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1900-1947

Tinnevelly Riots Conspiracy and Ashe Murder

PART-I

Issued by

COMMISSIONER OF ARCHIVES AND HISTORICAL RESEARCH

TAMIL NADU ARCHIVES, MADRAS

Government of Tamil Nadu

1982

954.1141
TAM-1

Tamil Nadu Archives,

Select documents series 1900-47

Document No.1.

TINNEVELLY RIOTS CONSPIRACY AND ASHE MURDER.

(For Official Reference and for Research Scholars)

Issued
By

Commissioner of Tamil Nadu
Archives and Historical Research
Government of Tamil Nadu

1979

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PREFATORY NOTE

This Select Document on "Tinnevelly Riots Conspiracy and Ashe Murder" is the first in the Series of Select Documents issued in pursuance of the orders of Government in their G.O.Ms.No.1515, Education, dated 15.7.1976.

Select Documents are intended to present in one place all the essential documents relating to particular matters of historical importance found among the records kept in the Tamil Nadu Archives in a ready and handy form with an historical introduction to facilitate interpretation by the Scholars. The records are presented as they are without abridgment.

To facilitate reference a 'Chronological Table of events' and a 'Summary of Documents' are also given.

The Publication does not attempt to express any views or suggestions. I do hope that this document will be of use to all those who are interested in the pursuit of history and knowledge.

M. VENKATACHALAM

COMMISSIONER

Tamil Nadu Archives,
Egmore, Madras-8,
31st March 1981.

II

HISTORICAL INTRODUCTION

TINNEVELLY RIOTS, CONSPIRACY AND ASHE MURDER.

The period from 1900 to 1906 was one of a critical nature in the history of India. This period witnessed the strenuous days of Lord Curzon's rule. His curtailment of the powers of the Calcutta Corporation, his Official Secrets Act, his officialisation of the Universities which made education costly, his tirade against the untruthfulness of Indians, his budget of twelve Reforms, and his Tibetan Expedition euphemistically called the Tibetan Mission, and finally his Partition of Bengal, broke the back of loyal India and roused a new spirit in the Nation. Even more galling to the Indian sense of selfrespect than his speech in Calcutta regarding the untruthfulness of Indians was his sweeping charge that the Indians were, by their environment, their heritage and their upbringing "unequal to the responsibilities of high office under British Rule". In fact, by his Resolution dated 24.5.1904, Lord Curzon made race the test of qualification, not merit, so much so that the continuation of this policy made Lord Morley declare, as Secretary of State, that what India resented was racial domination, not so much political domination. While the people were showing increasing signs of self-consciousness the retrograde policy of the Government could not but make itself more and more assertive and even more naked. Lord Curzon's policy created a lot of antagonism against the British. The national antipathy towards the British was accentuated at this time by the partition of Bengal which the whole of India

resented. The repressive measures adopted by the bureaucracy had its own reactions in making the nationalist movement stronger than before. The cause of Bengal was made India's cause. Each local area forced to the front its own grievances which had long been pent up and made it an added cause of agitation. The whole of India was surcharged with emotion. Nine deportations took place in Bengal, namely of Krishna Kumar Mitra, Pulin Behari Das, Shyam Sunder Chakravarthi, Aswini Kumar Dutt, Manoranjan Guha Thakurta, Subodh Chandra Mullik, Sachindra Prasad Bose, Satish Chandra Chatterjee and Bupesh Chandra Nag. These leaders had been organising Bengal -- the youth of Bengal in particular. Physical prowess and courage were the ideal of the time. The cult of violence came to be present. Sporadic acts of violence began to show their heads against the British. On the 30th April 1908, fell two bombs at Muzafferpore on two ladies -- the Kennedeys -- which were meant for Mr Kingsford, the District Judge of the place. Khudiram Bose, a young man of 18, was executed for the crime. The most daring of the murders committed was the murder of Sir Curzon Wyllie in London at a Public Meeting in 1907 by a young man named Madan Lal Dhingra, who was hanged for the murder.

Madras was considered a quiet province mostly dominated by moderate politicians. It came in contact with the trends in Bengal, first through Vivekananda, who had a sort of royal reception in Madras after his return from Chicago. The next emissary of Bengal Politics in Madras was Bepinchandrapal Tarakanath Das, another man from Bengal who created a niche for himself in Madras. He was a regular

