, may have been talking somewhat at random. Nand Singh was not himself in that dacoity. As against the point, therefore, that Dalip Singh, deceased, did not identify accused on Jail parade, we have the evidence of Mula Singh that accused, along with Kartar Singh and others started for dacoities in "Ludhiana direction" (we have held elsewhere in this judgment that that gang engaged in the Sahnewal and Mansuran daocities) ; the evidence of approver Sucha Singh that accused was one of those who actually started for the Sahnewal dacoity ; and the evidence of approver Umrao Singh that accused Balwant Singh, soon ofter that dacoity, named accused as one of those who had taken part in it. In our opinion, there is every reason to believe that this accused was one of the Sahnewal dacoits ; and of his connection with this conspiracy there can be no doubt whatever.

(69) Sawan Singh, son of Khushal Singh, of Chabba, Police Station Saddar, Amritsar, aged 45.

This accused, who pleaded "Not guilty" to charges framed against him (page 589), is an inhabitant of Chabba village, where Beli Ram was murdered in the dacoity which took place there on February 2nd, 1915. The bulk of the Prosecution witnesses who testify against accused are, of course, persons of his own village who know him well.

Approver Mula Singh did not mention this accused by name, but he has told us that accused Wasawa Singh (who is alleged to have abetted the Chabba dacoity) had said that he had got the assistance of "a man of Chabba".

Approver Udham Singh (himself a Chabba dacoit) states that he met accused at the house of accused Bakshish Singh shortly before the Chabba dacoity, and that at Bakshish Singh's well this accused along with Bakshish Singh and the two Surain Singhs said that Beli Ram "must be killed". This accused guides the dacoits to Beli Ram's house; is one of the four persons who actually murdered Beli Ram; himself receives injuries from a bomb; and receives Rs 2 out of the loot (page 233) to enable him "to eat *ghi* and get himself treated".

P. W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that on February 3rd Kala Singh, accused (who had been captured by the Chabba villagers) implicated accused as a Chabba dacoit. Accused had been hurt by a bomb, and all the villagers asserted that he had been on the side of the dacoits. Accused was accordingly arrested on the 4th or 5th of February. P. W. 122 (Sub-Inspector Kesri Chand) has told us how, in the 1st report (exhibit P. 166), accused was shown as a wounded villager, because Bhagwan Das (servant of Bhagwan Das, P. W. 137) and Hira, *chaukidar*, who came to make the 1st report, said some one had told them so. However, on the spot accused's co-villagers denied that he had been on their side. On page 207 of the printed record, there is an error—the notes of two of the Commissioners show that accused Kala Singh *did* identify this accused. P. W. 123 (Buta Singh, *lambardar* of Chabba) states that accused was not present along with the other wounded villagers after the dacoity, and has denied that he has any enmity with accused.

P. W. 124 (Gurbaksh Singh, *zaildar*) states that on February 9th accused Bakshish Singh implicated this accused as a Chabba dacoit—the witness entered 16 names mentioned to him in a pocket-book. P. W. 136 is the Chabba *chaukidar*, who went to make the 1st report, and he explains that accused was mentioned as "a wounded villager", on information given by accused's brother that accused had been injured.

P. W. 137 (Bhagwan Das, nephew of the murdered Beli Ram) states that Bhagwan Das, who went with the *chaukidar* to make the first report, is not now in his service, and he does not know his whereabouts. He heard nothing of accused's injuries until the morning when the Police arrived. P. Ws. 143 to 150 inclusive are Chabba villagers, some of whom were very seriously injured by bombs; and they unite in saying that on the night of the dacoity this accused was not on their side helping to resist the dacoits. No reason whatever has been shown why these witnesses should have united to implicate a co-villager as having been on the side of the dacoits. P. Ws. 138 and 141 are Beli Ram's widow and son, who give evidence that accused is related to accused No. 76, Surain Singh, and that there was enmity with Beli Ram over money matters.

P. W. 191 (Colonel Smith, Civil Surgeon, Amritsar) examined accused on the evening of February 3rd, and describes his injuries—"deep cut on the left arm; 10 superficial wounds; legs and loins charred; all caused by a bomb."

Accused's statement will be found at page 400. He asserts that he was injured by a bomb when helping his co-villagers against the dacoits; and that the witnesses testify against him, because he gave evidence against Buta Singh, *lambardar*, in a civil suit. He admits that his brother got him reported as "a wounded villager"; admits that he is connected by marriage with Surain Singh Accused says that he did not owe Beli Ram money, and "does not know'

901

whether Surain Singh did ; and asserts that, after receiving his injuries he *walked* to his own house. He suggests that as it was a dark night the *lambardars* may have failed to see him ; and that only the names of some of the injured villagers became known that night. The four Defence witnesses (D. Ws. 22 to 25 inclusive) are utterly unconvincing. They include 2 *lambardars* and accused's brother (who says he *helped to carry* accused to his house). D. W. 23, admittedly, did not see accused that night, and they can give no satisfactory explanation as to why the Police were not informed that accused had been on the side of his co-villagers. The brother had to admit that Beli Ram " was owed money by our uncle, which we had to pay ".

The only point, really, which accused's counsel could urge on behalf of his client was that approver Udham Singh did not identify accused on Jail parade ; but no suggestion whatever has been made as to why Udham Singh should have been falsely implicating him. Had there been any wish to concoct a false case, nothing would have been simpler than to have got Mula Singh to implicate him by name.

In short, we have no doubt whatever that this accused deliberately took part in the Chabba dacoity ; and was one of the actual murderers of Beli Ram. We have also held elsewhere that this dacoity was in furtherance of the aims of the conspirators.

(72) Shiv Singh, son of Munshi, *Jat*, of Kotla, Police Station Hariana, District Hoshiarpur, aged 29.

This accused, who pleaded "Not guilty" to the charges framed against him (page 591), admittedly returned to India by the ss. "Korea" and "Tosha Maru", and arrived at Calcutta on October 29th, 1914. He belongs to the same village as accused Harnam Singh *Tunda*; and was interned on March 5th, 1915.

He was identified on Jail parade of April 18th by approver Amar Singh, and on Jail parade of April 24th by approver Jawala Singh; and in Court by those persons, and approvers Nawab Khan and Mula Singh and P. W. 55 (a *Lambardar* of accused's village).

Approver Amar Singh mentions this accused (page 61) as one of those present at Har Dyal's meeting at Bridal Veil; and as one of those (page 63) who agreed to return to India for a revolution. He mentions him as present at the Portland and Sacremento meetings in August 1914. At page 65, he says that accused got out of the special train at Raewind, and accompanied him and the Anarkali murderer and others to Mool Chand's *Sarai* in Lahore. Later on, he informs the witness of accused Jagat Ram's arrival.

Neither approver Nawab Khan nor approver Mula Singh could name this accused. The former said that accused was one of the *Ghadr* party (page 125) who sailed, but that he never saw him after landing in India; and the latter that he had seen him at Portland or Astoria, but not in India until he saw him in Court.

Approver Jwala Singh only stated that he had seen accused at Badowal, and approver Umrao Singh that he met accused at Stockton at the end of August 1914, "talking revolution" and ready to sail, and that he met him at the "*Ghadr* Press" on August 28th, 1914. P. W. 54 (a Sub-Inspector) states that accused arrived in his village Kotla on November 2nd, 1914; was not restricted or interned at first; and was frequently absent from the village. P. W. 55 (*Lambardar* of Kotla), who states that accused was arrested in January, says that accused only left the village 2 or 3 times to visit relations, and never again after the witness had warned him against so doing.

Accused in his statement (page 364) said that he went to America some 9 years ago, and returned because his wife had died, and his father wanted him to marry again. He was at Bridal Veil, "but there was no meeting there"; nor was he a member of the "Hindi" or "Hindustani" Association. He heard no seditious lectures on the ship. He might have seen accused Indar Singh, *Granthi*, on the ship, but did not know his name. He asserted that, if Indar Singh, *Granthi*, named him in his confession as a prominent member of the American *Ghadr* party (*vide* page 385 of the record), the allegation was false. He never saw approver Umrao Singh till in Court, nor did Amar Singh meet him. He never went to Mool Chand's *Serai*, but "stopped at the station". He never knew accused Jagat Ram, though he might have seen him on the ship; and accused Harnam Singh, *Tunda*, he only once met at Bridal Veil. He once left his village on a visit to Hoshiarpur to see the Mandi fair, and again when his father-in-law died.

He produced Defence witnesses 38 to 45 inclusive. These include some persons of respectable position, who give accused a good character, and support his story as to the reason for his return and his reasons for leaving his village. However, as he was not restricted on his return, he had a perfect right to leave his village whenever he chose.

As regards the arguments of his counsel, we have no evidence to prove that accused had originally intended sailing by an earlier ship; but it is true that he does not appear to have attended meetings in India. Jwala Singh, who identified accused as a man he had seen at Badowal, has not stated anywhere that accused was present at the meeting there. Though, having regard to the rest of the evidence, it is quite probable that accused is the "Sheo Singh" mentioned in

Indar Singh *Granthi's* confession; this is, after all, only conjecture, and we cannot go on mere probabilities. Amar Singh has not mentioned him as on the "Ghadr" Press. It also appears to be correct that this accused from November 2nd (when he reached his village) until January 1915 (when he was apparently arrested) did nothing, or practically nothing, in furtherance of any conspiracy. In fact, all that he is alleged to have done in India is to have informed Amar Singh of Jagat Ram's arrival and to have been seen at Badowal.

