SIMLA RECORDS.

RETURN TO NATIONAL ARCHIVES OF INDIA

1917

~~1918.~~

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLITICAL—B.

1917

Proceedings, May, ~~1918~~, nos. 342–343.

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e India Office that information may be supplied in future as to the result of important conspiracy trials and the extent to which sentences in such cases are carried into effect.

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POLITICAL B—MAY 1917.

Nos. 342—343.

REQUEST BY THE INDIA OFFICE THAT INFORMATION MAY BE SUPPLIED IN FUTURE AS TO THE RESULT OF IMPORTANT CONSPIRACY TRIALS AND THE EXTENT TO WHICH SENTENCES IN SUCH CASES ARE CARRIED INTO EFFECT.

JUDGMENT, EVIDENCE AND ORDER OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN CONNECTION WITH THE LAHORE SECOND SUPPLEMENTARY CONSPIRACY CASE.

Demi-official letter from M. C. Seton, Esq., Secretary, Judicial and Public Department, India Office, Whitehall, London, S.W., to the Hon'ble Sir James DuBoulay, K.C.I.E., Secretary to the Government of India, Home Department, no. J. & P.-829-17, dated the 26th February 1917.

Private.

There are signs of a revival of Parliamentary questions on the internal conditions of India, and I think that it would be of material assistance to this Office if we could have early reports of the results of important conspiracy trials.

21st February.

I enclose a copy of a question and answer in the House of Commons on the Lahore conspiracy cases.

When drafting an answer to this I found that we had no official information whatever on the second supplementary case, the judgment in which was reported in the "Pioneer Mail" of the 13th January. And recently we have not, I think, had any reports of the results on important conspiracy trials (at any rate outside Bengal) until the judgments were sent here. But this does not matter so much, as we have newspaper accounts. Still, it is not quite satisfactory to have to rely on these in preparing Parliamentary answers.

2. Where our information is embarrassingly defective is that we never seem to hear from the Government of India how far sentences in such cases are carried into effect. I wrote to Wheeler at the end of 1915 for official information as to the commutation of sentences in the original Lahore conspiracy case, which he duly sent me. But we have never heard what was done on the sentences in the first supplementary case, except that we happened to notice from a reprint in a London paper of an American journalist's interview with Sir Michael O'Dwyer that only five out of the six men sentenced to death were actually hanged. No doubt these commutations are mentioned in Indian newspapers, but it is very laborious to hunt for them.

Political Deposit, February 1916, no. 27.

We are trying to cut down the number of reports which the Secretary of State asks for from the Government of India, *e.g.*, we have agreed that we don't want the full series of police malpractice cases, and we are very reluctant to press you for fresh reports. But it would really help us very much to get an official record of the sequels to important political trials, and I do not think it would cause much trouble at your end to send them. I shall be greatly obliged if you will consider the matter.

Extract from House of Commons Debates, dated the 21st February 1917.

Conspiracy Trials (India).

Mr. Ginnell.—Asked the Secretary of State for India if he is now in a position to state the number of persons executed and sentenced to penal servitude, respectively, in connection with the alleged political conspiracy against British rule in India; and how the special tribunal which tried those cases was constituted?

Mr. Chamberlain.—There is no doubt as to the reality of the conspiracy, which has been the subject of three trials before special tribunals, each consisting of two Sessions judges and

an Indian pleader. I gave the Hon'ble Member on the 12th December particulars of the sentences in the first trial. In the second six men were sentenced to death (five of whom were executed) and forty-five to transportation for life ; in the third six men were sentenced to death and five to transportation or imprisonment for life. I have not yet received an official report of this last trial, which was not concluded until last month, and I do not know whether any of the sentences were commuted.

Pro. no. 342.

QUESTION AND ANSWER IN COUNCIL, NO. 5, DATED THE 21ST FEBRUARY 1917.

Judgment, evidence and order of the Lieutenant-Governor of the Punjab, in connection with the Lahore Second Supplementary Conspiracy case.

Please see the demi-official letter from Mr. Seton. We have now received without a covering letter the judgment, etc., in the Second Supplementary case and may send on the papers to India Office by Secretary's letter. Draft submitted for approval.

Briefly, 18 persons were accused of whom one is absconding. The remaining 17 were dealt with as follows :—

Sentenced to death	6
Sentenced to transportation for life	5
Sentenced to 2 years' rigorous imprisonment	1
Acquitted	5
Total ..	17

Of the six sentenced to death the local Government has commuted the sentence of one (Kartar Singh) to one of transportation for life.

2. It will be seen from paragraph 1 of the order made by the Lieutenant-Governor that the reply given to the question in Parliament was correctly answered so far as the judgments in the First and Second Supplementary Lahore Conspiracy trials are concerned. The order by the Lieutenant-Governor which we now propose to forward will show to what extent the sentences in the last case have been carried into effect.

3. We invariably send the India Office a copy of the judgments in all conspiracy cases. What the India Office now ask for is information as to how far the sentences in these cases are carried into effect. This is the first time we have been asked for this information to be supplied as a general rule. In Mr. Seton's demi-official letter no. J. and P.-5271-15, dated the 30th December 1915, we were asked to furnish such information in regard to the original Lahore Conspiracy case and complied with the request.

Political Deposit, February 1916, no. 27.

4. As a matter of fact we do not receive information as to the extent to which sentences in these cases are carried out. We *may* get some information indirectly in cases where the condemned persons petition the Governor General in Council for mercy, *e.g.*, as in the original and first and second supplementary Lahore trials. But where such petitions are not received we are not aware of the extent to which the sentences are carried into effect unless the local Governments concerned report the matter to us. Important conspiracy trials have been held in Bengal, the United Provinces, the Punjab and Burma. In the case of Burma the Mandalay Conspiracy case is now in progress. After issue of the draft in the file, we may ask these Governments kindly to let us know, in the case of future conspiracy or important trials / the Mandalay conspiracy trial,

Judicial A., December 1915, nos. 101—49.

(1) the result of the trial and

(2) how far the sentences are carried into effect.

In doing so we may state the difficulties experienced by the India Office in the absence of early information on these points.

A. L.,—23-4-17.

1. Surely one conspiracy case in Burma has been completed.

2. A draft demi-official reply to Mr. Seton's letter dated February 26th 1917 should be put up.

S. R. HIGNELL,—24-4-17.

A draft demi-official reply to Mr. Seton has been added to the file. A letter to local Governments will be put up as soon as orders have issued.

2. The other case at Mandalay which Deputy Secretary refers to has already been completed. The papers were sent to the India Office last September.

Political A., September 1916, nos. 403—410.

As the India Office want information with regard to future trials it is proposed to ask Burma in addition for particulars of the case now proceeding at Mandalay.

A. L.,—25-4-17.

Put up a draft to the local Governments.

S. R. HIGNELL,—26-4-17.

LETTER TO INDIA OFFICE, NO. 1112, DATED THE 27TH APRIL 1917. Pro. no. 343.

Resubmitted with a draft to the local Governments for approval.

A. L.,—3-5-17.

S. R. HIGNELL,—4-5-17.

Mr. Seton's letter is marked private, so I think we had better not send it out. If he was in difficulty about answering a question he might have telegraphed for the information : we cannot possibly foresee *all* the questions that may be asked.

Drafts may issue as modified.

J. H. DUBOULAY,—5-5-17.

I have made one small change in the reply to Mr. Seton.

W. H. V[INCENT],—7-5-17.

Demi-official letter from the Hon'ble Sir James DuBoulay, K.C.I.E., Secretary to the Government of India, Home Department, to M. C. Seton, Esq., C.B., Secretary, Judicial and Public Department, India Office, no. 1217-Political, dated Simla, the 10th May, 1917.

Will you kindly refer to your private letter no. J. & P.-829-17, dated the 26th February, 1917, in which you asked for information to be supplied in future as to the result of important conspiracy trials and the extent to which sentences in such cases are carried into effect ?

Hitherto we have not received any official information as to the results of such trials until local Governments had furnished us with copies of the judgments. These are sent on to you as promptly as possible. We do not usually receive these papers till some time after the conclusion of the trial — the delay being no doubt due to getting the material into proper form and having it printed. Again, we have not hitherto received special reports as to the extent to which sentences are remitted or commuted, and have only had official cognisance of these matters in so far as petitions for mercy have come up to the Governor General in Council. To fill in these gaps, I am asking the local Governments concerned to let us know in future the results of all conspiracy or other important trials as soon as possible after their completion (copies of the judgments, etc., being sent on in due course) and the extent to which sentences have been modified on appeal. I think this will meet our wishes without giving much trouble here.

2. By last mail I sent a copy of the judgment and evidence in the second conspiracy trial at Lahore, together with a copy of the orders passed by the Lieutenant-Governor with regard to the sentences imposed.

Demi-official letter from the Hon'ble Sir James DuBoulay, K.C.I.E., Secretary to the Government of India, Home Department, to the Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E., Additional Secretary to the Government of Bengal ; the Hon'ble Mr. R. Burn, C.S.I., Chief Secretary to the Government of the United Provinces ; the Hon'ble Mr. J. P. Thompson, Chief Secretary to the Government of the Punjab ; the Hon'ble Mr. W. F. Rice, C.S.I., Chief Secretary to the Government of Burma, no. 1218-Political, dated Simla, the 10th May, 1917.

I have received a letter from the India Office complaining of the delay in receipt of reports of the results of important conspiracy trials and of the lack of information as to the modification of sentences awarded. They point out that unless such information is promptly supplied, they find great difficulty in answering questions in Parliament.

2. As you know, the Government of India do not usually get any information in the matter of these trials until they receive from local Governments a copy of the judgments recorded. A copy of these papers is transmitted forthwith to the India Office for the information of the

Secretary of State; but some delay intervenes before the Government of India receive the papers owing no doubt to their having to be put into proper form and printed. Again, we do not receive regular reports as to the extent to which sentences in these cases are remitted or commuted, and generally can only gather information on the point in cases in which the Governor General in Council is petitioned for mercy. To fill in these gaps, I am to request that with His Excellency's / Honour's permission arrangements may be made to supply the Government of India in future with a brief statement of the result of all conspiracy or other important political trials (including the case now proceeding at Mandalay) as soon as possible after their completion—copies of the judgments, etc., being forwarded in due course as at present. A brief report showing the extent to which the sentences awarded have been modified should also be forwarded as soon as the material is available.

( ) to Burma only.

Exd. by—M.D.
C653HD

REQUEST BY THE INDIA OFFICE THAT INFORMATION MAY BE SUPPLIED IN FUTURE AS TO THE RESULT OF IMPORTANT CONSPIRACY TRIALS AND THE EXTENT TO WHICH SENTENCES IN SUCH CASES ARE CARRIED INTO EFFECT.

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Answer to Mr. Ginnell's Question, No. 5, dated 21st February, 1917. Pro. no. 342

There is no doubt as to the reality of the conspiracy, which has been the subject of three trials before Special Tribunals, each consisting of two Sessions Judges and an Indian Pleader. I gave the Hon'ble Member on the 12th December particulars of the sentences in the first trial. In the second six men were sentenced to death (five of whom were executed) and 45 to transportation for life; in the third 6 men were sentenced to death and 5 to transportation or imprisonment for life. I have not yet received an official report of this last trial, which was not concluded until last month and I do not know whether any of the sentences were commuted.

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No. 1112, dated Simla, the 27th April 1917. Pro. no. 343

From—The Hon'ble Sir James DuBoulay, K.C.I.E., C.S.I., Secretary to the Government of India, Home Department,

To—Sir T. W. Holderness, K.C.B., K.C.S.I., His Majesty's Under Secretary of State for India.

With reference to the Home Department letter no. 1503, dated the 4th May, 1916, I am directed to forward, for the information of the Secretary of State, a copy of the judgment of the Special Commissioners in the Second Supplementary Lahore Conspiracy case and a copy of the evidence recorded.

2. I am also forward a copy of the orders passed by His Honour the Lieutenant-Governor of the Punjab on petitions to him from persons convicted in the trial.

Exd. by—M.D.
C653HD

SECOND SUPPLEMENTARY LAHORE CONSPIRACY CASE.

JUDGMENT.

Price Re. 1-8-0 or 2*s.* 3*d.*

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JUDGMENT.

PART I.

I.—Introductory.

The complaints in the case now before us affect 18 persons, one of whom is absconding.

The Court was constituted by Punjab Government notification no. 671-Judl.-1, dated 4th November 1916, under section 4 (1), Defence of India Act, and as regard 16 of the 18 accused, orders under section 3 of the Defence Act and section 196, Code of Criminal Procedure, were issued by the local Government on the 30th October, and as regards the remaining two on the 13th November 1916.

The Court commenced its sittings on the 8th November 1916, concluding the hearing on the 14th December, the total number of days employed in Court being 23.

A total of 117 witnesses was examined for the prosecution and 101 for the defence.

Of the accused accused no. (1) is a returned emigrant from the States, (12) and (15) from the Far East, accused (17) from Manilla, accused nos. (3), (4), (5), (6), (7), (9), (10), (11), (13) from Canada, and (2), (8), (14) and (18) do not appear ever to have left India.

The evidence before us has covered, though necessarily at much shorter length, the whole of the ground covered in the two previous conspiracy trials and the connected murder cases heard by the prior Tribunal, and in addition evidence has been given before us in regard to new matter, particularly the inception and growth of the *Ghadr* movement in Canada and Manilla, and activities in Siam and Mandi, and important evidence has been produced with reference to the connection of Germany with the *Ghadr* movement.

We propose as far as possible to follow the same plan of judgment as that adopted by the previous Tribunals, dealing first with certain preliminary points to clear the ground, then with the history of the movement and finally with individual cases.

Where the matter now before us has already been dealt with by our predecessors and does not directly affect the particular acts of the accused before us, we do not propose to do more than indicate, in the briefest possible terms, what evidence on the same points has been placed before us and to note our conclusions thereon.

We propose first to dispose of a few preliminary matters.

2.—Jurisdiction of Court with reference to accused (15).

An objection was taken on behalf of the accused (15), against the jurisdiction of this Court to try him for any offence, on the ground that he is a non-British subject resident of Kapurthala territory, and he was not alleged to have committed any act in British territory.

The objection was general in its terms, without specifying and giving detailed reasons. It was withdrawn by his counsel with his concurrence, at a later stage of the case ; but the learned Government Advocate pressed for a decision on the point, and as it had been raised, and we could not assume jurisdiction merely on accused's consent, we have heard arguments and proceed to decide it. Unfortunately accused's counsel, on the instructions of his client, would not support the objection, and we have had only the Government Advocate's arguments on the point.

The importance of the question, the finality of our order, the conflict of views amongst Indian authorities, the diversity of opinion, even among English Judges, the disadvantage of hearing only one side's argument necessitate our going minutely and thoroughly into every ruling, as to the amenability of foreigners to the British Courts, for offences committed beyond their territorial jurisdiction.

The points with which we have to deal fall under the following heads :—

(1) Whether a foreigner is triable by Indian British Courts for an offence committed within British India.

(2) In what cases is he liable to be tried in India for offences committed outside British India, generally, or particularly for offence following under the head of waging, abetting or attempting to wage war against the King.

(3) Whether, at the time of the commisson, he should be bodily present in British India to make himself triable by the British Courts.

(4) Whether his act, actually committed outside British India, but taking effect or producing criminal consequences in British India, can render him liable to Britsih Courts.

(5) Whether an act of abetment committed through another at the foreigner's instigation, conspiracy or aid, can make him liable.

(6) Whether his presence in British India, subsequent to his committing the offence punishable under the Indian Penal Code outside British India, can give jurisdiction to Indian Courts.

Naturally we have to look for the determination and solution of the above propositions, first, to Statutory Law. It is obvious that according to section 1 of the Indian Penal Code, the operation of the Code is limited to the territories which are or may be vested in His Majesty by the Statute 21 and 22, Victoria, Chapter 106.

Section 2 makes every person liable to punishment, for every act or omission contrary to the provisions of the Indian Penal Code, of which he shall be guilty within the said territories. *Primâ facie* both aliens and British subjects, irrespective of caste, creed, or nationality, are amenable to this law for acts or omissions contrary to the Code of which they shall be guilty in British India. In other words the section excludes from its operation acts or omissions of which they may be guilty outside such territories.

Section 3 deals with cases in which by a special enactment, offences committed beyond India are brought within the cognizance of the Indian Courts. Section 3 does not throw much light on the question before us.

Section 4 is really explanatory, in part, of section 2, making a certain class of people indictable to British Courts for offences committed beyond British India.

Section 4 does not deal with the nature of the offences, but only with a class of people. We need not repeat the plain language of the section, but one thing is clear that no provision is made in this section regarding the amenability of a non-British subject, who may be a servant of the King, for acts done outside India, but for which he may he guilty within British India.

It has been pressed upon us by the learned Government Advocate that in section 2 the word "guilty" occurs, not the word "committed," and thereby he infers that the offender need not necessarily be, at the time of the commission of the act, present in India. We leave this question open till we have reviewed all the authorities.

Our task is rendered more difficult when we have to consider the fact, whether the "commission of an offence" necessarily means an act done personally in British India, or an act done constructively in the legal contemplation of law, and whether it has also the effect of rendering the offender guilty of the offence, although he was not bodily present at the place where the effect independent of the cause takes place.

In other words whether constructive presence in British India would be tantamount to personal presence ; whether, if the act be initiated beyond British India and completed within British territories, that is sufficient to create liability, and also whether an act of an agent is equivalent to one's own act so as to create criminal responsibility.

Offences committed by a foreigner which fall within the purview of section 121-A require no special observation, as the section makes everyone liable, whoever he may be, when he conspires in India or out of India to wage or to abet or to attempt to wage war against the King. He is guilty whether any act follows the conspiracy or not ; the mere act of conspiracy is punishable under that section in contradistinction to the conspiracy mentioned in clause 2 of section 107 of the Indian Penal Code. Mere conspiracy is a substantive offence, and it is only with regard to offences other than those which fall under section 121-A., and especially offences under section 121, that we have to examine the authorities.

We propose to deal first with the Chief Court decisions, for the reason that the principles enunciated therein are directly opposed to other High Court decisions, professing to be based on the latest exposition of the law in England.

The first ruling which touches the point is Punjab Record 20 of 1878, Criminal, which ruling and the next following it, was delivered by three eminent Lawyer Judges of the Chief Court. This case deals with that part of the question which falls under clause 3 of our propositions. It was a case of an ordinary theft. The salient point raised in it is contained in the following words. "If a subject of a Native State, by acts done in that State and not in British territory, abets the commission of an offence in British territory, and the offence is committed there in pursuance of the abetment, and the abettor is afterwards found in British India, have our own Courts jurisdiction to try him for such abetment." The proposition could not be put in a clearer way. The answer was in the negative, based upon the well known judgment delivered by Lord Chief Justice Cockburn in Rex *versus* Keyn, *i.e.*, the *Franconia* case published in 2 Ex. Division, page 63. The judgment of the Chief Court does not show under what clause of section 107 of the Indian Penal Code the acts charged against Dewa Singh and Chattar Singh, abettor, fell, but it can safely be presumed that the Judges did not draw any distinction between the 3 clauses. We will try and show, later on, that the case of abetment by conspiracy with an act following thereon, as mentioned in clause 2 of section 107, stands on a different footing from abetment by instigation or by an act in aid. On the authority of the above ruling, Rex *versus* Keyn, it was held that in determining the question of jurisdiction, the question always is not, "where was the act committed" but, was the person, at the time when the act was done, within British India ; and it was distinctly held that it is not material to find that, either as a matter of fact or of law, acts were committed in British territory in whole or in part ; what must be shown is that the offender was personally within British territory when he committed the act." 20 of 1878, Criminal.

The view of Sir Meredyth Plowden was accepted by Justice Smythe, although Counsel for the Crown, referring to Rex *versus* Rodgers, urged that some of the acts charged against the abettor were committed by him in British India, though he was not personally present in British territory at the time of their commission. The following lines were quoted from Rex *versus* Rodgers. "As a letter is intended to act on the mind of the recipient, its action upon the mind takes place where it is received. It is like the case of a firing of a shot or the throwing of a spear. If a shot is fired or a spear is thrown from a place outside the boundary of a country, into another country, with intent to injure a person in that country, the offence is committed within the country within which the blow is given, so with a letter." We have reproduced the above quotation to show that the question whether *cause and effect* taking place at different places, renders the doer liable was distinctly raised and brought to the notice of the Hon'ble Judges, who decided the case. They, nevertheless, affirmed the proposition that a foreigner, before he can be made indictable to the Indian Courts, must be shown to have

committed the offence in British India by actually being bodily present in British India, and he cannot be indicted for constructive presence or on account of the legal contemplation of acts.

35 of 1880.

The second case was decided in 1880 and is reported as P. R. 35 of 1880, Criminal. This was a case in which one Taj Muhammad, a resident of Nabha State, was charged with an attempt to commit culpable homicide. He had fired at and wounded one Bura, a British subject. The case was remanded for further enquiry to find out the exact place where Taj Muhammad was at the time of firing, *i.e.*, whether in British territory or outside that territory. The further inquiry showed that Taj Muhammad was on the Nabha side of the boundary line and Bura was on the British side when the shot, which caused the death of the latter, was fired by the foreigner.

It is obvious that this case is more in point in the present case than the ruling of 20 of 1878. The finding was to the effect, that Taj Muhammad was not amenable to British Courts, as he was not personally present in British territory at the time of the commission of the offence.

Mr. Justice Barkeley, in delivering judgment, ruled unmistakeably that constructive presence of the accused in British territory cannot confer jurisdiction on British Courts in order to make a foreigner liable; that it must be shown that he was physically present in British India at the time of the commission of the fact, and that, although certain consequences ensue in British India from an act done in foreign territory, those consequences are not sufficient to make the offence cognizable by the Indian Courts. The remarks of Lord Chief Justice Cockburn in the *Franconia* case were the subject of discussion, for we find on page 85 of the Ruling a reproduction of a portion of the Lord Chief Justice's judgment from pages 233 and 234 of the original *Franconia* case report, to the effect that if "a man hurls a stone or discharges a bullet from a gun or pistol at another person, at a distance, the blow is as much an act of him who casts the stone, or fires the gun, as it had taken effect immediately; in such a case the act is a continuing act till the act is effected, the intention of the party using it accompanying it throughout its course. The act must be taken to be the act of the party in the effects it was intended to produce, till its agency has become exhausted and its operation has ceased."

But it was pointed out that on the question of jurisdiction, holding the above proposition to be correct, the question is "not whether the death of the accused which took place in the British ship was the act of defendant in such ship, but is, whether, at the time when the act was done, was he himself in British jurisdiction, and, although the act, begun in one place or jurisdiction, may extend into another, it is obvious that a person, doing such continuing act, cannot himself be at the time in both; but, in order to make a foreigner liable to the local law, he must at the time of offence was committed have been in British territory if on land, or in a British ship if on sea." The views taken in the *Franconia* case by Mr. Justice Denman and Lord Coleridge were also considered, but it was finally held that the Indian Courts are to look to the Indian Penal Code, which requires that the offender should be personally present in British India at the time of the commission of an offence. The learned Government Advocate urged before us that the view taken in the Punjab ruling is really opposed to the view taken by the Lord Chief Justice on whose decision it purports mainly to be based. As the views expressed in Rex *versus* Ocombes were approved and declared to be correct by Lord Chief Justice Cockburn, we wish for the present to reserve our expression of opinion on the subject till we consider the *Franconia* case. Here all we need note is that for the second time the Chief Court held personal presence of an offender in British India, at the time of the commission of an offence, was absolutely necessary.

5 of 1881, 37 of 1887, Criminal.

The next two rulings, which deal with the question of jurisdiction over a foreigner, are *P. R.* 5 *of* 1881 and *P. R.* 37 *of* 1887, *Criminal*. In the first case the offence was committed by a foreigner in foreign territory, but the stolen property was conveyed through British territory, and in the other the offence was committed by a foreigner in a foreign State, and he, after the commission of the offence, was found in British India, where he had come to live. In both cases it was held that the British Courts had no jurisdiction.

The fourth case is reported as P. R. 30 of 1889, Cr., wherein it was held, that a foreigner, who had committed an offence in foreign territory, was not liable to be tried by British Courts. The offence of murder had been committed in Patiala State by a resident of Patiala State, along with some British Indian subjects. 30 of 1899, Criminal.

The fifth case is P. R. 7 of 1894, Cr., in which a resident of Maler Kotla was tried for an offence of kidnapping, instigated in Maler Kotla, the kidnapped girl being brought into British territory. In that case it was held that the offence of instigation had become complete before the kidnapped girl came to British territory, and so the offender could not be tried by the British Courts. This case is in accordance with the views expressed in X Bombay, H. C. R., 356, that an abettor, guilty of an offence falling under clause (*i*) of section 107 of the Indian Penal Code, cannot be tried in British India, as the act of instigation is finished immediately at the time of instigation. 7 of 1894, Criminal.

The seventh and eighth cases are really one and the same. They are reported as P. R. 1 of 1896 and 6 of 1897, Criminal. In the former it was held that an Indian Court has power to issue a warrant for the arrest of a resident of a foreign State, at a place which had been ceded to the British Government for certain administrative purposes connected with the railway line. The Privy Council ruling in P. R. 6 of 1897, Cr., reversed this decision of the Chief Court, holding that the territory had not been ceded, and that the British Courts had only been invested with certain civil and criminal powers along the line of railway. These two rulings have not much bearing upon the question in dispute. 1 of 1896 and 6 of 1897, Criminal.

The next ruling is P. R. 1 of 1901, Cr., in which the facts were as follows :—A girl belonging to Faridkot State had been kidnapped by a resident of that State, who was arrested while conveying the girl at Abohar in British territory. The question was whether the British Court had jurisdiction to try the abductor. It was held that as the offence had become complete in foreign territory, the offender could not be tried in British India ; section 181 of the Indian Penal Code being limited in its application to the case of an offender proceeding from one local jurisdiction in British India to another in British India. 1 of 1901, Criminal.

Thus it is clear according to this ruling, that the provisions of the Criminal Procedure Code, dealing with the venue of trial, are restricted to offences committed in British India.

The next and the last case is P. R. 1 of 1911, Cr., where the question arose as to the place of a trial of a Thag who belonged to a foreign State. It was held that British Courts had jurisdiction to try him as he was found in British India. It is contended before us that this ruling gives jurisdiction over foreigners, and that section 181 is not restricted in its operation to British subjects as was held in P. R. 1 of 1901. 1 of 1911, Criminal.

To our mind it appears that certain offences mentioned in section 181, clause 1, are triable by British Courts under special provisions of the law. In other words, the legislature has enacted with regard to those offences that they are triable by Indian Courts, irrespective of the place where the offence is committed, and a Thag, to whatever foreign State he may belong, can be tired by British Courts when he is found in British territory. The ruling in no way modifies or is opposed to the views held in P. R. 1 of 1901.

This concludes the Chief Court's rulings and we give below a summary of the Chief Court rulings on the points under discussion. They have held—

(1) that a foreigner before he can be made amenable to the British Courts for any criminal act, or illegal omission, outside British India, must be shewn to have been personally present in British India, not constructively or under the legal contemplation of law, be it a principal offence or that of abetment.

It is immaterial whether any consequence, or act of law or fact happened in British India, as the result of the act committed beyond British territory ;

(2) that section 181 of the Criminal Procedure Code confers jurisdiction upon British Courts, over British subjects, or over a foreigner actually committing an offence in British India, and being personally present in British India ;

(3) that the test is not where the offence was committed, but whether the place where it was committed was subject to the jurisdiction of the British Courts ;

(4) that the views expressed by the Lord Chief Justice in Rex *versus* Keyn were approved and adopted, and the propositions enunciated in Rex *versus* Rodgers were not followed, which decided that a constructive act was for the purpose of jurisdiction as good an act of the offender as a direct one, so as to make a foreigner triable by the courts of a country, other than those of his own ;

(5) that an offence done by a foreigner, which is complete beyond British India, cannot be tried by British Courts ;

(6) that an offence committed by a foreigner outside British India cannot render him liable merely because, subsequent to the commission of the offence, he is found in British India, except under the special provisions of section 181.

We propose to refer to the English authorities first, inasmuch as the High Court decisions are mainly based on those rulings, and particularly 36 Bom. 524 is largely a reproduction of some of those authorities.

We propose to consider these rulings chronologically. The first ruling touching the question in dispute is King *versus* Coombes.

King *versus* Coombes, 1 Leach, page 388, 1765.

This case relates to the conflict of jurisdiction between Admiralty and Common law. One Coombes with others was charged for aiding, abetting, comforting and assisting William Parrot, to kill and murder one William Allen, and also for unlawfully killing the said William Allen. William Allen was the master of H. M. Sloop *Orestes*, he manned a boat to capture a smuggler, who, during the pursuit ran on a sand bank, got on shore, and from thence fired at the King's boat by which firing Allen, who was on the boat, was killed. The questien raised was whether the Admiralty Court or the Common Law Court had jurisdiction to try the offender. It was held that the Admiralty Court had jurisdiction, *as the offence in committed where the death happens, and not at the place from whence the cause of death proceeds.*

King *versus* Brisac and Scott, 4 East 164, pages 172—183.

The next case is Rex *versus* Brisac and Scott reported in 4 East 164, pages 172—183. The facts briefly of this case were that Brisac was the Captain and Scott the purser of H. M. S *Iris*, lying in Brassa Sound. Amongst the duties of the purser was that of purchasing provisions, drawing bills, on the Commissioners of the Navy for payment ; of getting true receipts from the seller ; and of procuring true certificates as to rates for provisions. The Captain was bound to see that the receipts and certificates and the bills drawn by the purser were genuine, rightfully due and correctly prepared.

False receipts and accounts were prepared by both of them, and finally, through innocent persons, vouchers were given to the Commissioners of Victuals, and application made for payment, by the holder of one Bill of Exchange.

The last act was done in Middlesex, the rest either on the high seas or at Brassa Sound. The trial was commenced at Westminster, and objection was taken on behalf of Captain Brisac to the jurisdiction of the county Court, urging that the *venue* vested in the Admiralty Court.

Especially it was objected, that it made no difference if the ultimate object or the completion of conspiracy was to operate on shore. Mr. Justic Grose in delivering judgment overruled the objection, and held that under

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Statute the Common Low Court had jurisdiction, and also, apart from Statutory Authority, *in the case of conspiracy* it should be borne in mind that "conspiracy is a matter of inference deduced from certain criminal acts of the parties accused, done in pursuance of an apparent criminal purpose, in common between them, which hardly ever can be confined to one place, *and there seems no reason why the conspiracy, amounting only to misdemeanour, may not be tried wherever one overtact of conspiracy is in fact committed, as well as in high treason as in conspiracy to Levy War.*" Rex *versus* Barnes was cited as an authority showing that if conspirators committed acts in different countries and places, they were amenable to courts where overt acts were done by some of them in prosecution of such conspiracy.

It was also held that the presenting of Bills of Exchange to the Commissioners at Middlesex was the "act done by both of them through the persons, who innocently delivered the vouchers, just like the crime of administering poison, through the medium of a parson ignorant of its quality, will be the crime of the person procuring it to be administered." Page 172.

The next authority is King *versus* Johnson, K. B., 7, East 65. In this case the question material to our proceedings, was whether a letter sent for publication from Ireland to a person in Middlesex, could give jurisdictien to the Court in Middlesex for the trial of the sender of these letters. It was held that an accused person can make himself amenable to a criminal court of the place from which the letter is sent by the accused is different from that where the letter is received, and published, as by sending a letter he is responsible as if he personally had written the letter, and asked for its publication within the county of trial. King *versus* Hon'ble R. Johnston, K., B., 7, 1905, East 65.

In the next case Rex *versus* Bull and Schmidt, K. B., 1845, page 282, two persons Bull and Schmidt were tried for forgery under the following circumstances:—Schmidt, who was on the continent, corresponded with Bull, who was in England, and asked the latter to get a plate engraved for the purpose of forgery. It was found on the facts that both of them were jointly engaged in planning the forgery; the order was given by Bull to an innocent agent for making the plate before Schmidt reached England, and on arrival in England both went to the house of the manufacturer and got the plate. They were tried for forgery. It was contended that Schimdt was, at the time when the order was given, on the continent, aud should not be indicted as a principal. Chief Justice Tendal held, that if an act in England had been done by an innocent person both would be liable, if both had been abroad and, having planned forgery, one had given an order by letter, it could not be doubted, therefore, that they were guilty as principals, and it could make no difference that in that case one of them was in England and one outside. Queen *versus* Bull and Schmidt, 1845, page 282.

Mr. Justice Alderson concurred in this finding and remarked that "If a person does an act with a guilty intent he is not the agent of any one, and if two have agreed to employ him he is the agent of both; it makes no difference whether both were in England or elsewhere; where they have once agreed to do the thing, the act of one is the act of all, although the rest be absent at the time." We now come to a very important case, which was extensively referred to in No. 20 of 1878, 35 of 1880, and which formed the basis of those decisions, and from which quotations were freely made in both those rulings. This case is Rex *versus* Keyn 2, Ex. Div., page 63, 1876.

Both on account of the elaborate nature of the judgment of Lord Chief Justice Cockburn, and the fact that a question of jurisdiction was raised by a foreigner claiming exemption on the ground of his being a non-British subject, and the fact that the court was composed of 14 Judges who differed materially on the point of jurisdiction, we are justified in referring to it and discussing it at great length. The majority of Judges took the view of the Lord Chief Justice, and it was due to His Lordship's decision that the Act 41, 42 Vict., Cap. 73, fixing the three miles limit from shore for the purposes of territorial jurisdiction, was passed. The judgment extends over 48 pages. Briefly the facts were as follows:—One Young, was a passenger by the British Steamer *Strathclyde*, bound from London to Bombay, and when off Dover this steamer was Queen *versus* Keyn, 2 Ex. Division, page 63, 1876.

run into by S.S. *Franconia*, whilst she was under the command and immediate direction of Keyn, the accused, whereby the *Strathclyde* was sunk and Young was drowned. The accused was a German in a German ship, of which he was in command, with practically a German crew and a French pilot. The point at which the *Strathclyde* was run down by the *Franconia* was distant one and 9/10ths mile from Dover pier, and within $2\frac{1}{2}$ miles of Dover Beach. The question of jurisdiction was raised by the prisoners, and it was overruled and he was found guilty in the original court. On appeal three important points were argued—

(1) Whether under the law of England the rule of a 3-mile belt of territorial water had been established.

(2) Whether it was a case of wilful murder or man-slaughter by negligence, and whether this fact made any difference as regards the trial.

(3) Whether the English Court could try the prisoner, who was a foreigner, if it were held that the 3-mile limit was not in force, and also whether death having occurred on a British ship caused by an act done by the prisoner on his—a foreign—ship could amount to an act committed in British territory—in other words, whether it was necessary to show that he was personally present in the British ship or could his presence be assumed, as a presence in legal contemplation of law, as continuous, the death having followed the act done by the accused as a consequence of or an effect of a cause.

We are not concerned with the first two propositions; it is only with regard to the third that we have to look to this judgment, which throws a good deal of light on the question before us. *Phillimore, J.* referring to the contention on behalf of the Crown, which was in the following words:—"That as the person injured was on board an English ship at the time when he received injury, which was the immediate and direct result of the collision, an offence was committed on board an English ship" held that "the act by which the woman died was not accused's act nor was it a consequence immediate or direct of his act; he never left the deck nor did he send any misile from it to the other ship, and he cannot be considered by the intendment of law to have been on board the British vessel."

It appears that if the act of killing had been wilful according to Phillmore, J. there would have been jurisdiction vested in the Court to try the prisoner.

Page 97. Justice Lindley left the question open.

Page 103. Justice Denman held that the English Courts had jurisdiction over Keyn. It seems that, in his opinion, he was influenced by the fact that the rule of 3 miles territorial waters was prevalent, and for the purpose of jurisdiction he drew no distinction between murder and man-slaughter, and approving King *versus* Coombes he held, that the principle enunciated in that case that the "intention is presumed to accompany the act and so the shot, which takes effect on the high seas, must be presumed to be accompanied by the intention with which it is fired, and both then together operate," and observed that the principle laid down in Coombes' case is one of good sense and sound law. According to this view the act of the prisoner was on the same footing as an act done on the British ship, as both were on the high seas within the criminal jurisdiction of England.

Justice Grove took the view that a foreigner is triable by British Courts if he does any act, which is punishable by the laws of England, if that act is done within the British realm, and a foreigner in firing from a ship in British waters is for the purpose of criminally within the British realm. The argument is simply *ab inexpediente*. He did not decide the question whether the offence was an offences committed on board a British ship.

Page 119. Justice Amphlett gave as his opinion, that, according to the decision in Rex *versus* Coombes, the crime must, for the purposes of determining

the venue, be held to have been committed on the English ship, where the death occurred, but that that doctrine, founded as it is upon a convenient fiction, and binding no doubt upon a British subject, does not decide the question, which is whether a foreigner who committed the offence, while he was *defacto* outside English territory, is amenable to English law. With some doubt he came to the conclusion he could not. The Judge could find no authority to punish a foreigner who, at the time of the commission of the offence, was not within the territory, and consequently not owing it any allegiance.

Justice Bret, agreeing with the Lord Chief Justice, held that the act was not committed on either ship. There was no jurisdiction in respect of a complete offence committed, locally within a British ship; the only jurisdiction in respect of locality arises from the fact of the foreign ship being within the territory of Great Britain and therefore the Central Criminal Court had jurisdiction to try the case. Page 148.

Justice Bramwell held "that as regards an act which is wilful it is done where the will intends it should take place, Aliter where it is negligent". Page 150.

Justice Kelly agreeing with the Lord Chief Justice observed "that the right to seize and try in England an offence committed not in British territory connot exist any more than the right to seize and try in England any foreigner for an act done in his own country, a foreign territory, which act may happen to constitute a criminal offence by the Law of England." Page 151.

Lord Coleridge observed that, unless the place where the offence was committed was part of the realm locally, or unless the offence was committed on board a British ship, whether that ship was locally within or without the realm of England, the conviction cannot stand. He agreed with Justice Denman, quoting Rex *versus* Armstrong, that whether the Act be wilful or negligent, the offence is committed where the effect and not the cause takes place. Page 152.

He felt the weight of the reasoning given by the Lord Chief Justice. The points for determination are given by Lord Chief Justice Cockburn, on page 160 and he observed "that no proposition of law can be more incontestable or more universally admitted than that, that according to the general law of nations, a foreigner, though criminally responsible for a law of a nation not his own, for acts done by him, while within the limits of that territory, cannot be made responsible to its law for acts done beyond such limits". Arguments of inconvenience are disposed of on page 231. Page 160.

As regards the opinion expressed by Justice Deman and Justice Lindley that, where a death takes place on board a British ship, the offence was committed there, he referred to two rulings Rex *versus* Coombes and United States *versus* Davis, wherein it was held that where a person fires a gun from a ship and kills the person on board another ship, the offence is in point of law committed on board the latter.

On page 233 he writes "that homicide, whether it takes the form of murder or man-slaughter, necessarily involves two things essentially distinct, the act of the party killing as the cause of death, and the death of the party killed as the effect of such act. Both are necessary to constitute the crime, one may take place in one jurisdiction, and the other in another.

"A person may be wounded at sea and may die on shore, and *vice versa* or a blow may be struck in one place and death occur in another. In such a case, where is the complete offence committed? He answered in neither because in neither had the entire offence been committed, so said the old authorities.

"In Rex *versus* Coombes, he said, the act causing the death began in one jurisdiction, and extended into another from which, as its effect, death ensued in a case where a man strikes a blow with a club or blows out another's brain by putting a pistol to his head the act takes effect immediately. It he hurls

a stone or discharges a bullet from a gun or a pistol to another person at a distance, the stone or bullet has to make its way through a given space before it strikes the blow it is intended to inflict, but the blow is as much the act of him who casts the stone or fires a gun as though it has taken effect immediately.

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In such a case the act, in view of its taking effect immediately, is a continuing act till the end has been effected. It may well be held that the blow struck by the bullet is an act done in the jurisdiction, in which the bullet takes effect, whether the converse of this proposition is good or not. It is enough to say that Rex *versus* Coombes was rightly decided, but the question is not, whether the death of the deceased, which no doubt took place in a British ship, was the act of defendant in such ship, but whether the defendant, at the time the act was done, was himself within British jurisdiction. In point of fact he was not on board the British ship. A personeg doing a continuing act cannot himself be at the time in both, a man who fires a shot from the shore at one who is on the sea still remains on the shore and *vice versa*.

" One who, from the bank of a river dividing two territories, fires a rifle shot at a person on the opposite side cannot be said to he within the territory where the shot strikes its object. But in order to render a foreigner liable to the local laws he must at the time the offence was committed have been within British territory, if on land, or in a British ship if at sea. No doubt in Adam *versus* The People, it was held that a criminal act done through the instrumentality of an innocent agent in law is the act of the principal, and will be triable at a place in which the act was done, but said the Lord Chief Justice, the case is not at all satisfactory as the foreigner at the time was really out of the jurisdiction when the act was done, and owed no allegiance to the law by which he is tried. Justice Lush concurred with the Lord Chief Justice.

Rex *versus* Oliphant, 2 King's Bench, 1905.

Coming to Rex *versus* Oliphant we find the facts of the case to be briefly as follows :—A firm carrying on business in London employed accused to manage the branch established in Paris. The agent had to recover money, fill up slips, and transmit them to London to be posted in the Cash Book. He received certain sums in Paris, omitted to enter the receipts in slips, misappropriated the money, and fraudulently intended that such amount realised should not appear in the cash book in London. He was tried in London, and it was held that the Criminal Courts in London had jurisdiction to try him. It was urged that there is a differenee between the question of *venue and jurisdiction* ; that the authorities relating to venue are no authorities on the question of jurisdiction, *but it was admitted that an act begun abroad and completed in the county trying the offender, gave jurisdiction*, though when the offence is wholly committed *abroad* there is no jurisdiction, and as no part of this offence was com mitted in England exemption was claimed. The prosecution relied on Rex *versus* Brisac and Rex *versus* Johnston, and contended that where an act was committed outside jurisdiction, but having an effect inside jurisdiction, it is triable in the place where it has effect.

Lord Alverstone, *C. J.*, in delivering judgment, remarked that he was unable to draw any distinction between sending information by post, or by telephone, and giving the same by direct personal communication, and following Rex *versus* Munton and Rex *versus* Brisac held, that where any act is done out of several acts, the venue of any such act confers jurisdiction on the place where it is done.

Rex *versus* Rodgers, Queen's Bench, 8, 1877-1878.

Rex *versus* Rodgers was a case of embezzlement by a clerk whose duty if was to remit from Europe all money collected by him to his employers in Middlesex. He realised a sum and never remitted it. He wrote a letter in which he did not mention the fact of the money collected, with the object that it should be believed he had not collected the money. It was decided that the receipt of the last letter in Middlesex was sufficient to give jurisdiction. References were made to other rulings in which it was held that obtaining money by false pretence in the country where the trial takes place is enough to give jurisdiction, though the person who wrote and posted

it was in another county, and that a letter speaks continuously from the moment of its being posted until the receipt by the addressee, and gives jurisdiction, as a "letter is intended to act on the mind of the recipient, its action upon his mind takes place when it is received. The same is the case of the firing of the shot from a place outside the boundary of the county into another county. The offence is committed in the county within which the blow is given. So with a letter". The letter is a continuing act until the receipt. *Huddleston J.* took a contrary view quoting Rex *versus* Murdock, holding that the effect on the mind was complete when the letter was posted. He distinguished the case of false pretence, as in it the offence is not complete till the pretence is made to some one.