member of the Jugantar group of Calcutta and he came to Madras on behalf of that group. He found Madras a suitable place for organising revolutionary groups and travelled extensively throughout the province. He could form a nucleus of revolutionary organisation. Chidambaram Pillai, Subramania Sivam, Nilakanta Brahmachari and others were early recruits to the movement. These three were men of outstanding merit and great organising ability. They were no agitators but were real leaders of men. V.O.Chidambaram Pillai, son of Loganatha Pillai, a private Vakil, was born at Ottapidaram, Tirunelveli District in 1873. He started his career as criminal pleader at Ottapidaram in 1896. Subsequently he moved to Tuticorin in 1900 and continued practice. He gave up his practice to deliver lectures to his country men pointing out to them the benefit which would accrue by supporting Swadeshi enterprise. He was mainly instrumental in starting the Swadeshi Steam Navigation Company in October 1906 and was also connected with several Swadeshi concerns in Tuticorin. He was a violent opponent of British India Steam Navigation Company and certain other English companies in Tuticorin. The Swadeshi Company had been successfully competing with the British India Steam Navigation Company and in fact diverted a major portion of its business to itself. According to Chidambaram Pillai Swadeshism means "the development of Indian Industries by Indians". The starting of the Swadeshi Company was a source of anxiety and caused much irritation to the authorities of B.I.S.N.Company and in consequence the feelings between the authorities of the two concerns

became very much strained. By that time Bepinchandra Pal was lecturing in Madras. His speeches were highly emotional and exciting. Seditious literature was widely printed and circulated. V.O.Chidambaram Pillai started a Tamil monthly called "Viveka Banu" in collaboration with Swami Vallinayagam. Nilakanta Brahmachari, a young man of good education, a native of Erukkoor, near Shiyali in the Thanjavur District was engaged in Journalistic work very largely of a seditious nature. He was editor of the "Suryodaya" a vernacular paper published in Pondicherry. This paper was proscribed by the Government in March 1910. In 1908, a Tamil paper "India" was published and Srinivasa Iyengar, the Printer and Publisher of the paper was sentenced to 5 years of transportation under section 124A, 153A and 505 I.P.C. for publishing seditions articles in "India" Then the paper was removed to Pondichery which was somewhat a safe place for revolutionary workers in Madras.

At Tuticorin Subramania Siva came under the influence of Chidambaram Pillai, Subramania Siva was educated in Travancore. He was tramping the country as an itinerant preacher lecturing on Swadeshi and boycott. Subramania Siva and Chidambaram Pillai delivered numerous lectures in 1908. Both inspired people to refuse to buy foreign goods, refuse to appeal to the authorities on any occasion and to refuse the education by Government schools, to dispensewith the courts both civil and criminal.

Simultaneously with the secret movement there was also an open agitation advancing Swadeshi Swaraj and boycott of British goods. Tuticorin and Tirunelveli were two

important centres of this movement. Tuticorin was the place where several speeches were made which influenced the common people. The Joint Magistrate, Mr.Ashe in view of the disturbed state of popular feelings issued an order prohibiting such meetings under Section 144 Cr.P.C. In defiance of this, a meeting was called. It was attended by thousands of people. Under the influence of the speeches of Chidambaram Pillai on the 27th February 1908, there was a strike of the Mill hands of the Coral Mills Company, a European Company. Meanwhile a Swadeshi Bank was also started at Tuticorin through the exertions of Chidambaram Pillai and this further strained the feelings between the proprieters of the Swadeshi concern and the authorities of the European concerns, chiefly the local branch of the Madras Bank. A Swadeshi Spinning Mill was about to be brought into existence and would have started but for the institution of the proceedings under Section 107 & 108 Cr.P.C. against Chidambaram Pillai.

When Siva and Chidambaram Pillai who were the two important agitators were arrested on 12th March, 1908 a riot took place on 13th at Tuticorin and Tirunelveli. Ashe the Joint Magistrate seeing the defiance to his order, went to the scene and ordered dispersement of the crowds. On their failure to do so, the police opened fire. Large number of persons were arrested. A boy of 17 years was the first victim to the gun fire at Tirunelveli. Almost every Government building was attacked. Government property was destroyed; furniture and records of Government offices were burnt in bonfire. The Town was gloomy. The Municipality, the market, police stations were all set on fire. The excitement of the

people was great till 15th March. Pillai and Siva were charged under Section 124A and 153A I.P.C. They were sentenced to transportation for life but on appeal this sentence was reduced to 6 years.

Swadeshi movement and Riot in Tinnevelly

The Swadeshi Movement in Tinnevelly was started by Ramakrishna Iyer, a Vakil of the place in September 1905. Subsequently lectures were delivered by many on the subjects like the separation of 'executive' from judicial functions, representation of Indian grievances in the House of commons, the demand for an equal share in high appointments for the Indians etc., During April 1906 the Swadeshi Steam Navigation Company came into existence. From June 1906, V.O.C.Pillai began to lecture on Swadeshi Movement. In August 1906, a Swadeshi anniversary meeting was arranged under the presidentship of G.Subramania Iyer. He appealed for the encouragement of Swadeshi Industries and the boycott of English goods. He urged that there should be unanimity among the Hindus. The Swadeshi Steam Navigation Company officially registered at Tuticorin on 1st October 1906 with a nominal capital of Rs.10 lakhs. V.O.C.Pillai was its Assistant Secretary.