We see no reason to doubt his connection with the conspiracy *prior* to his arrival in India; but we are not prepared to accept the argument of counsel for the crown that we must hold that accused was "one of those men who was waiting to be called in for the projected rising".

Again, if he really were a man of importance in America, how is it that certain approvers do not know his name?—and how is it that he, apparently, became of practically no importance after his arrival in India?

(73) Sher Singh, son of Kesar Singh, *Jat*, of Ween Poin, Police Station Tarn Taran, District Amritsar, aged 32.

This accused, who pleaded "Not guilty," to the charges framed against him (page 593), has stated (page 455) that he sailed from Canada in August 1914 with 36 ordinary Indian passengers by the ss. "Canada Maru." He admittedly came on to India from Hong Kong on board the ss. "Tosha Maru", and we find that, on arrival at Calcutta, he was arrested and interned in Montgomery Jail and was taken thence to Campbellpore Jail.

He was identified on Jail parade of April 18th by approver Amar Singh and the Police spy, and on Jail parade of April 24th by approver Jwala Singh. Approver Nawab Khan did not attend Jail parades, and P. W. 303 wrongly pointed him out as a Mansuran dacoit. In court he was identified by approvers Amar Singh, Nawab Khan and Jawala Singh, by the Police spy (not by name), and by P. Ws. 172, 362, 379 (who first mistakenly pointed out accused Jowala Singh), 380, 381 and 383 (by name).

Approver Amar Singh (page 64) simply speaks of accused as having come from Canada; and as being "one of our Party" on board the "Tosha Maru."

Approver Nawab Khan, who in cross-examination, says that he met accused in Vancouver in 1911, and in re-examination says that he was mistaken in first saying that accused was one of those who landed with him at Kobe, states that accused arrived at Hong Kong from Vancouver at the head of some 30 revolutionaries (page 128), and was made a member of the Central Committee formed at Hong Kong. According to this approver, accused was one of those who, at Singapore, attempted to tamper with troops, and at Penang was one of the party sent to enquire about rifles in Police Stations. He was one of the deputation to the Governor; and at Rangoon was prevented by a *Subadar* from making a speech at the *gurdwara* In cross-examination (page 147) this witness stated that he *heard* from accused Jagat Ram that he had made over a revolver or pistol to this accused at Calcutta, and that it had probably been found on accused when he was interned; but we have no proof of this. Approver Jwala Singh merely alleged that he had met accused at a *gurdwara* on the voyage, and that he had formerly been in the Police; and similarly, approver Umrao Singh (page 336) said that he met accused at the Hong Kong *gurdwara*. P. W. 172 stated that he sailed with accused from Canada to Shanghai. P. W. 362 (from Canada) states that accused recited verses of his own at a seditious meeting at Hong Kong *gurdwara*; was one of the leaders who made seditious speeches on the "Tosha Maru"; and corroborates that accused attempted to tamper with troops at Singapore.

P. Ws. 379, 380, 381, 383 mention accused as a prominent seditionist on board the "Tosha Maru."

P. W. 195 (Amir Ali, Inspector, C. I. D.) states that he saw accused in Multan Jail on November 10th, 1914; and that the leaflet, exhibit P. 205, was found in a coat in accused's box; and that accused did not deny that it belonged to him. The *fard baramdagi* is exhibit D. 7; and the leaflet (*re* the Release of Tilak) exhibit P. 205 forms a special issue of the "*Ghadr*" of July 1st, 1914; and has been discussed elsewhere in this judgment.

Accused in his statement (page 455) said that he returned to India because employment had stopped, and because he received many letters saying he ought to return and get married. He denied the various allegations against him, said that he was only in Singapore city for 2 hours, and that he did not even know accused Jagat Ram's name till he saw him in Jail. The leaflet was not found with him, nor did he ever read it. Accused has offered no suggestion why the "Tosha Maru" witnesses (P. W. 362, etc.) should have been anxious to implicate him falsely; but, at the end of his statement he has given reasons why Nawab Khan should have wished to implicate him falsely. We, of course, appreciate the fact that the accused could not produce witnesses from Canada to support this story; but why was not this approver cross-examined with respect to it? Accused admitted spending one night at Hong Kong *gurdwara*, and 4 with a policeman

(having been himself in the Police); and endeavoured to make out that, after his arrival in Jail, the "Tilak" leaflet had been smuggled into his copy of the *Granth Sahib*, which had been taken from his baggage by the Police or Jail officials.

Accused produced two Defence witnesses, Nos. 202 and 203 (a *Sadh* of his village and his brother). They support accused's story that he was re-called in order to get married; and we have also certain letters (apparently, quite genuine) from accused to his brother—exhibits D. 17 A to E. They speak of accused's intended return to India, and contain certain religious admonitions as well. Two have envelopes, and one bears a head-print of a Vancouver view. Their dates appear to be March and April 1912 and May 1913.

Accused's counsel has urged that there was "no conspiracy in Canada"; and that there is nothing noticeable about accused's selecting August 1914 for his return. He has asked why the "Tilak" leaflet was not found either at Hong Kong or Calcutta; but it could have been easily concealed; and, no doubt, the searches were mainly for arms. We are not prepared to believe that the leaflet was deliberately foisted on accused by the Police or any one else; and Nawab Khan was not cross-examined as to the alleged reasons for enmity. If there had been any desire to concoct a case against accused, we should have expected to find other approvers with stories against him.

We see no reason to doubt this accused's connection with this conspiracy prior to his internment. Our remarks regarding interned accused, made in the separate case of accused Jwala Singh and elsewhere in this judgment, will apply to this accused also.

Punjab Government Branch Press, Simla.—7-9-15—No. 218—300.

(74) Sohan Singh, son of Karam Singh, *Jat*, of Bhagna, Police Station Gharinda, District Amritsar, aged 50.

This accused, who pleaded "Not guilty" to the charges framed against him (page 595), admittedly returned from Hong Kong on the ss. "Nam Sang", and was interned on arrival at Calcutta. Our general remarks regarding interned accused in the case of accused Jowala Singh and elsewhere in this judgment will apply to this accused also. We take into consideration the fact that accused was unable to produce witnesses from America. He produced no others.

According to the evidence of Mr. Slattery (P. W. 354) Superintendent of Police, Criminal Investigation Department, accused reached Calcutta on the "Nam Sang" on October 13th in company with absconding accused Jawand Singh and accused Nand Singh; and we shall have to refer later to Nand Singh's confession.

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh, and in Court by those 2 persons, Nawab Khan, approver, the Police spy (who only said that he knew accused before he went to America), and P. W. 172 (who stated that he had known accused in Portland 4 or 5 years ago, and that then he wore no beard).

Approver Amar Singh merely mentions accused at Linton Mills, and says he attended Har Dyal's meeting at St. John in May 1913.

Approver Mula Singh first meets this accused at Linton Saw Mill about the end of November 1913. He says that accused was President of the Indian Revolutionary Party in Oregon State; that he (accused) gave him an Urdu copy of the first issue of the "*Ghadr*" newspaper, telling him that it was edited in San Francisco by Har Dyal, who was the General Secretary of seditious societies (page 90). He says accused instilled into him revolutionary ideas. To continue this approver's story:—Accused attends an Astoria meeting in March 1914, is deputed to start a revolutionary society in Stockton and elsewhere in California, addresses a meeting at Astoria on June 21st, 1914, and sends a letter from San Francisco to say that he is going to Japan to meet the "Komagata Maru" passengers, thence to Hong Kong and elsewhere to start societies, and on to India to start a revolution. There was scarcely any cross-examination of this witness; and all he could say was that he could not recollect from whom he heard that accused was President of the Oregon seditious society.

Approver Nawab Khan corroborates that accused came with Har Dyal to Astoria in May 1913. Accused is elected President of the Fund Committee (specially representing Bridal Veil), and assists at the Executive Committee meeting in forming the "Hindi Association of the Pacific Coast," with a Press to be called the "*Yugantar Ashram*," to print the new-named "*Ghadr*" newspaper, and translate Savarkar's book on the Mutiny into Urdu. After this Committee meeting, accused leaves for St. John and Portland. As President of the Hindi Association, accused visits this witness at Upland (California) to try and get him back into the "*Ghadr*" fold, mentioning the Cawnpore Mosque incident, etc.; and gets Maulvi Abdulla, Malgani, to exert his influence to the same end. It was at Upland, in June or July 1914, that this witness last saw accused; but he further states (page 140) that about December 14th, on the way from Jandiala to Lahore, accused Kartar Singh told him that this accused had been sent by the "*Yugantar Ashram*" with 100 pistols and cartridges to Gurdit Singh of the "Komagata Maru," which had been duly delivered. There was practically no cross-examination of this approver (*vide* page 143). P. W. 193 (Assistant Jailor, Multan) gives evidence in respect of his conversations during November 1914 with this accused, the notes on which were sent to Inspector Abdul Aziz (C. I. D.). The exhibits are P. 204 A. B.—the first of which was dictated by the witness to the Jailor; the second being in witness's own writing. These exhibits have been discussed in another portion of

this judgment ; and they throw a very clear light on the ideas and aims of this accused, who even tried to enlist the Assistant Jailor on his side. It is clear enough from the contents of these documents that they could not have been concocted at the time by the witness or any one else.