Page 38.

In Rex *versus* Demarny the editor of a newspaper inserted an advertisement relating to the sale of obscene books and photographs. The Police, on the basis of this advertisement, obtained from the advertiser, who was a foreigner, obscene books and photographs. The defendant was tried on the charge of causing and publishing obscene books and was convicted. Lord Alverstone, *Chief Justice*, held that it was a case of abetment, and followed Rex *versus* Oliphant, and upheld the conviction.

Rex *versus* Demarny, 1, K. Bench Division, page 388, 1907.

In Rex *versus* Stoddard the accused had an office in London, and another in Holland, and was a proprietor of a newspaper called the *Football Record*, which announced each week that a certain sum of money would be divided as prizes among those who gave correct forecasts of the result of football matches played on a particular day. Each competitor had to pay an entrance fee, and send it with a coupon to the accused's office in Holland. The names of the winners were sent from Holland to London, and the money was provided by the accused in London, and was sent out from there. It was alleged that this appellant inserted the name of bogus winners. It was held that the London Court had jurisdiction. It appeared that up to 1907 the business was personally conducted by appellant in London, and it was contended that, inasmuch as the postal orders and letters containing money were received by the defendant's agent in Holland, the court had no jurisdiction, but it was held that when the postal order and letter containing money were posted in London, or within the jurisdiction in London, for transmission to Holland there to be received by the defendant, the offence was complete. It was also observed that this was a case of conspiracy and false pretence.

Rex *versus* Stoddard, 28th May 1909, Times Reporter, Volume 25.

The *ratio decidendi* of the rulings is—

(1) That in the case of conspiracy, and abetment, where an act is committed in pursuance of that conspiracy, or abetment, the court within whose jurisdiction that act takes effect, has jurisdiction to try the offender, although at the time of the commission of the act he was not present at a place where it took effect.

(2) That a continuing act gives jurisdiction in a place where it is exhausted.

(3) That a letter or a shot, though posted or fired in one county, renders the offender liable in the county where it reaches the addressee or gives the final blow.

(4) That according to Lord Chief Justice Cockburn and other Judges concurring with him, to bring a *foreigner* within the jurisdiction of the local law, not only is it necessary that the effect should be caused in that jurisdiction, but that the accused should have been *bodily present in that place*. In other words that it is only where both cause and effect occur in one and the same jurisdiction that a court can exercise jurisdiction.

Coming to the High Court Authorities the first ruling which arrests our attention is 16 Allahabad, page 389. The ruling is quoted with the object of showing that an abetment of an offence need not be effected personally at the place where the offence due to the abetment is committed,

All. 16, page 389.

and that an abetment can be committed constructively, through a letter or agent. The facts of the case were that one Shib Dial posted, or caused to be posted, in Calcutta a letter to an agent at Gorakhpore inciting the latter to commit an offence at Gorakhpore. It was held, that Shib Dial could be tried at Gorakhpore as soon as the letter was received, and the contents became known to the agent at Gorakhpore. This ruling does not deal with the question of extra territorial jurisdiction, as both Calcutta and Gorakhpore are in India, and both the principal and the abettor were British subjects. This case shows that an offence can be committed through an agency.

17 W. R., page 15. The next ruling is reported in 17 Weekly Reporter Criminal, page 15. This case, like the above case, relates to the offence of abetment committed in a district other than that where the abettor lived or abetted the offence. One Amir Khan, a resident of Calcutta, entered into a conspiracy with others to wage war against the Queen, in pursuance of which certain acts were done. He was tried by the Sessions Judge of Patna; an objection was taken on his behalf as to jurisdiction, and it was held, following Rex *versus* Brisac and Scott, and Rex *versus* Bowes, "that the rule of law is that, where several persons are proved to have combined together for the same alleged purpose, an act done by one of the parties, in pursuance of the original concerted plan, and with reference to the common object, is, in the contemplation of law, the act of the whole. Each is an agent of another in carrying out the object of the conspiracy". An act done by any of the conspirators at Patna would render liable Amir Khan if the act done was for the furtherance of the common plan. It was also held, that the sending of money from Calcutta to Patna to be used in waging war clearly brought the case within the jurisdiction of the Patna Court. A man for sending a letter may be tried either in the country from which he sent the letter, or where it was received, and in like manner, in the case of libel, the case may be tried in either county. This decision was given in 1871, and it is most surprising that it was never brought to the notice of the Chief Court at the time of the decision of the cases in the years 1878 and 1880. This case was also not a case of an act of a foreigner committed beyond British India.

28 All., page 372. The third case is 28 Allahabad, page 32. The facts of the case are that a non-British subject Baldev committed an offence of robbery, with a British subject Radhan, outside British territory in a Native State, Orcha.

The case was reported to the High Court for cancellation of an order of commitment to the Sessions Judge of Jhansi, on the ground that a non-British subject could not be tried for an offence committed outside British territory. The order of commitment was quashed, and it was held "that section 181 of the Criminal Procedure Code does not apply to the case of one who is a non-British subject, and who committed an offence outside British limits, as the section is intended to regulate jurisdiction of a court in India in respect of offences committed in India, and cannot vary or abrogate the rule that no foreign subject shall be tried in British India for *an offence committed outside British India*". Exactly a similar view was taken by the Chief Court in P. R. 1 of 1901.

36 Bombay, page 524. The last ruling of the High Court of Bombay is the most important one. The case is important as in this case the abetter belonged to a *foreign State*, and was not present in British India, when the person abetted committed the offence abetted in British territory. We think it advisable to relate the facts contained in this ruling at a little length as it is directly opposed to the Chief Court rulings. We may also mention that P. R. 20 of 1878 was considered in this case, although other cases of a later date do not seem to have been brought to the notice of the Hon'ble Judge deciding the case. The decision of this case is mainly based on the general view taken in English cases according to the recent exposition of the law by Judges in England. The facts briefly were that one Chhota Lal Babar, a subject of Cambay State, having conspired with his partner Amba Lal, sent him to Umreth to a professional forger Som Nath to get a khata forged. Amba Lal went and got the khata forged by Som Nath at Umreth. Chhota Lal Babar was prosecuted with Amba Lal

and committed to the Court of Sessions, which court, as far as Chhota Lal was concerned, reported the case to the High Court for quashing the order of commitment, on account of Chhota Lal not being a British subject and having done nothing in British India. It was contended on behalf of the Crown that, though the act was initiated at Cambay, it was completed in Umreth within British territory. The following authorities were quoted in support of the contention :—

Rex *versus* Brisac and Scott, Rex *versus* Menton, Rex *versus* Bull, Rex *versus* Taylor, Rex *versus* Ellis, Rex *versus* Rodgers, Rex *versus* Oliphant, Rex *versus* Demarny, *i.e.*, all the rulings which have been considered above. The other side relied upon P. R. 20 of 1878, 10 Bombay High Court, page 356, and other authorities. After reviewing all the authorities, Mr. Justice Batchelor decided, that Chhota Lal could be properly tried in India, as his act was completed and perfected in India. It was distinctly held that if the act of a foreigner is wholly complete beyond British India, in that case he cannot be tried in British India, although connected with his act other acts are done by another man in India, and this proposition of law was accepted by the Government Advocate as a true view of the case. But it was laid down in most emphatic and clear terms, that, according to the principle, laid down in recent authorities, it is immaterial " whether the accused was bodily present in British territory when the offence was completed, or whether his presence there is derived by a process and intendment of the law ; in either case he is present in British territory, has committed an offence under the Penal Code, and, that being so, his character as a foreigner, cannot avail." Reference was made to Rex *versus* Demarny in support of this proposition, and Rex *versus* Oliphant was extensively quoted. It was also shown that even a foreigner abroad, who, through an innocent agent, caused the publication of indecent literature in England committed an offence against the law of England, and could be convicted if he comes within its jurisdiction. It was also held that when a foreigner in foreign territory initiates an offence, which is completed within British territory, he is liable to be tried by the British Courts, in whose jurisdiction the offence was committed.

References were also made to Rex *versus* Keyn and Rex *versus* Rodgers.

We must admit that this ruling is a most distinct authority against all the propositions laid down in the Chief Court rulings. It is directly opposed to every legal view taken therein, and the ruling *Rex* versus *Rodgers* which was not accepted as good authority in P. R. 20 of 1878 is quoted as laying down good law.

It is clear that in this ruling a decided view was taken that a British subject and a foreigner are equally guilty, provided some part *of the act was personally, or through an agent, constructively done by them in British India.* Section 34 was also considered, which we do not deem necessary to comment upon.

There is another authority reported in 10, Bombay High Court Report, page 356. In this case a foreigner committed an offence of instigation, in conjunction with a British subject; it was held that as the act of instigation was wholly committed beyond India, the British Courts had no jurisdiction to try him.

10, Bombay High Court's Report, page 356.

To sum up the High Court's decisions we find—

(1) that if the offence committed by a foreigner is wholly completed beyond British India, he cannot be tried by the Indian Courts.

(2) that in a case where part is done beyond British India and part completed or perfected in British India, he is amenable to British Courts.

(3) that it is immaterial that he should be personally present, in British India, at the time of the commission of the offence.

(4) that an act done through an agent or constructively by message, or otherwise, makes him equally liable as if the act were done in British India.

(5) that for an act initiated by him beyond British India, and completed in India, he is liable when he is found in British India.

(6) that section 181 of the Criminal Procedure Code is limited in its operation, to offences committed in British India, and not beyond it.

Many of the principles of law enunciated in the English rulings and the High Court authorities, have been embodied in sections 179 to 188 of the Criminal Procedure Code, and the High Court cases, in which the offenders were not foreigners, but residents of British India, are covered by the provisions of the Criminal Procedure Code.

Now, after going through the Indian and English authorities, we are in a position to say that the Chief Court's view of law is diametrically opposed to that of the High Court's decisions, and the latest exposition of law by English Courts, with the exception of the view taken by Lord Chief Justice Cockburn, and his other colleagues, who supported him in the *Franconia* case, according to whom the *cause and the effect* should take place in one jurisdiction before any Court can exercise jurisdiction at all over a foreigner. But we have yet to see as pointed out before, whether the views of the Lord Chief Justice are antagonistic to those expressed in Rex *versus* Coombes, although it was admitted by him the principles laid down in the latter ruling were sound.

To our mind Lord Chief Justice Cockburn is not inconsistent in his reasoning, what he thought was that where jurisdiction over a British subject exists in two places, *i e.*, where cause and effect occur in separate jurisdictions, the offence is committed where the effect takes place, and such was the case in Rex *versus* Coombes : as both the Admiralty and common Courts were subject to the laws of England, and both the offenders and injured person owed allegiance to the British Crown. He differentiated the case of foreigner who owed no *allegiance* as remarked on page 237 of the report.

Before we come to give our decision, it will not be out of place to remark, that in the majority of English cases the offenders were British subjects, and not foreigners, except in the case of Rex *versus* Schmidt, and Rex *versus* Stoddard. In the latter case the accused owed allegiance to the British Crown, by reason of having lived in England for a number of years, and he personally committed the offence in England. Thus almost all these cases were of venue, and not of jurisdiction over a foreigner, and in some the acts were committed in the counties in which the trial commenced, *e.g.*, Rex *versus* Brisac, Rex *versus* Bull and Rex *versus* Coombes. *Rex* versus *Schmidt* and *Rex* versus *Oliphant* were cases of abetment and conspiracy. But the principles laid down therein are universal principles of general applicability, and not limited only to those particular cases and we see no reason to reject them, simply because those cases were of *venue and not of jurisdiction*. We attach no importance to points of inconvenience and inexpediency, where there is no ambiguity in law, as the removal of the imperfection is the work of the legislature, and not of the Courts, which have only to interpret and apply the law as they find it, but in construing the law, Courts cannot ignore the cardinal principles of law and put upon them a construction, and interpret them in a way, which may be against and inconsistent with the intention of the legislature, and irreconcilable to the ordinary rules of prudence and common sense.

It seems to us that the view taken by Lord Chief Justice Cockburn went a little too far, particularly when we find that he was not satisfied with the principles laid down in Adams *versus* The People, which are supported by almost all the other English decisions, and referred to them as loose reasonings. It is true the *Franconia* case did not get the attention in the latest rulings, which it deserved ; where it is quoted, it is not discussed in the light in which it was delivered, probably on the ground that the facts of those case did not demand a discussion of a foreigner's liabilities. We cannot hold that even in the case of

abetment and conspiracy in pursuance of which an act is done at a place other than where it was conceived, there is no jurisdiction in the place where the act abetted has been committed.

We admit that the question of personal presence and presence by intendment of law is not free from difficulty, as remarked by Mr. Russel in his Law of Crimes, page 56, wherein, after quoting all the authorities, he says that it cannot be said that any complete and effective consideration, has been judicially given to the question. The author of that well-known book says that cases may fall under three heads—

(1) When the act is initiated in another part of the British Empire and takes effect in England.

(2) When the act is by a British subject, and is initiated in a foreign country but takes effect in England.

(3) When the act is initiated in a foreign country, and takes effect in England, but is done by an alien.

The first two propositions are easily met by the provisions of sections 2 and 4 of the Indian Penal Code. With regard to (3), besides the authorities which we have reviewed, two others are cited, namely, *Rex* versus *Velthier* and *Rex* versus *Taylor*. The former case was of an alien who was convicted for sending a letter, containing menaces, without rersonable and probable cause. The letter was posted in Russia, and received in England, and the defendant was in Hungary, when he gave the letter to an agent to be posted. In Rex *versus* Taylor it was held, that if a person, in a foreign country, sets another person in motion as his agent, by whom a forged cheque was presented, by his procurement in England, this would be an uttering for which he might be convicted in England. There is an other case Rex *versus* Menton bearing on the question in dispute, in which it was held that, when the criminal matter arose wholly abroad, there is no jurisdiction, but when a false return was received, and fraud completed, by their allowance in England, the English Court had jurisdiction.

It was brought to our notice by the learned Government Advocate that in section 2 the word "guilty" appears, and not "committed," and thus an alien is amenable to the Indian British Courts for an act or omission contrary to the provisions of the Indian Penal Code, though he was not present therein, at the time when that act was done in British India. In other words, section 2 dispenses with bodily presence. Our view is that the mere use of the word "guilty" in section 2, in apparent distinction from the words "committed an offence" in sections 3 and 4, does not in itself give jurisdiction over foreigners, but its use in that section, as so distinguished, clearly does not bar jurisdiction over foreigners. Now as we have reached a stage to give our final finding, with due deference to the opinion expressed by Lord Chief Justice Cockburn and Sir Meredyth Plowden, we are constrained to find that, on the latest authorities—

(*a*) In the case of conspiracy falling under section 121-A a foreigner is equally liable and triable by the British Courts, though the act of conspiracy may have been committed outside British India, irrespective of any act following it.

(*b*) That an alien is punishable under the Indian Penal Code for acts done in British India.

(*c*) That he is amenable to the Indian Courts for offences or acts *initiated by him beyond British India*, and *taking effect in British India*, be it a continuing act or *an act or acts separate from it necessary* to complete the offence.

(*d*) That in cases of abetment, particularly of conspiracy falling under clause 2 of section 107, he is indictable in Indian Courts, if any act in pursuance of that conspiracy is done by another for him as an agent, or co-conspirator, in British India.

(*e*) That offences, which are completed and perfected beyond British India, be they of the nature of substantive offence or of abetment, thought they may be contrary to the provisions of the Indian Penal Code, do not render him liable to be tried by the Indian British Courts.

(*f*) That the provisions of section 181, Criminal Procedure Code, are not enactments, under section 3 of the Penal Code covering the cases of foreigners beyond India, but are only applicable to offences committed in British India, and deal with the question of venue and of jurisdiction within the Indian British Empire.

(*g*) That an alien who has been guilty of an offence through another in British India, is, when found in British India, triable by the Indian British Courts.

We accordingly hold that we have jurisdiction to try accused (15) on the charges on which he is indicted.

3.—Police Investigations.

The police investigations are fully dealt with in the general history sections or in the individual cases. For convenience, however, we insert here schedules showing the dates on which witnesses were examined by the police.

(*a*) *The Canadian and connected witnesses.*

Names of the witnesses.	Date of the statement made to the police and the date of the confession.	Implicating what accused.
Raghunath Singh, P. W. 5 ...	15th August 1916 ...	Accused 3, 11.
Bela Singh, P. W. 9 ...	9th August 1916 ...	Accused 3, 9, 11, 4, 13, 5 6, 10, 7.
Mangal Singh, P. W. 11 ...	9th August 1916 ...	Accused 3, 4, 11, 13, 5, 6, 10.
Amar Singh, P. W. 12 ...	9th August 1916 ...	Accused 3, 4, 13, 9, 5.
Atta, P. W. 19	9th August 1916 ...	Accused 3, 11, 4, 6, 7, 9, 13.
Harcharan Das, P. W. 13 ...	First to S. Sukha Singh and then to Ikram-ul-Haq on 26th August 1916.	Accused 3, 4, 6, 7, 10, 11, 13.
Gopal Das, P. W. 22 ...	26th August 1916 ...	Accused 3, 15.
Dalip Chand, P. W. 10 ...	5th September 1916 ...	Accused 3, 11, 4.
Bawa Singh, P. W. 20 ...	8th September 1916 ...	Accused 3, 11, 4.
Khazan Singh, P. W. 21 ...	8th September 1916 ...	Accused 3, 11, 4.
Inder Sain, P. W. 14 ...	16th September 1916 ...	Accused 13.
Ralia Singh, P. W. 15 ...	16th September 1916 ...	Accused 13.

(*b*) *The Mandi and Fattehgarh witnesses.*

Name of the accused or witness.	Date of the statement made to the police and the date of the confession.	Implicating what accused.
Dalip Singh, approver, P. W. 73.	23rd June 1916 ... 27th and 28th September to Mr. Fairlie.	Amar Singh I, accused (14) and Fazal Din (8).
Arjan, P. W. 70 ...	29th June 1916 ... Again 28th September 1916 ...	Accused (2), (8), (14).
Fazal Din, accused (8) ...	27th September 1916 (statement). Confessed on 28th September 1916.	Accused (2), (14).
Nama, accused (14) ...	26th September 1916 ... Again 29th September 1916 and confessed on that day.	Accused (2), (8).
Babu Ram, accused (2) ..	30th September 1916 ... Confessed on 1st October 1916	Accused (14).
Nawab Khan, P. W. 84 ...	18th October 1916 ...	Accused (2), (14).
Kundan Lall, P. W. 64 ...	1st November 1916 ...	Accused (8).
Lala, P. W. 60 ...	2nd September 1916.	
Ladoo	1st September 1916.	

4.—Confessions and the Statement of Approver.

There are only 4 confessions, namely of Babu Ram, accused (2), Fazal Din (8), Nama (14) and Rur Singh (18), and the statement of one approver Dalip Singh, P. W. 73.

Accused (2), (8) and (14) have resiled from their confessions. As they do not affect the case as a whole we will reserve consideration of them until we come to the individual cases, merely noting here that we are at one with the Commissioners in the first conspiracy case as to the law relating to retracted confessions.

Accussed (18) has made a confession, which implicates no other accused before us, and he has not retracted it, and accordingly no comment is necessary at this stage.

For convenience of reference we append here the schedule below—

Schedule.

Name of the accused.	Date of arrest.	Date of confession whether retracted or not.	Name of the place where arrested and where Magistrate took down the confession.	Name of the witnesses coroborating the statement.
Babu Ram, accused (2)	30th September 1916.	1st October 1916.	Ambala ... Lala Suraj Narain, Magistrate, 1st class, Ambala.	(1) By the confession of Nama, accused (14). (2) By Nawab Khan, P. W. 84. (3) Karam Bakhsh, P. W. 51. (4) Sher Singh, P. W. 55. (5) Ghulam Kadir, P. W. 53. (6) Kahn Singh, P. W. 54. (7) Sardar Singh, P. W. 55. (8) Phangan, P. W. 56. (9) Arjan, P. W. 70. (10) Amar Singh, P. W. 85.
Fazal Din, accused (8).	27th September 1916.	28th September 1916.	Hoshiarpur ... Mr. Fairlie, Magistrate, 1st class, Hoshiarpur.	(1) By the confession of Nama (14). (2) Arjan, P. W. 70. (3) Sarda Ram, P. W. 71. (4) Dalip Singh, P. W. 73.
Nama, accused (14)	29th September 1916.	22th September 1616.	Ditto ...	(1) Babu Ram, accused (2). (2) Fazl Din, accused (8). (3) Dalip Singh, P. W. 73. (4) Arjan, P. W. 70. (5) Sarda Ram, P. W. 71. (6) Nawab Khan, P. W. 84. (7) Amar Singh, P. W. 85. (8) Kahn Singh, P. W. 54. (9) Sardar Singh, P. W. 55. (10) Sher Singh, P. W. 55. (11) Ghulam Kadir, P. W. 53. (12) Kahan Singh, P. W. 54. (13) Phangan, P. W. 56.
Rur Singh, accused (18).	11th November 1916.	15th November 1916.	Arrested at Gopala in district of Ludhiana. Lala Hari Chand, Magistrate, 1st class, Lahore, took down confession.	(1) Fuaja Singh, P. W. 93. (2) Ganda Singh, P. W. 92. (3) Wasawa Singh, P. W. 91. (4) Inder Singh, P. W. 14. (5) Ralia, P. W. 86. (6) Badri Singh, P. W. 94. (7) Amar Singh, P. W. 95. (8) Bhagwan Singh, P. W. 10. (9) Mula Singh, P. W. 89. (10) Harnam Singh, P. W. 90.

In regard to the approvers we agree with the previous Tribunals as to the law relating to approvers' evidence in clause 14 of Part II of the judgment in the first case.

We have nothing to add in regard to the old approvers.

The only new approver we have is Dalip Singh in regard to whom we will discuss his reliability in the individual Fattehgarh-Mandi cases. We append here, for convenience sake, the schedule below :—

Schedule.

Name of the witness.	Date of arrest.	Date of Statement.	Name of the place where arrested and where Magistrate took down the statement.	Name of the witnesses corroborating the statement.
Dalip Singh, approver, P. W. 73.	Dated 26th September 1916.	Made Statement on 3rd June 1916, 26th September 1916 and 28th September 1916.	Hoshiarpur made statement to Police to Mr. Fairlie on 27th September 1916 and 28th September 1916.	(1) Barkat Ram, P. W. 67. (2) Gandu, P. W. 68. (3) Kundan Lal, P. W. 64. (4) Jowala Singh, P. W. 62. (5) Lalu, P. W. 60. (6) Amar Singh, P. W. 42. (7) Arjan, P. W. 70. (8) Nawab Khan, P. W. 84. (9) Mula Singh, P. W. 89. (10) Confession of Nama, accused (14). (11) Confession of Fazal Din. (12) Arur Singh.

5.—Accomplices.

We have nothing to add to our predecessors' findings as to the law relating to accomplices.

We consider the undermentioned witnesses, other than approvers, are accomplices, and in weighing their evidence will bear that fact in mind.

Harcharan Das (P. W. 13), Gopal Das (P. W. 22), Abdul Alim (P. W. 36), Lala (P. W. 60), Arjan (P. W. 70), Sarda Ram (P. W. 71), Fauja Singh (P. W. 93), Allah Dad (P. W. 96), Bhagwan Singh (P. W. 100) and Jodh Singh (P. W. 117).

PART II.—History.

A.—THE REVOLUTIONISTS ABROAD.

1.—The Revolutionary Party in the United States.

Old evidence.

The activities of the *Ghadr* party in the United States, its operations in San Francisco and elsewhere, its resolve to return to India for *Ghadr*, in fact the inception of the conspiracy and war have been already fully described in the judgments of the two prior Tribunals.

It is superfluous for us to do more than to say we are in full agreement with the findings of the earlier Tribunals, and to indicate very briefly the evidence we have on the matter in this case. We have, of course, that reliable source of information, the *Ghadr* file, and the following witnesses give in brief the evidence they gave before at length :—Nawab Khan (p. 85 *et seq.*), Umrao Singh (p. 50), Amar Singh (p. 89) and Mula Singh (p. 93).

But besides that evidence we have a little more.

New evidence.

First of all is Harcharandas (p. 31). He has given us reliable evidence as to what occurred in Canada ; he went to San Francisco in December 1914, and from him and another witness, with whom we will deal shortly, we get evidence, showing how, in continuation of the *Ghadr* movement and migration, active revolutionary work went on, and is probably still going on in San Francisco, in conjunction with German agents, and he shows the connection between the various spheres of activity of the revolutionists.

He tells us that when he went to 'Frisco, he visited the Yugantar Ashram, the 'Frisco headquarters of the revolutionists. There, among others, he met the famous Ram Chand, Peshawria, now editor of the *Ghadr*, and the hardly less famous Munsha Ram. He agreed readily enough to help them in their work, printing the *Ghadr* for them. The press was then issuing not only the *Ghadr* and the *Ghadr-di-Gunj*, but a book by Hardial named the *Nim Hakim Khatra Jan*, and another pamphlet called the *Gore Shahi Zulm*. Moreover there were placards inscribed "Do not fight the Germans, they are our friends," a "*Fatwa Jehad*" from Turkey in various languages, and Brayan's "British Rule in India" were all in stock and freely distributed to everybody.

Under Ram Chand's directions witness printed some 5,000 copies of the *Fatwa Jehad* in different languages, of which many were sent to India, Afghanistan, Egypt and the Western front; the German Consul in San Francisco coming to the press and removing the literature in bulk in his motor car to send to distribute among Indian troops.

The headquarters in San Francisco, however, did not confine itself to literature.

Bhagwan Singh, the Canadian deportee, had been despatched on revolutionary work to Manilla, and we will see in the section dealing with that place how he occupied himself there; Barkat Ullah, a well known revolutionist, had gone to Turkey *en route* for Afghanistan to stir up trouble there; one Mangu Ram was sent to Tibet to collect arms there, and despatch them into the Punjab, and several were sent to Germany.

The German Consul in San Francisco, he was told, was paying all expenses for emissaries, and those who were going to Germany interviewed the German Consul, who sent them on to New York, where the German Consul-General arranged for their despatch to Berlin through neutral countries; the main object of their being sent on being to print and distribute seditious literature at the front, and to accompany released Indian prisoners-of-war, seduced to the *Ghadr* movement, to the North-West Frontier to attack the British Government from that side.

Hence too help was sent to Siam, where as we know a plot was hatched to invade India *vid* Burma. One Santok Singh, he says, had been sent there, Siam being selected as an excellent place to collect arms in, and to serve as a jumping ground.

He tells us too, and by this helps to link up the Canadian revolutionists with the 'Frisco, ones, that when accused (3) and (11) were leaving America they came to San Francisco from Vancouver (a fact which is admitted), and were met and provided for by Ram Chand and Munsha Ram, and, after they had gone on, money, which had been sent by Ram Chand to accused (3) in Japan, came back undelivered.

He tells us too of a big meeting organised by Ram Chand and one Gurdas Ram in Fresno on the 31st January 1915, where speeches were delivered, and money collected for revolutionary purposes; also of monthly subscriptions pouring in from various places, from Panama, Manilla, Siam, and elsewhere, and how Muhammadans, who were sympathizers of Turkey, were frequenters of the Ashram, and he further describes the rules of the Ashram, laid down by Hardial.

He informs us also of schemes for despatching arms to India and of a mission of his own which we will deal with in the portion of the judgment concerned with arms.

Bawa Singh (p. 37) testifies to the connection between Gurdas Ram of Fresno and Bhagwan Singh so long as 4 years ago.

But the most important new witness is Jodh Singh *alias* Hassanzada.

This extraordinary man was sent from Germany to America, and we will describe elsewhere his different activities. All we need here refer to is his visit to 'Frisco, where he arrived in the company of two Germans *en route* for Siam. He had been sent by Hardial to help Ram Chand in 'Frisco, and he called on

him there, was shown the literary activities of the press, and also visited the German Consul, where he learnt of an "Arms Scheme," and got all his expenses for Siam paid by him.

This evidence clearly establishes that the *Ghadr* movement in San Francisco is still being carried on vigorously, and is in close connection with German agents there, where operations against the British Government in every part of the world are devised.

We are fully satisfied that the United States became the chief centre of the *Ghadr* movement, that there the overthrow of the British Government in India was planned and discussed, and that, when the European war broke out, many hundreds of Indians sailed to carry their plan into effect by war, murder and rapine.

2.—Sedition in Penang, Singapore, Hong Kong and Shanghai.

Penang.

In regard to sedition in Penang we have nothing to add to the evidence given in the last cases, and discussed in the previous judgments.

Arjan Singh (p. 46), Umrao Singh (p. 50), Nawab Khan (p. 87) repeat before us in substance in evidence previously given, the first named detailing the arrival of Sohan Singh (L. C. C.) and of the *Tosha Maru*, and Nawab Khan that of the *Tosha Maru*, and the formation of committees there to procure arms, etc.

Shanghai.

Dalip Chand tells us of sedition in Shanghai and Jawala Singh (p. 58), Sundar Singh, W. G. (p. 79) and Mula Singh repeat the story they gave before of the movements there, and he is supported by Dalip Singh (p. 71).

Singapore and Hong Kong.

Sundar Singh (p. 80) tells us of revolutionary activities in Singapore and Hong Kong. So too do Nawab Khan in regard to Hong Kong, where the Central Committee was formed, and Amar Singh I (p. 90) also repeats his evidence on the same point.

We are satisfied that the *Ghadr* movement spread there from Canada and the states and that men from those localities also preceeded to India to assist in overthrowing the British Government.

3.—In Manilla.

Manilla as a centre.

Among the centres of disaffection where *Ghadr* was preached and men set out for India for revolution is Manilla.

Among those who returned from that place are Rahmat Ali Khan (the Ferozeshahr murderer), Jiwan Singh (Ferozeshahr murderer), Surjan Singh (Ferozeshahr murderer), Hazara Singh (L. C. C.) and Baj Singh (L. C. C.), Kehr Singh (L. C. C.) and Baj Singh (L. C. C.), and in this case Hafiz Abdulla, accused (17), was a resident in Manilla from 1901 to 1914. The evidence in regard to what took place in Manilla is mainly new.

The two principal witnesses are Allah Dad (p. 98) and Parma Nand (p. 99).

Guru Datt Kumar and Bhagwan Singh and the Revolutionary Association.

The former was in Manilla from 1901 to 1914. He tells us that up to 1914 there was no revolutionary party in Manilla, but in that year one Guru Dutt Kumar, who, we understand, was an active seditionist in Canada and the States, arrived in Manilla and started holding a series of meetings, which were attended by accused (17), urging Indians to unite and kill the British. An association was formed in which Chanan Singh, a wealthy Indian in Manilla, and Hafiz Abdulla, were office-bearers, and meetings were held and speeches delivered, the burden of which was that the *Raj* in India should be wrested from the British.

After the departure of Guru Dutt Kumar, Manilla was visited by the still more notorious Bhagwan Singh, at one time *granthi* in Victoria, B. C., whom the Canadian Government was compelled to deport. This man, on arrival, is said by witness to have stayed with a friend of accused (17), and then with Chanan Singh. He busied himself in lecturing every Sunday and collecting subscriptions, distributing the *Ghadr*, and urging Indians to seize the *Raj*.

Witness admits he subscribed to the funds of the revolutionists, and tells us that many were compelled to do so by actual physical violence, gangs of garroters being formed to attack those who were disinclined to do so.

The second witness Parma Nand Sharma (p. 99) was a detective acting under the British Consulate in Manilla, and appears to be an exceptionally able young man.

Like the last witness he tells us that the revolutionary movement in Manilla commenced with the arrival of Guru Dutt Kumar in 1914. The latter formed an Indian Anti-British Association, a branch of the San Francisco one, and held a large meeting in an Opera House owned by a Turk, urging Indians to unite, and collecting subscriptions to be sent to Hardial.

In the association so formed witness states Chanan Singh and accused (17) were the chief office-holders with Guru Dutt Kumar, and the members included Rahmat Ali Khan, the Ferozeshahr murderer, and Arjan Singh, the Anarkali murderer, whom he recognizes from a photo. only, and is probably inaccurate in this respect as Arjan Singh was only in Manilla for a short time.

The witness states that later Bhagwan Singh visited Manilla, and became secretary of this association, urging Indians to go to India for revolution.

Both these witnesses tell us that revolutionary agitation is still rife in Manilla, where the *Ghadr* has been regularly received, and Parma Nand also tells us the *Jahan-ul-Islam* came regularly from Constantinople till war broke out, and that both Guru Datt Kumar and Bhagwan Singh knew how to make explosives and bombs, and taught Indians in Manilla how to manufacture them.

The *Korea* in Manilla.

In the interval between the visits of Guru Datt Kumar and Bhagwan Singh, the S. S. *Korea*, carrying the San Francisco revolutionists, stopped at Manilla. This fact was referred to in the previous conspiracy cases by both Amar Singh I and Nawab Khan.

Before us they give the same story as before. Nawab Khan (p. 86) tells us that on arrival in Manilla Jagat Ram (L. C. C.) disembarked, taking with him arms and copies of the *Ghadr-di-Gunj*, and the ship stayed for three days in harbour. The ship was visited by a party of Indians, including accused (17), who stated they were revolutionists, who were in the habit of holding revolutionary meetings every Sunday, and that the next day there would be a meeting inciting men in Manilla to get ready.

Nawab Khan got permission to land, and on the Sunday there was a large meeting, of which accused (17) was president, and which witness and Jagat Ram (L. C. C.) addressed.

Witness himself recited a seditious poem, and spoke against Government; Jagat Ram urged the time to strike had come, and all should go to India to start mutiny and expel the British, in which object Germany and Turkey would help.

The speeches concluded, volunteers for India were enrolled, including Rahmat Ali Khan (F. M.), Jiwan Singh (F. M.) and Surjan Singh (F. M.), many others saying they would follow later.

Amar Singh (pp. 90 and 92) tells us also that on arrival in Manilla, Jagat Ram (L. C. C.) landed, and that Hafiz Abdulla (17) and others visited the ship, gave speeches on "unity" and sang *Ghadr* songs, accused (17) himself reciting one of these effusions. The party accompanying Hafiz Abdulla, he says, included three of the subsequent Ferozeshahr murderers.

Amar Singh himself did not land, and so knows nothing of the meeting on shore, but we have further information in regard to it from Permanand and Allah Dad.

Permanand (p. 99) remembers the arrival of the *Korea*, and Jagat Ram (L. C. C.) landing.

Accused (17) and others got permission for Nawab Khan to land, and a meeting was held in a large building in Manilla, the details of which were reported to him by his assistant.

Allah Dad (p. 98) also remembers the arrival of the *Korea*. The witness attended the meeting which was addressed by accused (17) and others, including one of the Ferozeshahr murderers, Jagat Singh.

Jagat Ram also spoke, urging the seizure of the *raj* in India, and the usual collection was made, the proceeds being sent to Bhagwan Singh.

Harcharandas.

In regard to Manilla we have also a reference in the evidence of Harcharandas (p. 31), who tells us he heard from Ram Chand, Peshawaria, in San Francisco that Bhagwan Singh had been sent to Manilla to collect money and induce Indians to return home for rebellion.

Jodh Singh.

Jodh Singh (p. 183), also tell us that when in Manilla he heard of Bhagwan Singh having left, through the German Consul, but heard of no other revolutionist—many of them had of course left long before he arrived—though he gathered Indians there were in favour of *Ghadr*.

Denials.

Hafiz Abdulla, accused (17), denies (pp. 129, 179) all knowledge of the revolutionary movement in Manilla, but we will deal with his defence in the individual cases.

Witnesses have also been produced for his defence to say there was no revolutionary movement in Manilla, but such assertions are obviously absurd.

Conclusion.

We are fully satisfied that Manilla became, and is still a centre of revolutionary action, and has furnished some of the most dangerous tools of the movement, men of the most desperate character, who heralded their arrival in India by a brutal and cold-blooded double murder.

4—The Revolutionary Movement in Canada.

In the judgment of the first conspiracy case the tribunal stated :—

The Lahore conspiracy case finding.

"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. The prosecution has not considered it necessary to place before us much evidence in regard to Vancouver but we know . . . that one Bhagwan Singh arrived there in 1912-13, and commenced a series of lectures against the British Government . . . Bhagwan Singh was eventually deported, but not before the seeds of mischief had been sown among Indians in Vancouver."

The tribunal also stated "We may note . . . 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* newspaper. It is, we think, . . . probable that the intention of Gurdit Singh in taking the *Komagata 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 . . . . " There is no doubt the incident led to the organization of part of the migration.

Our general conclusion.

That conclusion we fully agree in, and we agree because we have in this case a wealth of evidence, which shows how the revolutionary movement commenced in Canada, how it was fanned into an important flame, and how the *Komagata Maru* incident was used induce several Indians in Canada to return to India for murder and revolution.

Indian settlers in Canada in 1906.

We have before us in this case several accused, who are alleged to have taken part in the revolutionary movement in Canada, and it is our duty now to trace the origin and development of the agitation there.

Judging from the evidenee before us a number of Indians went to Canada about 1906-07 in search of employment. Probably there were numbers there before, but we gather from the dates given in the various witnesses' and accuseds' statements that there was an increase in the number in those years.

We have no judicial knowledge of anything that took place in Canada from 1907 to 1910. Apparently there was no feeling of disaffection, at the time.

The Honduras scheme.

The only incident which appears to have disturbed the outward serenity of life there was a project in 1908 to induce Indian labourers to go to British Honduras, where apparently labour was needed.

According to Bela Singh (p. 24) the present accused (3), (4), (6), (7) and (11) took an active part in opposing this proposal, and he adds that accused (3), (4) and (11) then first mooted the idea of expelling the British from India if the transfer was insisted upon.

This incident no doubt did create some feeling, as we find that in the memorial prepared at the Bradlaugh Hall meeting in 1913, to which we will have to refer later, this British Honduras scheme is referred to as "a scheme to effect the wholsale transporation of Indian settlers to British Honduras . . . . . by offering them plausible terms, which were not only to reduce them from free immigrants to the level of indentured coolies, but also to considerably reduce their earnings. Indians saw through the scheme . . . . .", and in the same memorial the scheme is described as "a measure adopted by the Canadian Government to make things as uncomfortable as possible for those already settled in the country."

Now accused (3) was one of the delegates who inspired this Bradlaugh Hall meeting, and though we are not, in the absence of further evidence, prepared to accept the statement that forcible ejection of the British from India was proposed in 1908, it is clear, notwithstanding the present denials of accused (3) and (4), that the incident did give rise to some agitation, agitation which may have been quite within constitutional limits, even if intemperate. Both accused (3) and (4) in their written statements refer to the proposals and show that Indian feeling in Canada (pp. 231 and 211) was opposed to them, and would have nothing to do with the projected transfer.

Canada in 1908-12.

From 1908 to 1910, at any rate, there appears to have been no trouble at all in Canada. In 1910 we understand certain ordinances were passed in Canada, which prevented immigration into the country of persons of every nationality except by a continuous journey on through tickets from their country of origin, and imposed on all Asiatics—other than those who were admissible under treaty on other restrictive terms,—the necessity of being possessed of 200 dollars before being allowed to land.

It is no place of ours to discuss the reasons which may have made these regulations necessary ; all we are concerned with is that, though they do not appear on the face of them to be directed especially against Indian emigration they were regarded by Indians in Canada as directed against themselves.

This conception appears to be based on the fact that, in common with apparently nearly every part of the British Empire, through tickets from India to Vancouver, were not procurable, as no through services exist.

At any rate in 1911 the wife of accused (3) and the wife of Bhag Singh, *granthi* of Victoria,—a person who became one of the most active revolutionists in Canada, and was shot dead in his *gurdwara* later on by the witness Bela, Singh in self-defence,—came to Canada, and were admitted into the country by the Canadian Government, after, it would appear, some difficulty.

Bela Singh (p.24), who, we may note, was employed in the Immigration Department in Vancouver, states that it was at this time that Bhag Singh, one Sohan Lal, accused (4) and (11) and others started lecturing to Indians to the effect that if the children of settlers in Canada were not allowed to land, Indians should return to India and expel the British.

Ata Singh (p) 36 tells us that accused (3) was also agitating about that time in regard to the question of unrestricted immigration.

We have no evidence before us of what took place in 1912 in Canada, beyond Nawab Khan tells us (p. 85) he was about that time introduced to so-called politics by Rahim.

Affairs in 1913.

In 1913, however, matters became critical. There is no doubt that in that year feeling in Canada was running high.

In June 1913, a newspaper called the *Sansar* was started in Victoria, B. C. partly in English, partly in Gurmukhi. The editor of it was one Sundar Singh, and Bela Singh (p. 24) states accused (4), (6), (7), (5), (10), and (11) actively assisted or supported it, one of the men engaged on the press being Piara Singh (L. C. C.). The *Sansar*.

Amar Singh of Barian (p. 29) mentions accused (4) and (11) only among the accused as assisting in the publication of this paper.

Accused (4) admits supporting and contributing to it, but the others mentioned deny all connection with it.

This paper, so far as we can judge from the issues before us, *viz.*, those of January 13th, July 20th, December 5th, December 20th, 1913; January 5th, 1914; April 18th, 1914; and April 25th, 1914, is not a revolutionary or actively seditious production. It concerns itself principally with the question of immigration into Canada, it is sometimes intemperate in language, it excites racial hostility, publishes occasionally verses of a dangerous character, and sometimes garbles and misinterprets facts, but we have not found any passage in it which incites either to forcible resistence to the law or to the encouragement of rebellion in India.

It is a paper of quite a different character to the *Ghadr*, on the appearance of which it seems to have died out; the vitriolic revolutionary propaganda of the latter being apparently more to the taste of those for whom it was intended.

Another paper also appeared somewhat later on. This paper is a production in English, called the *Hindustani*, the editor of which, a Sikh, is commonly known as Rahim. We have only one number of it, dated the 1st June 1914. It was published in Vancouver and describes itself as the organ of the United India League. The number before us is coincident with the arrival of the *Komagatu Maru*, and in some of its articles is virulent and inflammatory to a degree. One article entitled "A Lesson from the Famine in the United Provinces" revels in abuse of the Indian Government, and deliberately incites to riots against Government, one inscribed "The future of India" is even more inflammatory, and it is interesting to note, in view of the evidence that follows, that there is an advertisement of the United India League to the effect that its hold "propaganda meetings every Saturday at 7-30 P.M. The *Hindustani*.

In 1913 Canada received a visit from the notorious Bhagwan Singh *granthi* one of the most dangerous revolutionists at large, and little, if any below Hardial in his influence on his fellow countrymen. Bhagwan Singh in Canada.

He came from Hong Kong, and Bela Singh (p. 24) tells us that, as soon as he landed in Vancouver a huge meeting was held, in which he spoke against both the Canadian and Indian Governments, urged his audience to adopt "*Bande Mataram*" as a salutation, and to hold meetings weekly in the *gurdwara*. His advice was followed, regular meetings were held, Indian grievances exploited, and the opinion come to that the time for asking for redress had passed, and it was time to take up the sword.

The grievance of the immigration law had now been supplemented by the old fable of the exploitation of India by the British, and the *Ghadr* was coming into the country by the end of the year.