In March 1907 Chidambaram Pillai visited Madras for raising more money for the Steam Navigation Company. He and G.Subramania Iyer arranged a public meeting on the South Beach, Madras. Chidambaram Pillai expatiated on the advantages of the Swadeshi movement, and criticized the policies of Lord Curzon. He said that the Swadeshi movement could not exist without boycott. It was not only foreign goods but

every thing foreign that should be boycotted and if Swadeshi and boycott movements were vigorously pursued, the inevitable result would be the attainment of "Swaraj". He requested the audience to resort to boycott in every branch of life and that if it was only carried out effectively, the British would soon leave the country.

On the 17th April 1907 the first Swadeshi steamship arrived in Tuticorin, although another steamer had some time previously been chartered and had been withdrawn from service. As soon as the steamer began to run regularly to colombo active competition began between the new Company and the British India Steam Navigation Company.

G.Subramania Iyer made another Swadeshi lecture in the Tinnevelly District during July 1907. He said that there were three vital disadvantages under the British Government, which benefited the white people only. They were (1) The British denied natives higher appointments under the Government (2) they did not consult them even in matters affecting their interest (3) they did not give them enough food.

V.O.C.Pillai was going on lecturing on Swadeshi movement. On 9th January 1908 Subramania Siva, whose real name was B.Subramania Iyer gave a lecture on Swadeshi enterprise at Tinnevelly. He travelled the entire Tinnevelly District preaching the advantage of Swaraj, the necessity for national education and the advisability of getting the Arms Act repealed. Subramania Siva was a native of the Madura District. He had studied upto Matriculation. During his stay at Tinnevelly he made acquaintance with V.O.C.Pillai By that time one Gurunatha Iyer, an ex-head constable of Tinnevelly

District was appointed as Cargo Superintendent in the Swadeshi Steamship Company. He was a close follower of Swadeshi Movement.

Subramania Siva and Chidambaram Pillai joined hands and continued the Swadeshi lectures in Tuticorin. They publicly proposed on the 17th January 1908 that a Sangam or association should be formed to administer "Swaraj" in Tuticorin. Among other matters with which the association was to be concerned were the development of the 'Swadeshi' spirit, unanimity and courage, the organisation of "Swadeshi" Volunteers and the raising of funds. An executive committee of 20 members including Chidambaram Pillai and Gurunatha Iyer, was formed. On the 19th January Siva addressed an audience on the dangers arising from a Foreign Government and referred to the assassination of the King and Crown prince of Portugal, and tried to justify it. Chidambaram Pillai followed him urging every one to join the "Swaraj Sangam" and remarked that it was unnecessary to be afraid of Europeans. He said that as three millions of Indians died every year of Starvation, it would be a good thing if they could agree to die at once when the 50,000 Europeans in India would be no large number for them to deal with. All Indians should join together and earn happiness or die together in the struggle. Meetings continued to be held daily at Tuticorin. In his speech on the 26th February, Subramania Siva referred to the deportation of Lala Lajpat Rai and Ajit Singh. He said that they were deported for taking up the cause of their brethren, who were unjustly taxed and ill-treated. He then went on to say that the success of any enterprise rested with the

labourers. If the coolies stood out for extra wages European mills in India would cease to exist. There were two ways of injuring the mill owners; one was by doing mischief to machinery and the other by going on strike. He declared that he wished them to adopt the second course. As a direct result of these speeches 200 operatives of the Coral Cotton Mills in Tuticorin struck work and in consequence the mill was closed.

On 1st March 1908 a large meeting was held and one Padmanabha Iyengar was the speaker. He urged the boycott of everyone who did not join the "Swadeshi" movement. Again on 7th March another large meeting was held in Tuticorin. Siva said that no one could find fault with the philosophy of man's rights of Swaraj and that no Government could say that this was sedition. Chidambaram Pillai said that he proposed to bring out a newspaper called Swaraj. He said that there was a revolution coming on in India which was for their benefit and that it was necessary to have a paper to communicate in Tamil what transpires all over India. He said that Swadeshi Boycott and avoiding of the law courts were the weapons to attain Swaraj.

The result of these meetings created a very critical state of feeling in Tuticorin against Europeans generally and the classes who are well disposed towards the Government. The district Magistrate endeavoured to enlist the cooperation and support of the more responsible and moderate members of the Swadeshi party and the leading inhabitants but in Tuticorin his efforts did not meet with much success.

Few points of correspondence between Wynch, the Collector of Tirunelvéli and Chidambaram Pillai are noteworthy:-

(Just like the brahmin over-lord of Nanda (the pariah saint) rebuked Nanda for spreading Siva worship in the country, so Mr. Wynch reproves Chidambaram Pillai as follows).

Collector: You have spread the desire for liberty throughout the land and started the conflagration, and I will put you in the jail and ferment you there and establish my strength.

Chidambaram Pillai:

We will no longer be serfs to foreigners in our own land-fear we will not hereafter-will this injustice be tolerated in any land ? Will the Almighty tolerate (this) ?

Collector: You collected crowds and shouted Vandemataram and abused us and you have stoored ships and produced wealth for us to run away.