P. W. 195 (Inspector Amir Ali) tells us that approver Mula Singh mentioned this accused in connection with America, and says that he saw him in Jail in December, and in November also along with the Deputy Superintendent of Police and Sardar Sukha Singh. He did not tell the Jailor to get accused to make disclosures, nor were threats used to accused's mother.

We have already mentioned that this accused reached India by the same ship as accused Nand Singh, and we find him mentioned in Nand Singh's confession (page 409). Nand Singh, no doubt, was mistaken in speaking of him as the Editor of the "*Ghadr*" ; but further down the same page he says (showing the real extent of his knowledge)—"I heard that Sohan Singh and Kartar Singh worked under Har Dyal, whose name was given in the paper as the publisher."

Accused in his statement (page 468) denied most of the allegations of the prosecution witnesses ; but admitted having been President of the "Hindustani Association" of Portland (the seditious nature of which society has been elsewhere discussed). He admits having gone to Upland on April 15th, 1914, to try and effect a compromise between Hindus and Muhammadans in respect of a quarrel about the cutting of wages engineered (he says) by Nawab Khan. As he did not know Nawab Khan, he took Maulvi Abdulla Malgani to assist. Questioned as to certain American meetings (the dates of which we took from the "*Ghadr*" newspaper), accused only admitted having attended the Portland meeting of June 1913. At the end of his statement, he gives us his own version of the aims and objects of the "Hindustani Association", and admits that in June 1913, Har Dyal, as being a well-known lecturer, was invited to Portland, where he lectured on "socialistic subjects." That was the only occasion on which accused met Har Dyal. In November 1913, a member of the association read out a copy of the "*Ghadr*" ; but accused, as President, forbade the reading of such papers and discussions upon them. He tells us that he also had a quarrel at Linton with approver Mula Singh about the cutting of wages—but the question naturally arises, why were Nawab Khan and Mula Singh not cross-examined specifically about these matters ?

Accused denies having held any conversations with the Assistant Jailor. He says that he left America on July 21st, 1914, and reached Yokohama on August 8th, 1914. He was obliged to break his journey in Japan, as his health would not stand a long continuous journey to India ; and he left Japan on August 16th.

We are in no way convinced by his story, and we consider that his connection with this conspiracy prior to his internment has been fully established. That he retained his perverted ideas after his internment is shown by his conversations with the Assistant Jailor. His Counsel has urged that no seditious literature was found with accused ; but we have evidence of seditious literature being thrown overboard on the voyage and otherwise got rid of. It has been urged that there is no proof that the "Komagata Maru" passengers had 100 pistols (but we know that they had pistols) ; and that there is no proof as to where those pistols were purchased (how could there be ?). Though accused himself stated that he had "never held any conversation" with the Assistant Jailor, his Counsel in arguments stated--"we admit we had some conversations" ; and has tried to make out that the exhibits P. 204 A. B. are pure concoctions ("A" being undated, and "B" bearing dates of 12th-15th November 1914). He mentioned a reference therein to "appeals in the Delhi conspiracy case" ; and urges that appeals in that case were not filed until the end of November at the earliest—but there would be nothing extraordinary about accused's anticipating that appeals would naturally be filed. How could this Jailor have invented remarks about Germany as a training-school for youths, and the "Turkish Parliament," etc., in November 1914 ? The arguments of Counsel for the defence have quite failed to convince us,

(75) Surain Singh, son of Bur Singh, Jat of Gilwali, Police Station Amritsar, aged 45.

This accused, who pleaded "Not guilty" to the charges framed against him (page 597), is alleged to have been one of the Chabba dacoits; and one of the actual murderers of Beli Ram.

He was identified on Jail parade of April 18th by approvers Udham Singh and Mula Singh; and in Court by those persons, and P. Ws. 123, 151, 152, 153, 154 and 183.

Approver Udham Singh first meets accused, along with accused Surain Singh (No. 76), about January 2nd, 1915, when Wasawa Singh suggests the Chabba dacoity. About January 29th, accused visits the witness to ask him to bring men for the Chabba dacoity. He comes to the well of accused Bakshish Singh shortly before the dacoity, and along with Bakshish Singh, the other Surain Singh (of his own village) and Sawan Singh, says that Beli Ram must be killed. He is one of the actual murderers of Beli Ram, and along with Bakshish Singh burns some bonds.

Approver Mula Singh mentions accused as with accused Wasawa Singh at Gulab Singh's *dharmsala* when the latter suggested a dacoity at Chabba (page 97).

From P. W. 16 (Deputy Superintendent of Police) we learn (page 150) that on February 3rd (the day following the Chabba dacoity) the accused Kala Singh, who had been captured by the villagers, implicated this accused, who was found absent from Gilwali, but was found at his well. Exhibits P. 75-76 A. B. are accused's bloodstained *pagri* and *kurta*. The witness was told of disputes between accused and the murdered Beli Ram over money matters, and verified the fact that Beli Ram had had accused put on security. He also learnt that accused was a great friend of accused Surain Singh (No. 76). On February 6th, this accused implicated approver Mula Singh, and gave the names of other dacoits. Exhibit P. 91 is the record of the aforementioned proceedings under section 107, Criminal Procedure Code, which shows clearly that at the time of the Chabba dacoity the term for which accused had been placed on security was just about to expire.

P. W. 123 (*Lambardar* of Chabba) corroborates that accused Kala Singh implicated accused, and that accused was brought in from Gilwali (a mile distant), with the bloodstained clothes, exhibits P. 76 A. B. P. W. 124, *Zaildar* Gurbaksh Singh states that accused Bakshish Singh also implicated this accused. In cross-examination this witness stated that *Zaildar* Pal Singh also took part in the investigation, but the witness was not himself cross-examined as to any enmity. P. W. 129 (Head-Constable) took the bloodstained clothes, removed from accused's person at Gilwali by the Deputy Superintendent of Police, to the Chemical Examiner.

P. W. 141 (son of Beli Ram) states that his deceased father had monetary dealings with accused, and also suits and security proceedings.

P. W. 151 *Patwari* of Chabba, saw accused in Amritsar on January 18th, and asked him whether he had repaid Beli Ram Rs. 1,750, which amount the witness and another *Patwari* had settled in place of a debt of Rs. 2,400. One of the *Sikhs* with accused then remarked that "Beli Ram would be paid in full within a week". P. Ws. 152 and 153 are as to accused's visit, along with 7 others to accused Bakshish Singh's well 15 days before the Chabba dacoity. The visitors made out they were on their way to the *Amawas* fair; and the witnesses explain how they were got out of the way on some pretext. P. W. 154 is *Patwari* of Gilwali (accused's village), who was present when the Deputy Superintendent of Police arrested accused. He told that officer of a quarrel between Beli Ram and accused over the Rs. 1,750 three days prior to the dacoity. The witness states that accused offered to mortgage land and pay, and that the dispute ended in a friendly manner. He, however, admits that nothing came of accused's attempt to raise money from Kesar Singh, *Subadar*.

P. W. 183 testifies to accused's consulting with approver Udham Singh (who himself took part in this dacoity) about the dacoity, and also enquiring about accused Prem Singh, absconder. P. W. 195 (Inspector Amir Ali) gives evidences *re* the cases with Beli Ram (exhibits P. 208—208 A. M.)

Accused in his statement (page 401) denied most of the allegations against him, and denied that the bloodstained clothes were his. He admitted having had many cases with Beli Ram ; that he had been put on security ; and that Beli Ram had accepted his offer to pay Rs. 1,750 in place of Rs. 2,400, which the *Patwari* had witnessed. He asserted that he had had many criminal cases with accused Wasawa Singh, so could not have associated with him. He admits that his clothes were taken from Gilwali to Chabba, and says that a false story was concocted in the latter place. He asserts that the witness Gurbaksh Singh *Zaildar* (who was not cross-examined as to enmity), Pal Singh, *Zaildar*, and Buta Singh, *Zaildar*, are all of them his enemies. Also, that Udham Singh, approver, got a relation of his punished. He says that Beli Ram got his brother's vacant site attached, and that he had "arranged a loan" from Kesar Singh to pay off his debts.

This last assertion is contradicted by D. W. 75 (Kesar Singh, a pensioned *Subadar-Major*), who tells us clearly that nothing came of the attempt to raise a loan. D. W. 76, a distant relation of accused, states that on the night of the dacoity, he and accused and Jetu, *chuhra* (not produced) were working at a well. He attempts to support accused's assertions of enmity with accused Wasawa Singh, and the *Zaildars* Gurbaksh Singh and Pal Singh. This witness, in cross-examination, denied that he was a nephew of this accused ; but admitted that he and accused were together in a case about the theft of a mare.

Accused's counsel has asked what reason there was for burning Beli Ram's bonds ?—but surely, this is a common practice in dacoities. He has referred us to certain records of cases, in support of vague assertions regarding the enmity of Gurbaksh Singh and Udham Singh, approver—but why were those witnesses not cross-examined when in Court ? The only question asked of Udham Singh elicited the answer that he "did not know the Gilwali people before". Reference is made to 2 Criminal cases in which *Zaildar* Pal Singh was concerned ; but there is nothing to support the suggestion that "he instigated Gurbaksh Singh and others."