These meetings, witness states, were constantly addressed by Rahim, who later edited the *Hindustani*, Bhag Singh, *granthi*, Sohan Lal, accused (4), (5), (6), (10) and (11), the theme of their discourses being the necessity of going back to India to start a mutiny.

Mangal Singh (p. 27), who with Bela Singh came to Vancouver on the same ship as Bhagwan Singh, gives similar evidence.

He states Bhagwan Singh at once started lecturing in the *gurdwara*, urged the adoption of *Bande Mataram* as a salutation, and the union of Indians as the sole method of seizing the *Raj*, and advised returning to India to expel the British, and he states that accused (4), (9), (11), 13 and Bhag Singh promised him to do so.

Ata Singh (p. 36) also speaks of Bhagwan Singh's visit and lecturing, and states accused (11) was associated with him in his work, and says further that besides accused (11), Rahim, Sohan Lal, Sundar Singh and accused (13) and (9) lectured in the *Gurdwara* to the effect that, in retaliation for restrictions in Canada, Indians should return to India to turn the British out.

In November 1913 Bhagwan Singh had become such a firebrand that he was deported by the Canadian Government.

According to the witnesses before us this led to a plot to rescue him by force.

Bela Singh (p. 25) states subscriptions were raised to help him, and speeches, directed against Government, made; Mangal Singh (p. 27) states it was resolved to rescue him by force, and his deportation was used as a further incitement to go to India for mutiny, and Ata Singh (p. 36) states a committee was formed to rescue him by force, but they were unable to find out where he was.

After the deportation of Bhagwan Singh.

The deportation of Bhagwan Singh was apparently followed by seditious meetings in the *Gurdwara*, and the *Ghadr* began to be freely distributed.

Bela Singh (p. 25) states it was much in evidence in Vancouver and accused (13) and (4) actually composed some of the revolutionary songs in the *Ghadr-di-Gunj*; he specifies songs 4 and 17 as being the work of accused (13) and the song 28 as that of accused (4).

Harcharndas (p. 30) also credits accused (9) with being the composer of one seditious poem, and ascribes 3 to accused (13) as he says on accused's own information, and it is certainly not without significance that he remembers the opening lines of the songs 4 and 7.

Mangal Singh (p. 27) also saw this paper in Canada, accused (4) and (13) being engaged in distributing it.

Amar Sing (p. 29) states accused (4), (5), (9) and (13) were instrumental in distributing it, and in the *Gurdwara* meetings the lessons of the *Ghadr* were the themes of discourses by accused (4), (5) and (13), meetings which were presided over at any rate once each by accused (5) and (9).

Ata Singh (p. 36) also saw the *Ghadr* in Vancouver, remembers the parts relating to the alleged exploitation of India, and states accused (11) and (13) were active in distributing it; he also speaks of the constant lectures in the *Gurdwara* addressed by accused (11), (13), Sohan Lal and Rahim.

Balwant Singh in India.

While this agitation was proceeding Balwant Singh (3) was admittedly in India. He appears to have come to India, after being in London, with a deputation consisting of himself, one Nand Singh and one Narain Singh, with the expressed object of representing the grievances of Indians in Canada to people in India and to the authorities.

His pocket book (p. 65-B) shows he left Vancouver on 14th March 1913, was in England from 29th March to 28th May, and in Paris for 2 days, but it does not show the date of his arrival in India.

We have no prosecution evidence as to what he did anywhere in India, except Lahore, but it is clear from his own statement that he interviewed a number of leading Indians in India, and was also a member of deputations to the Lieutenant-Governor and the Viceroy, in connection with the grievances of Canadian Indians.

Such activities would be of course perfectly legitimate, and the fact that he was a member of a deputation can in no sense be considered illegal.

We may note that there is evidence that on his return to Canada accused said he had been engaged in certain seditious activities in India, but such evidence cannot be regarded as proving he did so act; it is relevant to prove that in Canada he incited Indians there to sedition and mutiny by reporting, falsely or truly, the success of his seditious activities in India.

We have, however, evidence in regard to his doings in Lahore.

Balwant Singh in Lahore.

Jogindar Singh (p. 19) states he saw him in Lahore in 1914, and states accused told him he had come to India to excite people and create unrest, but this statement is not supported by other evidence.

There was, however, a large meeting at the Braudlaugh Hall on the 18th August, convened by Indian leaders in Lahore, to hear the delegates on the subject of Indian immigration.

The Bradlaugh Hall meeting.

It is proved by Inspector Gray (p. 19) and Lala Chuni Lal, Senior Reader of the Gvernment Press, Lahore, that the latter attended this meeting, and sent in a report (p. 3) of part of the speech delivered at the meeting by accused.

In that report there is a record of an illustrative parable, which concluded with the statement that the only way to save oneself from a snake is to seize it by the neck, and rub it against thorns.

Among witnesses for defence who attended that meeting Mr. Jalal-ud-din (p. 225) tells us that there was some objectionable passage in one of the delegates' speech in Punjabi, which he does not now recollect, while other witnesses, *viz.*, Sardar Mehr Singh, Chawla, and Sardar Sewa Ram Singh (p. 189) say there was nothing objectionable, so far as they recollect.

The defence has asked us to look at the reports of this meeting, published in the *Tribune* of the 20th to 23rd August.

Though these reports have not been proved, and are not therefore strictly evidence, we have gone through them carefully, and find, that though other speakers are reported fairly fully, there is no report of the words used by any of the Indian delegates.

Constitutional agitation may easily drift into intemperate agitation, intemperate agitation into sedition, and sedition into active revolutionary methods. There is nothing illegal in representing grievances, whether they be real or imaginary, and had the agitation in regard to the immigration of Indians into Canada remained satisfied with the contentions that restrictions were derogatory and unfair to the pride and position of Indians, and that steps should be taken to have these restrictions removed, it would be impossible for any one to maintain that such contentions were unconstitutional, or in any way open to legal objection.

We find, however, from the reports which the defence themselves have asked us to read that the limits of constitutional agitation were strained in that meeting, and thougth we do not say that the meeting became seditious, an atmosphere of intemperance was most certainly created.

We find that Indians are alleged to be subjected to "inhuman" laws in Canada, and the audience has listened to a "harrowing story of wrongs" from the delegates, and the grievances of Indians are referred to as a "wrong than which no graver can be done by one part of the Empire to another".

These are words of hyperbole and intemperance, and when, as we know, this agitation developed into action, an action which aimed at forcible resistance to law and an attempt to subvert Government by means of rebellion, in conjunction with enemies at war with the King, and by rapine and the murder of peaceful and law-abiding citizens and servants of the Crown, the intemperance can only be regarded as regrettable.

We do not hold that that meeting was seditious, or consider that those engaged in it became amenable to the courts, but we do think that it was not without its effect, unintended and never contemplated by most of those who took part, in encouraging more violent spirits in the career of deplorable crime which they embarked upon. It is perhaps not without significance that among the 7 names of people, whose grievances in Canada are selected for illustration in the memorial prepared on the instructions of the delegates by that meeting for presentation to the Viceroy, and who presumably are amongst those "whose industrious, regular and steady habits, temperate and thrifty living and pleasant and straight forward manners" are emphasized in the same document,

we find those of one of the accused in the dock, one of the famous Bhag Singh who was shot dead in self-defence by Bela Singh in Vancouver *Gurdwara*, one Rahim, the editor of the *Hindustani* and a firebrand of the most pronounced type, two men who took an active part in revolutionary propaganda in Canada, and one Pingley who had paid the penalty of his crimes by execution in the first conspiracy case.

Balwant Singh returns to Canada.

Balwant Singh (accused 3) returned to Canada in May 1914, but meanwhile the *Komagata Maru* was *en route* to Vancouver.

The *Komagata Maru*.

We are at one with the opinion formed by the previous tribunal that it is probable that Gurdit Singh's intention in chartering this vessel was partly to create an episode, which would further inflame Indian feeling, and we have fuller evidence on this point than was placed before the first tribunal.

We have the evidence of Jawala Singh (p. 58), as in the first conspiracy case, that Gurdit Singh laid stress on the fact that, if they were refused admission to Canada, they would return to expel the British from India, and that, on the refusal of the Canadian Government to allow passengers to land, Harnam Singh and Bir Singh, the right-hand men of Gurdit Singh, came to Shanghai to recruit volunteers for rebellion in India, and we have also the evidence of Sundar Singh, W. 9 (p. 79) as before, that several passengers were made to believe permission to land had been obtained from the Viceroy, and if permission was refused they would return to India for a rebellion.

We have, moreover, the very important evidence of Raghnath Singh. This witness appears to have been in the I. M. S. Department in Hong Kong, attached to the 8th Rajputs, and, having obtained leave of absence, embarked on the *Komagata Maru* as the medical officer of the ship. This witness appears to have employed himself on board by doing his utmost to counteract sedition, and his evidence seems to us to be thoroughly reliable.

He tells us that when the *Komagata Maru* arrived at Moji, accused (3) came on board, and accused admits he went on board, and informed the passengers what had passed between the Viceroy and the delegates. The witness tells us that, besides referring to the actions of the delegates, he gave two speeches, in one of which, which witness heard, he said every one in India was in opposition to Government, and that they were awaiting a favourable opportunity to strike a blow against Government.

Admittedly accused (3) went to Yokohama, and witness states that he again came on board with the notorious Bhagwan Singh, *granthi*, at that port and the latter delivered a violent oration, urging that the British Government should be expelled from India, as force was the only means to achieve their ends, and he further states that the *Ghadr* and *Ghadr-di-Gunj* were distributed among the passengers, but accused denies boarding the vessel at all at Yokohama.

Canada in May 1914.

The accused Balwant Singh proceeded to Canada by another ship, and we have much evidence in regard to revolutionary propaganda in Victoria and Vancouver, in the short interval that elapsed before the *Komagata Maru* arrived.

Amar Singh (p. 29) states he was met on his arrival by accused (4), (5), (9), (10), (13), Piara Singh (L. C. C.), an important personage in the revolutionary movement, and others, and that that night a large meeting was held in the Victoria *Gurdwara*, in which accused (3) stated he had itinerated throughout India, meeting various leaders, with whom it had been arranged that, if the restrictions on immigration into Canada were not altered, all Indians, Hindus and Muhammadans, would join in expelling the British from India. He states that accused (13) also spoke, urging a return to India for *Ghadr*, if the *Komagata Maru* passengers were not allowed to land, a contingency which could not help but be known to be certain of realization. From Victoria accused (3) proceeded to Vancouver.

Ata Singh (p. 38) informs us that many Indians went to see him in the *gurdwara* there, and accused told them he had seen many leading Indians

about the immigration rules, had asked many officers why they served the British Crown, and had received assurances from them that if Indians in Canada would rise, those at home would unite in expelling the British from India.

Harcharan Das (p. 30) gives similar evidence. He states he and others met accused (3) on his arrival in Vancouver *Gurdwara*, and was informed by him that he had held several meetings in India, seen many people, and all were agreed that the immigrants should go to India for *ghadr*, if the regulations were not altered. He says also that accused mentioned the deputation to the Viceroy, an interview with Mr. Gokhale and, somewhat significantly, Krishna Varma.

Mangal Singh (p. 28) is in accord with the other witnesses. He too mentions that accused (3) on arrival in Vancouver stated in a meeting, attended by accused (9), (11), (13), Bhag Singh and others, that all classes and creeds in India were united in a resolve to drive the British out, if the immigration rules were not altered to their liking.

Accused (3) (p. 134) so far admits that he met some 10 or 15 men at Victoria, but denies making any speech—in this he is flatly contradicted by his own witness Hari Singh (p. 194), who says there was a political speech by accused (3), though he gives a perfectly innocent account of what was said.

The *Komagata Maru* arrived in Vancouver on the 23rd May 1914.

The *Komagata Maru* in Vancouver.

It is admitted that a Shore Committee was formed, but the evidence before us would appear to show that the object of the committee was to raise funds to assist the passengers, and fight test-cases as to their right to land,—objects in themselves perfectly legitimate—and that, as a Committee, it did not act illegally.

Rugnath Singh (p. 21) says accused (3) and (11) were members of this Committee. Bela Singh (p. 25) includes accused (3), (4), (11) and (13), and Harcharan Das mentions accused (3), (4) and (11). All accused except accused (3) deny belonging to this Committee.

But it is clear that Indians in Vancouver did not confine themselves to lawful activities, while the *Komagata Maru* was in Vancouver.

Rugnath Singh (p. 21) tells us he often saw accused (3) during that time, and, both before and after the return of the ship, he urged a return to India to strike a blow against Government.

Bela Singh (p. 25) tells us he attended a big meeting at the Dominion Hall, Vancouver, where, among others, accused (3), (5), (7), (9), (11) and (13) spoke, and, after raising subscriptions for a test-case, it was urged that, if the ship were sent back, Indians should go back to India, expel the British and crush their heads like melons; and Balwant Singh assured the audience he was satisfied, after his visit to India, that everyone there was ready to act, if the Canadian Indians did their share.

Mangal Singh describes the same meeting (p. 28). He mentions accused (3), (4) and (11) as speakers, and particularizes accused (3) as having urged his hearers to go to India for *ghadr* if the *Komagata Maru* returned.

Harcharan Das (p. 30) attended the meeting also. Rahim was the chairman, and Sohan Lal, accused (3), (4) and (13) were among the speakers, accused (9) sang a revolutionary song, and the purport, particularly of accused (3) and (13)'s addresses was to the same effect as what Mangal Singh says.

This evidence is supported by the evidence of the *Hindustani* itself. We have before us the issue of the 1st June (p. 5), and it contains an account of the meeting held in the Dominion Hall on the 31st May, the chair being taken by Rahim, the editor of that paper, and accused (3) is reported as saying that if the Canadian Government persisted in excluding Indians, the British Empire must collapse, as India would not tolerate the position; and we find too that the audience was informed that all Britain gave to India, while draining it, was famine, the drink habit, and insolence—an interesting echo of the *ghadr* teaching.

Accused (3) (p. 134) first denied attending any such meeting, but on being confronted with the *Hindustani* report said all he did was to collect subscriptions and send telegrams to Nabha and Patiala States, facts which at any rate show he was present, and he ascribes the articles to Rahim's imagination and dislike of himself. His own witnesses Jawand Singh (p 196), Hardit Singh (p. 201), Batan Singh (p. 201), Gharib Singh (p. 205), Sudh Singh (p. 206), and Naurang Singh (p. 228) bear the prosecution out so far that accused (3) and Rahim did address the meeting at the Dominion Hall, while another one Jagat Singh (p. 199) mentions a lecture by him in the *gurdwara* of an innocent purport.

The *Komagata Maru* started on its return journey about the 22nd July with, as Rugnath Singh tells us, a resolve to rise in India; but we are told that, before its return, efforts were made to secure arms for them.

Sumas.

Rugnath Singh (p. 21) states accused (3) and others were arrested at Sumas in an attempt to smuggle arms into Canada. One Mewa Singh, afterwards executed for the murder of a Canadian official, was caught with arms, and convicted, the others were discharged; but witness assures us that accused (3) told him he had gone to the States for arms, and had hidden the weapons secured.

Bela Singh (p. 25) tells us accused (3) went to the States for arms, with Bhag Singh (since killed in Vancouver), Harnam Singh (since executed in Burma) and Mewa Singh, and were arrested, Mewa Singh being convicted.

Mangal Singh (p. 28) gives the same story.

Moreover, after the *Komagata Maru* sailed right up to the outbreak of war the seditious propaganda was sedulously cultivated.

After July 22nd.

Mangal Singh (p. 28) states that in the *gurdwara* there were several meetings, accused (3) discussing revolution there; at one meeting, two days after the *Komagata Maru* sailed, accused (4) and (11) spoke, and at others the return to India, the looting of treasuries and starting *ghadr* was advised by accused (3), (4), (9), (11) and (13).

Harcharan Das (p. 30) tells us meetings continued in the Vancouver *gurdwara* every Saturday evening, addressed by Rahim, accused (3) and (11) and others, in which the same advice was given, and the *ghadr* received and *Ghadr-di-Gunj* songs sung.

The outbreak of war.

On the outbreak of war, just as happened in the States, it was hailed as the opportunity for the awaited *ghadr*, and men began to troop back for that purpose.

Rugnath Singh (p. 21) was in Vancouver at the time. He tells us a United Indian League existed in the *gurdwara*, and there were weekly meetings there, one of which he attended and there saw accused (3) and (11). The principal speakers were Bhag Singh and Mewa Singh, and they enlarged on the theme that Government was oppressive and that, as their ship had been sent back, and the occasion of the war was favourable, it was the duty of Indians to return to India for mutiny. This was the advice given by accused (3) and (11), who had all arrangements in their hands, and witness states many Indians proceeded to India with the express object of carrying out the design of warring against Government.

Bela Singh tells the same story.

Mangal Singh (p. 28) says several Indians returned for *ghadr* at this time, and Harcharan Dass (p. 30) says the same, and indicates that accused (3) (11), (13), Rahim and others urged this movement; the same men and accused (4), (6), (7) and (10) specially pointing out the advisability of seducing troops, and accused (9) assisting by composing a revolutionary song, beginning "Wake up, you sleeping lions."

Ata Singh (p. 30) is to a similar effect. In the *gurdwara*, he says, he heard accused (3), (9), (11), (13) and others lecture to the effect that the war

should be seized as an opportunity to help Germany, expel the British, and commit dacoities, and several Indians left, in small parties, for *ghadr*, though how *ghadr* was to be effected was not clearly planned out, beyond that it should start with dacoities on treasuries.

No doubt some 37 witnesses for the defence say either that no seditious meeting was ever held in the *gurdwara*, or that particular accused never attended any meeting at that place. Some few admit there were harmless statements on political matters, others that it was impossible for a sacred place to be the scene of political discussion, violent or otherwise.

Many of these witnesses are themselves suspect and interned, but apart from that fact we know well that it was in *gurdwaras* and so-called religious places that the revolutionists foregathered to perfect their designs. We need only mention Sant Gulab Singh's *dhera*, the Virpali *Dharmsala*, Kishen Das' *dhera*, the Jhar Sahib, the Chobacha Sahib, Lohatbadi *Dharmsala* and the Hong Kong *gurdwara*, and note that it was at *bhogs* men were raked in for the Ferozepore raid.

The crimes of returned Canadian emigrants.

That the prosecution story is not a fanciful one and that Indians, resident in Canada, did go back for revolution and murder is apparent when we turn and see what has happened to so many of them.

Isher Singh and Uttam Singh were convicted in the Lahore supplementary case, sentenced to death and executed for, amongst other things, participating in the Kapurthala raid in the Ferozepore raid, and abetting the Walla Bridge murders ; Pakhar Singh was transported for life in the same case for seditious propaganda in India and abetting the Kapurthala raid; Mastan Singh was sentenced to transportation for life for taking a very active part in the Ferozepore raid ; Piara Singh, an active helper on the *ansar*, was sentenced in the first case to life imprisonment for abetting war in America and India, and when arrested did his best to murder the police officer arresting him ; Harnam Singh [accused (23) in the L. S. C. C.] received a sentence of transportation for life for participating in the Ferozepore raid, and the Doraha Bridge attempt, and for committing dacoities in furtherance of the cause ; Harnam Singh II has been sentenced to death in the Burma case as a leader, he being the man alleged to have been one of accused (3)'s companions in the attempt to procure arms for the *Komagata Maru* from the States ; Hardit Singh and Kapur Singh, both sentenced to transportation for life in Burma for active revolutionary work; Sher Singh transported for life in the Lahore conspiracy case for bringing a body of armed revolutionists to India from Canada ; Gurmukh Singh transported for life in the same case for seducing troops and students helping to make bombs and taking part in the Mansuran dacoity; Jawand Singh, absconder, wanted as one of the most dangerous revolutionists still at large, and alleged to be the actual murderer of S. Chanda Singh, and to have been one of the Walla Bridge murderers ; Jagat Singh sentenced to death and executed in the first conspiracy case for dacoity with murder, for being present in the revolutionists' meetings in Moga and elsewhere, and seducing troops in Sargodha and other places ; Nand Singh sentenced to death in the Lahore conspiracy case—a sentence subsequently commuted—a man engaged actively in dacoities, a participator in the Doraha bridge affair and a manufacturer of bombs; Banta Singh, of the golden teeth, hanged for the Walla bridge and Hoshiarpur murders ; Hari Singh sentenced to transportation for life in the Lahore supplementary conspiracy case for active revolutionary propaganda in India ; Buta Singh hanged for the Hoshiarpur murder ; Gandha Singh executed for the Ferozeshahr murder ; Bishen Singh and Jawand Singh both transported for life for revolutionary acts in the Lahore conspiracy case ; Kala Singh, Mangal Singh and Indar Singh likewise disposed of for similar acts, and Bir Singh sentenced to death in the Lahore supplementary conspiracy case and hanged, a murderer and dacoit among other things.

To these we need only add Hardit Singh, wanted in the Padri murder case, Mewa Singh the murderer of Mr. Hopkinson, Bhagwan Singh *granthi*, and

Guru Datt Kumar, truly another eloquent commentary on the description of Indians in Canada as "men of industrious, regular and steady habits, temporate and thrifty living and pleasant and straightforward manners." If these men are samples of Indian settlers in Canada, it is hardly surprising that the Canadian Government was anxious for settlers of a less existing character.

Canadian accused.

Of the Canadian accused, numbers (3), (4) and (11) left Canada together in December 1914, accused (15) on the *Lai Sang* on 6th August, accused (6) with Sher Singh, L. C. C., on the *Canada Maru* and *Tosha Maru*, accused (7) in February 1915, accused (9) and (10) on the *Shijoko Maru* and *Tosha Maru*.

We gather too from the defence evidence that several hundreds all left about the same time, and the conclusion is irresistable.

The death of Bhag Singh.

Before closing this section we have to refer to two matters in Canada after the outbreak of war, which illustrates the desperate nature of some of the Indian settlers in Canada. One relates to the end of Bhag Singh, *Granthi*, one of the leaders in Vancouver.

It appears that Bela Singh, witness, was employed in the Immigration Department, and he kept his superior officials informed of what was going on. He had certain men through whom he worked, and two of them, Harnam Singh and Arjan Singh, were mysteriously murdered. While attending to the latter's funeral in the *gurdwara*, he says Bhag Singh and one Battan Singh attacked him with a sword and fired at him, whereupon he shot the former dead, and inflicted wounds on the other from which he subsequently died. In the *mêlée*, which followed, accused (4) was also injured, and Bela Singh, who was tried for murder, was acquitted on the ground of self-defence.

The murder of Mr. Hopkinson.

The second incident was the murder of Mr. Hopkinson, who was engaged in the Immigration Department.

Harcharan Das (p. 31) states that the murder of Mr. Hopkinson, Mr. Reid, another officer in the Immigration Department, and Bela Singh was openly discussed in the *gurdwara*, and advocated by accused (3), (4), (6), (7), (10), (11) and (13) as a necessary step for the advancement of the cause in Canada.

Whether this evidence as to a conspiracy be true or not, there is no question as to the fact that Mr. Hopkinson was shot dead by Mewa Singh, the smuggler of arms from the States, in open court, and accused (3), (4), (11) were arrested on suspicion of being concerned in it, but afterwards discharged.

Conclusions.

We have no doubt that there was active sedition in Canada as there was in the States, that the incident of the *Komagata Maru* inflamed still further those who were already ripe for mischief, and that the outbreak of war was seized upon as an opportunity for putting into operation the expected *ghadr*, and that many Indians left Canada arrayed for war, and prepared to carry their intentions of waging war into effect by any and every means, and that having arrived in India, many of them put their intentions into active operation.

Reasons for relying on the Canadian witnesses.

It will be seen that we have relied largely on witnesses who were in Canada in 1913 and 1914, *viz.*, Rugnath Singh, Bela Singh, Ata Singh, Amar Singh, Harcharan Das and Mangal Singh.

We have relied on them because their stories corroborate each other, and are corroborated by other evidence as well.

Arguments have, however, been addressed to us, and evidence tendered by some accused trying to explain why some of these witnesses should not be credited.

No accused has advanced anything against Rugnath Singh or Harcharan Das as to why either of them should implicate any particular accused.

Of the accused before us from Canada, neither accused (9) or (10) advance anything against any of the other witnesses, but the other accused do, and we must now deal with this matter.

The principal witness who is being attacked is Bela Singh, and it is against him in particular that the defence contentions are directed.

He, it must be remembered, was in the employ of the Immigration Department in Vancouver, and was one of the right-hand men of Mr. Hopkinson, who, as we have seen, was murdered in December 1914. He is the man, too, who shot Bhag Singh, one of the principal Indians in Vancouver, for which he was tried for murder, and acquitted on the plea of self-defence.

There can be no doubt, therefore, that he is particularly hated by those of his countrymen, who were on the other side; but it is no reason, unless we have some strong evidence, to discredit a man, on the ground that he has been an active employee of Government, working against those who were seeking to evade the Immigration Laws. Against him Dalip Singh, accused (6), merely urges that before they went to Canada, they were on terms of enmity. No grounds for enmity are alleged. No question is asked the witness on the matter, and no witness is produced to support the bare allegation of accused, and it is quite clear that there is no enmity existing. The accused has not a word to say against any of the other prosecution witnesses.

The next matter alleged against him is that in 1913 he tried to bring in a number of Indians to Canada, and was really instrumental in bringing in Bhagwan Singh, *Granthi*, against the wishes of other Indians.

Battan Singh, accused (4) on p. 212 of his written statement, says that a relative of his wrote in 1913 from Hong Kong that Bela Singh was bringing a party of men to Canada, including the writer and Bhagwan Singh. He says he warned Mr. Hopkinson to enquire about these men. On their arrival they were detained, but on a false declaration by Bela Singh, Bhagwan Singh was admitted. In consequence of this, he alleges, Bela Singh became an enemy of his.

Dial Singh, accused (7), states he did his best to stop Bela Singh bringing Indians into Canada, and has no other allegation to make against any witness.

Kartar Singh, accused (11), asserts he telephoned to the authorities asking them to prevent Bela Singh bringing in Bagwan Singh, and he was instrumental in getting Bhagwan Singh deported, which made Bela Singh angry.

Balwant Singh, accused (3), gives the same story that Bela Singh tried to bring in Bhagwan Singh, but as accused was not in Canada at the time, even if the story were true, it would not cause Bela Singh to feel any hostility to him.

The only defence evidence produced on the point is D. W. 47 who says that Bela Singh took Bhagwan Singh from India to Canada for the first time in 1913.

This is demonstrably untrue, for Bhagwan Singh, we know, left India in 1909 or 1910, and was successively *granthi* in Penang and Hong Kong, and went from that place to Canada in 1913.

The only other evidence is in the cross-examination of Hira Singh (P. W. 114). This man is a self-confessed murderer, the brother of Jaswant Singh, who got a pardon in the Hoshiarpur murder case in return for giving King's evidence, and was produced before us simply to formally prove the Hoshiarpur murder. He is heart and soul a *Ghadrite*.

He states that he knows accused (11) wired to the authorities and asked them to stop Bela Singh bringing in Bhagwan Singh.

Now we do know that Bela Singh and Bhagwan Singh came on the same ship to Canada from Hong Kong, but there is nothing really to substantiate that Bela Singh brought him in. Not a single question was asked Bela Singh, and the allegation that any of the accused, other than accused (11), took any step to prevent his landing is unsupported by a scrap of evidence. As regards accused (11) his statement is supported by a self-confessed *Ghadrite* and murderer only.

Is it at all likely either that men who were most anxious to get the restrictions on immigration removed—men who had encouraged and sent a deputation to England and India on the matter, would make efforts to exclude other Indians coming in, and that one man who would attempt to get one in was a paid hand in the Immigration Department? The idea is absurd, and this allegation has no basis in fact.

The next allegation against Bela Singh is one made by accused (5).

This man says that Bela Singh had a dispute with his cousin and in revenge became an enemy of accused. When accused opened a shop, he says Bela Singh got one Samand Singh to open an opposition one, also tried to get a contract of his cancelled, and finally had a series of fights, helped by others, with accused and his friends in December 1913, for which one Ujagar Singh, a friend of accused's, got imprisoned.

Now, even if this story be true, it does not furnish any reason for Bela Singh implicating any other accused.

But how far is it true? Not a single witness is produced in defence to prove anything except fights, and the only witness questioned at all on the subject of the shop is the same Hari Singh (P. W. 114), the Hoshiarpur murderer, who says there was a quarrel between accused and Bela Singh about the opposition shop.

It is no doubt true that Ujagar Singh was imprisoned for some affray in which Bela Singh was assaulted, possibly too Bela Singh was fined. D. W.'s 14, 22, 24, 25 and 41 say that the fight was between partisans of Bishen Singh (5) and Bela Singh, and no doubt there was some ill-feeling between these two, as Bela Singh admits he accused Bishen Singh of instigating a series of assaults upon him, but can it be said on that account that witness would falsely implicate the accused in the serious charges now made?

Is it not possible that these disputes were really due to the fact that accused was taking an active part in trying to injure a man, who was working against the *Ghadrite* policy, and if that be the correct view, the evidence, so far from helping accused, is detrimental to him.

But, nevertheless, in so far as this accused is concerned we will bear in mind this matter in his individual case, and whenever Bela Singh is not supported, give due weight to the fact in favour of accused.

The next matter is one alleged by Munsha Singh (13) alone. He says that Bela Singh has deposed against him because he had disputes in Canada with some fellow-villagers, an allegation entirely unsupported, vague in the extreme, and furnishing no possible reason for false evidence.

The next matter is one the facts of which are more or less clear.

It is undoubted that when Bela Singh was charged with murdering Bhag Singh, a charge on which he was acquitted, accused (3) and (4) gave evidence for the prosecution. We do not know what evidence they did give.

It is also undoubted that in that affair accused (4) was injured, and that Uttam Singh, who is alleged to have been, and probably is, a relative of accused (3), was also injured.

It is also fairly clear that accused (3) and (11), and perhaps (4), were arrested on suspicion of being implicated in a conspiracy to murder Mr. Hopkinson during the trial of the witness.

In regard to the latter point, it is impossible witness had anything to do with it; as he was in custody, he could know nothing of the alleged conspiracy, and he has never, to our knowledge and most certainly not before us, said a word implicating anyone in any conspiracy to murder in Canada.

In regard to the evidence given by accused (3) and (4), if all they could say was that witness shot Bhag Singh, that would raise no feeling in witness against them, for he admitted the fact; if they went further and said it was a deliberate murder witness should have been questioned on the point, and he was not.

In any case the incident can have given rise to no hostility on the part of witness to accused (11); and in regard to accused (3) and (4) there is no important incident testified to by this witness which is not corroborated by

perfectly independent testimony ; if in the individual cases we find there is any, we will give due weight to the matter therein.

That disposes of the allegations against Bela Singh.

In regard to Amar Singh, the only objection directly taken to him is by four fellow-villagers of accused (3), who were on the *Komagata Maru*, D. W.'s 83, 84, 8 and 94. They say this witness' father-in-law has had disputes with Balwant Singh's family in 1910—one says it was a quarrel detween women in the families, one does not know why, the others that it had something to do with religion.

Evidence of this sort is useless ; it is vague, and so little is there in the allegation that accused himself in his lengthy statements does not refer to it.

As regards the other witnesses not a word is alleged to suggest direct enmity.

Battan Singh (4) says all he knows about Amar Singh is that he gave evidence for Bela Singh in the charge of murdering Bhag Singh. D. W. 47 says Mangal Singh and Bela Singh are of the same village and are friends, that Amar Singh has relatives in that village and that he has seen Ata Singh there. Hira Singh (P. W. 114) in cross-examination says Amar Singh and Bela Singh are somehow related, which they deny. It is suggested, but no attempt to prove it is made, that Mangal Singh and Bela Singh are related, they deny it, and so too does Inspector Ikram-ul-Haq. The only connection between the witnesses is that Amar Singh's brother was an employee in the same department in Canada as Bela Singh, and that they came from the same locality ; surely no reason for implicating innocent people in a serious charge.

As there is nothing whatsoever to suggest hostility between Amar Singh, Ata Singh and Mangal Singh towards any of the accused, an attempt has been made in argument to suggest these 3 men have been influenced by Bela Singh to give evidence.

Not a shred of evidence is produced to support the allegations and the argument is based on suppositions. To support these suppositions it is contended in effect that the police investigation shows the likelihood thereof We can only say the police investigation shows the exact contrary.

The police investigation is deposed to by Inspector Ikram-ul-Haq.

He knew of Amar Singh so long ago as March 1916, before any of the other witnesses had returned to India.

It was when in July 1916 accused (3) and Harcharan Das came under detention from Singapore, and Harcharan Das' statement was taken by Sardar Sukha Singh that Ikram-ul-Haq was deputed to make enquiries.

He started by questioning Rugnath Singh at Shabkadr on 5th August 1916, knowing no doubt from the *Komagata Maru* Commission of him. He referred to Bela Singh as a man who had been in the Immigration Department, and knew something. Then witness proceeded to Hoshiarpur to enquire from Bela Singh, a fact which shows clearly Bela Singh was not pushing himself forward to implicate anyone. He appears to have seen Bela Singh on 8th August, and he mentioned Mangal Singh, who was at once sent for. Both of them told him of Ata Singh, and Mangal Singh and a constable were sent for Ata Singh.

Mangal Singh returned before Ata Singh came, and, as it was raining, they were allowed to go home at 5 P.M., with directions to turn up next day. Ata Singh came at 5-30, and he was let go also as it was raining. Next day witness went to Barian, and reduced to writing the statements of Amar Singh, Ata Singh, Bela Singh and Mangal Singh in that order, separately from each other, and he was fully satisfied they had had no opportunity of collaboration

We, too, are satisfied on that point, not only from the evidence of the Inspector, but from an examination of the statements themselves. They are in no sense similar as collaborated statements would be. They touch each other at some points but they are not the same stories, and wherever they touch or differ they are supported by other evidence.

Bela Singh for instance speaks of the Honduras affair in 1908, the agitation in 1911-12, of Bhagwan Singh's actions and of some accused helping him in 1913, of the *Sansar* and composition of songs by accused (4) and (13), of the arrival of Balwant Singh and the *Komagata Maru* in Vancouver, and the meetings held there, of the Sumas incident, of the agitation when war broke out, of the murder of his two friends, and his own arrest on the charge of murdering Bhag Singh.

Mangal Singh's story starts with Bhagwan Singh's arrival in Canada and his agitation, speaks of the *Sansar*, of Balwant Singh's arrival and the *Komagata Maru* in Vancouver and meetings, of the departure of the *Komagata Maru*, and subsequent meetings, and of the Sumas incident, and of the agitation when war broke out. He relates these incidents in a different way to Bela Singh, and does not mention the other matters spoken of by Bela Singh.

Amar Singh tells us nothing of Bhagwan Singh; he speaks only of the *Sansar*, meetings in the Victoria *Gurdwara* in 1913-14 after Bhagwan Singh had been deported, of Balwant Singh's return to Victoria, and he tells us nothing of anything in Vancouver as the other two do, and only speaks by hearsay of Mr. Hopkinson's murder, and does not refer to Sumas

Ata Singh speaks of meetings in 1913, of Bhagwan Singh in Vancouver, his deportation and a scheme to rescue him, of Balwant Singh's return to Vancouver; knows nothing of what happened while the *Komagata Maru* was in Canadian ports, as he was away at the time, then speaks of lectures when war broke out, and knows nothing of the Sumas incident or anything after 22nd August when he left Vancouver. It is clear these statements are not collaborated. Moreover they are supported by evidence with which none of these witnesses could, under any circumstances, have had anything to do.

Rugnath Singh, for instance, tells us what happened in Vancouver when the *Komagata Maru* arrived, of the Sumas incident, and the attitude of Indians in Vancouver when war broke out and of Mr. Hopkinson's murder.

Harcharan Das speaks of Balwant Singh's return to Vancouver and what he said and did there; of the arrival of the *Komagata Maru*, of meetings on its arrival, and while it stayed there, of the state of affairs when war broke out, and of accused (9) and (13)'s compositions.

The *Hindustani* paper corroborates part of what happened in Vancouver during the stay in that port, and the *Gurdwara* meetings, and accused's own evidence and statements refer to the Honduras incident, the Sumas affair (which is not imaginary), the murder of Mr. Hopkinson and the killing of Bhag Singh, of the meetings in the *Gurdwara* and the Dominion Hall, said, of course, not to be seditious.

It is useless therefore to speak of concoction—of course we do not accept any statement of any witness without careful examination of it side by side with other evidence, but we are quite satisfied there is no question of collaboration.

We have dealt with this matter at such length, because it is the main defence urged by the Canadian accused, and we can see very little in it.

5.—The Siamese Plot.

In prior case.

Nothing was known to the Commissioners who tried the first conspiracy case of the Siamese plot, some little was before them in the second conspiracy case, and some more has been revealed in the present case.

But the main story of the actual Siamese plot has been the subject of the trial of certain persons in the Mandalay case.

In the Mandalay case it appears to have been established that certain revolutionists, including three from Canada, among whom was Harnam Singh who was concerned in the alleged smuggling of arms from Sumas, collected together in Bangkok, and there associating with other revolutionists advocated *Ghadr* and engaged in a plot to invade India *viâ* Burma.

In the present case we have clear evidence that this design did exist, and that it was part and parcel of the *Ghadr* movement in which German agents were concerned. *In the present case.*

Harcharandas (p. 31) tells us that he learnt from Ram Chand, Peshawaria, that one Santokh Singh had been sent from San Francisco to Siam to urge Indians there to return home for rebellion, and that Siam had been selected as a place to collect arms, money and men in for an invasion of India, *vide* Burma, and he himself in course of time found his way to Bangkok, being placed under arrest within an hour of his arrival there. Harcharndas.

Jodh Singh (p. 182 *et seq*) who, as we know, was sent from Germany by Hardial to assist the *Ghadr* movement in San Francisco, came across one Gupta, a well known revolutionist, in New York, and he advised him to go on to Siam for important work on which a number of men had already been sent, and more were going soon. Gupta introduced him to a German, named Whede, and he obtained a passport through the Persian Consul in New York who was a Turk by nationality, for Persia *viâ* Siam in the name of Hassanzada. Jodh Singh.

He then proceeded to Chicago, where Whede introduced him to other Germans named Jacobsen and Boehm and the German Consul. Jacobsen informed him that he was sending men to Siam to fight for Germany, and that Boehm, an ex-officer, was going to that country to give Indians there a military training in connection with the Siam expedition, and he was then introduced to another German named Sterneck, who was to accompany Boehm to Siam.

The following day Sterneck and witness proceeded to San Francisco, where on 14th May he again met Boehm who was sailing on the *Manchuria*. Boehm showed him arms and ammunition, and directed him to call on the German Consul. This he did and he received from the Consul 880 dollars, Gupta having asked him to pay the amount for his expenses, and he also learnt that arms had been despatched through a German agency to Siam. He also met one Chatterji at the *Ashram*, and learnt he too was deputed for the Siamese expedition.

The Germans Whede, Boehm and Sterneck sailed for Manilla on the *Manchuria*, and a week later witness followed on the *Teneyo Maru* with a letter in his pocket from Ram Chand, Peshawaria, to Bhagwan Singh asking the latter to go on to Siam. On board the ship were Chatterji and Chanchiya (now under restriction in Nellore Jail, Madras), and at Honolulu two other Indians joined them.

Arriving at Manilla they were met by Boehm and a Bengali, and Boehm complained that the details of the Siamese expedition had not been worked out, and he had to do it himself. Boehm took him to the German Consul, and he heard from the Bengali that Boehm was to collect 500 Germans in Manilla for the Siamese affair.

He also got orders from Boehm to go in advance of him to Siam, while he arranged to bring arms from Batavia on a special boat for Siam.

He left Manilla on 26th June by the *Tai Sang* with Chatterji and Chanchiya, carrying letters of introduction to the German Consul in Amoy. Arrived at Amoy, they interviewed the German Consul and then proceeded to Swatow. At Swatow they met accused (3) and (15), who were reassured witness was not a Government Agent after conversation, and after seeing the letters he had for Bhagwan Singh. Leaving Chanchiya and Chatterji to follow, the witness proceeded with accused (3) and (15) to Bangkok, whither they told him they were also bound.

They reached Bangkok on the 17th July and stayed in the *gurdwara*, and accused (15) advised going to his friends Shibdial Kapur and Atma Singh, trace of whom could be obtained through the German Consul. Eventually they took up their abode with Shibdial, and witness took his meals at the shop of Gopal Das.

The witness then described how he was sent for by the German Consul, who enquired if he had found Atma Singh and Shibdial, and promised to let him know was he to do in Siam.

He also asked Shibdial, who he knew was a *Ghadrite*, what he was to do, and Santokh Singh, who we have seen had been sent from America on the Siamese business, was wired for, and he too told him he would get orders later.

That was the last witness saw of him, for he was arrested on 1st August 1915 in Bangkok, along with a number of other Indians there.

As regards accused (3) and (15) witness is clear that they described themselves as "patriotic" and said they were in the revolutionary movement, but did not hear what their purpose in Bangkok was.

This witness' statement is a remarkable one. It is quite clear that some scheme for causing trouble to British Government, to be developed in Siam, had been hatched by the leaders of the *Ghadr* movement in San Francisco in conjunction with Germans, and that Germans with arms and ammunition were *en route* for that country, and that Indians were assembling there for some purpose or other.

The witness is not able to tell us much as to what took place in Siam; he was arrested too soon to know much of what was taking place, and no Indian seemed to have trusted another over much there.

But as we are satisfied that there was some revolutionary scheme afloat in Siam and as we know from the evidence above-mentioned and the Mandalay judgment that that scheme was concerned with an invasion of India, the very pertinent question arises as to what accused (3) and (15) were doing there, and it is necessary for them to give some satisfactory answer. This they attempt to do in their written statements, and how far it is satisfactory or the reverse we will consider in their individual cases.

We have little direct evidence as to what they did do there.

Gopal Das.

Gopal Das (p. 39) tells us he was a servant of Budha Singh (a man convicted in the Mandalay case), and he saw the accused with Shibdial and Jodh Singh in Bangkok, and they were fed by Budha Singh and Indar Singh (another man apparently charged but acquitted in the Mandalay case).

He also tells us that at a gathering at Indar Singh's accused (3) addressed those present, advising them to wake up, go home, kill the British and seize the *raj*, and a collection was made for them.

Shortly after they were arrested.

We will consider later how far we rely on this evidence of Goyal Das. It is sufficient here to say we are satisfied that there was a dangerous revolutionary scheme afloat in Siam run by *Ghadrites* in conjunction with German agents, and we can leave the question of individual responsibility to be considered in the individual cases.

B.—THE MIGRATION TO INDIA.

The sailing from America, and in part from Canada for *ghadr* have been described in full in the previous judgments. We agree with our predecessors' findings as to the facts and as to the objects of the large majority then returning.

Umrao Singh (p. 50), Nawab Khan (p. 86), Amar Singh (p. 90), Mula Singh (p. 93) describe to us the sailing of the *Korea* and the *Tosha Maru* as before.

Umrao Singh (p. 50) and Mula Singh (page 93) tell us how the *Siberia* followed the *Korea*, and on this ship Dalip Singh (page 69), approver, also sailed.

Umrao Singh (p. 30) details what happened on the *Mashma Maru*, so too does Jawal Singh (p. 58.)

On the *Mashima Maru* also Dalip Singh, the new approver (p. 70), and he gives evidence bearing out the old evidence as to seditious activities in Hong Kong and on board, but, as there is nothing in it implicating directly and accused before us now, it would be waste of time to detail the further corroboration of well established facts.