Chidambaram Pillai:

We will bow and until death cry Vandemataram. Is it base and degrading to praise our dear mother ?

Collector: You induced the desire for Swaraj everywhere and you sowed the seeds (of discontent). Can the tiny rabbit do the work of the lordly lion and thrive for ever more ?

Chidambaram Pillai:

We have considered and understood well that the way of unanimity is the only way. We will no longer be afraid of all your cruelties and lose heart.

Collector: I will teach order and sense by firing (on the mole ?) and will kill and stab. Who is there to obstruct ? I will put you in prison and wreak vengeance.

Chidambaram Pillai:

Can you gain your object even though you cut us to pieces and our life perish thereby ? The great love that shines in our hearts - will that go away? Will our hearts grieve ?

V.O.C.Pillai and Siva proposed to conduct a procession on the 9th March to celebrate the advent of Swaraj and plant its flag. On the 8th March the District Magistrate issued notices under Section 144 of the Criminal Procedure Code to Chidambaram Pillai and Subramania Siva prohibiting them from holding any procession on the 9th and to the public generally prohibiting from attending any such procession in Tuticorin. On the evening of the same day he caused notices to be served on these two persons and on Padmanabha Iyengar under Section 112 calling upon them to appear before him in Tinnevelly on the 9th to show cause why they should not be bound over under Section 108 to be of good behaviour. A largely attended meeting was held on the evening of the 8th March at which these notices were discussed. The general drift of the speeches was that the notices were illegal. Chidambaram Pillai, Siva and Padmanabha Iyengar went to Tirunelveli on 9th and declined to enter into bonds to be of good behaviour as required by the District Magistrate. They again went to the court at Tinnevelly on 10th and the case was adjourned to 11th.

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On Wednesday the 11th March the hearing was proceeded with and a considerable body of evidence relating to the inflammatory speeches was recorded. On Thursday morning the Superintendent of Police laid before the District Magistrate information regarding the events which had taken place at Tuticorin on Tuesday the 10th. Reports had also been received of the speeches made on Monday night in the river bed in Tinnevelly and of the demonstrations which had been held in the same place each evening on the rising of the Court. The District Magistrate then determined to proceed under Section 107 Cr.P.C. as it was obvious that a breach of the peace or a serious riot might occur at any moment. The parties were present in court and notices were served upon them. They did not admit the truth of the information and the District Magistrate proceeded to record evidence. An application was again made for an adjournment to move the High Court and Security was offered under protest, which the District Magistrate declined to accept. After recording a certain amount of evidence the further hearing was adjourned until the 1st April to enable the parties to move the High Court as prayed for and the three persons were remanded to custody. They then offered to give the security demanded under Section 107 and said that they did not want to show cause. The District Magistrate deferred passing orders on the application and removed the prisoners to the District Jail. A large crowd had collected outside the court and considerable demonstrations were made. Application was at once made to the sessions court to admit the parties to bail and a large mass meeting was held on the river bed.

On an application to the High Court, Chidambaram Pillai was released on bail, on the 25th March but was immediately rearrested on a charge under section 124A and 153A I.P.C. Two cases were instituted against him one for abetting Siva and one in respect of his own speech on the 9th March. He was convicted and sentenced in both cases to transportation for life. He was at once sent to the Coimbatore Jail. On appeal the High Court reduced the sentence to 6 years.

Meanwhile at Tuticorin speeches were delivered by various people on the 11th and on the same day the municipal sweepers struck work, Many jutka drivers also refused to work even for "anti Swadeshi" natives. On the 12th all the private sweepers struck work. On the 13th morning all shops were closed at the request of Gurunatha Iyer. Crowds were collected and they began to break lamps and threw stones. They set fire to the Municipal Office and the kerosene oil stores and attacked the Post and Telegraph Office and the Police Station. A larger mob continued to retire slowly in front of the District Magistrate and there were crowds in the side streets on either flank. The mob threw stones from all directions. The District Magistrate then gave the order to fire. During the firing one man was killed. In the afternoon the Joint Magistrate issued an order prohibiting all meetings in the town. In defiance of this a meeting took place in Melur, a suburb of Tuticorin. The Sub Divisional Magistrate marched to that place with a party of reserve constables but could not

disperse the crowd. The police opened fire. Gurunatha Iyer of Tuticorin was arrested on 14th March.

The Madras Government imposed punitive police force on the places of riot. The Government also prosecuted Chidambaram Pillai, Subramania Siva and Padmanabha Iyengar under Section 124A, 153A and 505 of I.P.C.

Murder of Ashe

> "The twentieth century were the outcome of an organized movement against foreign domination, propagated by the more educated classes and so, in the main, by Brahmans, and finding its principal source in Bengal. The unrest had its first overt expression in 1906 among the students at Rajahmundry; its next, soon afterwards, at Cocanada in a raid on the English club provoked by a trivial incident. Then, in 1908, a commercial failure at Tuticorin was worked up as an instance of the malignity of the rulers; there were strikes, and Europeans were boycotted, Proceedings were taken against the instigators in the criminal courts with the result that there were simultaneous outbreake at Tinnevelly and Tuticorin. A good deal of damage was done and the police had to resort to fire-arms. Three years later a seditious conspiracy found vent in the murder of the Collector of Tinnevelly."
>
> -- Dodwell - Indian Empire Vol.VI.