In short, we see no reason to doubt that this accused joined in the dacoity for his own private ends, and was one of the actual murderers of Beli Ram. We have also held that the Chabba dacoity was undertaken to get funds in aid of the conspiracy (the loot was not shared out among the dacoits), and that the participants in that dacoity were cognizant of this.

(76) Surain Singh, son of Isher Singh, *Jat*, of Gilwali, Police Station Amritsar, aged 25.

This accused, who pleaded "Not guilty" to the charges framed against him (page 599), is alleged to be another of the Chabba dacoits, and one of the actual murderers of Beli Ram in the course of that dacoity. The case as regards him is very similar to that of his co-villager, Surain Singh, accused No. 75. This accused's father is a *lambardar* of Gilwali. He was arrested 6 days after the dacoity.

Approver Udham Singh tells us (page 228) that he met accused towards the end of December 1914 at the house of accused Wasawa Singh of Gilwali, when a talk took place about bombs and dacoities. About January 2nd, the witness meets him in company with Wasawa Singh and the other accused Surain Singh, and, towards the end of January, accused tells the witness that Mula Singh, approver, is collecting men. Accused is one of those who assembled at Bakshish Singh's well just before the Chabba dacoity (in which this approver himself took part), and joins in saying that Beli Ram must be killed—afterwards taking part in the actual murder.

It is true (as urged by the Defence counsel) that this approver did not identify this accused in court; but the explanation is given that accused at the time of the dacoity had no beard.

P. W. 16 (the Deputy Superintendent of Police) states that accused Kala Singh, who was captured by the Chabba villagers, implicated accused, who was found absent from his village. He was spoken of as a great friend of the other accused Surain Singh, and, after his arrest, gave the clue to Udham Singh, approver. This witness is corroborated by P. W. 123 (*lambardar* of Chabba). P. W. 124 (Gurbaksh Singh, *zaildar*) states that on February 8th he brought in accused from his sugarcane field, and that accused named Udham Singh, approver, and others as Chabba dacoits. Further, that he implicated accused Bakshish Singh, and that Bakshish Singh implicated him on February 9th. P. W. 141, son of Beli Ram, asserts that his father got out a warrant of arrest against accused's father; and P. W. 195 (Inspector Amir Ali) states that on March 19th approver Mula Singh at Padri identified accused as a Chabba dacoit.

Accused in his statement (page 402) denied the allegations against him; but admitted that Beli Ram had a decree against his father. He denied even knowing the witness Gurbaksh Singh, and asserted that he was arrested at his house by Pal Singh, *Zaildar*, and some Police.

As regards Udham Singh, he could only suggest that pcssibly that approver had substituted him for some friend of the approver's who had been in the dacoity; and asked why Udham Singh, who had been an enemy of a beneficent Government, should not have been against him also?

He produced D. Ws. 1 to 4 inclusive—who gave him a good character, asserted that for 2 years past he had worn a beard; and one of whom put forward a stupid story of an *alibi*, which had not been mentioned by accused himself.

We have ample evidence that accused was aware of the conspiracy, and that he was one of Beli Ram's murderers. His friendship for the other Surain Singh, Beli Ram's decree, and the warrant issued against his father (a *lambardar*) no doubt supplied the motive for the murder. The loot was not shared among the dacoits.

(77) Udham Singh, son of Mewa Singh, of Kasel, *Jat*, Police Station Gharinda, District Amritsar, aged 26.

This accused, who pleaded "Not guilty" to the charges framed against him (page 601), admittedly returned to India by the ss. "Korea" and "Tosha Maru", and was interned on arrival in Multan Jail. Our general remarks elsewhere in the judgment *re* interned accused will also apply to him.

He was identified on Jail parade of April 24th by approver Jwala Singh as a man he had seen in Shanghai, and in court by approvers Amar Singh, Mula Singh and Nawab Khan.

Approver Amar Singh, who says that accused was on his boat, states that accused was one of those who agreed to return to India for a revolution (page 63), and helped to recruit others at Bridal Veil, Vina and Astoria. He also says that accused attended the Portland and Sacremento meetings in August 1914.

Approver Mula Singh states that accused attended Astoria meetings in March and June 1914, and corroborates that he came with Amar Singh about the end of July or beginning of August 1914, saying that the time was ripe for a revolution now that the War had started, and the "Komagata Maru" had returned (page 91). He also mentions him as one of his revolutionary group. Approver Nawab Khan, who says that accused was once a signaller in the "Malay States Guides", states that at Hong Kong he met accused at the house of a Sikh *Thanadar*, and that accused told him he had come to buy revolvers (page 129). At Penang accused is one of those sent to try and tamper with troops. Approver Umrao Singh says he saw accused at the "*Ghadr*" Press on August 28th, 1914. P. W. 16 (the Deputy Superintendent of Police) states that approver Mula Singh mentioned, in his statement recorded between March 12th and 14th, that Amar Singh and accused came to him in Astoria beating up recruits for a revolution.

Accused in his statement (page 471) has denied the allegations against him. He asserts that he never went to Sacremento, nor lived in California; but was in Oregon, at Linton (where Amar Singh, approver, first places him) and Henton. He spent one might in San Francisco on his way home (this must have been the night of August 28th, 1914), and says that he had been away from home for 9 years—in the Malay States and Oregon. He got letters from home, and, as he had bought property in America, and work was slack, he took the opportunity to return home and marry, intending to take his wife back to America. He used to know Mula Singh in Shanghai; thought him a bad character; and refused to stand security for him. He also had a quarrel with him at Linton about cutting wages. He says that on the ship, when he was tipsy, he had a quarrel with Nawab Khan over the use of cooking-stove; and that he does not know Amar Singh at all, who did not identify him on Jail parade. As regards this last point, it does not appear that this accused was present on Jail parade, when Amar Singh was there identifying on April 18th.

Accused produced D. Ws. 204 (*lambardar* of his village) and 205 (his brother) to support his story that letters were sent him, urging him to return and get married.

His counsel has urged that Nawab Khan has not been corroborated about the revolvers; but it is in favour of the general truth of Nawab Khan's statement as a whole that, though he cannot have been aware of all the various persons interned, we do not find him ascribing to them acts subsequent to their internment. There is no apparent reason why Amar Singh should have falsely implicated this accused; and Mula Singh and Nawab Khan were not cross-examined about the matters of the security and the cooking-stove.

We see no reason whatever to doubt this accused's connection with this conspiracy prior to his internment.

(80) Wasakha Singh, son of Dyal Singh, of Dadher, Police Station Sirhali, District Amritsar, age 32.

This accused, who pleaded "Not guilty" to the charges framed against him (page 603), is one of the Dadher group, which included the two accused named Bishan Singh and accused Hazara Singh (whom this accused resembles in appearance). He admittedly reached India on January 7th, 1915, by the ss. "Katana Maru" (on which ship accused No. 9 Bishan Singh and accused Hazara Singh also arrived). Many of our remarks in the separate cases of those other accused will apply to this accused.

He was identified on Jail parade of the 18th April by approver Mula Singh and the Police spy, on Jail parade of April 24th by approver Jowala Singh, and by P. Ws. 111 and 112. In Court, he was identified by these witnesses (the spy at first confusing him with accused Hazara Singh), by approver Amar Singh, who did not identify him on Jail parade, and by P Ws. 115, 116 and 117. Admittedly, this accused, on his return to India was restricted to his village.

Approver Amar Singh (who did not identify accused on Jail parade—but who gave a description of him to the Magistrate,—*vide* page 25 of the Magistrate's record) mentions accused as in Amritsar in company with accused Kehr Singh, and says that approver Mula Singh named him as one of the persons who had subscribed at Nanak Singh's *chaubara*.

Approver Mula Singh, who knew accused at Stockton, says that accused was at Nanak Singh's *chaubara* on January 11th, 1915, and P. W. 111 (owner of Nanak Singh's *chaubara*) corroborates. Mula Singh further states that about February 10th he sent accused No. 5 Balwant Singh of Sathiala with 3 pistols to be made over either to this accused, or one Hardit Singh of Chola, and that Balwant Singh returned after making them over to this accused (pages 104 and 105).

Approver Jawala Singh simply said that he had known accused long ago in the Shanghai Police.

P. W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that on about February 25th approver Mula Singh made a statement that he had sent 3 revolvers to this accused by the hand of accused Balwant Singh, and that later, accused's uncle, Nihal Singh, produced a box containing 2 revolvers (exhibits P. 48, 49, 86). P. W. 195 (Inspector Amir Ali) corroborates. P. W. 72, the Police spy, states that on February 14th this accused was mentioned by accused Nidhan Singh at an Amritsar meeting in connection with bombs and revolvers, and it was arranged that the witness and accused and others were to work together—(*vide* pages 185, 186). On the 15th at a meeting at house No. 1 in Lahore it was decided that accused should go to Delhi (in connection with the intended rising), and on the 16th the witness was given a message for him by Rash Behari himself, to the effect that accused should assume the name of "Bachan Singh," and go to Delhi. We do not propose to discuss here again the spy's description of his visit to Dadher *Dharmsala* on the 18th February—the details are given fully at page 187 of the record, and we have discussed this evidence in connection with the separate cases of the accused Hazara Singh, Kehr Singh and the two Bishan Singhs. What is here important is that the spy states that the accused with whom we are now concerned was not at Dadher that day (having gone 3 days before to Tarn Taran). He accordingly left Rs. 20 and instructions behind for him. This piece of evidence it obviously very much in favour of the truth of the spy's story—he has not attempted to implicate this accused as one of those who made over the inkpot bombs, etc., to him.