We need not trace all the vessels which brought back revolutionists; we need only mention the vessels on which particular accused came.

Hafiz Abdulla (17) returned on the *Kut Sang*, reaching Calcutta on 28th January 1915 with a party of a dozen Sikhs.

Accused (12) returned on the *Mam Sang* arriving on the 13th October.

Accused (1) came on the *Lama* arriving 12th November 1914, in the company of Kashi Ram (F. M.) and Ram Rakha (absconder.)

Accused (3), (4) and (11) journeyed together as far as Hong Kong on the *Nippon Maru* where (4) and (11) parted from (3) arriving in India 14th March 1915.

Accused (6) sailed on the same ship as Sher Singh (L. C. C.) to Hong Kong and thence on the *Tosha Maru*.

Accused (9) came on the *Sijoko Maru* changing on to the *Tosha Maru*, accused (13) on the *Lai Sang* arriving 14th September 1914.

C—THE REVOLUTIONISTS IN INDIA.

We have sufficiently discussed above the migration to India and the object thereof, so far as the new evidence in this case in concerned, and all we need say is that we fully agree with the findings of our predecessors, supported as it is by the new evidence, that the object of this migration was to wage war in India. In regard to new matter in India there is not much, other than the Mandi plot, and we propose to touch upon with the utmost brevity.

1.—The Headquarters at Amritsar and Lahore.

These incidents, which we need not further discuss, are deposed to before us as in the previous cases by Sucha Singh (p. 50), Anokh Singh (p. 75), Sunder Singh W. 9 (p. 81), Nawab Khan (p. 88), Amar Singh (p. 90) and Mula Singh (p. 93).

The successful raid is deposed to by Khan Sahib Ahmed Khan (p. 76,) and also by M. Amir Ali (p. 105.)

Our finding on the same matter corresponds with that of our predecessors.

2.—Meetings at Ladaowal, Moga and Badhowal.

As in the earlier cases these meetings and their objects are proved by Umrao Singh (p. 50), Jawala Singh (p. 59), Nawab Khan (p. 97) and Amar Singh (p. 90), and we adopt to ours the conclusions arrived at by the previous tribunals.

3.—The Main Mir and Ferozepore attacks of November 1914, and the Jahar Sahib affair.

The judgments of our predecessors in the first and second trials have discussed the proposed attack on Main Mir arsenal on 25th November, the failure thereof, and the despatch of men to Ferozepore for an attack there on the 30th November, and also the connected Jhar Sahib affair.

We have the same evidence as they had, though not so full, and we are satisfied that one of the earliest schemes of the revolutionists was to collect men in Lahore on the 25th November, carry the Mian Mir arsenal in conjunction with rebellious troops, then ride out the Jhar Sahib and raise up the whole of of the Manjha tract.

The scheme fell through, the Main Mir attack ended in smoke, the Jhar Sahib gathering frittered away into an aimless mob, and those who had collected in Mian Mir went down to Ferozepore to link up with Nidhan Singh's party there, and assault the arsenal on the 30th November, a scheme

which came to naught owing to the capture of several men and the dispersal of others in connection with the Ferozeshahar murder.

The whole of this group of evidence can be very shortly disposed of.

The collection of men in Lahore for the Mian Mir attack, their abandonment of the attack and their despatch to Ferozepore is established by the evidence of Jawla Singh (p. 59), Nawab Khan (p. 89) and Amar Singh (p. 90), but in addition we must refer to the confessions of accused (2), (14) and (8).

Accused (2) stated in his magisterial confession (p. 109) that Amar Singh I and Jagat Singh got Surjan Singh (F. M.) to collect some men in Fattehgarh. He, accused, was one of them and so was accused (14). They came to Lahore for the revolt there, stopped at Mela Ram's *seari*, and the next day heard the scheme had been abandoned, and they were despatched *viâ* Ludhiana, where they met Nawab Khan, Ferozepore which they duly reached.

Accused 14 (p. 113) gives an almost identical account, though naturally in different words as that given by accused (2), and Fazal Din (8) in his confession (p. 110) refers to Surjan Singh (F. M.), accused (2) and (14) setting off and on their return hearing from Surjan Singh that they had gone down to Lahore to see how cantonments could be assaulted, and from there had gone on to Ferozepore to view the arsenal.

The Jhar Sahib gathering is described by Udham Singh (p. 77) and Sundar Singh, W. G. (80), and the proposal in the 23rd Cavalry to ride out there by Sundar Singh, W. G. (p 80), Wasawa Singh (p. 95) and Ganda Singh (p. 96).

4.—Seduction of Students.

The previous cases have dealt fully with the policy of seducing students.

The evidence then given in regard to the seduction of students in Ludhiana is repeated before us by Abdul Alim (p. 41), who credits accused (12) with part of this work, Sucha Singh (p 48) who similarly implicates accused (12) and Anokh Singh (p. 7·).

Among new incidents is that of Durga Das (p. 42). He says he was visited by accused (12), an old friend of his, at a boarding house in Lahore in the company of a man, named Munsha Singh, who was described as a composer of songs for the *Ghadr-di-Gunj*, and is identified by the prosecution with accused (13), and while accused (12) went off to keep an appointment with Bhai Parmanand, whom he had known in Japan, the other visitor spoke to him of revolution, with which he would have nothing to do.

There is no doubt that this was part of the considered policy of the *Ghadr* movement, and we know that it was highly successful in too many instances.

5.—The Seduction of villagers.

Old evidence.

There is considerable evidence in the two prior conspiracy trials that the seduction of villagers to the *Ghadr* party was one of the means propagated by the *Ghadr* newspaper, and put into action in India, to achieve the revolution.

Outside Honolulu.

We have in this case besides the *Ghadr* incitements to that effect, which it is unnecessary for us to again reproduce, and evidence of incidents like the Jhar Sahib, some new evidence.

Bawa Singh (p. 38) and Khazan Singh (p. 38) who travelled on the same ship as accused (3), (4) and (11) from San Francisco to Hong Kong both say that on board accused (3), approached them, and urged them to assist the *Ghadr* movement by collecting villagers together, advising them not to pay revenue and to help in expelling the British, and accused (3)'s efforts were supported by the other two.

There is no particular reason for supposing these men are inventing the other story.

Perhaps one of the most interesting illustrations of this policy, and what it ultimately led to is to be found in the magisterial confessions of accused (2), (8) and (14), all residents of Fattehgarh in Hoshiarpur District. Fattehgarh.

Surjan Singh, one of the Ferozeshahr murderers, was a resident of that village, who returned from the east when the general migration commenced.

Babu Ram (p. 109) in this confession describes how this man Surjan Singh talked to him, telling him 2,000 or 3,000 men from America had turned rebels against the British Government, and were intent on expelling the British from India, to achieve which end they were in possession of ammunition and arms. The accused joined the movement under threat of death, and a short time after a man called by witness Jaggat Singh (L. C. C.), but whom we have reason to believe was Jaggat Ram Singh (L. C. C.), and Amar Singh (approver) came to Surjan to get him to send down men for the Mian Mir attack of the 25th November.

The accused went and was ultimately involved in the Ferozeshahr murder.

Nama (p. 113) gives a similar story in his confession. He says that Surjan on his return home called him, along with Babu and Fazal Din, told them 1,700 or 1,800 men had returned from America intent on raising a rebellion, and expelling the British, who were represented as loading Indians with taxes. He induced them to join by promises of reward according to the services rendered to the cause.

He also refers to the visit of Amar Singh, approver, and Jagat Singh (L. C. C.) to get men for the attack on Main Mir, and this accused also went, and was also involved in the Ferozeshahr murder.

Fazal Din (p. 118) has a similar story to tell. He met Surjan in Fattehgarh, and was told he had come home for work which was superior to money. Surjan proceeded to tell him there were 30,000 or 40,000 men in America who were taunted by Americans, that Gurdit Singh had taken a ship to Canada, and as the passengers had not been allowed to land societies had been formed and lectures delivered against Government, the lecturers including Ram Rakha (absconder L. C. C.) and Nawab Khan (approver). Under the instigation of these lectures the Indians in America had decided to return in India, overthrow the British Government, and govern the land themselves. Money, he said, had been sent to Japan to procure arms and ammunition, and it would be a very short time before the independent Hindustani Raj would be established. He was told the Indian Army had been seduced and it was intended to attack cantonments and plunder the treasuries and magazines, and, under a promise of a reward when the Hindustani King was duly placed upon the throne, the accused promised to help.

The accused also states he was then introduced to Amar Singh (1), who corroborated Surjan Singh's accounts, and as he had Pathans working under him, he was asked to induce them to join too, a course they agreed to follow.

He was then, he states, visited by one Tara Singh, and later by Ram Rakha, who boasted of the success the revolutionary agents were having among the troops, and how they proposed to cut the telegraph wires.

This comprehensive programme was sufficient to make accused certain of success; he declined, however, to join in a projected dacoity, and he remembers Babu and Nama, some time after these events, going off for the Mian Mir expedition.

The part played by this accused will be discussed in his individual case; here it suffices to say that it is incredible that he could have invented or was tutored into describing his elaborate programme of what we know was the real programme of the *Ghadr* party.

We may note too that Amar Singh, approver (p. 186), corroborates the story of his going to Fattehgarh to induce Surjan Singh to get men for the proposed Mian Mir attack.

We have also an interesting account from another accused, Rur Singh (18), of what took place in Sagwal. This man's confession is unretracted, and he has admitted before us his confession on this matter is correct (p. 121.) Sagwal.

The man who first mooted *Ghadr* to him was Banta Singh "of the golden teeth," famous as a participator in at least two murders for which he has been executed.

Banta Singh was a resident of Sagwal, and on his return from America began, according to his confession, to lecture in the village *dharamsala*. He was joined by Harnam Singh *Tunda* (L. C. C.), and the two lectured in Sagwal and neighbouring villages, Buttar, Lakhamake, Dhariwal, etc.

The burden of the lectures was that people should form their own *panchaytas* and decide their own cases and that the British Government, being oppressive, should be overthrown. They spoke of dacoities as a means of raising money for a press to print seditious leaflets, and urged that revenue was being increased. This man, as his individual case will show, became a very formidable recruit to the *Ghadr* party, and, particularly as he maintains before us the accuracy of his statement, there is no reason to disbelieve it.

But in addition to his account as to what occurred in Sagwal we have other evidence, *viz.*, that of Indar Sain (pp. 34, 92), Ralla Singh (p. 34) and Ralla (p. 92).

Indar Sain (pp 34, 92) depose to accused (18) being in the village with Harnam Singh (L. C C.), and Banta Singh giving seditious lectures, reading out the *Ghadr* and inciting the people to mutiny. He adds that accused (13) was an active associate of theirs, and had a long seditious talk with him.

Ralla (p. 92) gives evidence to the same effect, but does not mention accused (13).

Ralla Singh (p. 34) gives evidence also as to accused (13), (18), Banta Singh, Harnam Singh and others associating and lecturing to the same seditious effect.

Whether or not we are satisfied that Munsha Singh (13) did associate with the others and lecture we will discuss in his individual case, but it is quite clear that there were seditious lectures in the village of Sagwal by men of leading in the *Ghadr* movement.

Mahrana.

Another village in regard to which we have evidence is Marhana. Surain Singh (p. 35) and Bhola Singh (p. 35) depose to accused (5), a returned emigrant, lecturing in the village, advising everyone to refuse service and to decline to pay revenue, as the British Government would soon be driven out of India.

In regard to this incident, however, there is a considerable body of defence evidence directed to show the witnesses are inimical to accused, and we will discuss in the individual cases as to how far it is safe to accept the evidence.

We have also the evidence of Udham Singh (p. 77) as in the previous cases, and that too of Bhagat Singh (p. 77) relating to Gujarwal, and Lohatbadi and his own seditious tours, Amar Singh of Usmanpur (p. 97), of Sundar Singh A. M. (p. 100) with reference to Lohatbadi and neighbourhood and of Arjan Singh (p. 47), Bhagat Singh (p. 78) and Bachan Singh (p. 96), relative to Dhudike and neighbourhood, and of Harnama (p. 94), regarding efforts in the Padri as in the Padri murder case.

Sufficient has been said to further establish that the seduction of villagers was an integral part of the revolutionary campaign.

6—The Seduction of Troops.

No fresh evidence is produced before us as to the seduction of troops.

It is unnecessary to again refer to incitements to tamper with troops. That is established by the same evidence as in the previous cases. All we need do is to indicate the direct evidence given of actual tampering with success in this case.

Sucha Singh (p. 49) describes his long tour with Kartar Singh (L. C. C.) and Pingley (L. C. C.), and his subsequent efforts in Meerut, Fyzabad and Ambala. Anokh Singh (p. 76) and Mula Singh, (p. 93) describe the seduction of troops in Ferozepore ; Sunder Singh, W. G. (p. 80) and Amar Singh

(p. 90,91) the tampering with troops in Hong Kong, and in Mian Mir, Nawab Khan (p. 87) the preparing of troops for *Ghadr* in Hong Kong; Mula Singh (p. 91).

Wasawa Singh (p. 95), Ganda Singh (p. 96) the dealings with the 23rd Cavalry in Lahore.

We must note that Wasawa Singh and Ganda Singh say accused (18) was one of Prem Singh's companions in the 23rd Lines, and the former identifies accused (18) as the man who taught the sowars how to make explosives, but this accused (18), while prepared to admit many things, denies.

We also have the same evidence as before of Nawab Khan, Amar Singh and Mula Singh as to the inoculation of troops with revolutionary ideas throughout the Punjab.

We are fully satisfied that this too formed part of the *ghadr* programme.

7.—Seditious Literature.

Before touching on any new matter we have briefly to indicate the evidence given in the former conspiracy trials and repeated before us in regard to the use and discovery of seditious literature, and the formal evidence of production. S. Sukha Singh (p. 23) deposes to the discovery of seditious literature on the *Komogata Maru* on 27th September 1914 in Calcutta, and produces a copy (p. 5) of the *Hindustani*, as well as an incomplete file of the *Sansar* (p. 6).

He also produces a copy of Bhai Parmanand's book *Tarikh-i-Hind* (p. 7).

Bhagwangir (p. 44) proves the discovery of duplicate *Ghadr Sandesas* in Ludhiana, Inspector Niaz Ahmad (p. 74) that of the duplicators, Sucha Singh (p. 48) tells us of its duplication and the production of the *Nadir Maqua* in Ludhiana, ascribing a share to accused (12) in the dissemination of the *Ghadr-di-Gunj*; Anokh Singh of its being prevalent in Ludhiana.

The appearance of the *Ghadr* in Shanghai is deposed to as before by Jawala Singh (p. 58), Dalip Chand, and Sundar Singh W. G. (p. 79).

The discoveries of seditious literature in Lahore are related by Khan Sahib Ahmad Khan (p. 76), and Amar Singh (p. 91) gives an account of its production in Lahore.

In Manilla, also, according to Allahdad (p. 98), and Parmanand (p. 100), the *Ghadr* was freely distributed and the latter describes to us a paper, which came from Constantinople, edited by a Punjabee and called the *Jahan-ul-Islam* to which one Zafar Ali, apparently the editor of a defunct sheet in the Punjab, contributed inflammatory articles and, if the witness is correct, indecent and disgusting illustrations.

Connected with individuals (p. 11), is identified by Bela Singh (p. 26), as signed by accused (4), and he tells us that it was returned by the D. L. O. to another Batten Singh, who handed it over to witness.

There are two letters included in (p. 11), one imploring the addressee to help Balwant Singh (3), who was then under arrest in Vancouver, apparently in connection with the murder of Mr. Hopkinson; and the other to other addressees much to the same effect, with the addition of a reference to stirring articles having appeared in the papers about the *Komagata Maru*, and some news from India of German æroplanes having been dropping letters there, and causing great unrest. The letters are really of little importance.

Inspector Aziz-ud-din (p. 40) deposes to discovering P. 12, in the house of accused (7) on 11th August 1915.

This document contains a particularly virulent Gurmukhi poem, in which supposed oppressions upon zamindars are violently described, the King is described as a tyrant, and the people are advised to form their own *panchayats*

and spread their own flag. The distant mythical past is decribed as a golden era, and Government, with whom bankers and pleaders are associated, is described as ruining the land.

The production of the *Sonsar* and the *Hindustani* in Vancouver we have discussed in the section dealing with the revolutionary movement in Canada, and the dissemination of the *Ghadr* in Vancouver and Victoria in the same section.

We have evidence also as to its dissemination in Shanghai and Nankin. Dalip Chand (p. 27) tells us that accused (15) was in the habit of distributing it to passengers in the train between those stations, but beyond proving what is proved from other sources, *viz.*, that the *Ghadr* found its way to Shanghai, we are not prepared to place much reliance on this unsupported testimony as against Thakur Singh.

Its appearance in Penang is evidenced as before by Arjan Singh (p. 46).

Mr. Isemonger (p. 103) tells us that amongst the luggage of accused (17), which he had brought back from Amritsar to Ludhiana, he found P. 60, which accused at the time admitted was in his own or his wife's hand, probably the latter's.

P. 60 is a short song, virulent intone with the refrain "The tyrannical Faringhi are drinking our blood," hardly the sort of production to be possessed by a law abiding citizen, as accused represents himself to be.

Lachman Singh, lambardar, who arrested accused (18) tells us (p. 105) that he found P. 64 on accused. He is supported by Head Constable Dil Muhammad (p. 106), and accused himself (p. 122) admits the fact.

This document is a particularly long poem and starts with an invocation to the "brave brothers of the *Ghadr* party" and extols the work of those who belong to it, is very virulent against the British and the police, who "are to be burnt with dried bushes and their children murdered." "Those who are loyal to Government," it says "are to be butchered," and a very unkindly fate is promised S. Sukha Singh, who has done so much to bring these desperados to book.

Anothor document is P. 65. This is a pocket book found in the luggage of accused (4), but which is admittedly a diary of accused (3)'s. The diary contains the dates of departure and arrival at various places between Vancouver and Marseilles, which accused visited in 1913, but in addition there is a Persian couplet on the front page, rendered also into Gurmukhi on another page, the translation of which is "when other plans do not succeed, it is right to take up the sword."

It is a significant passage, but accused denies it is in his hand.

8.—The Manufacture of Bombs.

The two previous judgments of the former tribunal have given at length the story of the manufacture of bombs. We have the same evidence before us in this case, though not in the same detail, and it will suffice for us to mention with the greatest brevity what that evidence is, and to say that we agree with the previous tribunals that the manufacture and use of bombs by the revolutionists to carry their designs into effect, is amply proved.

The discussion of bombs in America is fully proved by the *Ghadr* file.

The experimenal bomb in Amritsar is proved by Amar Singh (p. 90), Mula Singh (p. 93) and M. Amir Ali, District Superintendent of Police (p. 105).

The purchase of materials in Ludhiana is evidenced by Wilayati Ram (p. 42), Dial Singh (p. 43) and Sucha Singh (p. 48), and Jhabewal as a centre of collection of materials is established by Sucha Singh (p. 48), Umrao Singh

(p. 50), Sub-Inspector of Police, Mohamad Akbar (p. 41) and Mula Singh (p. 93).

The transfer of the materials to and manufacture in Lohatbadi is established by Sucha Singh (p. 49), Narain Singh (p. 74), and Sundar Singh (p. 101) in Dhudike and neighbourhood by Arjan Singh (p. 47), Bhagat Singh (p. 78), at Doraha by Anokh Singh (p. 76), Bhagat Singh (p. 78), and Inspector Fazl Imam (p. 79); the preparations for making bombs in Lahore and the discoveries in Lahore and Amritsar are proved by Khan Sahib Ahmad Khan (p. 77), Amar Singh (p. 90), Mula Singh (p. 94) and M. Amir Ali, Deputy Superintendent of Police (p. 105).

Their manufacture in the lines of the 23rd Cavalry is deposed to by Wasawa Singh (p. 95).

We will discuss the proposal to make bombs in Mandi in the section dealing with the Mandi plot, and the connection of the particular accused (12) with the purchase of materials in Ludhiana, and accused (18) with the manufacture in the lines of the 23rd Cavalry will be discussed in the individual case.

9.—The Collection of Arms.

In the two judgments of the prior tribunals much was discussed as to the provision of arms for the revolutionists. We have much of that evidence recorded in this case, but it is unnecessary to refer to it further. Old evidence.

We need only consider the new evidence there is.

We have dealt in detail with the alleged attempt to procure arms for the *Komagata Maru* in Sumas, and we will be compelled to refer to it again in connection with the individual case of accused (3), and we need not enter into it again here.

We will also refer to the discovery of arms in Mandi in the section dealing with the Mandi plot, and to the Kapurthala, Walla bridge and Doraha affair, and we need not refer to them again.

All the sources of arms we do not and cannot know, but it seems to us that it is well established that a number of arms were arranged for in America by German agents. The arms scheme and the S. S. *Maverick*.

Jodh Singh (pp. 182-83), himself at one time a German agent, tells us that when he was in San Francisco in May 1915, one of his German companions Boehm told him the German Consul had despatched a quantity of arms either to Siam or India, and asked him if he knew anything of the "Arms Scheme."

When he himself called on the Consul, that official also asked him if he knew of this scheme, and the Consul consulted a report, which witness noticed referred to a quantity of arms having been despatched from Mexico, and the Consul told him that the arms would reach their destination before witness reached Siam.

When he reached Manila, he saw the German Consul there, who informed him that arms had been despatched, according to a code telegram received from San Francisco, to some place on the Indian coast, whose name witness cannot now recollect, and the Consul feared the cargo had been intercepted.

We have no further direct evidence on this point, but there is an interesting statement by Harcharan Das (pp. 31 *et seq*) which we think is probably connected with this Arms Scheme.

This man, as we have already seen, had left Canada in December 1914, and became a willing worker in the *Yugantar Ashram* under Ram Chand Peshawaria. From him, besides hearing that the *Komagata Maru* men had been armed in Japan through Kashi Ram (F. M.), and of proposals and schemes to get arms into India *viâ* Siam and Tibet, he heard of other methods of supply, including direct shipping to India.

About April 1915 he was induced by Ram Chand to consent to go on a particular ship, called the *Maverick*, with one Hari Singh, on revolutionary work, which was not disclosed to him.

They boarded the *Maverick* at San Pedro under assumed names. The ship was an oil ship with one tank empty, was sailing under the American flag, officered by Americans and sailored by Marshall Islanders, formerly German subjects, with Mexican fireman.

They put in at a Mexican port, and thence sailed to Cigaro, an uninhabited isle, where they waited for a month, and were visited by some Americans and Mexicans. Here time was spent mainly in watching for something to turn up, and they received surprise search visits from H. M. A. S. *Ghent*, and H. M. C. S. *Rainbow* and an American man-of-war, which all searched the vessels. From Cigaro they cruised, apparently aimlessly, about the Pacific, calling at various islands, and on to Helo, Johnson Island and Java, which they reached on 22nd July 1915, where a Dutch torpedo boat seized the vessel, and it was apparently interned.

Witness cannot tell us what the ship was doing, but he says those who were not in the know thought they were either hanging about with oil for German ships, which is hardly likely with an empty tank, or were waiting to pick up a cargo of arms for India.

When we think of the apparently aimless wanderings of the boat, and connect it with what the German Consuls in San Francisco and Manila told Jodh Singh, we think it is not improbable that this vessel was employed for the purpose of running arms for the revolutionists.

10.—Dacoities.

The judgments in the two previous conspiracy trials deal fully with the evidence relating to the various dacoities committed in the course of the war waged by the revolutionists, and it is not necessary for us to go over the ground again.

We have before us the *Ghadr* file with its incitements to dacoities, and the same evidence in regard to decoities being considered and advised by the revolutionists in America, Penang and elsewhere.

We have also the specific evidence of witnesses in regard to particular dacoities.

The dacoity at Sahnewal and the murder of Khushi Ram is proved as before by Sub-Inspector of Police Muhammad Akbar (p. 40), Mussammat Sobhi (p. 41), Amar Chand (p. 41), Umre Khan (p. 41), Sub-Inspector of Police Faiz-ul-Hassan (p. 42), Durga Das (p. 43), Siri Ram (p. 43), Parmeshri Das (p. 43), Bishen Singh (p. 43), Abdul Alim (p. 44), Sucha Singh (p. 49), Umrao Singh (p. 51), Anokh Singh (p. 75), Mula Singh (p. 94), and Amar Singh (p. 91).

Kehr Singh, accused (12), is implicated before us as being concerned in this affair, but we can reserve the question as to whether his participation in it is established or not till we come to deal with the individual case.

As regards the Mansuran dacoity, we have the evidence, as before given, of Anokh Singh (p. 75), Abdul Alim (p. 44), Sucha Singh (p. 49), Umrao Singh (p. 51), Hamir Chand (p. 53), Mula Singh (p. 94), and Amar Singh (p. 91).

The Jhaner dacoity is proved as before by Waziri Mal (p. 53), Narain Singh (p. 74) and Sundar Singh (p. 101).

The Rabbon dacoity is established by the evidence of Mussammat Sardi (p. 53), Narain Singh (p. 74), and Sundar Singh (p. 101) as in the previous cases, while the Chabba dacoity is proved by Kundan Lal (p. 61), Udham Singh (p. 77), M. Amir Ali (p. 105), Mula Singh (p. 94), and Amar Singh (p. 91), and the disposal of the proceeds of these dacoities for the benefit of the *Ghadr* party is deposed to by the same witnesses as in the previous cases.

We have also the evidence of Jawala Singh (p. 59) as to the marauding gang he joined, and Dalip Singh, the new approver (p. 71), who was a member of this gang, gives evidence bearing him out.

Nawab Khan also gives evidence as before (pp. 88 and 89) in regard to the dacoit gang with which he associated and worked.

The dacoity activities of the *Ghadrites* is further evidenced before us by fresh witnesses.

We have a number of accused before us who have returned from Canada, and Ata Singh (p. 36) tells us that, when accused (3) returned from India in May 1914, he too advocated the commission of dacoities, and Mangal Singh (p. 28) deposes to the looting of treasuries being proposed when the *Komagata Maru* had returned, and we see no reason to doubt them.

Two of the accused in their confessions break fresh ground.

Fazal Din (p. 119) has stated that, some time in November, one Tara Singh and Surjan Singh (F. M.) told him that Piara Singh (L. C. C.), Jawand Singh (L. C. C.), Amar Singh, accused (1) and Ram Rakha (absconder) had foregathered to commit a dacoity at Panchnangal and his help was invoked. He did not, however, go but he heard afterwards from Surjan Singh it had been committed, and a chaukidar killed.

We have no further knowledge of this affair, and possibly it has been enquired into and disposed of by other courts.

Rur Singh, in his unretracted confession (p. 124), gives a long account of a dacoity at Alawalpur, engineered from Sagwal, in which amongst others the famous Banta Singh participated, the whole gang being armed. He details the loot, and describes the use of firearms, and the disposal of the loot, but, as in regard to the affair at Panchnangal, we have no further evidence in regard to the Alawalpur dacoity.

All we need say is we are satisfied dacoities were committed as a part of the considered programme of the *Ghadr* party.

11.—The Murders.

The Anarkali murder and its connection with the revolutionists is proved before us by Sub-Inspector of Police Muhammad Musa (p. 78) and Khan Sahib Ahmad Khan (p. 76), and the Padri murder is proved by Amar Singh (p. 97), Khushi Ram (p. 104) and Harnama (p. 94); the latter proves that that murder was also the work of the revolutionists, and he asserts that accused (18) was one of the party, though accused (p. 122) denies this strongly.

The projected murder of Kirpal Singh (sepoy) by Prem Singh, his companion, and men in the 23rd Cavalry is deposed to as in the second conspiracy trial by Wasawa Singh (p. 95), Ganda Singh (p. 96) and Fauja Singh (p. 96), and they all implicate accused (18) as one of the men despatched for the murder, but this accused denies, though he is prepared to admit many things.

The Hoshiarpur murder is proved by Hira Singh (p. 106), who was in the affair.

He does not identify Rur Singh, who, however, has confessed he was in the murder, and has told us that he joined the gang with the intention of murdering Chanda Singh, but stayed outside the village while others went in to commit it, and in his confession (p. 127) he gives a detailed account of the murder and his share in it, and makes it quite clear it was the work of revolutionists.

The deplorable affair of the Ferozeshahr murder has already been described in various judgments, including two of the Chief Court, two of the Sessions Judge, Ferozepore, the two prior judgments in the Lahore conspiracy cases and the judgment of the same tribunal in the case against Ganda Singh.

It is not necessary for us to describe the murder further, we are in accord with all these previous judgments as to the facts.

As, however, there are two of the accused before us, accused (2) and (14), who are alleged to have been implicated in it, it will be necessary for us in their individual cases to describe the new evidence connecting them with it.

This evidence consists of the magisterial confessions of these two accused.

These confessions which have been retracted disclose an intimate knowledge of the murder.

Formal proof in regard to the murders and *post mortem* is given by Assistant Surgeon Jai Gopal Sethi (p. 53), Inspector Ghulam Muhammad (p. 53), Ida (p. 54), P. C. Paudan (p. 54), Muhammad Sidiq (p. 57), and the following witnesses who were present at the time of the murder, besides describing the events, identify both these accused as in the affair:—Karim Bakhsh (p. 54), Sher Singh, *Sufedposh* (p. 55), Ghulam Kadir, *Zaildar* (p. 55), Khan Singh (p. 55), Sardara Singh (p. 56), Phangan (p. 56) and Nawab (p. 56).

The other old witnesses are sufficiently dealt with in the individual cases.

12.—Attacks on Bridges.

As in the prior cases Anokh Singh (p. 76) and Bhagat Singh (p. 78) describe the projected attack on the Doraha bridge, while Nawab Khan (p. 88) refers to the plan to carry the Safid Bain bridge and Kupp Station, and we have nothing to add to our predecessors' findings, with which we agree.

13.—The Rising of the 19th February.

This also is one of the matters already fully discussed by our predecessors. No useful purpose can be served by again going through the evidence.

The fixing of the 21st for the rising, its sudden change to the 19th, its discovery and its collapse and the abortive Ferozepore raid timed to occur with the rising in Lahore, are proved before us by Sucha Singh (p. 49), Umrao Singh (p. 51), Anokh Singh (p. 75), K. S. Ahmad Khan (p. 76), Bhagat Singh (p. 78), Amar Singh (p. 91), Mula Singh (p. 91) and Sundar Singh, A.M. (p. 101), and we adopt the conclusions of our predecessors on the subject.

14.—The Kapurthala Raid and the Walla Bridge Murders.

In the previous cases it was established that several of the Canadian emigrants made Dhudike their centre of operations and that revolutionists there conceived a scheme in June 1915 for raiding Kapurthala to get arms there. A gathering took place on the 5th June at Kapurthala, and, though the assault was postponed until the 12th, a party set off for the Walla bridge and there on the 11th June attacked the guard, killing two soldiers, and in their flight murdered two other men.

The actual murders at the Walla bridge, and afterwards in the pursuit, are proved before us by Inspector Aziz-ud-din (p. 40), Bachan Singh (p. 96) and S. I. P. Shib Saran Singh (p 177). Though none of the accused before us is directly implicated in the Walla bridge murders, one, accused (18), admits being concerned in the Kapurthala raid, and a little new light is thrown on that matter.

The actual plot in Dhudike is again described to us by Arjan Singh (p. 47), Amar Singh (p. 97) and Bachan Singh (p. 96), the latter two describing the meeting of the 5th, where they say accused (18) was present, and the Walla bridge attack was planned.

Mula Singh (p. 94) tells us he heard from Banta Singh (Hoshiarpur murderer), that there was a *havildar* in Kapurthala ready to join the movement, and accused (18), Jaswant Singh (absconder) and Banta Singh had been sent to interview him sometime in February.

This so-called *havildar*, Bhagwan Singh, now we are informed a life-convict, has been produced as a witness before us.

He gives a statement naturally exculpatory of himself, but he describes several visits of accused (18) to him, when accused asked him if it was difficult to steal arms from the magazine, remarking he wanted them for dacoities. The end of it was that there was a gathering of some 18 men, including accused, who said they wanted to steal guns to fight Government with, but the attack on the magazine was postponed for a week. The next week fewer still arrived, and the witness was given clothes to keep, which eventually turned out to be connected with the Walla Bridge murder.

Rur Singh, accused (18) has admitted to us paying a visit to Kapurthala at Mula Singh's suggestion. He admits also trying to win over the *havildar*, and to going to Kapurthala both on the 5th and 12th June, to raid the magazine, but denies that any attack on the Walla Bridge was discussed then.

In his confession (pp. 126, 7) he has given a long and detailed account of the Kapurthala episode. He says he first went to see the *havildar* with Jawand Singh, absconder, and the *havildar* told them that they could easily raid the magazine if they had 100 men, and advised an attack on a Saturday.

It was after Nidhan Singh's arrest, he says, that they arranged at Dhudike to assault the Kapurthala magazine. Banta Singh went first to view the ground, and then a party of 20 was got together, but the numbers were considered insufficient and when they went again, *i.e.*, on the 12th June, only four turned up, and they then heard of the Walla Bridge exploit.

This additional evidence only confirms the findings of our predecessors that the Kapurthala raid and the connected Walla Bridge murders were the work of the revolutionists.

15.—The Mandi Plot.

The first intimation.

The Mandi plot is an incident, which has been brought out for the first time in the present case. A slight reference appears to have been made to it in the second conspiracy case, when Bachan Singh (approver) stated that he had heard that there was a Rani in some State who had promised to assist the *Ghadr* movement, a subject which he again deposes to before us on p. 97, where he says he heard from accused (18) there was a Rani of a hill State prepared to give R2,000 for arms.

But otherwise the matter has been elucidated only recently and is, we understand, still under investigation, so far as regards the connection therewith of residents in Mandi.

Arrest of Surjan Singh.

The discovery of this plot is due to the fact that Surjan Singh, one of the Ferozeshahr murderers, now lying under sentence of death, was arrested on the 2nd May 1916 in Suket.

It was in consequence of statements made by him to the police that the incident was opened out,—*vide* statement of Sub-Inspector of Police Gopal Das (p. 57) and Sardar Sukha Singh (p. 23), and an investigation made by Inspector Bhag Singh (p. 82).

We are, of course, not competent to consider the statements so made, and what we know of this incident is based exclusively on evidence before us, which is possibly incomplete.

We have a considerable amount of evidence, however, and reference is made to the affair in the confessions of accused (8) and (14).

Surjan Singh's first visit to Mandi.

The beginning of the Mandi plot, so far as we know, was subsequent to the Ferozeshahr murder.

Surjan Singh, an absconder in that murder returned, according to accused (2) and (14), to Fattehgarh after the murder.

Nama, accused (14), in his confession (p. 114) states that from Fattehgarh Surjan Singh went off to Suket Mandi, and he himself followed some days after, fearing arrest for his complicity in the Ferozeshahr murder, taking stockings he had made with him for sale. He says he went off to Bhojpur; this was some time in December, and there met Surjan Singh, who took him to the house of Sarda Ram (witness 71), who promised to show him the road to Mandi. This he did, accompanying him as far as Nagchela, and Barsu where he introduced him and Surjan Singh to one Sidhu, of whom apparently Surjan Singh had previously heard.

In the course of conversation Surjan Singh stated he had come from America with others to turn the British out of India, and as there were no restrictions as to arms in Mandi, he had come there for help. Sidhu agreed to help, and Surjan Singh replied he could make bombs, and asked for guns, swords and men. Sidhu then told them he would interview one Mian Jawahar Singh, who, we are told, is an *ex*-Thanadar, who was not long ago a candidate for the Mandi *gaddi*.

They returned to Suket, and again visited Nagchela a few days later, *i.e.*, accused himself, Surjan Singh and Sarda Ram. There they met two men named Siddu, who took them on to Barsu, where they were taken to a cattle-shed, and introduced to Mian Jawahar Singh and one Jawahar. They then proceeded to a *baoli*, where the revolutionary movement was discussed, until Surjan Singh informed Mian Jawahar Singh he could make bombs, and on the latter's request to see him make one, Surjan Singh detailed the ingredients necessary for a bomb.

Following upon this Jawahar Singh and Sidhu asked Surjan Singh to bring men from the Doaba, on seeing whom he, Jawahar Singh, would raise a rebellion in Mandi. Surjan promised to do so, and it was then agreed that a rebellion should be started in Mandi, the Wazir and the British Officer resident there murdered, the magazine and treasury seized, Mandi and Suket occupied, and a descent made on to the Punjab with arms and men to link up with the revolutionists there. Upon this the party dispersed, the accused going to Fattehgarh with directions from Surjan Singh to arrange for men with Fazal Din, accused (8).

Fazal Din, accused (8) also stated (p. 119) that after the Ferozeshahr murder, he met Surjan Singh in Fattehgarh, and Surjan told him he was off to Mandi to find a refuge there and stir up residents in the State. He arranged to correspond with him and indicate what success he had had. One letter came showing he had been successful, and some time after a month or so, Surjan returned to Fattehgarh, and told him Mian Jawahar Singh and Sidhu Kanait had agreed to supply men, guns and swords, and he, Surjan, was to make three bombs, one to blow up a bridge, one to kill the Wazir and the British resident, and one to loot the treasury, and also told him that Jawahar Singh had agreed that, after seizing the State *gaddi*, he would descend with his men on the Doaba, and help in expelling the British. Surjan also asked him to help and supply men which he declined to do until the rebellion was properly started in Mandi.

These proceedings which occupied the months of December and January are evidence not only by the confessions, but by independent evidence.

The principal witness is Sarda Ram, himself no doubt an accomplice.

He tells us (p. 68) that he lives in Bhojpur, though formerly of Fattehgarh, and that Nama (14) and Surjan visited him in December 1914 or January 1915. They went away, and on return Surjan told him he had come from America to fight the British, and had been to Mandi and seen Sidhu, asking him for swords and men, and that Sidhu had arranged for a meeting with Mian Jawahar Singh.

On the following Sunday the witness accompanied Surjan and Nama as far as Nagchela, where they met the two Siddus, who took them to a cattle-shed and introduced him to Mian Jawahar Singh and Jawahar Kanait. They were taken to a more secret spot and there, on Mian Jawahar Singh's enquiries, Surjan asked for arms and men to help the returned emigrants to expel the British. Jawahar Singh demanded to see some of the returned emigrants and Surjan promised to bring some.

Then Surjan described how bombs were made, and asked for ingredients' and it was finally decided to make bombs, kill the Wazir and the British Resident, seize Mandi and Suket and descend on the Punjab and expel the British. The party then broke up.

Dalip Singh (approver) (p. 71), tells us that in February he heard Surjan Singh tell Amar Singh (1) at the Fattehgarh kilns that bombs were being made in Mandi, the Wazir and the English Resident there were to be killed, the treasury and magazine looted, the place conquered, and men and arms brought into the Punjab to help the revolutionists.

Kundan Lal (p. 61) also tells us he saw Surjan Singh in Bhojpur about two years ago—that would be December 1914. Surjan Singh told him he had returned from America with 2,000 or 3,000 others to turn the British out of India and seize their country. He gave him a *Ghadr-di-Gunj*, and asked him to buy arms, which he refused to do.

The next step in the plot is more fully evidenced. We have seen that Surjan Singh had returned to Fattehgarh at the end of January 1915 to arrange for bombs, etc.

The Hoshiarpur horse fair; arranging for Nidhan Singh.

There is a horse fair held in Hoshiarpur apparently at the end of February. In 1915 it was held on 19th to 27th.

Fazal Din, accused (8), in his confession stated (p. 120), that, after seeing him at Fattehgarh, Surjan Singh went off to Kotla to see Amar Singh, accused (1), then returned and told him, Fazal Din, to go to the fair and bring Amar Singh to him at the kilns where Fazal Din was working, and concealing Surjan Singh in a hut near by. He did so, met Amar Singh (1) and Dalip Singh, approver, and brought them both to the kiln. Surjan asked both of them to accompany him to Mandi as bomb-makers were needed, but both declined to go. Surjan asked Amar Singh to go and fetch Bidhe Singh, whom Amar Singh said he did not know. Fazal Din himself also refused to go, and then Amar Singh suggested the famous Nidhan Singh of Chuga (L. C C.), and Amar Singh and Dalip Singh went off to get hold of Nidhan Singh, Surjan going off to Mandi.

That Fazal Din was working on some kilns at Fattehgarh at this time is corroborated by the evidence of Roda (p. 62) and Ganga Ram (p. 62), and in fact before us accused admits that fact (p. 116).

Arjan, who is a brother of Surjan Singh (F. M.), supports this incident.

He tells us (p. 67) he was at the fair with Fazal Din (8) and Nama (14), where they met Amar Singh (1) and Dalip Singh. Accused (8) spoke to them for some 15 minutes but he did not hear what was said, but accused (8) told him accused (1) had come to see Surjan Singh.

Dalip Singh, approver (p. 71) also states that he met Amar Singh (1) at the fair, and later came across accused (8), (14) and Arjan there.

Amar Singh and Fazal Din had a conversation, and then witness and they went to the kiln and found Surjan Singh. Surjan said he had prepared a rebellion in Mandi, and had distributed the *Ghadr-di-Gunj* there, and after describing the plot said a bomb-maker was required in Mandi. Amar Singh suggested Fazal Din who, however, was ruled out. Amar Singh himself declined to go; Surjan Singh suggested Bidhe Singh, whom Amar Singh did not know, and eventually Amar Singh said he would send for Nidhan Singh (L. C. C.) to arrange. Thereupon the party broke up.

It is to be noted that Nama (14) does not mention being at the fair in his confession, and before us denies having gone there at all.

Amar Singh has admitted being there and has produced several witnesses to prove all he was doing there was trying to sell a horse, and his defence will be considered in its proper place.

Nidhan Singh's coming

The next important step is the actual coming of Nidhan Singh and his proceeding to Mandi.

Nama, accused (14), (p. 115) stated in his magisterial confession that Dalip Singh came with Nidhan Singh--this is probably in the beginning of March 1915—to Fattehgarh, and Fazal Din (8) asked him to accompany them to point out the road to Mandi. He declined to go and eventually Arjan was sent.

Fazal Din (p. 120) in his magisterial statement stated that some 10 days after Amar Singh and Dalip Singh had gone off to find Nidhan Singh, Nidhan Singh turned up in Fattehgarh with Dalip Singh, and asked him to write to Surjan, who was in Mandi with the address of Piara Lal, son of Kundan Lal, Suket, to return. This he did, but a reply came to the effect that he could not return, and asking him, Fazal Din, to bring the two men to Mandi.

He, however, asked Nama to do so, and Nama declined, and eventually Arjan was despatched with them, Nidhan Singh giving him R2.

Arjan, he stated, returned after five or six days, saying he had failed to find Surjan, and had left Nidhan Singh and Dalip Singh in Mandi.

Dalip Singh (p. 71) states that while at Anandpur he met Nidhan Singh, who told him he had heard all about the Mandi plot from Amar Singh, and asked him to take him to Surjan. They journeyed together to Fattehgarh *viâ* Una and Sarangwal, and went to Fazal Din's kiln, where they found Surjan had gone to Suket. At Nidhan Singh's request Fazal Din wrote asking him to return, but a reply came that he would not do so, and asking Fazal Din to take witness and Nidhan Singh to Mandi. Fazal Din and then Nama declined to accompany them and then Arjan was induced to join them at Malahat to take them on. They proceeded *viâ* Laltani, Sir Khad and Ghatapatri where they temporarily separated.