Far from being demoralized or frightened, the people became anti-Government. It was openly advocated that other towns should follow Tuticorin and Tinnevelly and drive the British rule out of India. At this time Ashe became the target of the revolutionaries.

After three years, on the morning of the 17th June 1911, Ashe, Collector and District Magistrate of

Tinnevelly was shot dead in a first class railway compartment at Maniyachi Railway Station by Vanchi Iyer alias Sankara Iyer.

Vanchi Iyer was the son of Raghupathy Iyer. He was employed as a forest guard at Punalur (Travancore State). He was of 25 years of age then. He was a member of the Secret Society called "Bharatha Matha Association" organised by Nilakanta Brahmachari. Other members of the society were Sankara Krishna Iyer of Krishnapuram, Chidambaram Pillai of Tenkasi, Dharmaraj Iyer of Shencottah, Harihara Iyer of Shencottah. Madasami Pillai of Ottapidaram and Arumugam Pillai of Tuticorin. The aims of the society, formed by Vanchi and Nilakanta Brahmachari was to kill all European Officers of the district with a view to intimidate European Officials and discourage them from coming out to serve in India and by this means to ultimately obtain Swaraj. The society planned to carry out a revolution like that of 1857, that people should be prepared to rise in rebellion on a stated day and massacre the Europeans and India was to attain Swaraj. This Association was a consequence of the events at Tinnevelly and Tuticorin and Ashe's murder was a direct result of them.

Every member of the Bharatha Matha society took "Blood Oath" before the picture of Kali. When the first meeting of the society was held, red powder, sacred ashes and flowers were kept on the floor in front of the picture, Red powder was put into water and a solution made of it. The oath was "Bande Mataram, we should kill all white men.

The affairs of the society should not be revealed. We must sacrifice our person, property and life for this society. Whoever reveals the affairs of this society will go to hell and he will be killed. Just as we drink the red powder solution it is the white man's blood". Each member read the oathpaper, drank the red solution saying that it was the white man's blood. Cut his thumb with a knife and affixed his thumb impression in blood opposite to their names.

Vanchi Iyer accordingly took leave and went to Pondicherry and got his training in revolver practice from V.V.S.Iyer.

V.V.S.Iyer also known as Maha rishi was for some years in Europe working in close collaboration with Vinayak Savarkar, Shyaniji Krishnavarma and Madame Cama. He was a learned person scholar in Sanskrit and a master of fine English prose. On return, he settled at Pondicherry. He was a great patriot and extremist in Indian Nationalist politics. He believed in violent and revolutionary method for winning India's freedom. He was of opinion that training to the citizens in the free use of arms and heroic deeds are necessary for every Indian to free India. Thus practice in gun and revolver shooting was one of the items taught to young recruits, who were sent to Pondicherry for moral and physical training. Pondicherry was found suitable for smuggling of small arms and also for printing secret pamphlets.

V.V.S.Iyer knew many languages and was author of a number of stories. He organised Bharatwaja Ashram in Cheranmahadevi of Tinnevelli District in 1922. He also

organised and founded Bharathi Ashram for popularising Bharati's work and ideal. In 1925 he met with an accident in Kalyani Thirtham at Papanasam near Vikramasingapuram water falls in Tinnevelly District; while attempting to save his daughter who slipped and washed away in the falls, he also died.

Having trained in revolver practice under V.V.S. Iyer at Pondicherry Vanchi Iyer and Sankara Krishna Iyer went to murder Ashe. At that time Ashe had succeeded Wynch as Collector of Tinnevelly and the feelings of the members of the Bharatha Matha Association were bitter against him.

On the morning of 17th June 1911 Ashe, Collector and District Magistrate of Tinnevelly, left Tinnevelly Bridge Railway Station with his wife by the 9.30 a.m. train and reached Maniyachi at 10.30 a.m. He was seated in a first class compartment in which he and Mrs. Ashe were the only occupants and was waiting for the Ceylon Boat Mail. The station platform nearest the row of station buildings was almost clear. There were few passengers there. The Maniyachi railway station master's two sons were standing almost opposite to the first class compartment in which Mr. and Mrs Ashe were seated. Just then two men went up to the first class compartment, one in green coat and the other a young Brahman wearing his waist cloth like a Malayali. The green coated man peeped into the compartment and stared at Mr. Ashe while the other went further up and stood in front of the servant's compartment. Mr. Ashe was annoyed at the green coated man looking into the compartment and frowned at him. The man then pointed a

pistol at Mr.Ashe. Mr.Ashe grew alarmed, stood up, took off his topee and threw it at him. It missed him and fell down on the platform. But the man fired at Mr.Ashe, who was hit on the right side of his chest. Mr.Ashe tried to get out of the compartment but was prevented by Mrs.Ashe, and both of them fell on the floor of the carriage. Mr.Ashe died shortly afterwards.