P. Ws. 110 and 112 corroborate P. W. 111 and approver Mula Singh as to accused's visit to Nanak Singh's *chaubara*.

P. W. 115 (a *Zaildar*) states that accused produced from the house of his uncle, Nihal Singh (now dead), the box exhibit P. 86, containing 2 pistols and some cartridges. The box was opened by a *lohar*. This witness is connected with Nihal Singh, and has identified exhibits P. 48, 49, 50 an automatic pistol, a revolver and cartridges). The search-list of March 10th is exhibit P. 162.

P. W. 116 (a *Lambardar*) corroborates, and says that accused, the two Bishan Singhs and Hazara Singh returned about the same time from America. P. Ws. 117 (a *Lambardar*) and 118 (the *Lohar* who opened the box) give evidence in corroboration. P. W. 116 also stated that nothing incriminating was found in accused's own house. P. W. 195 (Inspector Amir Ali) states that it was Mula Singh's information which led to the recovery of the above articles. Accused was arrested by the Amritsar Superintendent of Police. Mula Singh denied having given the box exhibit P. 86, along with the pistols Nihal Singh said that accused Balwant Singh had left the box with this accused, who had made it over to him—not, that it had come by post. Accused's own house had been searched 10 days before the search at Nihal Singh's, and accused himself gave the clue to Nihal Singh. The details of this cross-examination will be found at page 252.

Accused in his statement (page 475) gave as the reason for his return to India that his old father (now dead) had written to him to return for his brother's wedding He admits visiting "a *chaubara*" in Amritsar directly after his return, along with accused Hazara Singh and one of the Bishan Singhs. He spent one night there, but saw no funds collected, and never subscribed himself. He denies having given up the box of pistols. He states that he was restricted to his village, and was sent for by the Police ; and as he could give them no particulars about the "*Ghadr*" paper, etc., they threatened to get him into trouble. His house was searched without result, and he was then kept in the *thana* for about a fortnight, and was asked to place a pistol in the house of Bishan Singh, accused No 10, and in the house of accused Kehr Singh. The Police then concocted the whole matter of the finding of the box of pistols at Nihal Singh's house. Accused concludes by saying that he has enmity with one of the *Lambardars*. No reason has been suggested why all the Prosecution witnesses should be giving false evidence against an innocent man, and accused's story is quite unconvicing.

As regards defence witnesses—D. W. 107 (a Sub-Inspector) says that accused's absence from his village was reported by the *Chaukidar*, but that no note was made of it. D. Ws. 90 to 99 inclusive and 116 tell the absurd story, full of discrepancies, which we have already discussed *re* other Dadher accused, about the locking up of the Dadher *Dharmsala*.

D. W. 95 states that Nihal Singh, who was an aged man, unable to either see or hear, lived 100 *karams* from accused. Though he was aged 90 he lived quite alone. This witness and D. Ws. 96, 97, 100, 102, 103 and 104 try to support accused's story *re* a bogus search of Nihal Singh's house ; but one of them says that accused arrived on the scene five minutes after the box had been produced ; another says, an hour after ; and a third that accused was never present at all that day There is an attempt to support the story of the alleged enmity of Sub-Inspector Aziz Din, and the story that accused was asked to place a pistol in the house of another accused. D. W. 102 Nihal Singh's brother supports the story *re* the reason for accused's return to India.

Accused's counsel, naturally, could say but little on behalf of his client. He has urged that Amar Singh did not identify him on Jail parade ; and has asked "what has become of the 3rd pistol ?" It was hardly for the Prosecution to prove this—whatever had been recovered was produced. Amar Singh mentioned this accused in his statement to the Magistrate, and we have evidence that on Jail parade he appeared nervous in the presence of his late companions. The spy never actually *saw* this accused, and did not try to make out that he did so at Dadher—in fact, he confused him, at the time of identification, with Hazara Singh, whom accused resembles. As a matter of fact, a third pistol was found (*vide* the case of accused Kehr Singh of Marhana), but, had the Police wished to fabricate evidence, what could have been simpler than to have placed 3, instead of 2 pistols, in the box, exhibit P. 86 ?

We see no reason whatever to doubt the connection of this accused with the conspiracy.

(81) Wasawa Singh, son of Mihan Singh, *Jat*, of Gilwali, Police Station Amritsar, aged 38.

This accused, who pleaded "Not guilty" to the charges framed against him (page 605), admittedly reached India on November 20th, 1914, by the ss. "Salamis". This was the ship by which accused Balwant Singh of Sathiala, Gurdit Singh and Pingle arrived. This accused is alleged to have been the actual originator of the idea of the Chabba dacoity, in which he did not himself actually take part, being on security at the time.

He was identified on Jail parade of April 18th by approver Mula Singh and the Police spy. Udham Singh, approver, did not identify him on Jail parade; but the prosecution suggest that this approver was then only present for the purpose of trying to identify certain actual dacoits. In Court, the accused was identified by the aforementioned three persons, and by P. Ws. 153, 155, 156, 181, 183, 184, 185 and 196. P. W. 182 failed to identify him.

Approver Mula Singh (page 92) states that he met accused at Singapore in company with accused Pingley, and it was decided to meet at Amritsar and discuss plans for the revolution. About the first week in January, accused is brought by accused Harnam Singh of Sialkot to Sant Gulab Singh's *Dharmsala* along with "a pock-marked stranger", and suggests looting a big *sahukar* at Chabba, and asks for men. He says that he has four or five men of his own village (Gilwali) and one man of Chabba (presumably, accused Sawan Singh), and he promises Mula Singh to refrain from murder.

Approver Udham Singh states that about December 22nd, 1914, he spent a night at accused's house on his way to give evidence in Amritsar in a case about cattle theft (*vide* P. Ws. 183, 134). Accused tells the witness's father that money must be got for bombs, and asks for his help in dacoities. Next day accused arrives at the Amritsar District Court; asks witness's father to go with him to get help from Mula Singh, and accompanies him to Amritsar City. About January 2nd, the witness meets accused in company with the two Surain Singhs, and accused says that he has found a wealthy man in Chabba to dacoit, and that Mula Singh has promised assistance (page 229), and, a few days later tells the witness that he has got a blacksmith (presumably, accused Kala Singh). After this accused is arrested by order of the Deputy Commissioner, but is released on security on the responsibility of a *zaildar*. This explains why accused did not take part in the actual dacoity. This approver (pages 229, 233) makes mention of a small matter of Rs. 80 owing to P. W. 185; it is only noticeable as a detail corroborated by other evidence, which goes to show that the approver's story is not a concoction.

The Police spy, Kirpal Singh, merely stated, in answer to a question asked in cross-examination that accused's brother, Bakshish Singh, used to visit the *Thana*.

Approver Umrao Singh states that accused was present at the Oxnard meeting in July 1914.

P. W. 16 (the Deputy Superintendent of Police) tells how accused, who is related to accused Bakshish Singh, was found absent from his village after the Chabba dacoity of February 2nd, and was arrested on April 1st. P. W. 141, son of the murdered Beli Ram, states that accused had land mortgaged to his father. P. W. 153 (accused's own *sepi*) states that 15 days before this dacoity when accused was working at the joint well which belongs to him and accused Bakshish Singh, he was visited by accused No. 75 (Surain Singh) and others. This Surain Singh was one of the Chabba dacoits. P. W. 155 (Kishan Singh *lambardar*) states that he met accused when on a journey, and accused told him he had been on the ss. "Komagata Maru", and asked him to join a "big party of revolutionists". This witness went and gave information to the Deputy Commissioner of Amritsar (his recorded statement is *exhibit* P. 184 of December 14th, 1914), and he was able to identify accused in court without any difficulty.

This is a very strong piece of evidence; we have the actual statement of the witness recorded on December 14th; and all that accused could suggest against this witness was that *lambardars* go and report against returned emigrants to get credit.

P. W. 156 is the Gilwali *Zaildar*, who states that accused was arrested, but was released by the Deputy Commissioner, the witness being told to keep an eye on him. Further, that accused produced at the *Thana* the Rs. 80 left by Udham Singh, approver, for P. W. 185. P. W. 181 states that he went to accused to enquire after accused Kesar Singh, and that Udham Singh, approver, came whilst he was there. P. W. 182 (brother of Udham Singh) stated that accused visited Udham Singh, but this witness failed to identify accused in Court. P. W. 183 is the father of Udham Singh, approver; and so we, naturally, accept his statement with caution. According to his story, accused attended the meeting at Fresno (this is corroborated by P. W. 185), and he and this accused sailed from San Francisco on the ss. "Manchuria". At Singapore accused lectures against Government, and he and the witness agree to associate in India. On the way to Amritsar for the cattle theft case the witness stays with accused; and, on a second visit, accused talks of a dacoity proposed at Chabba, which the witness refuses to join in "because his mind had changed" (page 243). Towards the bottom of that page we find that there was practically no cross-examination of this witness. P. W. 184 corroborates regarding the stay at accused's house; the cattle-theft case was actually this witness's own case; and we have the judgment in it, dated the 11th January 1915 (exhibit P. 209).