The journey to Mandi.

They met again at Nag, Arjan reporting he had failed to find Surjan, but promised to go to Suket. This he did. Nidhan Singh and witness going to Mandi. Eventually they got to Suket, where they found Surjan in the house of one Landhu, but they do not appear to have come across Arjan again.

It is necessary, before proceeding further and showing what took place thereafter, to refer to Arjan Singh's statement corroborating this journey, and the other corroborative evidence.

Arjan (p. 67) tells us Dalip Singh and Nidhan Singh came together to the Fattehgarh kiln, and Fazal Din took him and Nama to meet them in a *Choh*.

Nama was asked to take the visitors to Mandi but he refused, and he, Arjan, consented to do so on being paid R2 by Nidhan Singh.

He describes meeting them at Malahat, proceeding *viâ* Laltani, Sirkhad and Ghatapatri where they separated. He himself went to Suket and Bhojpur, and eventually found Surjad at Mela Ram's in Suket, and told him two men were looking for him.

He in the meantime had lost trace of them and so returned to Hoshiarpur.

Kundan Lal (p. 61) states that when Surjan returned to Mandi, he asked him to take in letters for him addressed to Piara Ram. Two postcards came from one Fazal Din of Hoshiarpur.

Sometimes after Dalip Singh and an elderly Sikh came and asked where Surjan was and he told them he had gone to Daher.

We came next to what this party did in Mandi.

Nidhan Singh in Mandi.

Our principal witness is Dalip Singh (p. 72). At Landhu's house, where we have seen he had arrived, Nidhan Singh stated he had come as Surjan wanted him, and he was now ready to make bombs. Surjan asked Sidhu about the ingredients, and he replied Mian Jawahar Singh had them ready. The proposed plot to loot in Mandi and murder the Wazir and Mr. Gordon Walker and then descend on the Punjab was talked about, and Jawahar Singh was sent for, and the following day there was a gathering attended by Surjan Singh, Nidhan Singh, Sidhu, I, Sidhu, II, Badri, Mian Jawahar Singh and Jawahir, where Jawahar Singh saide he could supply guns and arms, and said he had ingredients ready for the making of bombs, and it was agreed to make them and blow up a bridge therewith, loot the magazine and treasury, and murder the Wazir and the British resident. The preparation of men was decided upon, and it was arranged that Nidhan Singh should return to the Punjab, get screw-top cases for bombs and bring up men to help.

Nidhan Singh's return and arrest.

Nidhan Singh obtained a sword (p. 8-A.) from Jawahar Singh, and then left for the Punjab. Before departing Jawahar Singh arranged letters should be sent addressed care of Bagledatt, Mandi.

Witness went down to Una with Nidhan Singh and, while the latter went on to get bomb materials and men, witness went to Sarangwal and buried the sword, hearing shortly after that Nidhan Singh had been arrested. He himself ran back to Mandi, and gave the news there, and after seeing Jawahar Singh and preparing bombs and getting a sword (p. 33) returned to the Punjab, with Surjan.

In Fattehgarh they met accused (8) asking him if his Pathans were ready, and obtaining sword (p. 8-B.) from him which witness buried. He was arrested soon after and handed the two swords over to the police.

He further states he wrote to one Gandu from Mandi asking if the police were after him, and among other correspondence received (p. 34-A.) which, though on the face of them innocent, he interprets as referring to police enquiries and bomb ingredients.

He also states that he heard from Mian Jawahar Singh that there was a Rani in Mandi belonging to the party.

The first witness corroborating this story is Kundan Lal (p. 61).

He remembers Surjan Singh coming to him for bomb materials which he provided, being paid by Mian Jawahar Singh, and he agreed to receive correspondence.

Lala (p. 57) states he made (p. 29) a wooden model of a bomb case at the request of the son of M. Jawahar Singh, and also made two brass bomb cases with metal provided by the latter, and was asked to make more.

Miscellaneous discoveries.

Gopal Das, Sub-Inspector of Police (p. 57) deposes to the discovery of bomb materials (p. 31) in Mandi and the swords (p. 8-A. B.) which were given up by Dalip Singh and (p. 33) handed on by Arjan and the wooden model (p. 29) produced by Lala. Two of these swords (p. 8-A. B.) Sardar Sukha Singh tells us, were received by him from Sub-Inspector of Police, Gopal Das and Dalip Singh (p. 23), and Inspector Bhag Singh (p. 82) also deposes to the discovery of (p. 33), correspondence with a Calcutta firm (p. 34-A. B., p. 35, p. 49) about rifles, other pistols, gun-powder and swords, and (p. 29).

Fazal Din in his confession (p. 120) stated that Surjan brought 2 swords to Fattehgarh, which he buried, and which were removed by Dalip Singh and Surjan, and asked him for men for Mandi, which he refused to supply.

Barkat Ram (p. 62) deposes to writing (p. 34 A. B.) at Dalip Singh's request to Jawahar Singh care of Bagledatt, in reply to other letters received, and Gandu, brother of Dalip Singh, proves writing the postcard spoken of by Dalip Singh, to which he gives an innocent interpretation, and to the approver having gone to Mandi.

Arjan (p. 67) also deposes to Surjan giving him (p. 33), which he threw into a well, afterwards giving it up to the police.

We have only to refer to one small piece of corroboration to be found in Rur Singh's confession (p. 126). He had nothing to do with the Mandi plot, but he tells us that Banta Singh (Hoshiarpur murderer) and Uttam Singh (L. S. C. C.) proposed going to see Nidhan Singh, who had information about Mandi, and Uttam Singh said he understood that the Rani was ready to allow the Fort at Mandi to be assaulted if Sikhs were sent to attack it, and he heard later that owing to Nidhan Singh's arrest, the Mandi raid had fallen through.

Conclusion.

We are satisfied on this evidence that there were nogotiations between disaffected persons in the Mandi State and the revolutionists in the Punjab opened up by Surjan Singh, and, fantastic though it may appear, it was resolved to collect bombs and arms in the State, bring up men from the Punjab, murder the Wazir and Mr. Gordon Walker, take possession of the State and thence, using Mandi as a jumping ground, descend on the Punjab to assist the revolutionists there. This scheme, though something was done to carry it into effect, was not proceeded with, as Nidhan Singh, who had become the directing spirit of it, was arrested, and there was no one left with sufficient character to see it through.

D.—THE REVOLUTIONISTS AND GERMANY.

Findings of first Tribunals.

The first and second Tribunal in discussing the possible connection of the revolutionists with Germany came to the conclusion that the evidence then before them fell short of judicial proof of direct connection, though satisfied that there was a possibility thereof, and that the outbreak of war was seized upon as a psychological moment for putting the *ghadr* into action.

Over and over again in this case we have fresh proof of the fact that the outbreak of war gave fresh impulse and hope to the *ghadrites*, and that they were largely encouraged to move to India by that, we have plenty of evidence, also, that in India and out of India the revolutionists regarded themselves as allies of Germany, through whose help an independent Indian State would be set up.

Further evidence.

But we are able to go further than did our predecessors. Though we have no clear proof of Germany's originally assisting the *ghadr* movement we now have evidence which, to our minds, establishes beyond question that after the outbreak of war Germany has consistently encouraged it, has in some instances financed it, has in part assumed direction of its activities, and has been prepared to act in concert with the revolutionists and to use them for her own ends in the war, and that revolutionists have eagerly associated themselves with Germany.

Assistance in San Francisco.

Our predecessors had no evidence before them of what was taking place in San Francisco after the migration to India began,—we have.

The evidence of Harcharan Das who actually worked in the *Ghadr* press, and was an associate of Ram Chand, Peshawaria, we have already considered.

We have seen the *Yugantra Ashram* was placarded with a sheet "Do not fight the Germans, they are our friends," and this was clearly the *Ghadr* motto after war.

We have seen that the literature printed at the *Ghadr* offices was taken away personally by the German Consul for distribution among Indians everywhere; we have seen that Germay paid for Indian agents to be sent to Afghanistan, Siam, Manilla, Tibet and Turkey from America to stir up trouble against Britain, and that the German Consul in San Francisco was in close connection with Ram Chand, and that the Consul-General in New York was forwarding Indian revolutionists at his expense to Germany to help in such ways as they could

But we have still more evidence in the statement of Jodh Singh (p. 181 *et seq*), himself a paid German agent. Jodh Singh's evidence.

We have seen in the section dealing with the Siamese plot, that the proposed invasion of India from Siam *viâ* Burma was in part financed by Germany, that it was Germany that was attempting to arm the revolutionists there, and that the rebels in Bangkok were to be trained by a German *ex*-officer, and that Germans were being arranged for to head the rising.

But long before Jodh Singh arrived in Siam he was in intimate connection with German influences. His story is a remarkable one. He is, we understand, the son of a Kanungo in the Rawalpindi District, and he went to Vancouver in 1907. From Canada he drifted to England, and in 1908 first came into contact with Hardial at the famous India House. From there he went to Berlin, where he got employment for three years, learning German in the ordinary course. In 1911 he migrated to Brazil to serve a German firm there, but, before he went, the well-known Madame Cama, a pestilential seditionist in Paris, had tried with some success to inflame him.

In Rio he saw the *Ghadr* newspaper, and he became an active supporter of it, and in February 1915 he came across Ajit Singh, the seditionist of 1907, who was masquerading as a Muhammadan.

At Ajit Singh's instigation he set out for Berlin for revolutionary work, receiving from the German Consul at Rio, 1,000 milreis for his expenses. He duly reached Genoa, reported himself to the German Consul there, who procured him a new passport and forwarded him to Berlin, providing him with Hardial's address there, to whom he was to report his arrival. He reached Berlin in March 1915 and there met Hardial and one Chattopadhya, Barkat Ulla, Dr. Hafiz, Prabhakar, Mansur and Pillay, all well-known revolutionists, who were the leaders of an Indian Revolutionary Society in Berlin. This society which aimed at establishing a republic in India, held constant meetings attended by Turks, Egyptians, German officials, and, most noteworthy of all, German *ex*-professors and *ex*-missionaries who, in their time, had received the hospitality of the British Government in India, and Hardial and Chattopadhaya were in daily communication with the German Foreign Office.

To carry out the revolution in India, there was an Oriental Translating Bureau for translating and disseminating inflammatory literature to the Indian prisoners of war in Germany. Inflammatory letters, drafted by the German Government and addressed to Indian Princes as from the German authorities, were translated and printed, and meetings were held in which the common objects of India and Germany were dilated upon, these meetings being sometimes presided over by highly placed German officials.

One Oppenhein, the *ex*-German minister in Egypt, and Hardial were deputed to go to Turkey, and Hardial, in company with a cadet of a well-known house in India, and others left for Constantinople on Indian work. Witness was himself ordered to go to San Francisco to help Ram Chand there, and to convey to him the information that Germany was ready to help financially, and while in New York he was to get Gupta to forward to Berlin the statement of his accounts.

The witness sailed for New York from Amsterdam, reported his arrival to the German Consul, who put him in communication with Gupta and one Whede, a German, whose particular mission was to convey 20,000 dollars of German money to the revolutionists in India. In America he met other Germans, Boehm, Jacobson and Sterneck and his connection with these men and the Siamese expedition we have already discussed.

We can see no reason whatever to distrust this man's evidence, and accepting it as we do, we are fully satisfied as to the close connection between Germany and the *Ghadr* movement, at least since the war began.

We have also seen in the section dealing with arms that there was a scheme in contemplation for flooding India with arms procured in Mexico through German agency, controlled by a German Consul, and there is reason to suspect that a steamer was engaged in an attempt at gun-running. The arms scheme.

These are facts which, to our minds, leave no room for doubt that, whether Germany had or had not any connection with the inception of the *Ghadr* movement, that country did seize on the opportunity to encourage and help the movement in order to cause anxiety to the British Government in India.

E.—FINAL CONCLUSIONS.

The judgment in the second conspiracy case has dealt fully with the legal question as to what constitutes the waging of war, and acts which amount to abetment thereof.

That finding has not been challenged before us, and we accept it as correct law in its entirety.

We have little to add to the final conclusions arrived at by our predecessors—we are of the same opinion, *viz.*, that there has been an actual waging of war against the Crown. We have only to add that in addition to what our predecessors knew, we are satisfied that the conspiracy to wage war and the movement of men, which was the first act of war, were both acts which occurred simultaneously in Canada and Manilla as well as the United States of America and the Far East settlements; and that to carry out the design of war men collected in Siam, and further that the Mandi State was also made a centre of operations.

We are now in a position to turn to the individual cases.

PART III.

Individual cases.

We have in this part of our judgment grouped the accused into three groups, in order, so far as possible, to maintain a sequence in the narrative.

These three groups are (1) the Canadian group, (2) the Fattehgarh-Mandi group, and (3) a miscellaneous group.

Group 1.— The Canadian accused.

This group consists of nine accused. The general history of what occurred in Canada has already been traced and should be read in connection with the individual cases.

Balwant Singh, accused (3).

This accused is perhaps the most important accused before us in this case.

The complaint and the acts alleged against him by the prosecution are to be found on pp. 5, 9, 12 and 13 of the record, and the charges on pp. 146 *et seq.*

He is charged specifically with waging, or abetting or attempting to wage war in Lahore and India in 1913, Moji, Yokohama, Victoria, Vancouver, Sumas, San Francisco, Honolulu and Bangkok, and generally with the results of his actions by means of acts committed by other conspirators.

The accused has pleaded "Not Guilty" to the charges.

Much of the evidence against this accused has already been considered by us in the sections dealing with the revolutionists in Canada and Siam, but we are compelled to consider it again with special reference to its bearing upon the guilt or innocence of the accused himself.

The accused was identified on jail parade on 26th October 1916 by Jogindra Singh, Rugnath Singh, Bela Singh, Mangal Singh, Ata Singh, Amar Singh, Harcharan Das, Bawa Singh, and Gopal Das, and by Jodh Singh in court on the 2nd December 1916.

No objection is taken to the fairness and correctness of these identifications.

The accused appears to have left Canada in December 1914, and to have been arrested in Bangkok (Siam) on August 1st, 1915, whence he was deported to Singapore, then removed to Alipore and finally brought up to the Punjab in July 1916.

Accused was admittedly resident in Canada from 1906 to about 1910, again in 1912 and part of 1913, and finally from May to December 1914, in part of which time, 1912-13, he was *Granthi* of the Vancouver *Gurdwara*.

We have already seen in the section dealing with the revolutionists in Canada that there were a number of Indians settled there in 1906 onwards, and that in 1908 there was some agitation in regard to a proposed migration of Indians to British Honduras.

Bela Singh (p. 24) deposes that this proposal arose owing to a scarcity of work there, and Indians were convoked by accused (3) and others to oppose the removal on the ground that it was fraudulent. He states two Indians, with Inspector Hopkinson of the Emigration Department, visited Honduras, and this deputation reported unfavourably on the country, in consequence of which no one went there. He asserts, but in this is unsupported, that accused (3) and others urged that, if the transfer were carried out by force, Indians should retaliate by expelling the British from India.

There is no other direct prosecution evidence in regard to this matter, but we are satisfied there was a proposal to transfer Indians to British Honduras and that it was strongly opposed by them.

In the memorial addressed to His Excellency the Viceroy by the Bradlaugh Hall meeting held in Lahore in August 1913,—a memorial prepared partly on the instructions of accused and his co-delegates, and which accused's counsel has asked us to peruse,—the scheme is referred to as one "to effect the wholesale transportation of Indian settlers to British Honduras . . . . by offering them plausible terms, which were not only to reduce them from free immigrants to the level of indentured coolies, but also to considerably reduce their earnings. Indians saw through the scheme . . ."

Accused also in his oral statement (p. 133) states there was such a proposal, but that there was no agitation, and denies the assertion of Bela Singh that he urged retaliation. In his written statement (p. 231) he states that Inspector Hopkinson mooted the matter to him in 1908, and on his advice that officer met the *Gurdwara* Committee, which was followed by a meeting attended by the Commissioner of Ottawa. That gentleman told them that Government intended to send men who could not find work to Honduras, and in reply Indians agreed to a deputation being sent to see the country.

This deputation, consisting of Inspector Hopkinson and two Indians, went there, and on their return a large meeting was held, consisting of officials and Indians, where the report of these delegates was read out. The report was very strongly adverse to the proposal and Indians unanimously resolved not to go to Honduras. The matter practically ended there as the idea was dropped.

Battan Singh, accused (4), in his written statement (p 211) gives a somewhat similar account. So does Kartar Singh, accused (11), on p. 219.

This opposition to the scheme proposed appears to us, from the material we have, to have been perfectly constitutional and legitimate, and to have been met by the Canadian Government with perfect candour, and in the absence of supporting evidence we cannot accept the statement that, at that early time, Balwant Singh (3) suggested retaliation in the manner stated.

It may be that some suspicion of the Canadian Government's *bonâ fides* was aroused, and that later on the incident was recalled, but beyond that there is nothing, and there was certainly nothing criminal, so far as we know, in accused's attitude towards the subject.

We have seen in the section dealing with the revolutionists in Canada that in 1910 the Canadian Government passed certain ordinances, relating to immigration, which were construed by Indians as being directly

aimed at them. It is unnecessary to again recite what these ordinances were, and we can see nothing criminal or otherwise wrong in a constitutional agitation to have these ordinances repealed or altered. Accused, like other Indians, might very well honestly believe that the intention of the Canadian Government was to exclude Indian immigration altegether, and he might very well believe that such action was wrongful and derogatory to Indians. We are not in a position to decide on the question, nor are we called upon to do so. All we have to do is to note that it was possible to take up a reasonable attitude of opposition to the ordinances. The question we have to decide is whether the accused then, and subsequently, took up a criminal attitude thereto.

In 1911 we find from Bela Singh's statement (p. 24) that accused's wife and Bhag Singh *Granthi's* wife came to Canada, and after considerable difficulty they were allowed by the Government to land. This fact is undoubted. The memorial we have already referred to confirms the fact, and accused in his written statement (p. 232) details the circumstances; the period, however, which is probably correct, given by him being early in 1912.

Here again in this matter we can see nothing wrong. Probably—in fact, we would say certainly—the accused's feelings towards the Canadian Government were embittered and the incident probably rankled, but there is a difference between being sore on a subject and being criminal.

Bhag Singh (p. 24) asserts that there was something criminal. He states that at this time accused (3) and others gave speeches urging that, if their families were not allowed to land, Indians should return to India and expel the British.

Ata Singh (p. 36) merely states that accused (3) at that time was agitating *re* the immigration of wives and children, but mentions nothing criminal as being done by accused.

No other evidence is given as to this period by the Crown.

In defence Magar Singh (p. 229) refers to the matter of the accused's wife and children coming and being eventually allowed to land, but asserts nothing seditious was urged. Battan Singh (p. 211) in his written statement refers to committees being formed to represent to the Canadian Government the agitation regarding the admission of wives and children, and accused in his statement (p. 232) also refers to the question being considered among Indians in 1912.

No doubt, as we have said, feelings had become embittered, but we cannot hold, nor does the prosecution ask us to hold, that there is proof of accused being guilty of any criminal act in 1912.

We have seen in the section dealing with Canada that in 1913 Bhagwan Singh visited the country and started a violent revolutionary campaign there. In that campaign the accused did not take part—that is perfectly clear as he was not in Canada in 1913.

He tells us, and we believe him on this point, that he and two other delegates left Vancouver for England on 14th March 1913 to represent there the grievances felt by Indians in regard to immigration into Canada. We have nothing except his own statement as to what he did in England; but accepting that statement, the delegates interviewed various people of standing in England on the subject, and then proceeded *viâ* Paris and Marseilles to India. There is a pocket book of his (p 65), found ultimately with accused (4), giving certain dates which in part supports his statement, and the Crown prosecution witnesses Bela Singh (p. 24) and Ata Singh (p. 36) also tell us that accused left Canada in 1913 on a deputation.

Arrived in India, we have no evidence for the Crown as to what accused did outside Lahore.

Accused tells us that he saw certain gentlemen in Bombay, which is probably true, and outside Lahore he saw Sardar Sundar Singh, Majithia, in a

meeting convened at Amritsar to hear the 3 Canadian delegates. Sardar Sundar Singh (p. 206) states that at that meeting accused did not speak, and there was nothing objectionable in anything said by his fellow-delegates.

Everyone is agreed that accused was in Lahore in August 1914, and that a big meeting was held in the Bradlaugh Hall on the 18th August.

We have discussed that meeting in the section dealing with Canada in detail, and it is hardly necessary to discuss it further.

The meeting, we consider, became excitable and some unwise things were said which had better have been left unsaid, and the atmosphere created could only result in making people believe that there was a good deal of hostility towards Government on the subject. The meeting was not unconstitutional or illegitimate, but its tone in part was regrettable, and it accepted blindly as facts whatever the delegates said.

However, what we have to consider here is accused's part. He admittedly gave a speech. That speech is not reported in the *Tribune*, which we have been asked by accused to peruse.

We have, however, a summary report made by Lala Chuni Lal (p. 20). That report (p. 3) contains among other things a parable, which states that the way to deal with a snake coiled round you is to rub its head against thorns. The metaphor in its context is clear in its application.

It can only show, if true, that the idea of forcible resistance and retaliation is present in the mind of the speaker.

The question is, did the accused use that parable?—he denies he did; and two gentlemen, S. Sewa Ram Singh (p. 189) and S. Mehr Singh, Chawla (p. 188), who were present at the meeting and are witnesses for the defence, have no recollection of it. On the other hand, Mr. Jalal-ud-din, also a witness for the defence (p. 225), recollects that in the speech of one of the delegates who spoke in Punjabi (and accused did speak in Punjabi) there was something disagreeable by way of a story, the purport of which he cannot remember. Lala Chuni Lal, who is the Senior Reader, Government Press, swears to the accuracy of his report. He sent in a preliminary report (p. 9) on the 19th August to Mr. Gray, Inspector, which dismisses Balwant Singh's speech in 3 lines and does not mention the snake story, but promises a more detailed account later. This more detailed report (p. 3), which gives a lengthy summary of accused's speech, containing the snake story, was received by Inspector Gray (p. 19) on 21st August 1915, and has been in possession of the police ever since.

It is not suggested that Chuni Lal is or ever was hostile to accused, and the report was not furnished with any view to a prosecution, but simply to keep the Police informed of what was going on, and we can see no reason to believe it is a fabrication.

There is another incident in regard to the accused's stay in Lahore, of which evidence is given by Jogindra Singh (p. 19).

He states he met accused in Lahore in 1913 and accused told him that, as Indians were not allowed to live in Canada, he had come to India to excite people and create unrest: the witness reported it to the police.

In cross-examination an effort is made to show this witness is hostile to accused—the hostility is not established, but we do not think it necessary to pursue the point.

The incident may be true, it may not; but we do not think we should rely on the unsupported testimony of the witness, particularly as his alleged report to the police has not been placed before us.

There is some considerable evidence that on his return to Canada the accused stated he had been actively seditious while in India; we will deal with that evidence later, but accepting it for the sake of argument at this stage as true, it does not prove that accused was actively seditious in India. It amounts

only to an assertion, true or false, by accused that he had been seditious—it does not prove he was, though it will become relevant to prove his incitements in Canada on his return.

We have arrived now at the stage when accused left India for Canada. There is nothing so far to show accused had done anything criminal—what is established is that he had thoughts in his mind of forcible resistance if the immigration laws were not altered: he is suggesting it as a possibility, not proposing it as a definitely conceived policy.

In Canada at this period Bhagwan Singh was actually proposing it, and the *Komagata Maru* was starting with that professed object in view ultimately; but for these acts accused was not responsible at this stage.

Accused left India and reached Hong Kong on the 9th April, a week after the *Komagata Maru* had sailed from that port.

In his statement on p. 233 he admits that he reached Moji while the *Komagata Maru* was there. He tells us he first heard of it from passengers in the bazar and went on board out of curiosity, thereby losing his own boat, which sailed in his absence. He says he enquired from Gurdit Singh about the charter, etc., but denies having said a word against Government.

In his oral statement (p. 134) he goes a little further, and says he explained what had passed in his deputations to the Viceroy and the Lieutenant-Governor.

He has produced one witness Sundar Singh (p. 228), who was a passenger on the *Komagata Maru*, who goes just a little further still. He says accused did not speak seditiously, but said that Government had promised to help in getting females and children to land in Canada, a statement which accused must have known to be untrue.

On board that ship was the witness Rughnath Singh. He was in Hong Kong in the I. S. M. D., attached to the 8th Rajputs, and getting leave of absence, sailed on the *Komagata Maru* as Medical Officer. He was, like a sensible person, utterly opposed to the seditious propaganda on the vessel. He asserts that accused came on board at Moji and spoke twice, and that he actually heard one speech. In that speech he said he had been to India and England, and found everybody opposed to Government, and that they were waiting in India till the time arose to strike a blow for Indians in Canada.

We believe this story is true; there is no reason whatever to discredit it, and witness does not attempt to enlarge on what accused said. We see in this speech a further advance in accused's mind; he has got among an excitable crowd, some already imbued with revolutionary ideas, and he is so far at one with them that he encourages them by telling them Indians in India will support them when the time comes to strike.

The next incident shows a further development. He admits in his written statement (p. 233) that he travelled by train with Gurdit Singh as far as Kobi, where he got on his own ship again and reached Yokohama, but denies going on the *Komagata Maru* at the latter port.

His witnesses, Udham Singh (p. 226), Budha Singh (p. 226), Sarup Singh (p. 227), Sundar Singh (p. 228), and Mela Singh (p 229), all passengers on the *Komagata Maru*, four of whom are of his own village, say he never boarded the vessel. These men are or have been all, we understand, restricted, and most of them went down to Calcutta with Balwant Singh, who nevertheless expects us to believe the first he heard of the *Komagata Maru* was in Moji. In the interests of accused we have consulted the diary of Gurdit Singh maintained on the *Komagata Maru*, and find that that diary does not support accused or his witnesses on this subject.

As to what occurred at Yokohama we have the evidence of Rughnath Singh. He tells us that accused (3) left Moji for Yokohama with Gurdit Singh and Bhagwan Singh *Granthi*. At Yokohama he and Bhagwan Singh

came on board, and Bhagwan Singh spoke against Government, urging its expulsion from India and the establishment of an Indian Government there. *Ghadrs* and *Ghadr-di-Gunjes* were distributed, and force was advocated as the only means of getting their rights. Accused, he says, did not lecture.

This evidence, which we believe, shows that accused was associating with advocates of force and giving his countenance, silently no doubt as yet, to one of the worst elements of the *Ghadr* party, the first apostle in Canada of mutiny and murder.

The accused had his ticket for Canada and, though it is said by Rughnath Singh that Gurdit Singh wanted him to go on the *Komagata Maru*, he refused, as he had his ticket already on another ship.

Admittedly, he reached Victoria about the 19th May, *i.e.*, before the *Komagata Maru* arrived.

Amar Singh (p. 29), who was then in Victoria, states that on his arrival there he was met by several of the accused and Piara Singh (L. C. C.), and that that night there was a meeting in the *Gurdwara*, in which accused said he had itinerated through India, meeting big men there, and that it had been arranged that, if Indians were not allowed to bring their wives and families into Canada, all would join in expelling the British from India. There were other violent speeches, but we need only concern ourselves with accused.

No question was put to this witness to suggest any reason for false evidence. In defence four of accused's co-villagers, who were on the *Komagata Maru*, are produced to say that Amar Singh's father-in-law is on bad terms with Balwant Singh's family in India—there is nothing to show this beyond their oral statements, and there is no reason to disbelieve the witness. On the contrary the contradictory defence evidence supports him to some extent.

The accused in his oral statement (p. 134) says there was no meeting in Victoria *Gurdwara*; he met some 10 or 15 men in Victoria, but made no speech of any kind to them.

In his written statement (p. 233) he admits going to the *Gurdwara*, and meeting in the evening a number of men, to whom he said the Lieutenant-Governor and the Viceroy sympathized with them, and that they talked about the *Komagata Maru*, but denies any seditious speech.

One witness for defence, Hari Singh (p. 194), starts by saying accused (3) did give a speech in Victoria *Gurdwara* on this occasion, and says he said he had seen the Viceroy and many big leaders, that he had had a big meeting in Lahore and had got promises that women and children should be admitted to Canada.

Naurang Singh, another witness (p. 228), says he met accused (3) in Victoria *Gurdwara*, but he never preached anything but temperance. He goes on, however, to say accused did say he had seen the Viceroy, who had held out hopes of getting permission for Indians to land in Canada.

This evidence for the defence proves witness Amar Singh is not drawing entirely on his imagination: there was a meeting in Victoria *Gurdwara* and the situation was discussed. Is it possible that nothing was said as to what would happen if the *Komagata Maru* passengers were not allowed to land, and, if so, is it not probable that accused would mention and adopt the professed policy of Bhagwan Singh and Gurdit Singh, in whose company and supporting whom he had just been? It seems to us beyond doubt that accused had now gone further and was adopting, as his own policy, the policy of force advocated by his recent companions.

Accused admittedly arrived in Vancouver about the 21st May, just before the *Komagata Maru*, which arrived about the 22nd or 23rd.

To meet the *Komagata Maru*, a Shore Committee was appointed, Balwant Singh being a member of it, but, as already noted in our section dealing with Canada, that committee is not shown to have done anything illegal as a committee, so we need not be detained further with regard to that.

The question is, what was accused's attitude in Vancouver while the *Komagata Maru* was there?

The first witness is Rughnath Singh. He says that while the *Komagata Maru* was in harbour he often saw accused, who stated frequently that as the ship would be sent back all Indians should return to India to strike a blow against Government.

Bela Singh states that, as soon as the *Komagata Maru* arrived, there was a big meeting in the Dominion Hall, Vancouver, to discuss what was to be done as the passengers were not allowed to land. It was addressed by accused (3), who said he had seen big men in India and he was satisfied people there would help if they did their share. Subscriptions were levied, and the constant theme of the speeches was that if the ship was sent back, it became a duty to return to India to expel the British and crush their heads like melons.

He is supported in this by Mangal Singh.

That witness (p. 28) says that, as soon as accused reached Vancouvers he told everybody that Indians in India were agreed to join in expelling the British if Indians were not allowed to land, and he referred to the *Komagata Maru* coming.

When it did come there was a big meeting in Vancouver Hall, and subsequent ones in the *Gurdwara* addressed by accused (3) among others to the same effect, and his constant advice was to abandon petitioning and to use force.

Harcharan Das (p. 30) is to a similar effect. On his arrival, he, with others, met accused in Vancouver and they were told by accused (3) that he had been on a deputation to the Viceroy, had seen Mr. Gokhale in London, had also met Krishna Varma, and had seen big men in India, who agreed that they should return to India for *ghadr* if they were worried in Canada. He advised them to do so. He spoke too of the coming of the *Komagata Maru*, and when the boat came witness attended a meeting in the Dominion Hall, in which Rahim and accused (3) and a European, among others, spoke, and there it was resolved that if the *Komagata Maru* men were not allowed to land, the migration for *ghadr* should start—that was the purport, he says, of accused's speech.

There were constant meetings in the *Gurdwara* on Saturday evening addressed by accused (3) and others, *ghadrs* were distributed, read out, and seditious songs sung, all advocating a return to India for mutiny.

Ata Singh (p. 36) gives evidence regarding accused's arrival, and says he heard him say he had seen many leaders in India, complaining of the immigration restrictions, had asked officers and soldiers to decline to serve Government, and received assurances they would all join in a rising to expel the British, when those in Canada gave the sign.

Why should these witnesses not be believed? We get allegations of enmity, but there is nothing tangible in regard to the witnesses as a body, nothing to show why they should combine in manufacturing evidence, and when we find them actually supporting each other, and supported by other evidence, there is no course open but to believe them. We have dealt in the part dealing with Canada with the contentions of the accused against them, and it is unnecessary to repeat that matter again.

One of the strongest confirmatory pieces of evidence is the *Hindustani*, which actually reports the meeting of the 31st May in the Dominion Hall and gives a resumé of accused's speech. It tells us too that Rahim and a European spoke, and the tenour of accused's speech, as reported in that paper, is violent. The paper also corroborates the witnesses by advertising Saturday political meetings under the auspices of the United Indian League.

Accused in his oral statement (p. 134) denies saying anything on his arrival in Vancouver or making a speech in the Dominion Hall. When confronted with the *Hindustani* he says he was present at the meeting, but did

nothing except collect subscriptions and send telegrams, and that the report is due to some maliciousness on the part of the editor, Rahim—a most improbable story as he and Rahim were at that time acting in concert on the Shore Committee, and Rahim's was one of the cases accused and his co-delegates had used to point the moral of the memorial to the Viceroy.

In his written statement he admits that on arrival at Vancouver he did meet people and tell them what he had done in India, and in the Dominion Hall meeting the facts of the deputation to India were explained—an explanation unfortunately omitted in the *Hindustani*—and asserts he did not speak seditiously.

He has produced several witnesses in his defence, and desired to produce others outside the jurisdiction of the court.

So far from helping him, they do, in a measure, support the prosecution.

Jawand Singh (p. 196) says he met accused on his arrival in Vancouver from India, and accused told him he had seen big men and the Viceroy in India, who had promised to help, and a petition had been sent to the Viceroy. He was at the Dominion Hall meeting, which was addressed by Rahim and accused (3). He says there was nothing seditious and there were never any political gatherings in the *Gurdwara*, notwithstanding the fact that the *Hindustani* specially advertised them.

Hari Singh (p. 197) saw him on return in the *Gurdwara*, but had no talk with him.

Jagat Singh (p. 199) heard accused lecture, but not seditiously, in the Vancouver *Gurdwara*—his recollection doesn't include hearing of Bhagwan Singh or the *Ghadr* newspaper.

Hardit Singh (p. 201) was at the Dominion Hall meeting, and heard accused, Rahim, and an Englishman speak, though there was nothing seditious in what they said.

Battan Singh (p. 201) also heard accused give a non-seditious speech in the Dominion Hall; Wariam Singh (p. 202) says there was no meeting in the Dominion Hall or the *Gurdwara*, but he went to meet accused when he returned from India.

Dewa Singh (p. 203) never heard him speak seditiously.

Gharib Singh (p. 205) met accused on his return from India, and he told people in the *Gurdwara* what he had been doing in India—there was nothing seditious in what he said. He was also in the Dominion Hall meeting, which was non-seditious, and Balwant Singh spoke.

Sudh Singh (p. 206) was also in the Dominion Hall meeting, and saw accused there and heard Rahim speak, but even Rahim did not speak seditiously, though in his own report in his own paper he rather glories in having done so.

Mehr Singh (p. 227) too was at this meeting, which he says was not seditious.

Now even the defence evidence proves beyond a doubt that accused did address Indians in Vancouver *Gurdwara* and the Dominion Hall. No doubt there was part non-seditious. Subscriptions to help the *Komagata Maru* passengers would not be in themselves open to objection and telegrams would be harmless, but the question is, did accused go beyond proper limits? The answer, we think, must be in the affirmative, and we are satisfied he deliberately encouraged revolutionary ideas by saying Indians in India would support them and urging those in Canada to go back for mutiny.

There is evidence, too, he continued this attitude when the *Komagata Maru* had sailed homewards.

Rughnath Singh (p. 21) tells us there were weekly meetings of the United Indian League every Saturday in the *Gurdwara*, and he went to one meeting which was addressed by Bhag Singh and Mewa Singh, accused (3) being present. This is no doubt one of the regular meetings advertised by that League in the *Hindustani*. Government was represented as oppressive, and

since the *Komagata Maru* had been sent back, the war was urged as a favourable opportunity to go to India for *ghadr*, and accused propounded the same views—he was one of the leaders and had all arrangements in his hands—and he says, as we know, men did leave Canada with that express object and aim in view on the outbreak of war.

Mangal Singh (p. 28) gives us much the same evidence; accused (3) amongst others, he says, urged in the *Gurdwara* a return to India for revolution and looting of treasuries, and he often heard him urge *ghadr*. Harcharan Das (p. 30) tells us also that accused (3) amongst others urged people to go to India for mutiny when war broke out, stirring men up to start the rebellion by first seducing troops, and Ata Singh (p. 36) does so too. He states he heard accused (3) and others in the *Gurdwara* lecture to the effect that the war should be seized as the opportunity to return to India, to help the Germans, start a revolt and expel the British.

Bela Singh (p. 28) also says that on the outbreak of the war the resolve was general to seize it as the opportunity for mutiny. There is no question accused did take an active part in urging men to return for *ghadr*. The evidence is too overwhelming for us to reject it wholesale.

We must refer to two incidents which occurred in Vancouver about this time.

The one is what we call the Sumas incident, the other the murder of Mr. Hopkinson.

In regard to the former, Rughnath Singh (p. 21) tells us Balwant Singh (3) and others were arrested at Sumas for smuggling arms into Canada—accused himself told him so and one Mewa Singh was convicted, the others being discharged, as they had not got weapons on them.

Bela Singh (p. 25) states that in July 1914 Bhag Singh (since shot dead by the witness in self-defence), Harnam Singh (since executed in the Burma case), Mewa Singh (since executed in Canada for the murder of Mr. Hopkinson), and accused were sent to get arms for the *Komagata Maru* men. They were arrested, and Mewa Singh was convicted.

Mangal Singh (p. 28) tells us the same, and says he was told by accused (4) these men were specially deputed for the purpose.

Accused admits (p. 235) going to Sumas with Bhag Singh, where they met Mewa Singh accidentally, and that he was arrested by the Emigration authorities, but he says he had gone to see about a plot of land required in Seattle for a *Gurdwara*, and he had nothing to do with any arms.

To check the evidence we have seen the statement made by Mewa Singh to the Canadian Police when arrested, but as it is not in accused's favour we cannot see the prosecution evidence is damaged in any way. We cannot of course use it or attempt to use it against accused.

The prosecution evidence stands on its own strength, and we are satisfied accused did set out with these 3 men to get arms, but when he was arrested he had none in his possession.

In regard to the other matter, there is nothing directly implicating accused in the murder. No doubt Harcharan Das (p. 31) states that accused (3) and others advised the murder of Mr. Reid, Mr. Hopkinson and Bela Singh as a necessary step to advance *ghadr* in Canada; it may be so, there may possibly have been a previously concerted design, but we cannot take it as definitely proved on one witness' statement alone. What really happened, so far as we can be certain of, is that two of Bela Singh's assistants were mysteriously murdered. They were probably *Ghadrite* crimes. At any rate during the funeral obsequies of the last victim at the *Gurdwara*, a fracas occurred and Bela Singh shot Bhag Singh dead, injuring several others. He was tried for murder and acquitted on the ground of self-defence.

When the trial came on for hearing in the Supreme Court Mewa Singh, one of accused's companions at Sumas, deliberately murdered

Mr. Hopkinson in open court, and accused (3) which others was arrested on suspicion of having instigated the murder, but was discharge without trial. There is of course, in this no proof that accused was privy to the crime,—it was the work of an associate of his, and as it was committed in open court most probably not pre-conceived, at any rate so far as the venue was concerned. This closes accused's career in Canada.

He left there towards the end of December 1914. We have no direct evidence why, and we are not permitted to conjecture. Accused says he left because his wife's health was bad.

At any rate from Vancouver he sailed for San Francisco. Here he admittedly stopped for a few days, and Harcharan Das (p. 31) states that he heard from Ram Chand, Peshawaria, accused and his family were coming. On their arrival with accused (4) and (11) witness says Munshi Ram and Ram Chand meet them, and supplied them with clothes and provisions, and afterwards sent 50 dollars for him to Japan, which were returned undelivered.

If this be true, and there is no particular reason for disbelieving it, accused was well-known and was a *persona grata* with the *Ghadr* headquarters.

We have nothing in the prosecution evidence to show what accused did from about January 1915 to July 1915, when he turns up in Siam, except one incident on board near Honolulu.

Accused's story is possibly correct as to his wanderings. He says he reached Shanghai on 23rd January 1915,—this too the prosecution establishes,—and states he was detained there, partly by his wife's illness, partly in trying to get work or to return to Canada. Then he says he made up his mind to go to Siam to become *Granthi* there, leaving Shanghai on 26th June, reaching Swatow on 2nd July and Bangkok on the 13th in the company of accused (15).

The incident we have referred to as taking place outside Honolulu rests on the evidence of Bawa Singh and Khazan Singh.

These two witnesses (p. 38) say they travelled on the same ship, but by different classes as a accused (3), (4) and (11), and outside Honolulu accused (3) asked Dawa Singh to help *ghadr* in India by inciting villagers not to pay revenue, so that the British might be driven out. No proper reason is assigned for this evidence being false, beyond and allegation that accused expostulated with them for drinking. Accused simply denies it and produces one witness, Jawala Singh (p. 226), who was on the vessel and says accused never made any such suggestion.

We have now to deal with accused in Bangkok.

Jodh Singh (p. 184), a German agent, despatched to cause trouble in Siam, admittedly met accused at Swatow with accused (15). As soon as accused saw him he started packing up, suspecting him of being a Government agent. After some conversation, and showing him letters in his possession from Ram Chand to Bhagwan Singh, accused was reassured and said he, Bhagwan Singh, was a good man. From Swatow they journeyed together to Bangkok and their stayed at the *gurdwara*, and ultimately in the house of Shib Dial, Kapur, for a few days.

Witness states he learnt from accused he was patriotic and had the same feelings towards Government as he had, and that accused was in the revolutionary movement, though he did not learn his particular activities.

Accused, he says, went into hospital in Bangkok and for a time he used to fetch food from Gopal Das for them all.

Gopal Das (p. 39), has also given evidence. He says he saw accused Shib Dial, accused (15) and Jodh Singh at Bangkok, where they were fed by Budha Singh (Burma Conspiracy Case). We are not prepared to consider it proved that Budha Singh did feed them, and we need not, therefore, consider the defence argument on the point.

The witness further says that a meeting at the house of one Indar Singh, accused (3) gave an address, saying it was time to go home and seize the *raj*, and kill the British as no such alike occasion would occur again and this was followed by a subscription.

This story of Gopal Das' may be true, and though we are not prepared to reject it, we do not think it would be fair to insist on it too literally without some corroboration, especially as witness is not above suspicion himself. We are, however, satisfied accused was in Siam for a purpose not satisfactorily explained, and probably in some way or other connected with the *Ghadr* movement there.

Accused was, as we have said already, arrested in Bangkok on the 1st August 1915.

We have separately discussed the question of the reliability of the Canadian prosecution witnesses in the section dealing with the revolutionists in Canada, and we can see no valid ground for rejecting their evidence wholesale.

The accused's oral statement will be found on pp. 133 *et seq.* of the record. We have already dealt with his various contentions and admissions as each point against him was considered.

He admits the factum of the identifications, that there was a proposal in 1908 to transfer Indians in Canada to Honduras, that he was *granthi* in Vancouver in 1912-13, that he was a member of a deputation to England and India 1913-14, in regard to the immigration laws, that he gave a speech in the Bradlaugh Hall, Lahore on 18th August 1913, that he returned to Canada in May 1914, going on board the *Komagata Maru* at Maji, where he explained to the passengers the results of his deputation, that on arrival in Victoria he met a few Indians but had no meeting, that he was made a member of the Shore Committee in Vancouver, that he helped in the Dominion Hall meeting of 31st May by collecting subscriptions and sending telegrams only, that he did go to Sumas but not for arms and was arrested and discharged, that he was latter arrested and discharged on suspicion with reference to Mr. Hopkinson's murder, that he left Canada in December 1914, stopped at San Francisco *en route* and sailed on the same boat as Bawa Singh and Khazan Singh, witnesses, that he was in Shanghai for 4 months and then proceeded to Bangkok, as he says, to work as a *granthi*, meeting accused (15) and Jodh Singh on the way, that he reached Bangkok on 17th July 1915, was sent to hospital on the 24th and was arrested on 2nd August.