Vanchi Iyer after shooting Ashe committed suicide in the station itself. Sankara Krishna Iyer who accompanied Vanchi Iyer, escaped from the scene but was subsequently arrested and convicted. On the body of Vanchi Iyer, a letter was found urging people to do their best to drive away the foreign Rule and establish Swarajya.

Tinnevelly Conspiracy

The murder of Ashe is the starting point in the history of the case. The conspiracy had its inception early in April 1910. It was set on foot by Nilakanta Brahmachari, a young man of 21 years who was engaged in journalistic work very largely of a seditious nature.

Suppression of papers and conviction of important persons, compelled them to have his head quarters at Pondicherry. He tried to adopt other methods of spreading their propaganda and for this purpose the Bharatha Matha secret society was formed at Tenkasi in Tinnevelly District. In the first meeting which took place on the 10th April, Nilakanta Brahmachari explained the injustice of the Government and the miserable state of the country which rendered it necessary that the British should be driven out and 'Swaraj' obtained and how their previous endeavour

to effect this by means of preaching newspapers and isolate murders have failed. They hit upon a new plan and that was to take shape of a general rising all over the country like that of 1857, the Great Indian Mutiny on a date to be fixed and murder all white people on the same day. All agreed to this and joined the movement. Accordingly an oath was drawn up and written on a piece of paper, each person cut his thumb and affixed his thumb impression, in blood. The oath was that the members should kill all white men and sacrifice their person, property and life for the society. Another such meeting was also held at Tuticorin by the middle of July. Ashe took a leading part in suppressing the Swadeshi Steam Navigation company and the Tuticorin riots of 1908. He was therefore taken to be the first person to be killed.

The following were charged with having entered into a conspiracy to wage war against the British.

1. Nilakanta Brahmachari, Journalist aged 21
2. Sankara Krishna Iyer, Cultivator aged 22
3. Madathukadai Chidambaram Pillai, Grocer, aged 24
4. Muthukumarasami Pillai, Pot seller aged 45
5. Subbayya Pillai, Vakil's Gumastah aged 43
6. Jagannadha Iyengar, Cook aged 25
7. Harihara Iyer, Merchant, aged 21
8. Bapu Pillai alias Ramasami Pillai, Cultivator, aged 24
9. V.Desikachari, Merchant, aged 30
10. Vembu Iyer, alias Mahadeva Iyer, cook aged 23
11. Savadi Arunachalam Pillai, Cultivator, aged 30
12. Alagappa Pillai, Cultivator, aged 18

13. Vande Mataram Subramania Iyer, School Master, aged 26

14. Pichumani Iyer alias Venkatachalam Iyer, Cook, aged 26.

All of them were charged under Section 121A, 302, 109 and 111 I.P.C. Nilakanta Brahmachari was the first accused in the conspiracy case. He was accused as the organiser of the conspiracy and the leading spirit amongst the conspirators. The trial in the High Court commenced on 11th September 1911 and came to a close on 2nd February 1912 after 80 sittings.

Judgement was delivered by the Special Bench on 15th February 1912. There were three counts of indictment. The first one was under Section 121A I.P.C. against all accused, the second one under Section 302, 109 & 111 I.P.C. against all the accused and the third under sections 302 and 114 I.P.C. against Sankara Krishna Iyer. Accused 1, 2, 3, 4, 5, 6, 7, 8 and 14 were convicted on the first count by the majority of Judges who constituted the Special Bench, the Hon'ble Sir Charles Arnold White, Kt.Chief Justice, and the Hon'ble Mr.Ayling, and the rest were acquitted. The Hon'ble Mr.Justice Shankaran Nair convicted accused, 1, 2, 6 & 14 only on the first count and acquitted the rest. All the three Judges acquitted all the accused on the second count. In the end 1st accused Nilakanta Brahmachari was sentenced to seven years rigorous imprisonment, 2nd accused Sankara-krishna Iyer to four years rigorous imprisonment, 7th accused Harihara Iyer to three years rigorous imprisonment, 3rd accused Chidambaram Pillai to two years rigorous im-prisonment, and all the remaining accused, - 4th Muthu-kumarasami Pillai, 5th Suppiah Pillai, 6th Jagannatha

Iyengar, 8th Bapu Pillai and 14th Pichumani Iyer alias Venkatachalam Iyer to one year's rigorous imprisonment each in special Bench case No.1 of 1911. The third count was withdrawn by the Government and 2nd accused was discharged.

The petitions filed under section 26 of the Letters Patent on behalf of accused 2, 3, 4, 5, 6, 7, 8 & 14 to revise the order passed by the majority of the Judges in the special Bench case No.1 of 1911, on questions of law relating to the advisability of the statements made by the two approvers, were dismissed by a Full Bench of five Judges on the 17th April 1912.