P. W. 185 corroborates *re* the Fresno meeting; says that he, too, sailed by the "Manchuria" along with accused and "3 Bengalis" (he, presumably, looked upon Pingle as a Bengali); and says that he is still owed the Rs. 80. P. W. 195 (Inspector Amir Ali) corroborates that accused gave up the Rs. 80, which accused Bakshish Singh had stated that Udham Singh, approver, had left with him on the night of the Chabba dacoity. He denied that this accused and Udham Singh had been kept together in the same cell.

P. W. 196 (Ujagar Singh) states that his brother had dealings with accused, and he went to get payment of some money, and was given a message by accused for Udham Singh to the effect that that approver had better make himself scarce. This was after the dacoity, and the capture of accused Bakshish Singh. Not a single question regarding any quarrel was asked of this witness, though accused subsequently alleged one in his statement.

Accused in his statement (page 402) denied all connection with the *Ghadr* party, and denied having attended a Fresno meeting. Like a very large number of the other accused he makes out that the reason for his return to India was a death in his family. He denies knowing Mula Singh even by sight. He admits travelling from Singapore with the father of Udham Singh, approver, and admits that Rs. 80 were given him for the witness, Suba Singh, which he gave up to the Police. He denies suggesting the Chabba dacoity. He denies having owed anything to the murdered Beli Ram; and says that his cousin Bakshish Singh's land, which had been mortgaged to deceased, had been redeemed. He denies the other allegations against him, and, at the end of his statement tells us of a quarrel with the witness, Ujagar Singh—about which Ujagar Singh was never cross-examined. He admits his production before the Deputy Commissioner, who "let him off with a warning"; but, as regards the evidence of Kishen Singh, *lambardar* (P. W. 155), he can only suggest that *lambardars* invent stories against returned emigrants "to gain credit".

His Defence witnesses in no way rebut the Prosecution evidence. They are D. Ws. 17, 19, 20 and 21.

The last of these is a *Muharrir* of the Amritsar *Sadr Thana*, and he distinctly states that this accused was *not* in the *Havilat* there when Mula Singh, approver, was; and that accused was not even under supervision of that *Thana*. The witness first saw him when proceedings took place before Mr. King, Deputy Commissioner of Amritsar. The remaining three witnesses are in support of a

statement by accused that he has taken 8 squares of land for cultivation at *Chak* No. 69 of the Lyallpur District; and we have exhibit D. 8, a lease of January 26th, 1915. The evidence is mainly directed to showing that accused was away in the Lyallpur District on business connected with this land on January 26th and 31st, and February 3rd—whereas the Chabba dacoity took place on February 2nd. Very likely this evidence may be true; but it does not help this accused. There is no case against him that he took part in the Chabba dacoity; but there is, in our opinion, ample evidence that he suggested and abetted that dacoity; and ample evidence that he was also a conspirator. That dacoity, too, was carried out for the purposes of the conspiracy; though accused was partly actuated by private motives. He could not join in the dacoity, because he was on security; and, when it was *en train*, he made himself scarce.

Accused's Counsel is, of course, quite mistaken in arguing that P. W. 183 (Udham Singh's father) "suggested and approved" of the Chabba dacoity; the evidence is quite contrary to this view. We, of course, quite realize that he is the father of an approver, and himself had revolutionary views. It was equally incorrect to argue that "there was no other evidence beyond the statements of Udham Singh and his father". Nor can we accept the view that this accused's conversation with Kishen Singh, *lambardar* (in respect of which exhibit P. 184, came to be recorded) was "only idle talk". Lastly, exhibit P. 208 is a statement of Civil and Revenue cases between the murdered Beli Ram and certain Gilwali accused; and A to M of that series are the judicial records of cases; and we see no reason to doubt that, though Bakshish Singh's land may have been redeemed, bitterness still remained, and accused No. 75, Surain Singh, of Gilwali (accused's village) was still owing money.

(82) Rur Singh, son of Attar Singh, *Jat*, of Chuhar Chak, Police Station Moga, District Ferozepore, aged 35.

This accused, who pleaded "Not guilty" to the charges framed against him (page 607), admittedly returned to India by the ss. "Korea" and "Tosha Maru". He was interned on arrival, but was released on November 22nd, 1914. At page 627 we have a brief statement to the effect that he wished to withdraw all his Defence witnesses.

Approver Umrao Singh states that accused was one of those at the "*Ghadr*" Press on August 28th, 1914, the day before the "Korea" sailed.

Approver Nawab Khan, who identified accused in Court, states that accused (who belonged to the same village as Kanshi Ram, the Ferozeshahr murderer) was one of the three persons deputed after leaving Manilla to search their fellow-passengers' baggage, and throw overboard seditious literature; and approver Amar Singh mentions a similar incident at page 63 of this record. According to Nawab Khan, this accused attends the seditious meeting at Hong Kong *Gurdwara*, and is one of the deputation to the Superintendent of Police at that port to protest against himself and his companions being obliged to leave "by groups of twenty". He becomes a member of the Central Committee formed there; and, along with the witness (page 128)—on account of accused's good knowledge of English—visits the German Consul, and discusses revolutionary matters He takes part in the seditious meetings on the "Tosha Maru", and at Singapore attempts to tamper with troops. At Penang (page 131) he is one of the party sent out to ascertain the shops of dealers in arms with a view to pillage. He is one of the deputation to the Governor. (Approver Amar Singh corroborates). At Rangoon, he and the witness visit a Pathan dealer for arms. On November 30th the witness learns from accused Bhan Singh of this accused's release from internment. In cross-examination (page 148), the witness admits that though he saw accused in India, the accused was not with him in any dacoities.

P. Ws. 202 (Phuman Singh, constable), 204 (another constable) and 203 (a *Chaukidar*) give evidence as to the capture of this accused on April 29th in company with the dangerous criminal, accused Nidhan Singh. The pair were chased, accused was caught by the *Chaukidar*, and, in trying to effect a rescue, Nidhan Singh grievously wounded the constable Phuman Singh with the dagger "exhibit P. 231".

In his statements (pages 467 and 627) accused denied the various allegations against him, and stated that, at the time of his arrest, he was not with Nidnan Singh, but on a footpath ahead of him. He asserted that he had never left his village since the date of his release from internment; that his return to India was in order to look after his land himself, and make his son go to school; and that he had quarrels with Nawab Khan, approver. He also stated that that approver was speaking of another "Rur Singh." This does not appear from Nawab Khan's statement, and he was not cross-examined *re* these last two assertions. In his supplementary statement at page 627 accused gave a brief history of his travels since 1899, and elaborated his story about the reason for his return in August 1914, and about his capture. He stated that he first met Nidhan Singh on board the ss. "Korea."

Page 81 of this record should be seen for the special complaint filed regarding this accused—whose name was at first omitted by an error. His Counsel has urged that Amar Singh, approver, did not mention this accused to the Magistrate, but this is incorrect. We find him mentioned at page 7 of the Magistrate's record, and in conjunction with Nawab Khan, as searching the baggage of fellow-passengers for seditious literature. Again, the Defence Counsel has pointed out the contradiction between Amar Singh and Nawab Khan *re* the visit to the German Cousul—Amar Singh says he was one of the deputation, Nawab Khan says that Amar Singh was not. It seems that Nawab Khan's memory was at fault on this point; since, at page 9 of his statement to the Magistrate, Amar Singh gives details of this visit, mentioning accused as

one of those who visited the German and Chinese Consuls. The note on our record at page 64 is very brief, but we have further notes on the point in the memoranda of the other Commissioners ; and at page 85, in cross-examination Amar Singh has stated—"the Rur Singh who went to the Chinese Consul is accused No. 82." It is urged that Mula Singh has not identified accused, although it has been stated that accused visited the "*Yugantar Ashram*"; but a large number of persons visited the *Ashram* before the "Korea" sailed, and it is quite probable that Mula Singh did not know him. At any rate, he has not been tutored to say anything against him. Nawab Khan has not tried to implicate accused in dacoities. It is true (as urged for the Defence) that the "Tosha Maru" passengers, P. Ws 383, etc., do not mention accused in their lists of prominent persons, and it is also true that we have no evidence of seditious acts done by accused after his return to India. This, however, goes to show that there was no desire to concoct a false story against him ; and possibly, his brief internment somewhat damped his enthusiasm. However, we consider there is reliable proof of his connection with the conspiracy prior to his arrival in India ; and he was arrested in the company of the dangerous criminal Nidhan Singh, after attempting to escape from the Police.

4. Baj Singh.

THOUGH the probabilities are that this accused was a revolutionist, and supplied cartridges to his co-revolutionists, in our opinion the case falls just short of absolute judicial certainty of abetment of waging war; and we acquit the accused on this charge. We record a conviction against him, under section 122, Indian Penal Code, of the offence of collecting ammunition; and hereby sentence him to undergo two years' rigorous imprisonment; and we order that his property, to such extent as it is liable to be confiscated, be forfeited to Government.

We, however, recommend that the order of forfeiture be not enforced. We acquit accused on the remaining charges.