To all other allegations he gives a direct denial. In his lengthy written statement (pp. 231 *et seq.*) he recapitulates his early life, gives a detailed account of the Honduras proposal, says that he was in India in 1909—11, returning with his family to Canada in January 1912, his family being allowed to land after some difficulty and that the question of the immigration laws was raised in the *gurdwara* on December 12th, resulting in the sending of a deputation to England and India. He gives in considerable detail and account of the tour of the deputation, and tell us that on his way back to Canada he boarded the *Komagata Maru* at Moji out of curiosity travelled with Gurdit Singh to Kobe to catch his steamer there then to Yokohama, whence the *Komagata Maru* had already sailed. He reached Victoria he says on 19th May, visited the *gurdwara* and told friends there of interviews with the Viceroy and Lieutenant-Governor, going on to Vancouver 2 days before the arrival of the *Komagata Maru*.

He became a member of the Shore Committee and attended the Dominion Hall meeting, where he explained the interviews with the Viceroy and Lieutenant-Governor.

He denies the correctness of the *Hindustani* report of his speech and gives reasons why he thinks Rahim published it. He then enters into a diatribe against Mr. Hopkinson and Bela Singh, says they got Bhagwan

Singh into Canada in return for bribes, being opposed by Indians headed by Bhag Singh.

He then proceeds to relate how the charter of the *Komagata Maru* was transferred to the *Gurdwara* Committee and how test cases were filed.

He then explains that he had set out with Bhag Singh to get land for a *gurdwara* in Seattle, met the owner of it at Sumas and was arrested by the Canadian immigration authorities returning and detained, eventually reaching Vancouver on 30th July. He denies there was any seditious meeting there, relates the affray in which Bhag Singh was killed and his brother-in-law and others were wounded, also gives an account of Mr. Hopkinson's murder, at which he was not present and says he was arrested on suspicion and discharged and without trial.

He then intended to return to India owing to his wife's health, left Vancouver, called at Fresco where he denies meeting Ram Chand, and Honolulu, contradicting the story of Bawa Singh and Khazan Singh, reaching Shanghai on 23rd January 1915. From there he sent his wife home in the company of accused (4), and after vain efforts to get back to Canada proceeded to Bangkok to find employment as *granthi* there, being arrested in Bangkok a few days after arrival.

We have discussed above all he has stated in his written statement which is revelant to the case.

We have also dealt with his defence witnesses. D. Ws. 7, 13 and 80 give evidence regarding the Bradlaugh Hall meeting, D. W. 65 with reference to a meeting held in Amritsar to meet the deputation.

D. W. 27, is concerned with the actions of accused at Victoria in May 1914. Chatter Singh (D. W. 28) gives evidence against Gopal Das' story, which we are not pressing against accused. D. Ws. 29 and 36 give little or no material evidence. D. Ws. 30, 32, 45, 47, 50, 52, 63, 64, 86, 87, 91 speak of the Dominion Hall meeting giving it an innocent complexion, or of accused's attitude on return from India being perfectly correct. Witnesses 36, 47 say Bala Singh was concerned in trying to get Bhagwan Singh into Canada and witnesses 83, 84, 85, 88, 84 depose that accused did not board the *Komagata Maru* at *Yokahama*, witnesses 83, 84, 85, and 94 also speaking of enmity of Amar Singh's father-in-law with accused's family and witness 82 is produced to contradict Bawa Singh and Khazan Singh.

All of these witnesses have been dealt with above in their appropriate places, and there is nothing to add.

We have only in conclusion to note that the pocket-book (p. 65), which is admitted by accused to be his, has a Persian couplet, translated also into Gurmukhi, inserted in it, which runs—

"When all other plans fail, it is right to have recourse to the sword."

Accused denies that is in his handwriting; but it is his book, and we are satisfied that that is a correct epitome of accused's attitude.

We entertain no doubt that accused has associated himself with the *Ghadr* party, and that he has actively abetted the waging of war by advising and urging men to return to India for *Ghadr*, and that in consequence thereof men have returned for that purpose. It is not necessary to record any further finding.

We have in accused one of the ringleaders of mutiny in Canada, a man who by his position there has drawn others to crime, to mutiny and murder. He is one of the chief instigators, and he deserves, no less a punishment than those who have obeyed his behests.

We find accused guilty under sections 121, 121-A, Indian Penal Code, and sentence him to be hanged by the neck until he is dead, and we further direct that all his property, liable to confiscation, be forfeited to the Crown.

Battan Singh, accused (4).

This accused is also a Canadian returned emigrant. The allegations against him in the complaint will be found on pp. 9 to 13 of the record; and the charges on pp. 148—49.

He is charged with having waged war, or abetted or attempted the waging of war in Victoria in 1913-14, in Vancouver in 1911 and 1914 and in Honolulu in January 1915, and also as a conspirator with responsibility for acts committed by other conspirators in pursuance of such conspiracy.

The accused has pleaded "Not Guilty" to the charges. Accused appears to have gone to Canada in 1906, and to have left that country in the company of accused (3) and (11) in December 1914 on the *Nippon Maru* as far as Shanghai, and to have arrived in Colombo on a Messageries boat on 14th March 1915, being arrested in Ludhiana on 25th March 1915, and interned at once.

He was identified on jail parade on 26th October 1916 by name by Bela Singh, Mangal Singh and Amar Singh, and pointed out, though not named, by Ata Singh and Harcharan Das.

The identifications are not objected to except in the case of Harcharan Das, who, it is alleged, knew accused by reason of having been interned with him for sometime in Campbellpur Jail. It is true they were both interned there, and quite possible that witness saw him there, but that does not necessarily establish that witness is falsely accusing him.

The first matter alleged against him is that in 1908 he took an active part in opposing the proposed transfer of Indians to Honduras, and Bela Singh (p. 24) states that he advocated a return to India to expel the British if that transfer were forcibly affected.

Our remarks on this matter, made in accused (3's) case, apply *mutatis mutandis* to this accused, and we are not prepared to hold there was anything criminal in the opposition to that proposal, or that it is established accused then took up an attitude of criminal resistance.

The next point against him is also in Bela Singh's statement. He says that in 1911, when the question of immigration of women and children was in the forefront, accused again advised a return to India to expel the British. We hold on this point, as in Balwant Singh's case for the same reasons, that it is not established that there was anything criminal in accused's attitude at that time—there was probably soreness on the subject, but nothing as yet actively criminal.

He is also alleged by Bela Singh (p. 24) to have been an active supporter of the *Sansar* paper. In this he is supported by Amar Singh (p. 29), and accused admits (p. 131) that he did give a little support to it and contributed to it, but did not work on the Press, and on p. 212 he admits subscribing 10 dollars to it. Why he should consider it necessary to produce D. Ws. 27, 36, 45 and 47 and cross-examine P. W. 114 to prove he never had anything to do with the paper is difficult to understand, but it is not material, as we are of opinion that, objectionable though the tone of the *Sansar* was occasionally, the paper itself was not a criminal production, and supporting it or subscribing to it, though it may show a tendency towards opposition to Government, are not acts amounting to any criminal offence.

The real case against this accused commences with the time when Bhagwan Singh came to Canada in 1913.

Bela Singh (p. 25) asserts that accused attended the violent meetings conducted by Bhagwan Singh, and along with others spoke, urging it was useless to stay in Canada, and they should return to India for mutiny. He also says he was active in distributing the *Ghadr*. He also alleges accused was the composer of the *Kolra Chhand*, a very virulent song which appeared in the *Ghadr-di-Gunj*.

Mangal Singh (p. 27) also connects him with Bhagwan Singh, and states that accused, among others, undertook to do what Bhagwan Singh

wanted, *viz.*, go to India to close that country to the British, and also that he busied himself in distributing the *Ghadr*.

Amar Singh (p. 29) also alleges that accused took part in distributing the *Ghadr*, and gave seditious lectures in the *gurdwara*, saying Government was oppressive and should be put down.

Harcharn Das does not mention him at this period, and Ata Singh does not refer to him throughout his statement—surely a marked proof that there has been no collusion of witnesses.

From the return of Balwant Singh to Canada the activities of accused increase.

Rugnath Singh does not mention him, the only accused he speaks of at all are accused (3) or (11).

Bela Singh states accused became a member of the Shore Committee, and, though he is the witness who is alleged to have engineered the case against accused, does not attempt to implicate him further. Accused was in the *gurdwara* when Bhag Singh was shot and was injured, probably by Bela Singh in the fracas, and he was arrested on suspicion but released in connection with the murder of Mr. Hopkinson.

Amar Singh (p. 29) says that when accused (3) arrived, this accused met him at Victoria with others and was present at the inflammatory meeting in the *gurdwara*, but he doesn't accuse him of lecturing, and he is, he admits, a friend of the accused's.

It is in Mangal Singh's and Harcharn Das' evidence we get serious allegations against him and these men certainly have had no chance of collusion.

Mangal Singh states he spoke in the Vancouver Hall meeting of 31st May, and when war broke out he was one of those who advised returning to India to loot treasuries and start a revolution; accused, he says, took him to that meeting and he reported his attendance and speaking to the immigration authorities.

Harcharn Das (p. 30) includes him in the members of the Shore Committee, and as one of the speakers in the Dominion Hall meeting, as one of the persons who, on the outbreak of war, stirred up Indians to return to India to seduce troops and start a rebellion; and as one of those who openly advocated the murder of Mr. Reid, Mr. Hopkinson and Bela Singh.

Before touching on the defence evidence as to this period we may note that, as already stated, being a member of the Shore Committee is not, on the evidence before us, a fact to use against any accused, and an arrest on suspicion of murdering Mr. Hopkinson, followed by discharge, goes no further than to establish that the Canadian authorities looked upon him as one of the dangerous men in the place. As regards the *Kolra Chhand* being composed by him we are not prepared to hold that that is established.

It rests on Bela Singh's testimony only, and though we do not say that Bela Singh is not to be believed on this point, we think, in view of the possibility of hostility arising out of the *gurdwara* fracas, that we should not rely exclusively on his testimony against the accused.

In regard to the other matters, *viz.*, a general seditious activity, distribution of the *Ghadr*, lecturing in the Dominion Hall, and urging a return to India for rebellion when war broke out, accused in his written and oral statements (pp. 211 and 231) denies all the allegations. His written statement contains long irrelevant account of his work in connection with a school in Canada, and the agitation in 1911 to get women and children admitted to Canada, and a matter we have already dealt with, *viz.*, that accused opposed Bela Singh in an alleged attempt of the latter to land undesirable Indians in Vancouver, and an account of the *gurdwara* fracas. His witnesses 26, 27, 36, 30, 45, 47, 50, 51, 52, 81, 86, 91, all say he took no part in seditious activities in Canada, but then they say there were no such activities by any one; P. W. 114, the

Hoshiarpur murderer, is cross-examined to say that accused opposed Bela Singh in trying to land Bhagwan Singh. 36 says these two were enemies. 47 does not know whether they were or not, and witness 32 only saw him in the streets.

In producing witness 63, accused produced one too many. He says he saw him in the Dominion Hall meeting,—and thereby corroborates the prosecution evidence,—but he did not speak seditiously.

This evidence does not destroy the evidence for the Crown, and it is a very strong point that it is not the evidence, which accused's counsel asks us to consider tainted, which is the strongest against the accused, but evidence against which nothing valid can be alleged.

The case against accused does not rest here. He admittedly left Vancouver on the same ship as and in the company of accused (3) and (11) going *vid* Trisce to Shanghai,—in his written statement accused gives an irrelevant account of the steamers he went on.

Going on the same ship is of course nothing, but both Bawa Singh and Khazan Singh (p. 38) allege he backed accused (3) up when the latter at tempted to seduce them outside Honolulu to *Ghadr*, though we must point out these witnesses have not identified him. That he was a close intimate of the accused (3) is proved by two further facts.

P. 11, the authorship of which accused admits, consists of two letters, in which accused appeals to other Indians for funds to help Balwant Singh and his family during the former's detention in connection with Mr. Hopkinson's murder. They are not seditious, but they show a close connection between the two accused.

The other fact is that accused brought Balwant Singh's wife and family to India from Shanghai, and when arrested was in possession of P. 65—accused (3)'s pocket book with the seditious couplet in.

What was accused's purpose in coming home ?—he says work was getting slack, that he had become ill owing to his injury in the *melée* at the *gurdwara*, and because his parents would not send his wife and children to Canada, and he got letters to go home.

No supporting evidence has been produced; the different reasons are somewhat at variance with each other, and the fact remains that there is no explanation as to the company he was keeping, and his close association with accused (3).

On a consideration of the evidence we are of opinion that it is established that accused did take part in urging and organizing a return to India for mutiny, in consequence of which people did return, and that he himself probably returned for the same purpose, but was interned in India before he could do any damage.

We find him guilty under sections 121, 121-A, Indian Penal Code; and sentence him to transportation for life, and direct that his property, liable to confiscation, be forfeited to the Crown.

Findings on the other charges are unnecessary.

Bishan Singh, accused (5).

This accused is also a returned Canadian emigrant. The allegations against him in the complaint will be found on pp. 9 and 13, and the charge on p. 150 of the record. He is charged with waging war or abetment of or attempt to wage war in Vancouver in 1913-14, and in Marhana in 1914, and as a conspirator with responsibility for acts of other co-conspirators.

Accused has pleaded 'Not Guilty' to the charges. He was identified on jail parade on 8th November 1916 by Bela Singh and Amar Singh, and Mangal Singh pointed out accused (15) as Bishan Singh.

There is no clear evidence as to when this accused left Canada. Mr. Slattery informs us that the police do not know. His arrival in his village was reported on 26th September 1914, and he was restricted in October 1915. The complaint states he was interned in October 1914. He was in Canada from 1906, and he states he left there on 7th July 1914, coming home *viâ* Quebec, London and Bombay, was arrested in November 1914, and interned in Campbellpur, was released in August 1916 and re-arrested in October 1916.

As regards his return to India, D. W. 41 says he left before the *Komagata Maru*; D. W. 21 of his village says he was said to have come on the *Komagata Maru*, but his name does not appear in the *Komagata Maru* list of passengers, and Amar Singh says he returned about a week before war broke out.

We are not, therefore, in a position to say positively when or how he returned.

As regards his alleged activities in Canada there are two witnesses only.

Bela Singh (p. 24) says he was a supporter of the *Sansar*, that he attended some of Bhagwan Singh's meetings in 1913, and spoke a urging return to India for mutiny, distributed the *Ghadr*, and spoke in the Dominion Hall on 31st May 1914, urging a return for rebellion.

Amar Singh (p. 29) says he was one of those who met Balwant Singh at Victoria, that he distributed *Ghadrs* in 1913, and spoke seditiously about the same time in the *gurdwara*; presiding at one meeting. There is no further evidence against him in Canada. He denies all these allegations, and in his written statement (p. 213) gives a long account of enmity with Bela Singh about a shop in Victoria and frequent fights between him and the witness.

D. Ws. 14, 22, 24, 25 and 41 support him in his alleged disputes with Bela Singh and assert he never spoke seditiously.

We have already dealt with his quarrels with Bela Singh, in our section dealing with Canada. Bela Singh has admitted before us that he reported this accused was the instigator of assaults upon him, and though we are not prepared to say that Bela Singh has in consequence falsely implicated this accused, we must see that Bela Singh is corroborated before acting on his evidence.

That he is not—Amar Singh speaks to quite different matters, and the only thing they support each other in is in the distribution of *Ghadr*. Where the sole evidence, therefore, consists of witness testifying to different actions and there is a possibility of one of them being influenced by prior disputes, it would be unsafe to convict thereon.

The only other evidence against accused (8) is that he spoke seditiously in Marhana on his return. Surain Singh and Bhola Singh (p. 35) both say so. Both of these witnesses, however, belong to an opposite faction in the village, and that there are factions, in which bitterness runs high, and that there is enmity between the witnesses and accused's family is proved beyond question by witnesses D. 15, 16, 17, 18, 19, 21, 23 and 25. We need not give the details of this enmity, for we are satisfied that it is sufficient to discredit the two witnesses.

As to why accused came home we have nothing from which we can draw an adverse inference. Accused says he ran away from Canada, as he owed a lot of money, and in this he is supported by D. Ws. 14, 22 and 41.

We do not say that we accept his explanation as the proper one, nor that the prosecution witnesses are necessarily falsely implicating him, but the case is certainly not clearly established against him, and we accordingly acquit the accused.

Dail Singh, accused (6).

This accused is also a returned Canadian emigrant.

The allegations against him in the complaint will be found on pp. 9, 13, and the charge on p. 151.

The charge against him is that he waged, or abetted or attempted the waging of war in Vancouver in 1913-14, and as a conspirator with responsibility for acts of co-conspirators.

He was identified on jail parade on 26th October 1916 by Bela Singh and Harcharan Das, against the latter of whom it is alleged that he is able to indentify accused by reason of having been interned with him in Campbellpur Jail.

The accused appears to have gone to Canada in 1906, and to have returned on the same ship as Sher Singh (L. C. C.), who was found in that case to have brought back a party of revolutionists for *Ghadr*, eventually reaching Calcutta on the *Tosha Maru* on 29th October 1914, being interned immediately on arrival.

The only evidence against him consists of Bela Singh and Harcharan Das.

The former (p. 24) says he took an active part in opposing the Honduras transfer scheme on the ground it was fraudulent, but does not allege he took up the position of advocating force.

Assuming he did oppose this transfer, there was, as we have seen nothing necessarily criminal in doing so.

This witness also says he was a supporter of the *Sansar*,—even if he were that, as we have seen, was not of itself criminal.

He also says he spoke at some of Bhagwan Singh's lectures in 1913, advocating the same views as Bhagwan Singh.

Harcharan Das says that on the outbreak of war the accused was active with others in stirring people up to return to India to seduce troops, and start a revolution, and that he advocated openly the murder of Mr. Hopkinson, Mr. Reid and Bela Singh,—the latter is not probable, as accused left Canada long before Mr. Hopkinson was murdered.

Accused denies these various allegations and says he was not in Vancouver during Bhagwan Singh's visit there, and was in hospital at Port Moody when war broke out.

In his written statement he gives a long account of where he worked in Canada, and as regards Bela Singh he says vaguely he is on terms of enmity with him.

His witnesses D. Ws. 37, 48, 49, 53, 54, 59, 60, 61 and 86 support him in saying he was working outside North Vancouver.

As regards his reason for returning home he says his father and wife had died, and he came back at his mother's request to look after his children. D. W. 48 partially supports this, so do D. W. 55 (the village *lambardar*) and D. W. 62, his brother-in-law.

The fact that he was on the *Tosha Maru* and sailed with Sher Singh is suspicious, but we cannot convict on suspicion.

Regarding Bela Singh and Harcharan Das' evidence no valid reason is advanced for entirely disbelieving them. Harcharan Das, has, however, made one mistake which we have pointed out, and the two witnesses speak of entirely different matters,—one to lectures with Bhagwan Singh in 1913, the other to lectures on the outbreak of war, and then only generally with others.

This evidence may be true; but we do not consider it strong enough to act upon. We give accused the benefit of the doubt and acquit him.

Dalip Singh, accused (7).

This accused is also one of the returned Canadian emigrants.

The allegations against him in the complaint will be found on pp. 9—13, and the charge on p. 153.

He is charged with offences under sections 121, 121 A, by virtue of acts committed in Victoria in 1913 and Vancouver in 1914, and also with responsibility as a conspirator for acts of his co-conspirators.

The accused has pleaded "Not Guilty" to the charges framed.

Mr. Slattery tells us there is no clear evidence as to when this accused returned. Accused says he returned home by an unknown ship in January 1915, was directed to go home, and was arrested in August 1915.

Inspector Ikram-ul-Haqq tells us his house was searched on certain information given by Bachan Singh (approver), and in consequence of discoveries then made was interned.

He was identified on Jail parade on 26th October 1916 by Bela Singh alone.

That witness states (p. 24) that accused was an opponent of the Honduras transfer proposals in 1908, and a supporter of the *Sansar* in 1913; facts which, if true, were not necessarily criminal, as we have already held in other cases.

He also states he was one of the speakers in the Dominion Hall on 31st May 1914.

The only other witness against him is Harcharan Das, who has not identified him.

He states (pp. 30-31) that accused was one of those actively engaged on the outbreak of war in stirring people up to go to India for revolution and seduction of troops, and further that he was one of those who openly advocated the murder of Mr. Reid, Mr. Hopkinson and Bela Singh.

Inspector Ikram-ul-Haqq, tells us the first description he had of him was as Diyal Singh, Chikka, from Bela Singh, Atta Singh, Mangal Singh and Harcharandas. "Chikka" is a term applied to a man with a twisted beard, and this accused certainly has, but no explanation is given why Ata Singh, and Mangal Singh do not depose against him. At any rate this shows there has been no collaboration of evidence.

Accused in his statements (pp. 139, 216) denies the allegations of these two witnesses, and says he came home owing to illness, and alleges he opposed Bela Singh bringing in undesirables to Canada—an entirely unsupported contention.

His witnesses D. Ws. 36, 56, 64, 81, 97 and 101, say he was not seditious in Canada. D. Ws. 29 and 30 know nothing about him.

The Canadian evidence against him is to all intents and purposes the same as that against Dalip Singh.

The Canadian evidence, however, is not all there is against accused.

Bachan Singh (approver) p. 97, says that when the Kapurthala plotters were *en route* to the Walla Bridge, Prem Singh, the Padri murderer, suggested picking up Dial Singh of Malowal (*i. e.* accused's village), who was a returned Canada emigrant, to help in the attack. Prem Singh brought the man from the village to a well, and he refused to accompany them as his brother was ill. This evidence is not new; it was so stated by witness on 24th November 1915 in the Supplementary Lahore Conspiracy Case, and the information had been afforded to the Police before. We must note, however, that Bachan Singh in his original magisterial statement described the man seen at Malowal as being 'pitted with marks,' besides having a twisted beard. With the exception of a broad scar on his nose, accused has no other marks, and cannot be said to be pitted. There is just a possibility the man is not the same.

Inspector Ikram-ul-Haqq tells us it was on this witness' information that accused's house was searched, and Inspector Aziz-ud-din tells us that on search on 11th August 1915 the document p. 12 was found among his papers.

Accused denies this discovery.

D. W. 38 says he was present at search at a house belonging to accused and his brother, papers were found, but he doesn't know if they were seditious ; D. W. 40 says the search was in a joint house, so too do D. W. 39 and 99, the former saying the Inspector took away only photos and never mentioned seditious literature, the latter that a few papers, a card and a photo were taken and nothing was said about incriminating papers.

We cannot possibly on this evidence doubt Inspector Aziz-ud-din and we are fully satisfied p. 12 was found among accused's papers.

This is a Gurmukhi verse of a seditious nature. It complains of increased revenue, and of the King being a tyrant, urges the establishment of separate *panchayats* to boycott the courts, and the preparing of a flag of their own ; speaks of difficulty in getting food ; and says the Government has sucked all the blood out of India, an interesting feat in which bankers and pleaders are also said to be indulging.

This document shows clearly the state of accused's mind and strengthens the Canadian evidence as to his revolutionary work there,—but inasmuch as we have not relied on this evidence against accused Dalip Singh, we cannot consistently rely on it against this accused. This leaves on the possession of seditious literature clearly proved against him, but the possession of seditious literature is not in itself a criminal offence, thought we consider the Legislature would be well advised to make such possession an offence, just as possession of counterfeit coin is. We think accused is probably a dangerous man, but there is insufficient to convict him on and we accordingly acquit him.

Hari Singh, accused (9).

This accused is also a Canadian returned emigrant, who was admittedly for some time *Granthi* of the Victoria *Gurdwara* in April and May 1914.

The allegations in the complaint against him will be found on pp. 9, 41 of the record, the charges on pp. 154 *et seq.*

He is charged with offences under sections 121, 121 A, with respect to his acts in Victoria in 1914 and Vancouver in 1913-14, and with responsibility for acts committed by his co-conspirators.

Accused pleads " Not guilty " to the charges. He was identified on jail parade by Bela Singh, Mangal Singh, Amar Singh and Har Charan Das by name, and by Ata Singh by sight.

Accused appears to have gone to Canada in 1907, and to have left that country by the *Sangoko Maru*, staying a short time *en route* at Shanghai, reaching Calcutta on the the *Tosha Maru's* second voyage on 17th January 1915, being restricted to his village on arrival, and arrested in August 1916.

There is a considerable amount of evidence in regard to his activities in Canada, but none with regard to him in India, and consequently we need not consider D. Ws. 68, 69, and 73, who say he was quite quiet at home.

The first evidence we have in regard to him relates to 1913.

Amar Singh (p. 29), says he was busy at that time distributing the *Ghadr*, speaking at meetings also, advising the suppression of the British Government and presiding at least at one of them.

Mangal Singh (p. 27) says he was a supporter of Baghwan Singh, *Granthi*, and promised to act as he desired, *viz.*, return to India to drive the British out.

In 1914, Amar Singh (p. 29) says he was one of those who met Balwant Singh on his return, when there was the big meeting in Victoria *Gurdwara*, of which accused was then *Granthi*, and in which Balwant Singh made a violent revolutionary speech.

Mangal Singh (p. 28) states he attended the meeting held by Balwant Singh in Vancouver on his arrival, when a similar violent speech was delivered, and that, on the return of the *Komagata Maru*, accused was active in advising a return to India to loot treasuries and start a revolution.

Bela Singh (p. 25) asserts he addressed the Dominion Hall meeting of 31st May—the nature of which we have already seen, and with reference to this meeting Harcharan Das (p. 30) states he recited a seditious poem entitled "Wake up, you sleeping lions," which is the burden of more than one of the *Ghadr-di-Gunj* songs.

Ata Singh (p. 36) alleges that on the outbreak of war he was one of those who advocated a return to India to help the Germans, start war, commit dacoities, and expel the British.

Accused denies these allegations, and says in his oral statement he returned to India solely because his brother and wife had died of plague; and he got letters recalling him. In his written statements he adds another reason, *viz.*, that the *gurdwara* was in debt.

He makes no allegation against any witness. D. Ws. 27, 29, 32, 64 A, and 72 say he was not seditious in Canada; no one is produced to prove his supposed reason for returning; but one of his own witnesses, D. W. 63, asserts he was in the Dominion Hall meeting, though he did not speak.

His written statement contains nothing in addition to what has been mentioned above relevant to the case.

We have discussed elsewhere the reasons we have for generally believing the Canadian witnesses; in this particular case no hint of enmity is given, and accused, as a *granthi*, must have been known to most of the witnesses.

This evidence conclusively proves accused took part in seditious propaganda in Canada, was present at the Dominion Hall meeting and advocated rebellion in India.

No adequate reason is proved why accused should return when war had broken out.

We find accused guilty under section 121, 121-A., but in view of the fact that he was quiet on his return, we do not think the supreme penalty is called for.

We sentence accused to transportation for life, and direct that his property, liable to confiscation, be forfeited to Government.

Jita Singh, accused (10).

This accused is also a Canadian returned emigrant.

The allegations in the complaint against him will be found on pages 9, 14 of the record, and the charges on pages 156-157.

He is charged with offences under section 121, 121-A., in respect to his acts in Victoria in 1913-14, and also in Vancouver in the same years, and further with responsibility for acts committed by co-conspirators in the course of the conspiracy.

Accused pleads "Not Guilty" to the charges.

The accused was identified on jail parade on 26th October 1916, by Amar Singh I, Bela Singh, Amar Singh of Barian and Harcharn Das, against the latter of whom it is contended that he was interned with him in Campbellpur jail and hence knows him.

The accused appears to have gone to Canada in 1906-07, and to have sailed on the *Canada Maru*, that is the same ship as Sher Singh (L. C. C.) trans-shipping to the *Tosha Maru* at Hong-Kong, arriving in India on 29th October 1914, and being immediately interned.

Amar Singh I merely identifies him as a passenger on the *Tosha Maru*.

Bela Singh (p. 24) says he was a supporter of the *Sansar*, a fact in itself not criminal, and that he attended some of Bhagwan Singh's revolutionary meetings, speaking and urging a return for mutiny and distributing the *Ghadr*.

Amar Singh (p. 29) only says that accused was one of those who met Balwant Singh at Victoria on his return from India in May 1914.

Harcharan Das (p. 30) says that on the outbreak of war accused occupied himself with others in stirring up people to return to India for rebellion, and advised openly the murder of Mr. Reid, Mr. Hopkinson and Bela Singh the latter being an unprobable story, as Mr. Hopkinson was not murdered till some time after accused had left for India.

Accused denies all these allegations and says he was not in Vancouver in 1913, and further states he returned to India as his family had written asking him to return. His written statement (p. 218) adds nothing of importance to his oral statement.

His witnesses D. Ws. 26 and 32 are of no assistance; D. Ws. 27, 29, 36, 37, 48, 49, 53, 54, 59 and 60 say he was not seditious, and many assert he was never in Vancouver at the time he is alleged to have been there.

In regard to his reason for return D. W. 48 asserts letters were received from India, and D. Ws. 46 and 55, father of accused and *lambardar*, respectively, testify to letters being sent. Letters D. 1, 2, written by accused in October 1911 and February 1912, are produced which show accused is replying to letters asking him to come home and promising to do so shortly.

No reason is assigned by the accused why any of the prosecution evidence should be disbelieved; but it is clear that Harcharn Das has made a mistake in one particular and the 3 witnesses who depose against him refer to widely separated incidents, each deposing to that one incident alone.

We are not prepared to say this evidence is untrue, but we feel that there is a danger in acting on witnesses not directly supporting each other, especially as there is a considerable amount of evidence to the effect accused was elsewhere than at the places he is alleged to have been.

We give him the benefit of the doubt and acquit him.

Kartar Singh, accused (11).

This accused is one of the Canadian accused, who is alleged to have taken a fairly prominent part in the revolutionary movement there.

The allegations against him in the complaint will be found on pages 9, 14 of the record, and the charges on pages 158-159.

He is charged with having waged war, and abetting and attempting to wage war in Vancouver in 1911, 1913 and 1914, at San Francisco in December 1914 and Honolulu in 1915, and as a conspirator with being responsible for a series of criminal acts committed by other conspirators in the pursuit of such conspiracy.

The accused pleads "Not Guilty" to all charges.

The accused appears to have gone to Canada in 1907, and to have left Vancouver in the company of accused (3) and (4) in December 1914, arriving at Danesh Kodi on the 18th March 1915, being immediately interned on the 25th March.

He was identified on jail parade on the 26th October by Rugnath Singh, Bela Singh, Mangal Singh, Ata Singh, Amar Singh, Harcharn Das, Bawa Singh and Khazan Singh. No objection has been taken to the fairness and correctness of these identifications, except in regard to Harcharn Das who, accused says, is able to identify him inasmuch as he was interned in Campbellpur jail with him.

That they were interned together is undoubtedly a fact, and it is not improbable that witness saw him there, but this would not necessarily make his evidence unworthy of credit.

The general grounds on which we believe the Canadian witnesses are reliable and the contentions urged against them have already been considered by us in the section dealing with the revolutionists in Canada, and there is no necessity for us to repeat that matter again.

The first point in evidence against accused relates to the proposed Honduras transfer in 1908. Bela Singh (p. 24) asserts that accused opposed it, and was one of those who urged a return to India then for mutiny, if the transfer was affected by force.

We have already dealt with this episode in the individual case of Balwant Singh (3), and *mutatis mutandis* our remarks in regard to it apply in this case also. We are not prepared to hold that the opposition to this transfer developed then into anything criminal, or that it it clearly proved that accused then advocated mutiny.

We have seen that early in 1912 Balwant Singh (3) and Bagh Singh, *Granthi*, made an effort to get their families into Canada and that they were allowed to do so after some difficulty. We also have held in Balwant Singh's case that this probably led to considerable soreness, but we were not prepared to hold that that soreness had developed then into anything criminal.

Bela Singh (p. 24) asserts that at that time accused (11) and others urged that if children in India were not allowed to land they should return to their own country and expel the British.

Amar Singh (p. 29) asserts that about this time accused was actively engaged in this work, *i.e.*, in revolutionary work.

Accused denies doing so, and his witnesss Bhola Singh (p. 230), who says he lived with him in 1912, denies he was engaged in sedition.

For the reasons we have given in Balwant Singh's case, though we think it probable that all Indians were very excited and sore on the question of exclusion, we are not prepared, on the evidence before us, to hold it is proved that any clear policy of criminal force or mutiny had yet been adopted by accused.

We have already seen that in 1912-13 a newspaper called the *Sansar* was published in Vancouver; its general character we have discussed elsewhere.

Bela Singh (p. 24) states that one of its active supporters was this accused, and Amar Singh (p. 29) supports him, stating accused was engaged in collecting subscriptions for it.

Accused on p. 144 of his oral statement denies assisting in the production of the paper; and produces D. Ws. 36, 89, 96, 98 and 100 to support this denial in a general way.

He may possibly have been a supporter and a subscriber to the paper, but it is not asserted he was a contributor or worker on the press, and even if it be accepted that he did encourage the paper, that can hardly be held a criminal act. The articles in that paper are not themselves criminal; they are sometimes objectionable in tone, but crime is nowhere advocated and by merely subscribing to such a paper, or supporting it, cannot make accused criminally responsible.

The real case against accused begins in 1913. In that year, as we have already seen, Bhagwan Singh, *Granthi*, arrived in Canada, and began a most virulent anti-British campaign, advocating mutiny in unmistakeable terms, and the *Ghadr* newspaper began to flow into Canada.

Bela Singh (p. 25) asserts that accused (11) and others used to attend these meetings of Bhagwan Singh's and speak in them, urging that it was useless to stay in Canada longer, and that it was time to go to India for mutiny. He also asserts that the accused was active in distributing the *Ghadr*.

Mangal Singh (p. 27) gives similar evidence. He states that accused adopted Bhagwan Singh's attitude as his own, and definitely undertook to go to India to help in expelling the British and seizing the *raj* there.

Ata Singh (p. 36) states that at this period accused was engaged in seditious propaganda, with others in the *gurdwara*, urging a return to India to expel the British, and that, while Bhagwan Singh was in Canada, accused associated with him in lecturing. He also states that accused was active in distributing the *Ghadr*, and he also asserts that, on Bhagwan Singh's deportation, accused advocated in a meeting the forcible rescue of the deportee, and Harcharan Das (p 37) remembers him in particular as one of the active speakers on sedition at this stage.

This evidence, which we are not prepared to disbelieve for reasons already given, shows that the accused was one of Bhagwan Singh's early converts, and an active supporter of his in revolutionary propaganda.

The next evidence we have relates to his activities when Balwant Singh returned to Canada and was followed by the *Komagata Maru*.

Rughnath Singh (p. 21) asserts that accused was a member of the Shore Committee, but does not mention any further activities of his before August 1914.

Bela Singh (p. 25) also says accused (11) was one of the members of the Shore Committee. and that he spoke at the Dominion Hall meeting on the 31st May, when *inter alia*, it was urged that, if the *Komagata Maru* were sent back, Indians should go to India, expel the British, and crush their heads like melons.

Mangal Singh (p. 28) states accused was one of those who met accused (3) at Vancouver on his return, and attended the meeting at the *gurdwara*, when that accused advocated *ghadr*, and he asserts that accused (11) also addressed the Vancouver Hall meeting of the 31st May, and that he reported accused as one of the speakers.

Amar Singh (p. 29) does not mention him in this connection at all ; which certainly points to the fact that there has been no collaboration of witnesses.

Harcharan Das (p. 30) refers to him as a member of the Shore Committee, but does not mention him as a speaker in the Dominion Hall. He, however, says he was a constant speaker in the Saturday evening meetings in the *gurdwara*, where the *Ghadr* was received, read out and seditious songs sung, the purport of the speakers being a return to India for mutiny.

Ata Singh (p. 36) does not mention him during the period, for the simple reason that witness was not in Vancouver while the *Komagata Maru* was there.

Accused in his oral statement denies ever preaching *ghadr*, associating with Bhagwan Singh, distributing the *Ghadr* newspaper, urging a forcible rescue of Bhagwan Singh, promising him to return to India for mutiny, being a member of the Shore Committee, or addressing meetings either in the Dominion Hall or the *gurdwara*.

His written statement (p. 219) is silent on these matters, probable because accused considered he had given a sufficient answer to the allegations by denying them in his oral statement.

He has produced a number of defence witnesses in regard to this period and in fact the whole of his stay in Vancouver.

His first witness D. W. 27 does not know anything about him, nor do witnesses D. W. 29 or D. W. 50. D. W. 30 denies he was a member of the Shore Committee, and never remembers seeing him in the *gurdwara*. D.W. 32 knew him by meeting him in the *gurdwara*, but says he never spoke sedition and D. Ws. 36, 45, 64, 64-A, 66, 86, 89, 91, 96, 98 and 100 all say he never took part in any seditious propaganda. D. W. 63 says accused did meet accused 3 when he landed at Vancouver, and that he was present in the Dominion Hall meeting, but he said nothing seditious, and D. Ws. 98 and 100 also deny that accused ever distributed the *Ghadr*.

The value of his defence evidence is small, for the witnesses are practically all suspect and interned.

In regard to his membership of the Shore Committee, even if we hold it established, there is, as we have already stated, nothing criminal ; at most it shows he was associating with men who did become criminal, or were at that time advocating crime.

As regards the Dominion Hall meeting, it is urged on his behalf that the *Hindustani* does not mention him as a speaker, but then it only mentions the principal ones by naming Gurdit Singh, Balwant Singh, Rahim, Sohan Lal, Ujagar Singh, Nathu Ram, and a European, and disposes of the rest under the generic term of " others. " That he was present even one of his own witnesses admits, and in the absence of some good reason we are not prepared to disbelieve the prosecution witnesses on this subject or on the subject of his general activities.

He appears according to the prosecution evidence to have come even more into prominence in August 1914, and to have become one of the right hand men of Balwant Singh.

Raghnath Singh (p. 21), with whom there is no allegation of enmity, says when war broke out accused (11) was at one of the United Indian League meetings in the *gurdwara*, where violent speeches were delivered, and he says the accused was one of the leaders in Vancouver, urging the occasion of the war was favourable for a return to India to cause *ghadr*. He says he was one of the big men, and with accused (3) had all arrangements in his hands, constantly talking of the return to India.

Bela Singh (p. 25) states the accused published a book called " *Dushman ka Khoj Bhal*, " a seditious pamphlet, which was freely distributed, advising Indians to seize the opportunity of the war. He also states accused was arrested on suspicion with others of being concerned in the conspiracy to murder Mr. Hopkinson, but discharged.

Mangal Singh (p. 28) includes him among those who advocated in the *gurdwara* a return to India for revolution and looting of treasuries ; Amar Singh (p. 29)says he was arrested on suspicion in Mr. Hopkinson's murder ; Harcharn Das (p 30) mentions him as one of those active in urging the war was a chance for revolution, and as one engaged in stirring up people to go to India to commence revolution by first seducing troops. He also says he was one of the men who conspired to kill, and advised the killing of Mr. Hopkinson openly, and Ata Singh associates him with others in lecturing in the *gurdwara* after war broke out, to the effect that Indians should go back, help the Germans, start war, expel the British, and commit dacoities.

We have already said in Balwant Singh's case that arrest on suspicion does not establish connection with Mr. Hopkinson's murder,—the actual arrest accused himself admits,—and that we cannot press the evidence that he actually conspired to murder him ; but the fact that he was arrested shows, we think, beyond doubt that accused was regarded by the Canadian authorities as a dangerous revolutionist.

We are quite satisfied on the voluminous evidence which is unshaken, that by this time he had become one of the principal advocates of *ghadr* in Canada.

That this is so is emphasized by the admitted fact that he left Canada as one of the two companions of Balwant Singh, sailing with him as far as Shanghai, and getting off at Frisco with him. This accused admits on pp. 144-5 of his oral statement, and it is also established by the prosecution evidence.

Harcharan Das (p. 31), who had in the meanwhile gone to Frisco to help in the *Yugantar Ashram* there, says that Ram Chand told him accused was coming to Frisco with accused (3), and the party was met by Munshi Ram and Ram Chand, who supplied them with clothes, etc. At the *Ashram* Ram Chand showed witness a book of cuttings collected by accused (11),

relating to Indian troubles in Canada. Accused denies this altogether, but we see no reason to disbelieve it, and this association with *Ghadr* headquarters still further fixes accused down as a dangerous revolutionist.

He is also mentioned by Bawa Singh and Khazan Singh (p. 38) as having supported Balwant Singh in trying to induce the former to join the *Ghadr* party, and seduce villagers into non-payment of revenue, and in advising them to help to drive out the British.

This incident is also denied by accused, and he produces the same witness, D. W -82, as accused (3) to say there was no such episode, but no adequate reason is given why these two witnesses should be lying.

The accused arrived on a Messageries boat and was interned on arrival—that is admitted, what was he coming home for if it was not for *ghadr*?

He tells us (p. 145 and p. 220) that he returned because he was too weak for labour, and his real estate business in Canada had been closed, but he tries to prove a totally different reason through witness D. W. 90, who says he got him betrothed, and, as the father of the prospective bride, was pressing for the marriage, the accused was written to to come home, which he did. Surely accused should have known of this if it were true, and told us so.

This closes the case against accused. His oral statement is to be found on pp. 143 *et seq.* of the record, and we have fully discussed his admissions and denials above. His written statement is on p. 219. In that he merely adds a story of his life in Canada which is of no importance, and enlarges on an allegation that Bela Singh had enmity with him, owing to his having opposed his bringing Bhagwan Singh to Canada, and relates the incident of the killing of Bhag Singh and the murder of Mr. Hopkinson.

The alleged dispute with Bela Singh is attempted to be supported by D. W.-32, who merely says accused reported against him, D. W-36, who contents himself with the simple statement that Bela Singh was an enemy of accused's and D. W.-86, who merely says Bela Singh came to Canada on the same ship as Bhagwan Singh. The only evidence in any way which supports accused is in the cross-examination of P. W.-114, the self confessed Hoshiarpur murderer, who after first saying he had no recollection of the matter hastily said Kartar Singh telephoned to the immigration authorities, advising them Bhagwan Singh was coming.

We have dealt fully with this episode, and also with the general contentions against the Crown witnesses from Canada in an earlier section, and we have nothing to add thereto, except this that it was not from Bela Singh, or any of those alleged to be under his influence, that the Police in India got their first information about accused. It was, Inspector Ikram-ul-Haqq tells us, from Rugnath Singh, a man against whom nothing is or can be alleged.

The remaining defence evidence we have fully considered above in connection with the various episodes recounted.

We are, in conclusion, fully satisfied that, in 1913-14, accused became one of the principal advocates of *Ghadr* in Canada, and one of the organizers of the migration from that country for war, and was one of the right hand men of Balwant Singh (3).

We think, too, he returned to India to further and aid *Ghadr*, but was fortunately arrested before getting a chance to set to work in India.

We find him guilty of conspiring to wage war, and of abetment of waging war under sections 121, 121 A., Indian Penal Code.

It is not necessary to record findings on the other charges.