CHRONOLOGICAL TABLE OF PRINCIPAL EVENTS.

Date	Month	Year	Events
1	2	3	4
		1873	V.O.Chidambaram Pillai born in Ottapidaram, Tinnevelly District
		1896	Started Criminal Practise at Ottapidaram
		1900	V.O.Chidambaram Pillai moved to Tuticorin
		1901	First wife of V.O.Chidambaram Pillai died
	September	1905	Starting of Swadeshi Boycott Movement
	June	1906	Swadeshi Lectures by V.O. Chidambaram Pillai
	August	1906	Visit of G.Subramania Iyer, a leading Swadeshi preacher to Tinnevelly.
16	October	1906	Swadeshi Steam Navigation Company registered with a nominal capital of Rs.10 lakhs.
	March	1907	V.O.Chidambaram Pillai visited Madras for raising more money for the Steam Navigation Company
16	April	1907	First Swadeshi Steamship "Gallia" - arrived in Tuticorin
11	June	1907	Second - "Lawoc" - Ship arrived
	July	1907	Second lecture tour in Tinnevelly by G.Subramania Iyer.

1	2	3	4
	November	1907	V.O.Chidambaram Pillai was appointed as Assistant Secretary to the Steamship Company
9	January	1908	Subramania Siva lectured on Swadeshi enterprise
11	February	1908	Chennai Jana Sangam Started
	"	1908	Swadeshi Meetings (daily)
	"	1908	Strike by Coral Cotton Mills, Tuticorin
	March	1908	Swadeshi Meetings
8	March	1908	Issue of Notice by District Magistrate to V.O.Chidambaram Pillai and Siva under section 144 Cr.P.C. to show cause why they should not be bound over under section 108 to be of good behaviour
9	March	1908	V.O.Chidambaram Pillai, Siva and Padmanabha Iyengar appeared before District Magistrate in court at Tinnevelly
9	March	1908	Swadeshi meeting held in honour of the release of Bepinchandra Pal
10	March	1908	V.O.Chidambaram Pillai, Siva and Padmanabha Iyengar again appeared in court. Case adjourned.
11	March	1908	Recording of evidences by District Magistrate. Further hearing adjourned to April 1st V.O.Chidambaram Pillai, Siva and Padmanabha Iyengar remanded to District Jail as remand Prisoners. Large crowd collected and demonstrated.

1	2	3	4
12	March	1908	Hartal at Tuticorin - Private Sweepers struck work
13	March	1908	Shops closed at Tuticorin and Tinnevelly and Riot took place. Mob set fire to Municipal Office and other Government Offices.
25	March	1908	High Court ordered the release of V.O.Chidambaram Pillai on bail
25	March	1908	Re-arrested on a charge under section 124A and 153A I.P.C.
7	July	1908	Tried by the Additional Session Judge, Tinnevelly under section 124A and 153A I.P.C. Siva sentenced to 10 years transportation and V.O.Chidambaram Pillai transported for life in S.C.No.1 and 2 of 1908.
23	August	1908	Riot in Coimbatore Jail - V.O.Chidambaram Pillai held responsible for it.
4	November	1908	High Court ordered to reduce the sentence to 6 years in the Criminal appeal No.503 of 1908
24	November	1908	Petition from V.O.Chidambaram Pillai convict No.1541 of Central Jail, Coimbatore to Government of Madras and Government of India. Government declined to interfere on his behalf.
	March/April	1910	Visit of Nilakanta Brahmachari to Tenkasi
	January	1910	Formation of "Bharatha Matha Association

1	2	3	4
17	June	1911	Ashe, Collector and District Magistrate, Tinnevelly murdered at Maniyachi Railway Station
17	June	1911	Suicide of Vanchi Iyer
7	July	1911	Nilakanta Brahmachari was arrested by Calcutta Police
	August	1911	Charge sheet filed before the Sub District Magistrate, Tinnevelly committed to High Court.
11	September	1911	Trial commenced in High Court
2	February	1912	Trial concluded
15	February	1912	Judgment delivered in Tinnevelly conspiracy case. Nilakanta Brahmachari sentenced to seven years R.I. Sankarakrishna Iyer sentenced to four years R.I.
15	February	1912	Harihara Iyer - sentenced to three years R.I. Chidambaram Pillai - sentenced to two years R.I. Muthu Kumarasami Pillai Subbiah Pillai Jagannatha Iyengar Bapu Pillai alias Ramasami Pillai Pichumani Iyer alias Venkatachala Iyer - all sentenced to one year R.I.
24	December	1912	Release of V.O.Chidambaram Pillai.

XXVII

TINNEVELLY RIOTS, CONSPIRACY AND ASHE MURDER 1908-1912.