5. Balwant Singh.

ON consideration of the above evidence, we convict this accused of offences under the following sections of the Indian Penal Code:—121 (abetment of waging war), 121 A, 122, 395, 396, 397, 398 and $\frac{302}{109}$. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

7. Bakshish Singh.

ON consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 396 and $\frac{302}{109}$ of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

8. Bhan Singh.

ON consideration of the above evidence, we convict this accused of an offence under sections 121, (abetment of waging war), and 121 A Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

We, however, strongly recommend a reduction of the sentence; and that the order of confiscation be not enforced.

9. Bishen Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 122 and 121 A of the Indian Penal Code. We sentence him to undergo transportation for life; and under the first two sections, order that such of his property as is liable to confiscation be forfeited to Government.

10. Bishen Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 122 and 121 A of the Indian Penal Code. We sentence him to undergo transportation for life; and, under the first two sections, order that such of his property as is liable to confiscation shall be forfeited to Government.

13. Chuhar Singh.

On consideration of the above evidence we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 395, 397, 398 of the Indian Penal Code; and sentence him to undergo transportation for life and order that such of his property as is liable to confiscation be forfeited to Government.

14. Dalip Singh.

On consideration of the above evidence, we convict this accused of an offence under section 395 of the Indian Penal Code; and sentence him to seven (7) years' rigorous imprisonment.

15. Dewa Singh.

On consideration of the above evidence we consider that though it is probable that his acts do amount to an offence under section 121, Indian Penal Code (abetment of waging war), we should take a more lenient view. We convict this accused of offences under sections 122 and $\frac{124\,A}{109}$; and sentence him to undergo four (4) years' rigorous imprisonment.

17. Gurmukh Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 131, 395 of the Indian Penal Code; and sentence him to undergo transportation for life, and further order that such of his property as is liable to confiscation be forfeited to Government.

18. Gurdit Singh.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121 A of the Indian Penal Code and sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

In view of the comparatively minor part played by this accused, we recommend a reduction of the sentence and the non-enforcement of the order of confiscation.

19. Gujar Singh.

On consideration of the above evidence, we give this accused the benefit of the doubt; hereby acquit him; and order that he be forthwith released from custody.

20. Hardit Singh.

On consideration of the above evidence, we give this accused the benefit of the doubt; we acquit him; and order that he be forthwith released from custody.

21. Harnam Singh, *Tunda.*

On consideration of the above evidence, and bearing in mind the important part he has played throughout, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 131 of the Indian Penal Code; and we hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

24. Harnam Singh.

Both on consideration of the above evidence, and on this accused's own confession *re* his part in dacoities in the course of which murders were committed, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 395, 396, 397 and 398 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

25. Hazara Singh.

On the above evidence we convict this accused of offences under sections 121 (abetment of waging war), 122 and 121 A of the Indian Penal Code; and we hereby sentence him to undergo transportation for life; and order (under the first two sections) that such of his property as is liable to confiscation be forfeited to Government,

26. Hari Singh.

The date of this accused's return to India is somewhat uncertain; and was, possibly, in January 1915. If so, it discounts the evidence of Approver Jawala Singh, who, possibly may have made a mistake. We prefer to exclude Jawala Singh's evidence; and though this accused's continued association in dacoities shows that he was probably a conspirator, yet we prefer to take the more lenient view. We convict him of offences under sections 395, 397 and 398 of the Indian Penal Code; and, seeing that he took part in two dacoities, we hereby sentence him to undergo Rigorous Imprisonment for a term of ten (10) years.

27. Hirde Ram.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 131, $\frac{397,\ 398,\ 395}{109}$, and $\frac{302}{109}$ of the Indian Penal Code. We hereby sentence accused to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

28. Indar Singh, *Granthi*.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) 121 A and 124 A of the Indian Penal Code; and we hereby sentence him to undergo transportation for life, and order that such of his property as be liable to confiscation be forfeited to Government.

29. Indar Singh of Bhasin.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121 A of the Indian Penal Code and hereby sentence him to undergo transportation for life, and order that such of his property as may be liable to confiscation be forfeited to Government.

We, however, add in this case a recommendation to mercy.

30. Indar Singh of Sur Singh.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121 A of the Indian Penal Code and we hereby sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government. In view of the fact that this accused was a comparatively minor offender, we recommend reduction of the sentence passed and the non-enforcement of the order of confiscation.

31. Jagat Ram.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 131, 122 and 124 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

32. Jagat Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 131, 132, 124 A, 395, 396, 397, 398 and $\frac{302}{109}$ of the Indian Penal Code. We hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

33. Jamna Das.

On consideration of the above evidence, we convict this accused of an offence under section 123 of the Indian Penal Code; and sentence him to undergo Rigorous Imprisonment for a term of three (3) years.

34. Jawand Singh.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121 A of the Indian Penal Code and hereby sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

In view of the fact that accused was, comparatively, a minor offender, we recommend a reduction of the sentence passed and the non-enforcement of the order of forfeiture.

36. Jawala Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 131 and 124 A of the Indian Penal Code. We sentence him to undergo transportation for life, and we order that such of his property as is liable to confiscation be forfeited to Government.

37. Kala Singh.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war) and 121 A of the Indian Penal Code. We sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

We, however, recommend a reduction of the sentence passed, and the non-enforcement of the order of forfeiture.

38. Kala Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) 121 A and 396 of the Indian Penal Code. We hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

39. Kartar Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 124 A, 395, 396, 397, 398, 131 and 132 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

41. Kehr Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 122 of the Indian Penal Code. We sentence him to undergo transportation for life; and, under sections 121 and 122, Indian Penal Code, order that such of his property as is liable to confiscation be forfeited to Government.

We are not prepared to recommend any reduction of the sentence, unless it be on the score of accused's age.

43. Kesar Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 124 A and 131 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

731

44. Kharak Singh.

ON consideration of the above evidence, we convict this accused of offences under Sections 121 (abetment of waging war), 121 A and 122 of the Indian Penal Code. We sentence him to transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

However, on the score of accused's youth, we make the very strongest possible recommendation to mercy; and, had it been in our power to inflict a lesser punishment, we should have done so.

45. Khushal Singh.

ON consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, and 396 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

46. Kirpal Singh.

ON consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, $\frac{124\text{ A}}{109}$ and 395 of the Indian Penal Code. We sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

On the score of his age, we recommend this accused to mercy; but not so strongly as in the case of other student accused.

47. Kishen Das, *Sadh*.

ON consideration of the evidence, and in view of the fact that accused has been so long under detention, we consider that, though we now convict this accused of an offence under section 176 of the Indian Penal Code, it will be sufficient if we sentence this accused to undergo simple imprisonment until the rising of this Court; and this we do.

48. Kidar Nath.

ON consideration of the above evidence, we give this accused the benefit of the doubt; we acquit him; and order that he be forthwith released from custody.

49. Lal Singh.

ON consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 122 of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

50. Madan Singh.

ON consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) and 121 A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

51. Mangal Singh.

ON consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 131 of the Indian Penal Code. We sentence this accused to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government. Possibly, this may be considered a case for mercy.

53. Nand Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 395 and 398 of the Indian Penal Code. We hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as may be liable to confiscation be forfeited to Government.

54. Nidhan Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 124 A, 131, $\frac{395}{109}$ and 326 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

55. Naurang Singh.

On consideration of the above evidence, we give this accused the benefit of the doubt; acquit him; and order that he be forthwith released from custody.

56. Bhai Parma Nand.

On consideration of the above evidence, we are all three unanimous in convicting this accused of offences under sections 121 (abetment of waging war), 121 A and 124 A of the Indian Penal Code.

We, as a majority of the Commissioners, consider that the only appropriate sentence is one of death. The accused is, accordingly, hereby sentenced to be hanged by the neck till he be dead; and it is further hereby ordered that such of his property as is liable to confiscation be forfeited to Government.

A. A. IRVINE, MAJOR,
President, Commissioners.

T. P. ELLIS,
Special Commissioner.

56. Bhai Permanand.

I agree in the finding against the accused, but I do not think capital sentence is called for, in my opinion transportation for life will suffice.

SHEO NARAIN,
Special Commissioner.

57. Parma Nand, II.

On consideration of the above evidence, we convict the accused of offences under sections 121 (abetment of waging war), 121 A, 122 and 124 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

58. Pirthi Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 124 A, of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

59. Pingle.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 124 A, 131 and 132 of the Indian Penal Code. We hereby sentence accused to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

923

60. Piara Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 326 of the Indian Penal Code. We hereby sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

62. Puran Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 124 A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

However, on the score of his youth, and considering his guilt as *even less than* that of the youth, accused Kharak Singh, we make the strongest possible recommendation to mercy.

64. Ram Saran Das.

We regard this accused as one of the main revolutionists working in the back-ground.

On consideration of the above evidence, we convict accused of offences under sections 121 (abetment of waging war) and 121 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

67. Roda Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), and 121 A of the Indian Penal Code. We hereby sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

68. Rulya Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 396 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

69. Sawan Singh.

On consideration of the evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 396 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

72. Shiv Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) and 121 A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

However, considering that accused apparently took no further part in the conspiracy in India, from which we may assume that he possibly repented of his previous action, we wish to add a strong recommendation to mercy.