We think this is a case where the supreme penalty is called for,—he is not as important as accused (3), but still he was, as Rugnath Singh tell us, one of the leaders, and his activities were general.

We accordingly sentence him to be hanged by the neck till he is dead, and direct that his property, liable to confiscation, be forfeited to the Crown.

Munsha Singh accused (13).

This accused is also one of the Canadian accused. The allegations against him in the complaint will be found on pp. 9 and 14 of the record, and the charges on pp. 159-160.

He is charged with waging war or abetting or attempting the waging of war in Victoria in 1914, Vancouver in 1913-14, and Sagwal in 1914 and Lahore in 1915, and, as a conspirater, with acts committed by other conspirators in pursuit of such conspiracy.

The accused pleads Not guilty

The accused admittedly went to Canada in 1911, and he left that country on the *Lai Sang*, arriving in India on 14th September 1914, being interned about the 19th January 1915.

He was identified on jail parade on 26th October 1916 by Bela Singh and Harcharn Das. Against the latter it is contended that as accused was interned with him in Campbellpur jail his features became known to witness there.

It is true they were interned in the same jail, and possibly witness saw him there, but that does not necessarily imply witness is giving false evidence.

Indar Sain picked out another man on jail parade as Munsha Singh and Ralla Singh hesitated in front of him, but did not identify him.

None of the other Canadian witnesses identified him, but for this failure a reasonable explanation is furnished. Accused when in Canada was called Abdulla, a term of contempt implying he did not observe the Sikh custom of allowing his hair and beard to grow, and since his return home he has grown both.

There is nothing whatever against the accused prior to 1913.

All Bela Singh (p. 25) says against him in 1913 is that he was the composer of several songs in the *Ghadr-di-Gunj*, and he heard him recite them before their publication. He specifies songs 4 and 17 as his composition.

Harcharn Das (p. 30) also states he composed three songs, two of which he remembers the first lines of, and these are songs 4 and 1 . He says accused told him he was the composer, and that he heard him recite them before publication.

Durga Das (p. 42) gives evidence supporting this. He states that a man came to him in Lahore with accused (12)—an old friend—in November 1914, whose name was Munsha Singh, the composer of several *Ghadr* songs, but he cannot remember his appearance.

Accused denies composing the songs, and his witness D. Ws. 27 and 29 say they never heard of him as a composer.

The evidence we think, especially as there is no reason assigned for disbelieving it, is strong. There has never been any association between the witnesses and yet they all support the story.

These two songs are very virulent.

The first urges the establishment of secret *Raj* Societies, a union with Mahrattas and Bengalis, first dealing with traitors, then with the enemy, and the commission of dacoities and welcoming the gallows. It also urges the listeners to die fighting and to prepare to kill others and winds up—

"Drink the blood of the nation of the infidel Christians, quench your thirst and cool yourselves.

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

The second, amongst other things, recommends learning how to use a knife first, then how to handle a pistol, and having acquired those arts to learn the wisdom relating to the science of Government.

It would hardly be necessary to prove much more against the accused than this to convict him on, but there is a considerable amount more.

Bela Singh certainly does not mention him in connection with Bhagwan Singh's campaign in 1913, but Mangal Singh (p. 27) says he was one of Bhagwan Singh's converts, and promised him to go to India for mutiny, and also that he busied himself in distributing the *Ghadr*.

Amar Singh (p. 29) also states he was active in distributing the *Ghadr*, and in 1913 spoke in the *Gurdwara* to the effect that the British Government was oppressive and should be put down, and Ata Singh (p. 36) deposes to his activities in distributing the *Ghadr* at this time, and to his having delivered seditious speeches. He is also mentioned by the latter as recommending the rescue of Bhagwan Singh by force.

The evidence, however, as to his activities from the time Balwant Singh came back till he left Canada is of greater volume.

Rugnath Singh certainly does not mention him, but all the other Canadian witnesses do.

Bela Singh (p. 25) says he was a member of the Shore Committee, and that he spoke at the Dominion Hall meeting and that he left Canada on 6th August.

Mangal Singh (p. 28) states he was one of the party, which attended Balwant Singh's meeting at the *Gurdwara* on his return from India, when *Ghadr* was preached, and that when the *Komagata Maru* sailed, he was one of those who advised going to India to loot treasuries and start a revolution.

Amar Singh (p. 29) says he met Balwant Singh at Victoria *Gurdwara* on his arrival, and in that meeting accused urged that Indians were like an elephant, worth more dead than alive, and also said that the *Komagata Maru* was coming and if the passengers were refused a landing Indians should go back to India for mutiny.

Harcharan Das (p 30) states he heard him speak in the Dominion Hall meeting, preaching *ghadr* in the usual terms, and that when war broke out he with others stirred up people to go to India to start seducing troops for rebellion. He also says, but this is probably inaccurate, as accused had left Canada by then, that he was one of the advocates of the murder of Mr. Hopkinson.

Ata Singh, who only went back to Vancouver when the *Komagata Maru* sailed, also says accused was active in urging others to return to India to help Germany, start war, commit dacoities and expel the British.

Accused himself denies every allegation against him both in his oral statement (p. 136), and his written one on p. 220, but all he has to say against any witness is that Bela Singh in Canada had disputes with some fellow villagers of his —a very inadequate explanation, especially when we find Bela Singh does not implicate him heavily, except in regard to his songs.

In reply to this evidence for the Crown accused produces D. Ws. 14, 26, 27, 29, 75, 77, 78, and 79, who say he never talked sedition anywhere, and D. W. 30, who says he was not on the Shore Committee, D. W. 32, who doesn't know him, and D. W. 79 who says Bela Singh was on bad terms with him— why he doesn't explain.

This evidence is all that of suspects or interned persons and not of much value on that account. As regards the prosecution evidence no doubt Harcharan Das has exaggerated in regard to the connection of accused with Mr. Hopkinson's murder, and, as we have held in other cases, whether he was or was not a member of the Shore Committee, being so on the evidence we have was not criminal ; but we think that he associated himself early with Balwant Singh, spoke at the Dominion Hall, and urged a return to India for mutiny when war broke out. The evidence for the prosecution does not attempt to make him responsible as it does men like accused (3), and it is significant that no valid reason for false evidence is advanced against the witnesses.

Accused left Canada almost as soon as war broke out arriving on the same ship as Jagat Singh (F. M.),—that fact, unless the accused can explain it away, suggests he was one of the first to translate *Ghadr* theories into practice. He says he came home because he was ill, and heard that passages to India would be stopped owing to the war. D. W. 26 says accused told him in Canada he was going home as he was ill. Witnesses D. W. 74, 75 and 92 say he was ill when he got back, and D. W. 93, the village *hakim*, says he treated him for a boil under the arm, and a pain in the stomach—hardly illnesses to make a man journey several thousands of miles by sea.

There is evidence also of some activities of his in India.

Durga Das (p. 42), a very respectable witness, says accused 12 visited him with one Munsha Singh, a composer of *Ghadr* verses, whom he can't identify, and that the latter in course of a conversation said he believed in revolution. We think that man is accused, and question arises what was he doing in Lahore with a man who was going to see Bhai Parmanand? The only answer accused has is a denial.

There is evidence, too, of his activities in Sagwal. Sagwal was a village in which Banta Singh (a double murderer), Harnam Singh (L. C. C.) and Rur Singh (18), started a series of revolutionary speeches, trying to seduce villagers to mutiny and preaching that Germany was coming.

Indar Sain (p. 34), who didn't recognize him till accused told him who it was—he had changed so much—met him in Sagwal, and accused told him he was associating with Banta Singh, lecturing to the effect the German *raj* was coming, and the British one would be abolished.

Ralla Singh (p. 34) said he heard accused lecture along with Banta Singh, urging union to establish their own rule, announcing the coming of Germany, and advising villagers not to pay revenue, and, very significant in connection with the evidence, accused is said to have been a composer, reciting a seditious song. No question is put to either of these witnesses to suggest enemity.

Accused meets these allegations with a denial, and says he was too ill to leave his house from October to January, when he was arrested, and produces D. Ws. 74, 75, 92 and 93, all of accused's village, who say he was too ill to move and never indulged in any sedition there.

The most favourable matter, however, for accused is that Rur Singh (18) does not mention accused (13) in his confession as one of his associates in Sagwal—he gives the names of Banta Singh and Harnam Singh and some others as listeners. When we add to this that Indar Sain and Ralla Singh have failed to identify the accused it must be admitted that there is some possibility of their being mistaken, and we do not think the incident is established beyond question.

We have dealt with all the accused's statement and his witnesses above, and there is nothing to add to what we have already said about the Canadian witnesses. We are satisfied that accused took an active part in preaching and urging *Ghadr* in Canada and advising others to return to India therefor. We are satisfied, too, he was the composer of some of the virulent *Ghadr-de-Gunj* songs, and that he probably returned to India to put his teachings into practice, but that, arriving here, he did not take a very active part in the revoluntionary movement.

We find him guilty under sections 121, 121 A, Indian Penal Code, but in view of the fact that he did quieten down somewhat, and apart from his verses, was not one of the leaders in Canada, so far as we know, we do not think the extreme penalty should be inflicted. We accordingly sentence him to transportation for life, and direct that his property liable to confiscation shall be forfeited to Government..

Group 2.—The Fattehgarh Mandi accused.

(*i*) Accused 2, Babu Ram.

(*ii*) Accused 14, Nama.

(*iii*) Accused 8, Fazal Din.

(*iv*) Accused 1, Amar Singh.

The charges against the first two of these accused are set forth on pages 163-165 and pages 167 to 168 of the record, respectively. The accused are alleged to have joined the conspiracy in India, and in furtherance thereof to have assembled with other conspirators at Lahore Cantonment on or about the 25th November 1914 to attack the troops stationed there, loot arms and commence rebellion, and the next day to have assembled at Ferozepore with the conspirators to loot the arsenal. It is also alleged that they were among the 15 conspirators, who, while on their way to loot the treasury at Moga murdered Bisharat Ali, Sub-Inspector, Police, and Jowala Singh, Zaildar, at Misriwala. There is also a further allegation against Nama, accused (14), that he conspired in the Mandi State. 7 of the 15 men who took part in the murders referred to were captured, brought to trial and sentenced to death by the Sessions Judge of Ferozepore, and in due course executed. Two others of the gang were killed at the time of the murders, and the remaining six escaped. One of these Gandha Singh *alias* Bhagat Singh was eventually captured and, on being brought to trial, sentenced to death by the Commissioners in the Lahore supplementary conspiracy case. Another was killed in the Chabba dacoity and another, Surjan Singh, has recently been sentenced to death by the Sessions Judge of Ferozepore. Of the remainder Babu Ram, accused (2), and Nama, accused (14), have now been brought to trial charged with being among those who escaped.

It will be unnecessary to give a detailed account of the murder as they have been fully dealt with previously. It has been proved by evidence on the record that they were committed, and as held by the Commissioners in their judgment in the Lahore supplementary conspiracy case in pursuance of revolutionary designs by men actually in arms waging war and resisting authority. It only remains to be seen, therefore, whether the accused Babu Ram and Nama were among the 15 conspirators who took part in these murders. Evidence of eye-witnesses as to the actual murders was given by Karim Bakhsh (51), Sher Singh (52), Ghulam Qadir (53), Khan Singh (54), Sardara Singh (55), Phangan (56), Nawab (57) and Muhammad Sadiq (59). All of these excepting Nawab and Muhammad Sadiq identified both of the accused as members of the gang at a parade held at Hoshiarpur on the 14th October 1916, by Mr. Fairlie, Magistrate, 1st Class, (43). On the 16th October, that is 2 days after this parade, both Babu Ram and Nama complained to Mr. Fairlie that they had been shown to the witnesses the previous day, and in particular to a man wearing glasses. But the evidence of Muhammad Sadiq (59), who was deputed by the Superintendent of Police to get these witnesses, shows that he took recognizances from them for their appearance at Hoshiarpur on 14th October, and that he did not see them until that day. Fattu (58) also gave evidence that 6 or 7 men spent the night of the 13th October at his Dharmsala, $1\frac{1}{4}$ miles from Hoshiarpur Railway Station and one mile from the city, arriving by the evening train, and did not go away until the following day. He remembered that one of these men wore spectacles. The identifying witnesses themselves testify to the fact that they arrived at Hoshiarpur from Ferozepore by a train getting in at 6-30 P.M. and it is extremely unlikely that the accused, who were in the judicial lock-up on the 13th [*vide* the statement of Sub-Inspector Bhag Singh (83)] would have been taken to the Dharamsala, especially so late in the evening, and shown to the witnesses. The notes prepared by Mr. Fairlie at the time the parade was held show that it was conducted perfectly fairly, and if there had been any truth in the accused's story they would have complained to him at the time, and not two days afterwards.

A second identification parade was held by Mr. Fairlie on the 18th October at which both the accused were identified by Nawab (57), and no complaint has been made as to any unfairness in this.

In addition to the evidence of these eye-witnesses there are the confessions made by both Babu Ram and Nama before a Magistrate. Nama was arrested on the 29th September at Hoshiarpur, and the same day made a statement to the police and then a confession to Mr. Fairlie.

Babu Ram was arrested at Ambala that day and the next day, the 1st October, made a confession to L. Suraj Narain, Magistrate, 1st class.

It will be necessary to explain how both the accused came to be arrested. Sub-Inspector Bhag Singh (83) tells us that Surjan, an absconder in the Ferozeshahr murders, was arrested on the 2nd May 1910 on information given by Rahmat Ali, the Ferozeshahr murderer, and made a statement in which he mentioned Dalip Singh, Amar Singh and the Mandi conspirators. Dalip Singh was given a pardon and made a statement in which he mentioned the names of Nama and Fazal Din, accused (8). Sub-Inspector Bhag Singh then on the 27th September, the day after Dalip Singh's statement had been recorded before a Magistrate, took the statement of Fazal Din, accused (8), in which Babu Ram and Nama were mentioned as having taken part in the Ferozeshahr murder. Their names were also given by Arjan (70), the brother of Surjan, who has given evidence before us as to the Mandi conspiracy, and Nama was accordingly sent for and made a full confession on the 29th September.

Babu Ram, who was found to be a compounder at Ambala, was arrested there the following day, and after making a statement to the police on that day, made a confession to the Magistrate the day following. He was then taken to Hoshiarpur, and with Nama placed in the judicial lock-up on the 6th October.

Babu Ram and Nama have before us resiled from these confessions, alleging that they were tortured by the police into making them and that the statements were false. We have therefore to see whether there is any justification for these allegations. To take first the confession made by Nama. Mr. Fairlie before recording it and after removing everyone from his room, except his orderly and reader, personally examined Nama's body. Finding no mark of injury, he then questioned him as to whether he wished to make a confession voluntarily, and Nama stated that he wished to do so, and that he had not been persuaded or influenced by any one. Mr. Fairlie then recorded his statement, and after doing so attached a certificate to the effect that, in his opinion, judging from accused's demeanour and the manner in which he made his confession, it was voluntarily made.

L. Surjan Narain, who recorded Babu Ram's confession, also examined him for marks of injury or violence, and satisfied himself that the accused made his confession of his own free will.

It will be seen that this confession was not recorded until 2 days after Nama's, and it is contended by accused's counsel that the police had therefore ample opportunity to put into his mouth a story which would fit in with that given by Nama, and it is also true that the stories given by both of them are nearly word for word the same as the statements they made to the police, though different *inter se*; but we are satisfied that the explanation for this is that the police were too busy to record in the *ziminis* what the accused actually stated to them, and were content to incorporate as such statements the confessions made to the Magistrate. We decline to believe that either Mr. Fairlie or Surjan Narain would have copied out statements made to the police, and recorded them as confessions made voluntarily before themselves. We have therefore to see to what extent these confessions corroborate each other, and are themselves corroborated by the evidence for the prosecution. As regards the participation of the two accused in the murders of Bisharat Ali and Jawala Singh, they have been identified by a large number of witnesses as being members of the gang which murdered these unfortunate men. We are

satisfied that the identifications on the two jail parades were conducted by Mr. Fairlie with scrupulous fairness and that there is no ground for the allegations made by the accused that they were shown to these witnesses before the first identification parade. There is also ample corroboration in the confessions themselves *inter se*. The accounts given by Babu Ram and Nama of the manner in which the murders were committed are substantially the same, and they gave the same account of the way in which they and their companion Surjan managed to make their escape from the reeds, which the police had set fire to and cordoned. They both say they were together in one of three *tum tums*, Surjan being in a separate one, and though Fazal Din, accused (8), in his confession, which will be referred to later, says that all three were in one *tum tum*, this discrepancy is a small one, and can be explained by the fact that Fazal Din was not present at the time of the murders, and was only repeating from memory what Babu Ram and Nama had told him. There is therefore ample evidence to show that both the accused took part in the murders at Misriwala, which were, as was held by the Commissioners in the Lahore supplementary conspiracy case, committed in pursuance of revolutionary designs.

How they were induced to identify themselves with the revolutionary programme is told us in their confessions. They are both natives of Mauza Fattehgarh in the Hoshiarpur District, whence Surjan also hailed. The latter returned to his village from America about 3½ years ago, and Babu Ram, hearing of his return, hastened from the brick kiln of Ganga Ram (66), where he was working, to meet him. Surjan in the course of conversation told him that some 2,000 or 3,000 men including himself had rebelled against the British Government, and had determined to expel the British from India, having sufficient arms to effect their purpose, and eventually induced him and Nama to join the movement. They agreed to do so, and with Surjan were directed by Amar Singh and Jagat Singh (or Jagat Ram), who had lately come to his village to enlist recruits for the cause, to proceed to Lahore where a number of Indian soldiers were said to be ready prepared to raise a rebellion. On arrival at Lahore they were informed by these two men that this plot had miscarried, and were told to proceed to Ludhiana, where they were met by Nawab Khan, to whom they had been ordered to report themselves. The latter was at first inclined to mistrust Babu Ram and Nama, but on being assured by Surjan that they were fellow-conspirators and to be trusted, told him to take them to Ferozepore, saying he himself would follow later with arms and ammunition. At Ferozepore Cantonment Railway Station they were met by about 25 men, described by Nama as American emigrants. Jagat Singh (Jagat Ram) then arrived and told them to disperse as there was no hope of the plot succeeding. Some of them accordingly did so, but 15 of them remained behind with the intention of proceeding to Jullundur by rail, and had bought tickets for that purpose, but missed the train. They were then told to get into 3 *tun tums* and proceed *vid* Ferozeshah to Moga, where it was proposed to loot the treasury and obtain arms and money, and it was while they were on their way there that they were intercepted by Sub-Inspector Bisharat Ali and the Zaildar Jawala Singh. Babu Ram and Nama tell us in their confessions how they, in company with Surjan, managed to escape from the cordon, which the police had drawn round the reeds, in which the gang took refuge after murdering the Sub-Inspector and Zaildar, and got back to Fatehgarh in safety. On arrival there they all recounted what had happened to Fazal Din, accused (8), who had been previously seduced by Surjan to join in the revolutionary movement, but had hitherto taken no active part. Babu Ram here dropped out, and took no further share in the movement, and we now have to deal with the further charge against Nama and those against Fazal Din, accused (8). The latter is also a native of Fattehgarh, and the charges against him are set out on pages 165, 166 of the record. It is alleged that he harboured Surjan, who is a proclaimed offender, and took an active part in arranging plans for waging war and the collection of men, arms and bombs, particularly in the Mandi State. He also tells us in his confession (page 118) how he was induced by Surjan to join in the revolutionary movement, and promised to obtain from one Shamsher Khan, who agreed to provide them, the services of 20 or 25 Pathans from the

kiln at which he was working He was also asked to join the dacoity at Panch Nangal, but declined on the ground that he was unable to leave his kiln. He then describes the departure from and their return to the village of Surjan, Babu Ram and Nama, and the accounts they gave him on their return of the failures of the conspiracy at Lahore and Ferozepore, and of the murders of the Sub-Inspector and Zaildar. On their return Babu Ram, as has been said, took no further part, but Surjan went off to Suket Mandi, followed on his advice a few days afterwards by Nama, who feared arrest for his complicity in the murders.

Nama tells us in his confession how he met Surjan at Bhojpur in Suket Mandi, and was taken to the house of Sarda Ram (71), also a native of Fattehgarh, and from there to Nagchala on the way to Mandi and then to Barso. At the latter place they met one Sindu, of whom Surjan apparently had previously heard. In the course of a conversation, Surjan said he had come from America, with others, to expel the British from India, and asked Sidhu's help with men and arms, as there were no restrictions as to arms in Mandi, representing that he himself could make bombs and others of his party airships. Sidhu replied that he would first interview one Mian Jawahar Singh an *ex*-Thanadar, and let him know the next day. Surjan and Nama then returned to Suket, where they related what had happened to Sarda Ram, who himself accompanied them a few days later as far as Nagchala. There they met Sidhu and another man of the same name, Sidhu II, and the five of them then proceeded to Barso on the road to Mandi, where they were met by Mian Jawahar Singh, *ex*-Thanadar, and Jawahar Singh Kanait and taken first to a cattle shed, and then to a *baoli* close to the former's house. Here revolutionary plans were discussed, and Surjan explained to Mian Jawahar Singh the composition of a bomb. It was then agreed that Surjan should bring men from the Doaba and on their arrival a rebellion should be started in Mandi, the British Officer resident there and the Wazir murdered, Mandi and Suket occupied and a descent made on the Punjab to expel the British from India. The party then dispersed and Nama subsequently returned to Fattehgarh with directions from Surjan to arrange for men with Fazal Din to be sent to Mandi.

This brings us to the share of Fazal Din, accused (8), in the conspiracy. He tells us in his confession on page 119 that Surjan, after describing to him the share he, Nama and Babu Ram had taken in the Ferozeshahr murder, told him he was off to Suket Mandi to seek refuge and stir up the people there, many of whom he knew.

About 15 days after his departure Surjan, in compliance with the promise he had made, sent a letter to say he had been successful, and, about a month after that, returned in person and, telling him of the plans for the revolution that had been arranged with Mian Jawahar Singh, *ex*-Thanadar, and Sidhu Kanait, asked him to help and supply the men he had previously promised. This Fazal Din declined to do until the rebellion had been properly started in Mandi.

Surjan then went off to Kotla to see Amar Singh, accused (1), to whom Fazal Din had been introduced when he, Fazal Din, had first consented to join the movement, and on his return told him to bring Amar Singh, accused (1), from the horse fair at Hoshiarpur to the kiln, where Fazal Din was working, and had concealed him, Surjan, in a hut near by. Fazal Din then went to the fair, and returned with Amar Singh, accused (1), and Dalip Singh, informer, both of whom Surjan asked to accompany him to Mandi as bomb-makers were needed there. This they declined to do, but eventually Dalip Singh went off to fetch the famous Nidhan Singh of Chuga (L. C. C.) for that purpose, while Surjan himself returned to Mandi. About 10 days afterwards Dalip Singh and Nadhan Singh arrived, and, finding that Surjan had gone, asked Fazal Din to write to him, Surjan having, before he left, given his address as Piara Lal care of Kundan Lal, shop-keeper, Suket, and asked him to return. Fazal Din did so, but Surjan replied that he could not come, and that Fazal Din was to bring Nidhan Singh and Dalip

Singh to Mandi. Fazal Din could not go himself and asked Nama, but the latter declined, and Arjan, the brother of Surjan, eventually consented to take them, returning 5 or 6 days later with the information that he had failed to find Surjan, but had left Nidhan Singh and Dalip Singh at Mandi. 15 or 20 days afterwards Surjan himself returned to Fattehgarh with two swords, which he and Fazal Din buried. One of these was, some days later, carried off by Dalip Singh, and the other Surjan himself took away in consequence of a quarrel he had with Fazal Din, owing to the latter's failure to give any effective help and made it over to Arjan. The latter told Fazal Din that he had buried it, and that Surjan had returned to Mandi.

As regards Babu Ram's and Nama's share in the movements at Lahore and Ferozepore, there is the evidence of Nawab Khan (84), Jowala Singh (62), their own separate confessions and the confession of Fazal Din. Nawab Khan tells us that, after the attack on Lahore Cantonment had been decided on, he ordered his party to assemble at Ludhiana on the 25th November, and that on the 26th these two accused, whom he identified in court, arrived there accompanied by Ralia Singh and Surjan, and said that Bhai Parma Nand had advised, through Karter Singh, that the attack should be made on Ferozepore instead. He accordingly paid their fares and sent them off to Ferozepore, though he did not follow himself. Fazal Din in his confession tells us that Surjan and these two accused. who had gone off together from the village, returned a week after, and described to him their visit to Lahore, where they had been to see how they could best plunder it, and get weapons from the troops stationed there. From Lahore they said they went to Ferozepore to see the arsenal, and get weapons from some Americans, but not finding them had started off in *tum tums*. They then described the murder of the Zaildar and Sub-Inspector and their own escape, Nama mentioning to him how he lost his *chutai* or *kesi* (shoulder cloth). This is also referred to by Nama in his confession. We have also the evidence of Jawala Singh, approver (62). He tells us that, after the attack on Lahore Cantonment had been abandoned, he went to Ferozepore Cantonment Station, and there met Rahmat Ali, Ferozepore murderer, Surjan, Arjan Singh, Anarkali murderer, and some friends of Rahmat Ali, that it was decided to make the attack on the 30th, and in order to fill in the time meanwhile to go by the 12 noon train to Moga, attack the treasury there and get arms. This witness was arrested on 30th November and made a statement before a Magistrate in Ferozepore. In the course of this statement he described how he met one Wariam Singh, from whom he heard an account of the murder of the Zaildar and Sub-Inspector of Police. In this account mention was made of Surjan, his Muhammadan companion, and another. Babu Ram and Nama are of course both Hindus, and capital is made of this statement of Jawala Singh, but the mistake is capable of explanation. Jawala Singh referred to them as Muhammadans, because he thought Surjan was a Muhammadan. He had seen two youths at Ferozepore station with Surjan, and as they were youths only there is nothing surprising in his calling them Muhammadans. The murder of the Sub-Inspector of Police and the Zaildar is further corroborated by the evidence of Arjan (70), who tells us that these two accused described to him the murders and their own escape, and there is also the evidence of Amar Singh (1), approver (85), who tells us he met Surjan at Jullundur, and heard from him of the murders.

We have now to deal with the evidence as to the share taken by Nama and Fazal Din, respectively, in the Mandi plot.

Sarda Ram (71), who is himself no doubt an accomplice, describes the visits paid to him in December 1914 or January 1915 by Surjan and Nama at Bhojpur, where he kept a school, the meeting at Barso, where revolutionary plans were discussed with the two Jawahar Singhs and the two Sidhus. Dalip Singh, informer (73), tells us how he met Amar Singh, accused (1), Babu Ram, Nama and Fazal Din at the Hoshiarpur Fair, and then accompanied Amar Singh, accused (1), to Fazal Din's hut near the brick kiln. The door of the hut was unlocked by Fazal Din, whom they met at the kiln, and inside the hut they found Surjan in concealment. The plans for rising in Mandi were discussed

in his presence, after Amar Singh had told Surjan he could be trusted, and it was decided that a man who knew how to make bombs should be sent to Mandi as they were required there. Fazal Din could not go owing to his work at the kiln, but he was said to have 25 Pathans ready, whenever they were required, and neither Dalip Singh nor Amar Singh knew how to make bombs. One Bidhi Singh was then suggested as a bomb-maker, but Amar Singh did not know him, and eventually Dalip Singh went off to fetch Nidhan Singh.

Dalip Singh then describes how he met Nidhan Singh at Anandpur, dressed as a Nihang, and told him what Surjan had said about Mandi. Nidhan Singh said he had already heard of it from Amar Singh, accused (1), and was ready to come and asked to be introduced to Surjan. They accordingly went off to Fazal Din's hut, on arrival there, found that Surjan had already gone to Mandi. Nidhan Singh said he had come to see Surjan, as he understood that the latter wanted a bomb-maker, and he himself could make bombs, and asked Fazal Din to write to Surjan. Fazal Din, who had made arrangements with Surjan about correspondence, wrote to him accordingly, and a few days afterwards informed them that Surjan had told him to bring them to Mandi as he himself could not come. He suggested Nama instead of himself, but the latter declined, and Fazal Din eventually persuaded Arjan, the brother of Surjan, to do so. Arjan met them at Malabat, and from there took them *vid* Laltani and Sarkhad to Ghatapatri, where they separated temporarily, Arjan himself going to Suket to find Surjan. The story as to the search in Suket and Mandi is borne out by Arjan (70), who after telling us of his visit with Fazal Din and Nama to the Cattle Fair to Hoshiarpur, where they met Amar Singh, accused 1, and Dalip Singh who had a private conversation with Fazal Din, describes the arrival of Dalip Singh and Nidhan Singh at the kiln, and his agreeing to take them to Surjan in Mandi as Fazal Din and Nama could not. He then describes the journeying with Nidhan Singh and Dalip Singh in search of Surjan; how he found him at last in the shop of Mela at Suket, and told him that two men were looking for him, and his eventual return to his home without having succeeded in coming across Nidhan Singh and Dalip Singh again. He also describes how Surjan returned with two swords, and asked him to keep them, but, on his refusing to do so, handed them over to Fazal Din, who burried them One of these swords was given to Arjan's wife by Surjan but Arjan, on discovering it, threw it down the well of one Ganga, whence he eventually discovered it to the police. The burial of the two swords is corroborated by Fazal Din, who in his confession admits having told Arjan about it, and the recovery of one of the swords from Ganga's well is testified to by Sub-Inspector Gopal Das (61).

To proceed with the story of Dalip Singh, approver. He and Nidhan Singh eventually found Surjan at Suket in the house of one Landu in the company of Sidhu and a Brahmin. Nidhan Singh said he had come as Surjan wanted him, and he was ready to make bombs. Surjan asked Sidhu about the ingredients and Sidhu said Mian Jawahar Singh had them ready. The proposed plot to loot in Mandi, murder the Wazir and the British Officer resident in Mandi, and then descend on the Punjab was discussed, and the following day at a meeting attended by them, Badri, the other Sidhu, and the two Jawahar Singhs, it was decided that Mian Jawahar Singh was to supply men and arms in Mandi, while Nidhan Singh, who said that Fazal Din would bring 20—25 Pathans, was deputed to bring men from the Punjab and screw-top cases for bombs. Nidhan Singh obtained the sword Ex. P. 8 A from Jawahar Singh, and left for the Punjab with Dalip Singh, leaving Surjan in Suket, and while he was getting bomb-materials, Dalip Singh took the sword and buried it. Dalip Singh, then, hearing of Nidhan Singh's arrest, returned to Mandi, where he met Surjan, who told him that he had run away because he was wanted in connection with the Ferozeshah murder. Dalip Singh then describes how he and Surjan, after getting some bomb ingredients and some money, from Jawahar Singh, on the ground that he was going to bring up Fazal Din and his Pathans, and also getting a sword, Ex. P. 8 B, from Sidhu 1, again returned to the Punjab and Fattehgarh. Here they asked Fazal Din for his Pathans; Fazal Din said that they would be ready when required, and Dalip Singh then got the sword, Ex. P. 8 B, from Surjan and buried it in the same place where he had buried the other. Before leaving Mandi, Surjan had also obtained another sword, Ex.

P. 33, and this was the sword that Surjan handed over to Arjan, who eventually recovered it from Ganga's well and made it over to the police, as previously mentioned (*vide* Fazal Din's confession, page 120, and the evidence of Sub-Inspector Gopal Das, page 57.

The other evidence against Nama and Fazal Din consists of the statements of Roda (65), at whose kiln Fazal Din worked as a mistri during the months of November, December and January. This witness knew Shamsher Khan, a Pathan, who had lived in the kiln for 10 years, and is the man who, Fazal Din tells us in his confession, agreed to provide the Pathans asked for from the kiln. Further evidence is afforded by another kiln-owner Ganga Ram (66), who knew that Fazal Din worked at Roda's kiln before being employed as a Mistri on his own, and this is corroborated by Fazal Din, who tells us that at the time of Surjan's return from his first visit to Mandi with news of the revolution there, he, Fazal Din had lately left Roda's kiln, and taken service at Ganga Ram's. Ganga Ram also says that Babu Ram, accused (2), and Arjan, the brother of Surjan, worked at his kiln as well. There is also the evidence of Kundan Lal (64), that he agreed to take in correspondence at Bhojpur from Surjan addressed to the name of Piara Ram, and he describes how he received two post-cards which came for Surjan written by one Fazal Din.

Fazal Din, as well as Babu Ram and Nama, has resiled from the confession he made. This was recorded on the 28th September 1916 by Mr. Fairlie, who first satisfied himself that the accused was acting under no compulsion whatsoever, and, after recording it, attached a certificate to the effect that, in his opinion, accused made the statement quite voluntarily. Fazal Din has made the usual allegation against the police of torture, but in our opinion there is absolutely no ground for such allegation, and we are satisfied that it was voluntarily made.

Fazal Din, Babu Ram and Nama all pleaded not guilty to the charges brought against them. Babu Ram, while denying the allegations made against him, admits his acquaintance with Surjan, but denies that the latter seduced him, to sedition. He reiterates his accusation against the police both as to the confession having been extorted from him and as to the unfairness of the identification. Nama also repeats these accusations, but admits his visit with Surjan to the house of Sarda Ram (71) at Bhojpur. He says that he went to Suket State to sell socks, and there met Surjan, who asked him to take him to Sarda Ram's house. Fazal Din denies that he knows Surjan, and also alleges that he was tortured by the police into making a confession.

All three accused called a number of witnesses as to their good character, but made no attempt to refute in any other way the specific charges made against them, or to substantiate the allegations, in the case of Babu Ram and Nama, as to the unfairness of the identification by the prosecution witnesses. The question as to this identification has already been dealt with by us, and there is in our opinion no reason for holding that the confessions are not genuine. They have all been corroborated by a large number of witnesses, and corroborate each other in close detail. The only discrepancy of any importance to be noted is that in connection with the visit to the Hoshiarpur Fair. Dalip Singh has told us that he met Babu Ram, Nama, Fazal Din and Amar Singh. It is true that Fazal Din admits his own presence, but Babu Ram and Nama in their confessions make no mention of their having gone to the fair, and Nama emphatically denies that he was there. However, nothing is alleged against them at the time of the meeting, and the discrepancy is not, we consider, of such importance as to throw doubt on the truth of Dalip Singh's evidence. The same remark applies to the other discrepancies and variations that have already been referred to, though it should also be noted that Arjan picked out Kehr Singh, accused (12), as the man he referred to as Amar Singh, accused (1). This matter has been dealt with in Amar Singh's case, and there is no need to refer to it further, beyond saying that this does not in our opinion in any way discredit Arjan's evidence.

The confessions, it is true, of all three accused have been retracted, and there is the question whether they can be used both as against the persons who

made them and the pereons implicatcd therein. These confessions have, in our opinion, been voluntarily made, and the plea made by Babu Ram in his confession that he only joined the conspiracy under fear of death, does not vitiate the confession as a confession. The plea, if proved, could only be urged as an extenuating circumstance, but there is no proof of it, as Babu Ram now denies any share whatsoever in the conspiracy, and there is no reason for thiking that there is any truth in it. It has been held in Punjab Record 30 of 1914, that when it is a question of using a confession against a co-accused, and the court is not 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 unmistakeably connects the said co-accused with the crime. It is true that in the absence of corroboration in material particulars, it is not safe to convict on a confession which has been resiled from, unless there remains a high degree of certainty that the confession though retracted is genuine. But it was also held that it was not illegal to base a conviction upon the the uncorroborated confession of an accused person, provided that the court is satisfied that the confession was voluntary and true in fact.

The amount of corroboration required is for the court to decide, and no hard and fast rule can be laid down as to what particular points the corroboration is necessary on, and as we have pointed out the confessions of the three accused, besides corroborating each other not only in main particulars but in close detail, are themselves corroborated by a large number of witnesses. It is true that many of these witnesses are approvers, and one of them Sarda Ram (71) is no doubt an accomplice, but the evidence of these approvers, with the exception of Dalip Singh, who is the only new approver in this case, has been believed by the Commissioners in the two previous cases, and we can see no reason for disbelieving the evidence in this case as against accused, bearing in mind, as we have done, the fact that the evidence is tainted, and having scrutinised it with the utmost care, both in the light of the circumstances in which it was given as well as in the light of all the other circumstances of the case. We are fully satisfied as to the correctness of the evidence for the prosecution and the guilt of all three accused. In considering the legal liability of accused (2) and (14), Babu Ram and Nama in the Ferozeshahr murders we must refer to the Chief Court judgment in the first Ferozeshahr murder trial. In that case 7 men were sentenced to death for their share in the murder; it was held by the Chief Court on appeal that, though there was evidence wanting to prove that any of them except Jagat Singh took the primary part in the murders, yet they, and all other members of the whole party of 15 were banded together with a common object, well knowing that any form of desperate violence would be freely used in order to achieve it, and to escape capture in case of resistance. Though there is no evidence that either Babu Ram or Nama were armed, there were, as was held by the Chief Court, enough dangerous weapons, consisting as they did of automatic pistols, revolvers, an axe and five *chhavi* heads to go round nearly the whole party of 15, and, even if they themselves were not armed, they were members of a gang banded together with a common object, and though the murders of the Zaildar and Sub-Inspector of Police was an unpremeditated incident it was an incident for which they were prepared. It was held by the Chief Court that the appellants were liable equally with others, who escaped for both the murders which occurred, as being a contingency for which they were prepared and which they knew to be likely to occur.

We are of opinion therefore that both Babu Ram and Nama are guilty under sections 302, 149, Indian Penal Code.

They are both further guilty under section 121, Indian Penal Code, for a direct act of war in collecting at Lahore for the attack on Lahore Cantonments and proceeding to Lahore for the attack there.

Nama is further guilty under sections 121-A and 121, Indian Penal Code, for conspiring to wage war and abetting the waging of war in Fattehgarh and Mandi. We are satisfied also that Fazl Din is guilty under sections 121 and 121-A, Indian Penal Code, for conspiring to wage war and for abetting the

waging of war in Fattehgarh and Mandi, and we accordingly pass the following sentences.

We sentence Babu Ram and Nama to be hanged by the neck until they be dead, and also direct that their property liable to confiscation be forfeited to Government. With regard to Fazal Din, we sentence him to transportation for life, the minimum sentence we are allowed by law to pass, and to forfeiture of his property liable to confiscation, but in consideration of the fact that he, after all, took only a minor part, we recommend him to mercy, and also recommend that the sentence of forfeiture be not enforced.

We now come to accused No. (1), Amar Singh, the last of the Fattehgarh Mandi group. This man, a resident of Kola in the Hoshiarpur District, is a returned emigrant, and is alleged to have come to India in pursuance of the conspiracy, and thereafter to have conspired and planned to wage war against the King-Emperor, and in particular to have conspired with others in the Mandi State. He has been charged under section 121, Indian Penal Code, with having, in the course of a war waged against the King-Emperor, waged war, attempted the waging of war, and abetted the waging of war at the Hoshiarpur Cattle Fair and Fattehgarh in February 1915, and at Fattehgarh in November 1914 as well. The reason why he is not charged with the responsibility of the acts of co-conspirators is that he was so charged in the Lahore supplementary conspiracy case, but was discharged on the ground that no witness was able to identify him as the person against whom they were testifying.

We are told by Mr. Slattery, Superintendent of Police in the Criminal Investigation Department (P. W. 115), that accused returned to India on the Calcutta-Rangoon S.S. *Lama* on the 12th November 1914 in company with Kashi Ram, who has been hanged, and Ram Rakha, absconder, and accused himself admits his return to India on this boat.

The principal evidence against him is that of the approver Dalip Singh (73) and the confession of Fazal Din, accused (8), the latter of whom has told us how, after his seduction by Surjan, the Ferozeshahr murderer, he was introduced to accused, who repeated all that Surjan had previously said about the revolutionary movement, and asked him, Fazal Din, for help. Fazal Din promised to help him with 20 or 25 Pathans, which Shamsher Khan agreed to provide. He then tells us how after the Ferozeshahr murders, and after he had declined to accompny Surjan to Mandi, he was sent by the latter to the Hoshiarpur fair to fetch accused and his men and to bring them to the hut where he was concealing Surjan who was wanted for the Ferozeshahr murders. He did so, and Surjan asked accused and Dalip Singh, who also came at the same time, to come with him to Mandi as bomb-makers were needed there. Accused declined to go, and after Surjan had related his doings in Mandi the two of them went off.

Dalip Singh, approver (73), who was at one time in the same regiment, the 35th Sikhs, with accused, tells how he met the latter at the Hoshiarpur fair in company with Shiv Singh (L. C. C.), and then with accused met Fazal Din accused (8), Nama accused (14), and Arjan ; accused had a private talk with Fazal Din, and mentioned his name to witness, and giving him news of Surjan, who had committed a dacoity, and had returned from Suket Mandi, asked him to accompany him. Witness went with him to a kiln and they were taken by Fazal Din, whom they met there, to a hut in which Surjan was concealed. Witness was introduced by the accused to Surjan, who told accused that he had prepared men for rebellion in Mandi Suket, and had there read out the book which accused had given him, but that the men there, though ready to join, would not do so until the services of a bomb-maker were obtained. Accused said he too would be ready when the time came, and that though he himself could not make bombs and could not therefore accompany Surjan to Mandi, he would send for Nidhan Singh and get him to arrange. Witness then went to look for Nidhan Singh ; whom he found at Anandpur, dressed as a *Nahang*. Nidhan Singh asked him if he knew Surjan. Witness replied that he had met him at the kiln at Fattehgarh, and told Nidhan Singh all that he had heard from Surjan about Mandi State. Nidhan Singh said he had already heard about it

from Amar Singh, and that was why he had come to Anandpur. He asked witness to introduce him to Surjan and the two of them accordingly went to Fazal Din's kiln to find from Fazal Din that Surjan had gone off to Mandi. Witness then started to look for Surjan under the guidance of Arjan (70). This is corroborated by Fazal Din's confession, and the statements of Arjan himself, which have already been dealt with in the cases of the other 3 accused in this group.

Accused has been identified by Dalip Singh alone, Arjan failing to identify him in court and picking out Kehr Singh, accused (12) instead as the man he referred to in his statement. But that accused is the man in question is clear not only from Fazal Din's confession, but from the statement of Narindra Singh (72), Lambardar of Kotla Nod Singh. This witness tells us that though there are three men of the name of Amar Singh in Kotla, Nod Singh, accused, is the only one who is a returned emigrant, that he was an associate of Shiv Singh (L. C. C.), and to his knowledge went to the cattle fair at Hoshiarpur and that when he returned from America his hair was cut and he had no beard as he has now. Though there is no resemblance between accused Amar Singh and Kehr Singh, accused (12), this latter fact is in our opinion sufficient to explain witness's failure to identify Amar Singh.

Accused admits having gone to the Hoshiarpur cattle fair, but contends that it was for an innocent object, *viz.*, to sell a horse and not for the purpose of meeting Surjan, that he went there. He denies having met Arjan, Fazal Din, Babu Ram and Nama, and that he had any conversation with Fazal Din about getting into touch with Surjan. He also denies that he subsequently met Surjan at a kiln at Fattehgarh, or had anything to do with fetching Nidhan Singh to Fattehgarh in order to go to Mandi. He alleges that a false case has been brought against him by Dalip Singh from enmity. He says that while he was in Portland, United States of America, working at a rope factory, he lived in the same house with Dalip Singh and had a quarrel with him. They separated and he then lived with Shiv Singh and Harnam Singh, a friend of Dalip Singh, with whom he also quarrelled. He himself returned to India for domestic reasons, vowing vengeance on Dalip Singh at the time of his departure, and it was in revenge for this, he says, that the false case has been brought against him. On his return to his village he was restricted, and, with the exception of his visit to Hoshiarpur to sell a horse, when he returned to his village at 4 P.M. the same day and of a visit of condolence to his nephew at Mauza Ramtoba, he never absented himself from his village. He called one Jamal Singh, D. W. 95, a returned emigrant, to prove the quarrels referred to at Portland, but the evidence of this witness, even if believed, is not sufficient in itself to throw any doubt on the truth of Dalip Singh's statement against accused, and it is uncorroborated. He also produced a number of other witnesses both as to character, and to prove that it was to sell a horse he went to Hoshiarpur, and that he returned to his village the same day. One witness, D W. 11, also stated that, with the exception of the visit to the Hoshiarpur fair, accused never left his village as he was restricted to it, but this witness and another, D. W. 12, both gave evidence for Shib Singh (L. C. C.) and D. W. 12 for Harnam Singh, *Tunda*, as well. Accused himself admits that he was a close friend of Shib Singh, and this fact is testified to by other withesses. The evidence as to accused's character and his allegation that he only once absented himself from his village, returning there the same evening, is not therefore of any value, and we can see no reason for preferring it and discrediting that of the prosecution. That accused met in concealment Surjan, a proclaimed offender in the Ferozeshahr murder case, well knowing him to be such, and took part in the revolutionary movement, and in particular joined the conspiracy for the rising in Mandi State has in our opinion, been proved beyond any shadow of doubt by the evidence before us It is true that there is no evidence that he joined the conspiracy before his return to India, but his arrival in the company of Kashi Ram and Ram Rakha is, to say the least of it suspicious and though he himself did not take a very prominent part in the actual activities it is clear that he was one of the revolutionists.

Though he is technically guilty of an offence under section 121, Indian Penal Code, in view of the fact that he took a very minor part in India, and was little more than a messenger, acting probably under the orders of his co-villager Shib Singh, we prefer to deal with him under section 121-A., Indian Penal Code, as was done, in similar circumstances in some cases in the Lahore supplementary conspiracy case and sentence him to 2 year's rigorous imprisonment.

Group 3.—Miscellaneous Accused.

This group contains 4 accused, *viz.*, Kehr Singh (12) of Sahnewal, an absconder in the first case, Thakar Singh (15), who is charged with activities in Shanghai and Siam, Hafiz Abdulla (17), who is a returned emigrant from Manilla, and Rur Singh (18) an absconder in the second conspiracy trial.

To take first the case of Kehr Singh, accused 12.

This man is said to have been one of the conspirators in the Far East, and to have arrived at Calcutta on the 13th October 1914 by the ss. *Nam Sang*, one Sarwan Singh (37) being a fellow-passenger on board a ship which he says arrived in Calcutta two years ago, and accused himself admits having returned by that ship.

He is a resident of Mauza Sahnewal, and is alleged to have taken part in the dacoity which was committed there, having previously in the months December 1914 and January 1915 attended meetings of the conspirators at Ludhiana, and he is also said to have purchased nitric acid for the manufacture of bombs for the purposes of the conspiracy. He was arrested, but escaped from police custody at Ludhiana on the 8th April 1915, was an absconder in the Lahore conspiracy case, and was eventually re-arrested on the 29th May 1916 at Raipur, Central Provinces, where he bore an assumed name (*vide* the statements of Sub-Inspector Kadir Bakhsh (27), Head Constable Raghunath Das and Inspector Niaz Ahmad.

Sucha Singh (41), formerly a student in the Khalsa and Islamia Schools at Ludhiana and a pardoned approver in the Lahore conspiracy case, tells us how he became disaffected to Government on reading the *Ghadr-di-Gunj* which he got from one Kahn Singh, an accused in the Lahore supplementary conspiracy case. With the help of a fellow-student, Kirpal Singh (L. S. C. C.) he duplicated it in Urdu, and about Christmas 1914 gave a copy of it to Kher Singh, accused, who visited him at school in company with Dewa Singh, (L. C. C.) and said he wanted it to publish. Subsequently accused was deputed by Dewa Singh to show witness the road to Jhabewal where a bomb factory had been started. He did so and the witness then gave him 2 rupees wherewith to buy alcohol and nitric acid for bombs to take to Jhabewal. Accused brought the stuff and told witness he had got it from the shop of Chandra Bhan, but excused himself from accompanying witness to Jhabewal on the plea of business. Subsequently accused visited him on his return from Ludhiana in his rooms at the boarding house in company with Arjan Singh, the Anarkali murderer, Kartar Singh (L. C. C.) and Gurmukh Singh (L. C. C.) and witness then describes how, after a secret meeting in his room one Friday, attended by Jagat Singh (L. C. C.), Jaswant Singh (absconder), Ram Rakha (absconder), Bir Singh (L. C. C.), Kartar Singh, Dewa Singh and others, accused and Kartar Singh returned to his rooms in the evening and spent the night there. The next day the party of the previous day returned armed, Kartar Singh with a revolver and two others with *lathies* and *chhavi* blades. After referring to a dacoity at Jandiala, the party went off to commit another, and the next morning Kartar Singh told him they had committed a dacoity at Sahnewal, and gave him as a memento a *kalma* rupee, which witness showed to Abdul Alim (W. 36). In corroboration of the story there is, as regards (1) the incident of the purchase of nitric acid, the evidence of Walaiti Ram (31) and Dial Singh (32); (2), the seditious meetings in Sucha Singh's room at the boarding house, that of Abdul Alim (36) a student at the Islamia School at Ludhiana and (3), the dacoity at Sahnewal and the part accused took in it, the statements of Umra Khan (28), Muhammad Akbar (24), Mussammat Sobhi (25), Amar Chand (26), Durga Das (30), Sri Ram (33), Permeshri Das (34), Bishan Singh (35), and Umrao

Singh, approver (42). As to (1) Walaiti Ram, an employee in the shop of Chandar Bhan at Ludhiana, tells us how on the 9th January 1915 one Dial Singh, a student whom he knew, came to his shop with accused and bought a pound of nitric acid. Dial Singh's name was entered in the register as the purchaser, but on his representing that the accused was responsible for it, and accused paying for the stuff, Dial Singh's name was erased from the register and accused's entered instead. This story is supported by Dial Singh himself, who described his visit to Chandar Bhan's shop with accused, whom he had known for a long time, the purchase of the nitric acid by accused and the substitution of the latter's name in the register for his own, which had been entered wrongly.

The only evidence as to (2) consists of the statement of Sucha Singh, and of the student Abdul Alim. The latter describes how on a visit to Sucha Singh's rooms he was present at a seditious meeting attended by accused, and some 8 or 10 men, including Kartar Singh (L. C. C.) and Arjan Singh (A. M.), and he tells us of a subsequent visit by these same men, armed with *lathis* and *chhavi* blades, which he affixed for them, prior to their departing for the dacoity. He was also present when Kartar Singh returned the next day, and Sucha Singh showed him a *kalma* rupee, wihch, he said, formed part of the proceeds of the dacoity.

As to the dacoity itself, in the course of which one Khushi Ram was murdered, this is testified to by the evidence of *Mussammat* Sobhi (25) and Umra Khan (28), and as it has been fully dealt with by the Commissioners in the two previous cases it is unnecessary to refer to it further, beyond saying that the loss of the *kalma* rupee which was given to Sucha Singh is proved by the statement of *Mussummat* Sobhi, the widow of the murdered man Khushi Ram. Sub-Inspector Faiz-ul-Hasan (29) tells us how it was recovered from the possession of Sucha Singh on the 23rd February 1915. As to the part which accused took in this dacoity, it is not alleged before us that he was one of the persons who actually committed it. He is a local man and well-known and the risk of being recognised would have been too great for him to have been present at the time it was committed. But the services of a local man, who would know the names of the persons best worth looting and the situation of their houses, were required, and that is why they were utilized. Bishen Singh (35), also a resident of Sahnewal, tells us how Dewa Singh (L. C. C.) and Dalip Singh, deceased, came one day to Sahnewal, mounted on camels, and accompanied by two other men and asked for Kehr Singh, accused. Amar Chand (26), a former school-fellow of Kehr Singh, describes how, when he was talking to the latter at Sahnewal on the day of the dacoity, two men came up and interrupted them. One of these men in accosting them reminded witness that his name was Dalip Singh; accused went off with them and witness then saw him drawing a sketch on the ground and explaining it to them. It is alleged that this sketch was probably a plan of the village, showing the situation of the house to be attacked and looted, and the various lanes affording the safest means for access and exit. Witness was not himself positively certain that his meeting with accused was on the actual day of the dacoity, but he remembered that accused, on his return from speaking to the two men asked him for the loan of a bicycle from Sri Ram, the master of the village school, and Sri Ram himself (33), corroborating the incident of the bicycle, is certain that accused asked him for it on the actual day of the dacoity.

Durga Das (30), who as well as Amar Chand (26) was a nephew of Khushi Ram, who was murdered in the dacoity, tells us that accused, when speaking of the dacoity afterwards, said it was not political, but merely the work of local *badmashes*, and that the loss was small. Amar Chand said that he used to be a friend of the accused, and it might be argued that, knowing as he does now, that accused had a hand in his uncle's death, witness's friendship would be turned to enmity and his evidence therefore not be trusted. But in the case of Durga Das no such argument can be adduced. He declines even now to believe that accused, who is an old acquaintance, was one of the dacoits who murdered his uncle, and his evidence in view of this is valuable. He describes how accused on his return to India came to see him accompanied by a man who he said was Munsha Singh, and famous

as a composer of verses for the *Ghadr-di-Gunj*, and on the same evening told him he had made an appointment with the notorious Bhai Parmanand, whom he had met in Japan.

Accused was identified at a number of parades by Sri Ram, Dial Singh, Bishen Singh, Abdul Alim, Wilaiti Ram, and by Sawan Singh as the man who travelled with him on the same ship. Amar Chand and Durga Das identified him in Court. They both knew him intimately and their identification was not challenged. Parmeshri Das (24), who keeps a wine shop at Sahnewal, testified to having seen accused in the shop in the company of Dalip Singh a day or two before or after the dacoity, and this meeting accused himself admits. He denied, however, having had anything to do with the Sahnewal dacoity or with the seditious meetings in Ludhiana, his meetings with Sucha Singh, he contended, were quite innocent, and he stated that he escaped from police custody after his arrest merely to escape further torture. He produced no evidence in his defence, and his counsel confined himself to an attempt to impeach that for the prosecution. As regards the substitution of accused's name for that of Dial Singh in the register kept by Chandar Bhan, he alleged that this had been done by the police, and pointed to the fact that the alteration had been made in a different ink from that of the previous entry. But Wilaiti Ram tells us that the inkstand, which he used at the time contained three ink-pots, and this fact would alone satisfactorily account for any difference in the ink. We can see no reason for disbelieving either his evidence or that of Dial Singh as to the circumstances in which the alteration was made, and we hold that the purchase by accused of the nitric acid has been clearly proved. It is true that Sucha Singh could not remember whether he told accused the purpose for which it was required, but that accused himself knew the purpose there can be no doubt if the evidence of Sucha Singh be believed. Accused's association with men like Sucha Singh, Kartar Singh, and others, and the fact that he had an appointment to meet such a notorious man as Bhai Parmanand, whom he admits having previously met in Japan, would show that he was not merely an innocent tool, but a conspirator himself. There is no reason that we can see for disbelieving Sucha Singh's evidence. His statements in the two previous cases were believed by the Commissioners and no arguments have been adduced by counsel to justify the rejection of his evidence in the present case as regards accused. It is corroborated by Abdul Alim who has no motive for giving false evidence against accused.

As regards accused's share in the Sahnewal dacoity, counsel contended that he would not have pointed out the house of a man who was nearly related to friends of his. But the fact of this relationship could well have been a reason for his doing so, as he would have been less likely to be suspected of having anything to do with the docoity. Doubt was also thrown on the truth of Amar Chand's story by the fact that when he saw Dalip Singh at Sahnewal, the latter concealed his companion's name from accused. It was argued that, if accused had been an accomplice, no concealment would have been necessary and that it showed, at any rate, that accused was mistrusted. But there is no evidence on the record to show that there was any concealment, and we can see no force in the argument. The evidence of another witness for the prosecution which has not hitherto been referred to is that of Umrao Singh, approver (42). This witness, who received a pardon in the Lahore conspiracy case, corroborates Sucha Singh's story as to their joint activities in the collection of bomb materials, and his own connection with the dacoity at Sahnewal and tells us how, when in the company of Dalip Singh before the dacoity on the way to Kubi, he met accused in a drink shop at Sahnewal, where accused and Dalip Singh had a private conversation and that he next went to meet accused at Sahnewal accompanied by Dalip Singh, Dewa Singh and one other man mounted on camels, but could not find him. This is corroborated by the evidence of Bishen Singh (35), which we see no reason to disbelieve even though this witness is not on very good terms with accused's father, and the meeting at the wine shop is testified to by Parmeshri Das (34), the owner of the shop. It is true that this witness was asked to vacate the house belonging to accused, which had been occupied by him, but this is no reason to discredit

his evidence and accused himself admits having met Dalip Singh at the wine shop.

Accused, as has been said, called no evidence in his defence, contenting himself with an attempt to discredit the prosecution story, but as we have shown there is no reason to disbelieve the witnesses for the prosecution, and we hold that the offences, with which he has been charged, have been fully proved against him. It has been shown that he took part in the revolutionary movement, and, though he was not himself present at the dacoity at Sahnewal, there is sufficient evidence on which to hold that he abetted it. We therefore find him guilty under sections 121, $\frac{3}{1}\frac{9}{0}\frac{5}{9}$, Indian Penal Code and sentence him to transportation for life, and direct that his property, liable to confiscation, be forfeited to Government.

Thakar Singh, accused (15).

This man is said to have taken part in the conspiracy in that while residing in Nankin in China in the year 1914, he used weekly to fetch bundles of the *Ghadr* newspaper from Shanghai and circulate them. In July of the following year he went to Bangkok with Balwant Singh, accused (3), and there continued the conspiracy until his arrest and deportation, first to Singapore and subsequently to India.

The evidence against him consists of the statements of Dalip Chand (10), Gopal Dass (22), and Jodh Singh, *alias* Hasanzada (117).

Dalip Chand's evidence is that in 1914 he met accused in Nankin having previously heard of him in Shanghai. He himself was a Travelling Ticket Examiner, and he used to meet accused once a week travelling between Nankin and Shanghai. Accused, he says, carried bundles of the *Ghadr* newspaper, which he distributed to passengers in the train between these two places, read out passages which contained very seditious articles against the British Government and exulted over British defeats and German victories.

Gopal Dass (22) tells us that in July 1915 he saw the accused in a hotel at Bangkok in company with Balwant Singh, accused (3), Jodh Singh, prosecution witness 117, and one Shib Dial (S. D. Kapur), and later on saw accused again in company with Balwant Singh at a meeting in the house of one Indar Singh, at which Balwant Singh was inciting his audience to return to India and expel the British.

Jodh Singh, in the course of a very lengthy statement, describes his meeting with accused and Balwant Singh, the latter of whom at the time went under the assumed name of Pritam Singh, at the Chinese hotel in Swatow. They at first suspected him to be a Government Agent, and were preparing to leave the hotel, but he re-assured them by showing to them the letter he was carrying for Bhagwant Singh, whom, they said, they knew to be a good man. Discovering that they were all bound for Bangkok they took ship for that place, and during the voyage witness ascertained their names to be Thakar Singh and Pritam Singh, but later on in Bangkok learnt that Pritam Singh was an assumed name, and that the real name was Balwant Singh. They arrived in Bangkok on the 17th July and put up at a *gurdwara*. Thakar Singh advised staying with his friends, S. D. Kapur and Atma Singh, who were in Bangkok, and suggested to witness asking their whereabouts from the German Consul. On witness' return to the *gurdwara* from seeing the German Consul, accused or Balwant Singh arrived with S. D. Kapur, to whose house they all went. Witness stayed there for a couple of nights, and then moved into other quarters, which he had rented, feeding at the eating house of Gopal Dass (22). He tells us that he gathered from his conversation with Thakar Singh and Balwant Singh at Swatow that they were "patriotic," and had the same feelings against the British Government as he had, and learnt from them that they were in the revolutionary movement. They gave no details, however, of their concern in it, and did not mention what their purpose was in staying at Bangkok. Witness was only 2 days with accused in Bangkok, during which time the latter was ill, having also been ill on the voyage. Accused admitted

having been in Nankin in the early part of 1914, but denied that he had distributed the *Ghadr* newspaper to Indians in China, alleging that Dalip Chand P. W. 10, had given evidence against him from enmity engendered by a quarrel which had taken place between them at Nankin. He admits that he went to Bangkok with Balwant Singh from Swatow, explaining that he had to do so as he had lost his passport, and was therefore not allowed to land at Hong Kong, where he had to proceed *en route* for India to fetch his family. As to Balwant Singh's presence on board the same ship, he explained that he was not aware of it until he boarded, and he admitted living for a short time in the same house with him and Jodh Singh on arrival at Bangkok. But he disclaimed all knowledge as to Balwant Singh's movements there, and denied that he gave him any assistance in the revolutionary movement as he had been ill on the voyage, and was ill during his stay at Bangkok having to be admitted to hospital.

In his defence he produced one Karam Chand Kohli, D. W. 31, an interned emigrant, who gave evidence as to his relations with Dalip Chand, P. W. 10. But as regards the part accused is said to have taken in the revolutionary movement at Nankin, we are not prepared to hold that he took the part ascribed to him on the evidence of a single witness, *viz.*, Dalip Chand, a witness, whose evidence was not believed by the Commissioners in the Lahore supplementary conspiracy case and who is not above suspicion himself. There is also the allegation that this witness is actuated by enmity against the accused, and though there is no evidence as to this beyond the vague statement of Karam Chand Kohli, who is himself an interned emigrant, it would be, we consider, unsafe to rely on Dalip Chand's statement, which is uncorroborated by any other evidence, and is in itself perhaps somewhat improbable. It would have been an expensive matter to send a man the 220 miles separating Nankin from Shanghai once a week to distribute the *Ghadr* paper, when it might have been delivered through the post without any great risk of detection. Moreover, Mula Singh, approver P. W. 89, tells us that accused was a Government Interpreter in Shanghai, and that he himself had no communication with accused because the latter was in a Government office, and Karam Chand Kohli also gives evidence as to accused being a Goverment Interpreter.

As regards the witness Gopal Dass (22), though his statement is to some extent corroborated by that of Jodh Singh, a witness whom we see no reason to disbelieve, it is to be remembered that Gopal Das was himself at one time suspect, having been detained in Bangkok Jail and subsequently deported to India, and moreover we are not impressed by his evidence.

There remains, therefore, only the evidence of Jodh Singh. As has been said there is no reason to disbelieve it, but it does not amount to very much as against accused. It is true that both the accused and Balwant Singh were described as being evilly disposed towards the British Government, but witness admits that neither of them gave him any details of their concern in the revolutionary movement, or of their purpose in staying at Bangkok and he also admits that accused was ill, both during the voyage to that place and for two days after his arrival there, after which he, witness did not see accused again.

Accused's explanation in the supplementary statement put in by him as to why he left China and came to India is not one that can be easily accepted, and his story about the loss of a passport to explain his presence at Bangkok is, we consider, absurd. Jodh Singh tells us accused never mentioned to him that he had lost his passport; if accused had really lost it and was in fact intending to go to India he would most probably have made mention of it to Jodh Singh. The explanation is unsupported by any evidence, and we refuse to accept it. There can be very little doubt that he was present at Bangkok with Balwant Singh for the purposes of the conspiracy for a campaign to be launched from Siam, but there is no evidence as to this, and though there are reasons for suspecting him to be a most dangerous conspirator we must, as we cannot act on mere suspicion, give him the benefit of the doubt and acquit him.

Hafiz Abdulla, accused (17).

This accused was committed to this Court for trial under the orders of the Local Government, dated the 13th November 1916.

The complaint against him will be found on p. 64 of the record, and the charge on pp. 170, 171.

The principal charges against him are that he, during 1914, became an official of a *Ghadrite* association in Manilla and took a prominent part in organizing *Ghadr* and the migration from that place. The accused has pleaded "Not Guilty."

The accused was identified on jail parade by the witnesses Allahdad Amar Singh, I, and Nawab Khan on 21st November 1916, and Parmanand on the same occassion picked out a man said to be extraordinarily like him.

Before us the latter witness, after first selecting one Amar Singh accused (1), immediately pointed out accused who had been standing a little behind the line.

The accused appears to have arrived in India on the *Kut Sang*, which reached this country on the 28th January 1915, to have been sent up-country and arrested by Mr. Isemonger, Superintendent of Police, at Ludhiana, and thereafter interned.

There appears during the prior cases to have been the evidence of both Amar Singh and Nawab Khan against him in regard to the period the *Korea* was in Manilla, but the main evidence against him is due to the recent return from Manilla of the witnesses Allahdad and Parmanand.

It has been already shown in the section dealing with the revolutionists in Manilla that there was a strong *Ghadr* party in that place, and we know that among the men who came to India from that island were Jiwan Singh, Rahmat Ali Khan, Surjan Singh (all three Ferozashahr murderers), and lesser men like Bishen Singh, Hazara Singh, Kehr Singh and Baj Singh, convicted in the Lahore conspiracy case.

Accused was admittedly a resident in Manilla from 1901 to 1914 with some short breaks.

As to the existence of a *Ghadr* movement in Manilla we have the evidence of Harcharandas (p. 31). He tells us that when in San Francisco early in 1915 he was informed by Ram Chand, Peshawaria, that Bhagwan Singh had gone to Manilla to collect money and induce Indians to return to India for revolution.

Jodh Singh, who was in Manilla for 7 days in June 1915, also states (p. 183), that while in San Francisco he was given a letter from Ram Chand to deliver to Bhagwan Singh in Manilla, giving certain instructions relative to the *Ghadr* movement. In Manilla he discovered Bhagwan Singh had just gone off to Japan, and he gathered that Indians in Manilla were in favour of *Ghadr*. Counsel for defence presses the point that witness only heard of Bhagwan Singh, but we fail to see how that helps him, for his client had left Manilla 5 or 6 months before.

The two principal witnesses, however, are Allahdad and Parmanand.

Allahdad (p. 98) has been a resident in Manilla from 1903 to 1916. Until 1914 there were no revolutionists, he says, in Manilla. In that year Gurudatt Kumar, a well-known seditionist came to Manilla and called on all Indians to unite, holding a meeting for that purpose in which accused (17) participated. He says there were regular meetings on Sundays, a house was hired, the *Ghadr* paper distributed and a committee formed. The office-holders in that committee were Chanan Singh, a very wealthy Sikh and Hafiz Abdulla, and they held a series of meetings attacking the English and urging the seizure of the Indian *raj* for themselves.

Gurudatt Kumar left, and was succeeded in 1915 by Bhagwan Singh, who stayed with a friend of accused (17), and then with Chanan Singh. He was in Manilla for 3 months lecturing and collecting, urging the seizure of the *raj* and distributing tne *Ghadr*. Subscriptions were extorted by force and threats, and a very active propagandist was Abdulla's wife.

Parmanand Sharma (p. 99), who was a detective under the British Consulate was in Manilla from 1911 to 1916. When he arrived there was no *Ghadr* party—it was set on foot by Gurudatt Kumhar about June 1914.

He founded an association, known as to the Indian *anti*-British Association holding a meeting in an Opera House owned by a Turk.

This meeting witness attended and Gurudatt spoke on unity and the improvement of Indians.

The association was a branch of the San Francisco one—a house was hired and collections made for remittance to Hardial and San Francisco, and the local office-bearers were Chanan Singh and Hafiz Abdulla, among the members being Rahmat Ati Khan (Ferozeshahr murderer).

Gurudatt was later succeeded by Bhagwan Singh, who urged Indians to return to India for revolution, and both he and Gurudatt before him taught Indians how to make bombs. Hafiz Abdulla was well-known to witness, and he says he was a strong advocate of revolution, and constantly urging a return to India for mutiny.

Witness also describes the reception of the *Ghadr* newspapers, and the *Jahan-ul-Islam* which we have already described.

These two witnesses prove very clearly the existence of a strong revolutionary association in Manilla, of which accused was one of the leaders, Allahdad may be an accomplice, but his evidence is amply corroborated by Parmanand, who is not.

But over and above this, what we may call general evidence, we have convincing testimony as to Hafiz Abdullah's activities at the time the s. s. *Korea* stopped of Manilla *en route* for Hong Kong, with revolutionists on board. Allahdad (p. 98) tells us that, when the *Korea* arrived, Jagat Ram (L. C. C.) came on shore, and held a big meeting, which was addressed by several men, including accused. The speeches were against the British Government, and the seizure of the *raj* in India was advocated by fighting.

Parmanand (p 99) remembers the same incident. On the arrival of the *Korea* Jagat Ram disembarked, and through the help of accused (17) and others Nawab Khan was allowed to land.

A big meeting was held, which witness himself did not attend, as he was known to be a detective, but he got full information from his assistants.

Nawab Khan states (p. 86, 87, 89) that when the *Korea* reached Manila, Jagat Ram went on shore with arms and *Ghadr-di-Gunjes*. The first day in port the ship was visited by several Indians, including (accused 17), and they said they belonged to the *Ghadr* party and held meetings every Sunday, and that there would be a meeting next day to incite Indians to get ready. Permission was obtained for him to land, and on the Sunday he and Jagat Ram addressed the meeting. Abdulla was chairman, witness recited an inflamatory song. Jagat Ram urged they had been ready for a year and the time had now come to strike and to go to India for mutiny and expel the British. A list of those willing to start at once was compiled, and Rahmat Ali, Jiwan Singh and Surjan Singh, Ferozeshahr murderers, were enrolled and others promised to follow. When the *Korea* sailed a large crowd came to see them off.

Now the value of his statement lies in the fact that it was made in substance not merely before us, but in the very first conspiracy case when Hafiz Abdulla was not even in the dock, and witness can have had no possible reason for implicating him, particularly as he was a co-religionist.

Doubt is cast in cross-examination as to the fairness of the identity, but we can see nothing irregular, and there is no question that accused is Hafiz Abdulla of Manilla.

Amar Singh (pp. 90-92), who was also on the *Korea*, bears out part of Nawab Khan's story, but as he himself was not allowed to land, he knows nothing of what took place on shore. He says Jagat Ram got off at Manilla, and Hafiz Abdulla came on board with other Indians, and discoursed on "unity," *Ghadr* songs being sung—one by accused—and he says that in the party accompanying Hafiz Abdulla were 3 of the Ferozshahr murderers. The value of this evidence is also enhanced by the fact that it is exactly what he said in the first conspiracy case and by the fact that there is no possible reason for a false implication.

Two of the prosecution witnesses, Bela Singh and Mangal Singh, who gave evidence regarding Canada, were recalled by the accused. To his questions one of them Bela Singh said he had heard lecturers in America mention the name of Hafiz Addulla, the other that he had not. This evidence was not sought by the prosecution, but as there is just the possibility that Bela Singh confuses the name Hafiz Abdulla with that of quite a different person Maulvi Abdulla, a not inconsiderable seditionist in America, we do not propose to press the point against accused.

The next important witness against accused is Mr. Isemonger, Superintendent of Police. He was on duty in February 1915 to meet returned emigrants sent up from Calcutta to Ludhiana. In one batch arriving there on February 1st was Hafiz Abdulla, his wife and a dozen Sikhs, who had come on the *Kut Sang*. Part of accused's luggage had gone on to Amritsar, and it was brought back, and on being searched, a poem, P. 60, was found in it, which accused said was either in his or his wife's hand, probably the latter. Witness suspected him as being an important man as his Sikh companions paid him great respect, so he detained him and sent him to Campbellpore for internment. On his being separated from the Sikhs he bade them be of good cheer and shouted out "*Bande Mataram*"

Mr. Slattery (pp. 175-76) also deposes that accused arrived on the *Kut Sang* and he concluded in Calcutta he was a man of importance among the arrivals by that ship, many of whom, but not accused, were grossly impertinent to the police, and he was informed by the Captain of the ship that accused had been insolent on board.

This witness, though he searched his luggage, found nothing incriminating in Calcutta.

This fact has been used to attack Mr. Isemonger's evidence, but it is not impossible for papers to have been concealed or overlooked in Calcutta, and whatever point might otherwise have been made is destroyed by the fact that accused admits on p. 179 in his written statement that papers were found in his boxes at Ludhiana, but inferentially suggests that they were put in *en route* from Calcutta.

This suggestion is quite unacceptable in the face of Mr. Isemonger's clear evidence as to what Abdulla said when the paper was found.

This poem, p. 60, is a virulent poem with the refrain "The tyrannical Feringhi are drinking our blood."

The accused's oral statement is recorded on pp. 129-130 of the record, his written statement on pp. 178-179.

He admits being in Manilla from 1901 till the beginning of 1915, denies attending any seditious meeting, being an office bearer in the anti-British Association, ever advocating a return to India for *Ghadr*, taking part in any gathering on the arrival of the *Korea*, having any companions *en route* or in Ludhiana, or the discovery of p. 60 in his luggage.

He admits the identifications, but says the witnesses saw him first through the doors of the court—a physical improbability—and states he returned home because his mother was ill. He asserts his luggage was searched in Hong Kong and Calcutta without result and he offers not the slightest reason why any of the prosecution witnesses should implicate him.

In defence he has produced 3 witnesses, Bakhshish Singh (p. 198), Nidhan Singh (p. 198) and Dhan Singh (p. 198), all residents of Manilla who

have come home. They deny knowledge of any revolutionary society, Abdulla's revolutionary activities or any meeting in Manilla. He desired to call four other witnesses from places outside the court's jurisdiction.

We have listened carefully to what his counsel has to say, and we have dealt above with his various points. There is really nothing to be said for the accused, and we are satisfied the case is thoroughly established.

We find that accused became a prominent official in Manilla in the anti-British Association there working for *Ghadr*, lecturing himself, reciting seditious songs and enrolling men for India; we are satisfied he boarded the *Corea* and encouraged the revolutionists on that ship and that he returned to India without adequate reason, in the company of several ill-disposed Sikhs, and was in possession of seditious literature.

We consider him an extremely dangerous character, and in view of the nature of some of the men who returned to India, partly through his instigation and who committed murder on their return, no less criminal than they.

He is in fact one of the Manilla organizers and his prompt arrest saved him from activities in India.

We find him guilty of conspiring to wage war and of abetment of waging war under section 121-A, 121, Indian Penal Code, and sentence him to be hanged by the neck until he be dead and also direct that his property, liable to forfeiture, be forfeited to the Crown.

We do not think it necessary to record findings on the other charges.

Arur Singh, accused (18).

This man is said to have visited the Lines of the 23rd Cavalry at Lahore Cantonment on various occasions in the winter of 1914 and spring of 1915, and taught the sowars of that regiment the process of bomb making and the use of dynamite; to have been present at a meeting of these sowars at the rifle range when it was arranged to murder Kirpal Singh and Bela Singh, accused himself undertaking personally to murder the former and to have been present also at the Kapurthala gathering on the 5th June 1915. He is also said to have abetted the murder of Kapur Singh at Padri and then absconded, but he was subsequently arrested on the 11th November, and committed to this Court for trial under the orders of the local Government dated the 13th November 1916. The charges against him are set out on pages 172-174 of the record. On the 15th November 1916 he made a confession to Lala Hari Chand, Magistrate, 1st Class, Lahore, which he has before us admitted to be quite true. In this he admits having joined the *Ghadr* party at the instigation of Banta Singh, on the latter's return from America, and to have been present at seditious meetings at Sagwal, which were attended by people from outside villages as well. About a year later Harnam Singh joined them from America and a series of seditious lectures were given in neighbouring villages by both Banta Singh and Harnam Singh, who took accused about with them. At these lectures pepole were incited to rise against Government and it was decided to start a printing press. Accused subsequently, at Banta Singh's instigation, joined a number a men in a successful dacoity at Alawalpur, and later on took part in an unsuccessful attempt to cut the telegraph line and destroy the railway line. He tells us that he then wandered about the Doaba in company with Pingley, and was with him at Ludhiana on Banta Singh's direction. After an unsuccessful attempt on Pingley's orders to bring Banta Singh's printing press from Sagwal to Amritsar he was sent to see one Bhagwan Singh at Kapurthala with regard to procuring arms there, and he admits having gone there again to see Bhagwan Singh for the same purpose in June 1915, and to have attended the gathering on the 5th June 1915 with the intention of attacking the magazine there, this having been decided on owing to the failure of the proposed rising in Mandi and Nidhan Singh's arrest. He tells us that all that was decided at this meeting was, owing to the insufficiency of the numbers, that they should meet together again at Kapurthala on the 12th of the same month, but he denies that anything was said about making an attack on the military guard at Walla bridge with the object of obtaining arms. He attended the meeting of the 12th June for an attack on the magazine at Kapurthala, but only 4 men including himself turned up. Then Bhagwan Singh arrived, followed by two other men, who had with them

some clothes, some of which belonged to Banta Singh, and said that they had been directed by Banta Singh to hand over these clothes to Bhagwan Singh. They also gave an account of the attack on the military guard at Walla bridge by Banta Singh and his party, who they said had killed some sepoys, and carried off their rifles. After the clothes had been handed over to Bhagwan Singh the party dispersed, and accused, hearing of the arrest of several of his fellow-conspirators, attempted to conceal himself in disguise fearing his own arrest, but was eventually arrested at Mauza Gopala in the Amritsar District on the 11th November 1916. At the time of his arrest he was found in possession of some seditious papers, Ex. P. 64.

He also tells us how, shortly after his seduction to sedition by Banta Singh, he took part in the dacoity at Alawalpur and later on in the murder of Chanan Singh, Zaildar, at Mauza Nangal, in revenge for the arrest of Piara Singh (L. C. C.).

His confession is corroborated by a large number of witnesses. Indar Sain (14), Ralla Singh (15) and Ralla (86) testified to their having seen him in company with Banta Singh (L. C. C.), Harnam Singh, Tunda (L. C. C.) and heard them preaching sedition to the villagers. Mula Singh, approver (89), tells us how he first met the accused in the Doaba in company with Pingley, that Banta Singh whom he knew as a fellow member of the revolutionary party had to his knowledge a printing press at Sagwal and had told him that there was a havildar at Kapurthala ready to join the party, and that accused and Jaswant Singh, absconder, had been sent to Kapurthala to see him. Bachan Singh, approver (94), tells us that at a meeting of the revolutionaries at Dhudhike it was decided to assemble men and go to Kapurthala and there loot the arsenal and the magazine, that at this meeting which was attended, amongst others, by accused and himself, and the Havildar Bhagwan Singh, it was decided, owing to insufficient numbers, to postpone the attack until the following Saturday, but in the meantime to attack the guard at Walla bridge in order to obtain arms. He tells us how after an abortive attempt, an attempt was made by Banta Singh and Jowand Singh to murder Kapur Singh at Padri. This also proving abortive, an attack, in which he himself took part, was then made on the Walla bridge, which resulted in the death of two sepoys and the capture of 6 rifles and some ammunition. He then describes how after the party had separated he and Arur Singh (the one-eyed, not the accused) went off to Kapurthala, where they met the Havildar Bhagwan Singh, to whom they gave the clothes of those who had taken part in the attack of the bridge, and the accused whom he called Dr. Arur Singh.

Amar Singh II, approver, tells us how, after being seduced to sedition by Jawand Singh *alias* Lachhman Singh, he joined the revolutionary party, and was present at the first meeting at Kapurthala, where he met the accused who described himself as a doctor, and the attack on the Walla bridge was decided on instead of the proposed attempt on the Kapurthala magazine. Witness himself took no further part in the revolutionary movement, recognising its futility, but was arrested on the 5th October 1915 by the police to whom he made a statement the same day.

Bhagwan Singh (100), the man who has been referred to as the Havildar at Kapurthala, tells us how he was first approached by accused and two other men with a view to getting rifles for dacoities. They threatend to kill him if he repeated what they had said He then relates how accused, this time alone, again approached him on the subject and describes a subsequent meeting at Kapurthala attended by accused and 17 others, at which it was decided, owing to paucity of numbers, to postpone the attempt to obtain rifles and to meet again the following Saturday. This meeting was attended by 6 men, including accused and a one-eyed man of the same name, and he describes how some clothes, which he was told belonged to the men who had just stolen some rifles in the Manjha, were given to him to be washed.

Accused is, as we have said, alleged to have visited the Lines of the 23rd Cavalry at Lahore Cantonment and taught the sowars of the regiment the use of dynamite and how to make bombs, and to have been present at a meeting of the sowars at the rifle range when it was arranged to kill Kirpal Singh,

and Bela Singh, accused, undertaking personally to murder the former, and it is also alleged that he abetted the murder of Kapur Singh at Padri. These allegations he has denied, and in his confession he makes no mention of them. We are told, however, by Harnama, approver (90), who obtained a pardon in the Padri murder case, how after being persuaded by Chanan Singh, one of the Walla bridge murderers, to join in the plot to kill well-wishers of Government, he accompanied Bhagel Singh and Prem Singh, two of the Padri murderers, for the purpose of killing Kapur Singh of Padri to the tank at Suga, where accused was also present. Only 7 men in all assembled, and as this number was considered insufficient, they agreed to meet again later. They met again, accused being again present, who after advising as to what steps should be taken against the well-wishers of Government, specially advocated the murder of Kapur Singh as one of them. Though at this meeting as many as 18 men were gathered together the attempt to murder Kapur Singh was again abandoned, as he was said to be armed with a pistol, and at a subsequent meeting, again attended by accused, the attempt was once more given up, though Kapur Singh was eventually murdered, accused, however, taking no part in the murder.

As regards accused's visits to the 23rd Cavalry at Lahore Cantonment we have the evidence of Wasawa Singh, approver (91), and Ganda Singh (92) who were both in that regiment. The former tells us how, after he and many others of his regiment had joined the revolutionary movement, they were visited by Prem Singh, the Padri murderer, and accused, who called himself Arjan Singh. The latter offered to show these sowars how to make dynamite, and on their obtaining for him the necessary ingredients made and set light to an experimental bomb. Prem Singh left the next day telling accused to meet him at Barar, where he would get a revolver to kill Kirpal Singh. Ganda Singh (92) also describes this visit, and tells us of the meeting at the rifle range and the decision to kill Kirpal Singh. He says that he saw accused at the butts with Prem Singh having come to discuss Kirpal Singh's murder. Further corroboration of this is given us by Fauja Singh (93), Lambardar of Barar, who says accused came there and told him he had been sent by the sowars of the 23rd Cavalry to kill Kirpal Singh. This witness also tells us that Prem Singh too came there for the same purpose.

Accused was identified at a parade held at in the Central Jail at Lahore on the 20th November 1916 by Fauja Singh, Ganda Singh, Wasawa Singh, Indar Sain, Ralla Singh, Lambardar, Bachan Singh, Amar Singh (2), Bhagwan Singh and Mula Singh, and he admits having been identified by these witnesses. Though, on the advice of the Court, pleading not guilty to the charges against him, he has called no evidence in his defence and has admitted all the allegations against him except those which have been referred to. Though it is possible that Harnama, approver (90), is correct in implicating accused in the previous conspiracies antecedent to the murder of Kapur Singh we are not prepared to accept the unsupported testimony of the approver, particularly in view of the fact that accused, while ready to admit much that is alleged against him, vehemently denies his participation in that crime.

As regards the incident in the Lines of the 23rd Cavalry we would have little hesitation in accepting the evidence of Wasawa Singh, Ganda Singh and Fauja Singh were it not for the fact that accused, while admitting himself to be an abettor of murder, strongly denies ever having been in the Lines of the 23rd Cavalry and denies that though he sometimes assumed the name of Basant Singh he was ever known as Arjan Singh, which, according to Wasawa Singh is the name he called himself by when he visited the Lines of the 23rd Cavalry. We think it, however, unnecessary to commit ourselves to a pronouncement as to whether accused was or was not the man who taught the sowars of that regiment how to make bomb materials, inasmuch as the facts admitted by him are sufficient to deal with him.

The confession, in which he has made these admissions, he has declared to us to be true, and we therefore find him guilty under sections 121, 121-A, 302-34, Indian Penal Code, and sentence him to be hanged by the neck until he be dead, and direct that his property, liable to confiscation, be forfeited to Government.

Schedule of Convictions and Acquittals.

Name of accused.	No.	Sections convicted under.	Sentence.
Amar Singh . .	1	121-A	2 years' rigorous imprisonment.
Babu Ram . . .	2	121, 121-A, 302/149 . .	Death.
Balwant Singh . .	3	121, 121-A	Do.
Battan Singh . .	4	121, 121-A	Transportation for life.
Bishen Singh . .	5	...	Acquitted.
Dalip Singh . .	6	...	Do.
Dial S ngh . .	7	...	Do.
Fazl Din* . . .	8	121, 121-A	Transportation for life.
Hari Singh . .	9	121, 121-A	Ditto.
Jita Singh . . .	10	...	Acquitted.
Kattar Singh . .	11	121, 121-A	Death.
Kehr Singh . .	12	121, 121-A, 395/109 . .	Transported for life.
Munsha Singh . .	13	121, 121-A	Ditto.
Nama . . .	14	121, 121-A, 302/149 . .	Death.
Thakur Singh . .	15	...	Acquitted.
Hafiz Abdulla . .	17	121, 121-A	Death.
Rur Singh . .	18	121, 121-A, 302/34 . . .	Do.

Accused marked thus * is recommended to mercy.

We have now only to add an order of discharge under section 337 in respect of Dalip Singh, approver, and a few remarks of appreciation.

We have to thank the Government Advocate and his Assistant Mr. Ram Lal, for the trouble they have taken in placing the case before us, and to record our high appreciation of the skill and ability shown by them in the preparation of the case and its lucid exposition. We must also thank counsul for defence for their help in sifting the evidence, and enabling us to arrive, as we hope, at correct conclusions on the facts.

We desire also to record our appreciation of the work of S. Sukha Singh, Inspector Aziz-ud-din, Inspector Ikram-ul-Haqq, Sub-inspector of Police Gopal Das, Inspector Niaz Ahmad and Sub-Inspector of Police Bhag Singh, particularly those who have been engaged in investigation for their thoroughly straight-forward methods of working; amongst whom we would especially mention Inspector Ikram-ul-Haqq whose work throughout has been of a very high standard.

Amongst non-officials, Lambardar Lachman Singh deserves credit for his arrest of accused (18), Parmanand, Sharma, for his good work in Manilla, Rugnath Singh for his loyal attitude on the *Komagata Maru* and in Canada, and some of the Canadian witnesses for disassociating themselves from the *Ghadr* movement and working in opposition to it.

We must also thank the officials of the Central Jail for the help they have given us; the police guard, whose efficient discharge of duty has helped the Court in getting through the work with expedition and smoothness; the Government Press for the printing of our record and judgment, the latter at some sacrifice of holidays; and last of all our staff, particularly our reader ahlmads, translator and typists.

T. P. ELLIS,
President, Commissioners.

J. FRIZELLE, Major,
Special Commissioner.

GOPAL DAS, Bhandari,
Special Commissioner.

The 5th January 1917.

758 H, D.