73. Sher Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 124 A and 131 of the Indian Penal Code. We sentence him to transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government,

74. Sohan Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 124 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

75. Surain Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 396 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

76. Surain Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 396 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

77. Udham Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 131 of the Indian Penal Code. We sentence him to transportation for life and order that such of his property as is liable to confiscation be forfeited to Government,

80. Wasakha Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 122 of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

81. Wasawa Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121, 121 A, 124 A and $\frac{396}{109}$ of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government,

82. Rur Singh.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 131 of the Indian Penal Code. We sentence him to undergo transportation for life; and we order that such of his property as is liable to confiscation be forfeited to Government.

Having now completed our judgment there are a few points left for disposal.

The first point we desire to note is that though several of the accused have been charged under the Explosives Act, we have not thought it necessary to record any convictions under the provisions of that Act, inasmuch as we have regarded the manufacture and preparation of explosives as acts of abetment of war; nor have we deemed it necessary to award separate punishments in respect to each and every charge on which the prisoners have been found guilty.

The second point we have to attend to is to record an order of discharge under section 337, Code of Criminal Procedure, in respect of the approvers Amar Singh, Mula Singh, Umrao Singh, Nawab Khan, Sucha Singh, Jawala Singh, Udham Singh and Narain Singh.

We have also to make some short general observations.

The judgment has disclosed, to the best of our ability, the ramifications of this conspiracy to overthrow the Government as by law established in India, in so far as they have been placed before us in evidence. We do not profess to know the whole of the ramifications of this design, nor can we say to what extent others are implicated, but we do desire to place on record that which we have gathered from the evidence before us, and that is that, notwithstanding the probably wide-spread nature of the revolutionary movement, we are convinced that it is one which is viewed with abhorrence by the vast majority of the people of India.

We have been impressed throughout the case by instance after instance of unswerving loyalty to the cause of law and order displayed by people of all classes and creeds. We have noticed in particular the extraordinary bravery shown by several villagers in the Chabba dacoity, a record of which any men might well be proud; we have also had several other instances in which men have unhesitatingly arrayed themselves on the side of Government against these desperadoes.

We feel we must refer to the almost reckless courage with which Kirpal Singh, the Police informer, undertook the work of ingratiating himself at the risk of his life with the conspirators, and how, undeterred by any consideration of personal safety, he succeeded in doing so, and by his discoveries saved the country from what might have proved a serious outbreak on the 19th February.

Credit too is due to Bela Singh, Zaildar, who was instrumental in securing the services of this man, and worked with him whole-heartedly against the conspirators.

Credit also is due to him and Ghulam Kadir, Zilladar, for their ready assistance to the Police, while effecting the raid on the Mochi Gate house, when they too risked their lives in seizing the conspirators assembled there.

We may also mention as worthy of commendation the following men, who each in his own way helped the authorities, or refused to associate with the conspirators:—Iqbal Singh (P. W. 30), Rassaldar Ganda Singh (P. W. 61), Raginder Singh, Sowar (P. W. 73), Ralla (P. W. 82), Indar Singh (P. W. 83), Buta Singh (P. W. 123), Gurbakhsh Singh, Zaildar (P. W. 124), Sardar Ali (P. W. 158), Kapur Singh (P. W. 165), Ramditta Mal, Jailor (P. W. 192), Gokal Chand, Assistant-Jailor (P. W. 193), Jagta, Chaukidar (P. W. 203), Jamadar Nadir Khan (P. W. 206), Kishan Singh (P. W. 330), Ghulam Kadir (P. W. 343), Jamadar Buta Singh (P. W. 385), Sepoy Bhan Singh (P. W. 388), and Jamadar Bhola Singh (P. W. 390). The list is not exhaustive and we might say that nearly every one of the witnesses who has appeared before us has rendered a public service at some risk to himself.

We need not more than refer to the help rendered to Government by Sardar Bahadur Ichra Singh and Sardar Channan Singh, who have both been

murdered, and the assistance given by several pensioned soldiers and villagers in the pursuit of the Walla Bridge murderers.

We have said sufficient to show that the mass of the people is not in sympathy with this revolutionary movement, and has shown its detestation of it in the most practical possible manner.

Great, however, as has been the help given to the authorities by others, it is mainly due to the services of the Police that the community has been saved from great danger.

It is not often that the thoroughness of work and devotion to duty, which is characteristic of the Punjab Police in particular, has an opportunity of exhibiting itself as in this case.

While men from other sections of the community and even the army have been seduced from their allegiance, there is not one single instance of even a constable having anything whatever to do with these conspirators.

From first to last the Police force, high and low, has unflinchingly devoted itself to the protection of society from those who were determined, if they could, to cause chaos, and the whole of society owes it a considerable debt. We are accustomed to hear allegations of various kinds, fortunately rarely with much basis, against the Police force, but we have no hesitation whatever in saying that we are completely satisfied that throughout this investigation—an investigation in which many Police officers co-operated—there is not one single instance in which the Police has not been scrupulous in its integrity. We are unable in the mass of evidence before us to point out one instance where evidence has been tampered with, manufactured or improved upon, or where there is any possibility of suggestion that any Police officer has manipulated facts.

We are not in possession of all the work done by the Criminal Investigation Department, but from what we are in position of we are in a possession to say that it has been performed under conditions of the greatest difficulty with a skill and rectitude of which any force might be proud.

The various district police have been in no way behind their *confreres* in the Criminal Investigation Department and while we do not attempt to say who has done best we record our appreciation of the work of the following in particular:—

Liakat Hiyat Khan, Deputy Superintendent of Police, who was largely responsible for unmasking the conspiracy and carried out the dangerous raid with conspicious bravery on the 19th February.

Ahmad Khan, Inspector of Police, Anarkali, who performed excellent work in investigation.

Amir Ali, Inspector
Dhanpat Rai, Inspector
Hira Singh, Sub-Inspector of Police,
Aziz-ud-din, Sub-Inspector of Police,
Ashgar Ali, Head Constable,
Alim Khan, Head Constable,
} who also assisted in the raid.

Beli Ram, Head Constable,
Sher Khan, Police Constable,
Shah Muhammad, Police Constable,
Alam Sher, Police Constable,
Kartar Singh, Police Constable,
} who arrested other conspirators after the raid.

Sadr Din, Sub-Inspector of Police, who arrested important revolutionists at Chak 5 on March 2nd.

Sardar Sukha Singh, Deputy Superintendent of Police, Criminal Investigation Department.

Keari Chand, Sub-Inspector of Police, who made the initial investigation in the Chabba dacoity.

Maulvi Amir Ali, Inspector, Criminal Investigation Department, who also traced out a large portion of the case with considerable skill.

Phuman Singh, Police Constable, who arrested Nidhan Singh (54) at great risk to his own life.

Abdul Haqq, Head Constable, who assisted the latter.

Ahmed Khan, Inspector, Criminal Investigation Department, who arrested Jagat Rām (31).

Faiz-ul-Hassan, Sub-Inspector of Police, } who investigated the Mansu-
Haider Ali, Sub-Inspector of Police, } ran dacoity with ability.

Muhammad Akbar Khan, Sub-Inspector of Police.

Sher Sahai, Circle Inspector.

Fazl Mian, Sub-Inspector of Police, Criminal Investigation Department.

Muhammad Sadiq, Head Constable.

Tanwir Ahmad, Sub-Inspector of Police, Hoshiarpur, who was severely injured in his gallant arrest of Piara Singh (60).

Amar Singh, Sub-Inspector of Police, who had a severe struggle in arresting Pirthi Singh (58).

Ataulla, Sub-Inspector of Police of Malerkotla.

Ali Haidr Khan, Inspector, Criminal Investigation Department.

Mr. Lamecroft, Inspector, Ferozepore Cantonment, and Maula Bakhsh, Head Constable.

A tribute is also due to the memories of those Police Officers—Bisharat Ali and Mahsum Ali Shah—as well as the Zaildar Jawala Singh who have given their lives for the protection of their country from these men who have disgraced the race to which they belonged—a race which has distinguished itself for its conspicuous loyalty to the Crown in the present war from the highest Chief in the land to the humblest peasant.

We do not think this is the place to record our appreciation of the work done by the superior Gazetted Officers of the Police force ; they themselves have preferred to remain in the back-ground and to give credit to those who have worked loyally under them, and we accordingly respect this desire.

In connection with Police work we may mention that we are indebted to the Lahore Police for the very efficient arrangements made, under the superintendence of Mr. Mathews, Inspector, and Sergeants Divine and Sullivan for the parading and guarding of the accused during the trial under exceptionally wearisome and trying circumstances.

We wish also to tender our sincerest thanks to Major Ward, I. M. S., Superintendent of the Central Jail, and Mr. Scott, Superintendent of Police, without whose constant assistance, most cheerfully given, we would have found our work much more laborious.

Lastly, but not least, we have to thank the Government Advocate and Mr. Taj-ud-din for all they have done in placing the facts of the case before us—the unremitting trouble and toil involved in doing so we can and do fully appreciate—and we have also to thank the Counsel who have undertaken the task of defending accused and discharged it with high ability and regard

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for the traditions of their profession, under most difficult and disheartening circumstances.

Pronounced,

13th *September* 1915.

A. A. IRVINE,
President, Commissioners.

13th *September* 1915.

T. P. ELLIS,
Special Commissioner.

13th *September* 1915.

SHEO NARAIN,
Special Commissioner.