Documents in chronological order

Document No.	Number and date			
1.	G.O.No.	478	Judicial	dt. 24.3.1908
2.	"	478	"	dt. 24.3.1908
3.	"	569	"	11.4.1908
4.	"	595	"	23.4.1908
5.	"	842-43	"	18.6.1908
6.			-do-	
7.			-do-	
8.			-do-	
9.			-do-	
10.			-do-	
11.			-do-	
12.			-do-	
13.			-do-	
14.			-do-	
15.			-do-	
16.			-do-	
17.			-do-	
18.			-do-	
19.	Confidential Newspaper Reports			January to July 1908
20.			-do-	June to September 1908
21.	G.O.No.	1062	Judicial	dt. 3.8.1908
22.	"	1442	"	19.10.1908
23.	"	1549	"	16.11.1908

Document No.	Number and date		
24.	G.O.No. 1549	Judicial	dt.16.11.1908
25.	" 1549	"	16.11.1908
26.	" 1719	"	25.12.1908
27.		-do-	
28.		-do-	
29.	G.O.No. 166-7	Judicial	5.2.1909
30.		-do-	
31.		-do-	
32.		-do-	
33.	231-32	Judicial	16.2.1909
34.		-do-	
35.		-do-	
36.		-do-	
37.		-do-	
38.	248	Judicial	17.2.1909
39.		-do-	
40.		-do-	
41.	366	Judicial	13.3.1909
42.	428	"	30.3.1909
43.	760	"	9.6.1909
44.	1390	"	14.10.1909
45.		-do-	
46.	451	Judicial	24.3.1910
47.	1401	"	15.9.1910
48.		-do-	
49.	1447-48	Judicial	26.9.1910

Document No.	Number and date
50.	G.O.No. 1583 Judicial dt. 27.10.1910
51.	-do-
52.	-do-
53.	-do-
54.	1604 Judicial 2.11.1910
55.	734 " 1.3.1911
56.	-do-
57.	-do-
58.	-do-
59.	-do-
60.	903 Judicial 1.5.1911
61.	1112-1113 " 8.7.1911
62.	Confidential newspaper reports for 1911
63.	1542 Judicial 3.10.1911
64.	-do-
65.	-do-
66.	-do-
67.	-do-
68.	-do-
69.	-do-
70.	-do-
71.	-do-
72.	-do-
73.	-do-
74.	151 Judicial 1.2.1912
75.	-do-

Document No.	Number and date			
76.	G.O.No. 151	Judicial	dt.1.2.1912	
77.		-do-		
77A.	Notification No.330, Ootacamund, June 17, 1911			F.S.G. Part I 20.6.1911
78.	352	Judicial	5.3.1912	
79.		-do-		
80.		-do-		
81.		-do-		
82.		-do-		
83.		-do-		
84.	365	Judicial	6.3.1912	
85.	366	"	6.3.1912	
86.		-do-		
87.		-do-		
88.		-do-		
89.		-do-		
90.	474-75	Judicial	23.3.1912	
91.	1471	"	16.9.1912	
92.	Confidential Newspaper reports for 1912 (January to March)			
93.	1282	Judicial	13.8.1912	
94.		-do-		
95.	1923	Judicial	19.11.1912	
96.		-do-		
97.		-do-		
98.		-do-		
99.	2087	Judicial	13.12.1912	

SUMMARY OF DOCUMENTS

To assist readers to follow the documentary record this Summary is prepared on topical classification

CHAPTER I.

Swadeshi Movement - Swadeshi Meetings - Foreign - Cloth Boycott Agitation - Swadeshi Steamship Navigation Company - Reports on Swadeshi Meetings - Arrest of Swadeshi Movement Leaders - V.O.Chidambaram Pillai, and Subramania Siva - Tinnevelly Riot - 1908 - Prosecution of leaders - Petitions of V.O.Chidambaram Pillai and Subramania Siva - Judgment - Conviction - Questions in Parliament - History of V.O.Chidambaram Pillai and Subramania Siva - Petition from the wives of V.O.Chidambaram Pillai and Subramania Siva - Question in Council regarding the health of Subramania Siva - Treatment in Prison - Release of V.O. Chidambaram Pillai and Subramania Siva - Nature of Surveillance to be adopted over V.O.Chidambaram Pillai on his release.

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2.	64	-do-	Note on Tinnevelly Riots and Tuticorin in March 1908 - compiled by the Criminal Investigation Department, Madras.	344-374
3.	65	-do-	History of V.O.Chidambaram Pillai - compiled by the C.I.D. Madras.	375-407

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4.	66	G.O.No.1542, Judicial, dt. 3rd October 1911	History of Subramania Siva alias B.Subramania Iyer - compiled by the C.I.D. Madras.	408-413
5.	19	Confidential Newspaper Reports - January to May 1908	Press Report on Tinnevelly Riots	
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		The Liberal, Madras dt.15th March 1908	The Tinnevelly Riots	49-51
		The Hindu,Madras dt.16th March 1908	-do-	52-55
		The Madras Standard Madras dt.17th March 1908	The Tinnevelly Trouble	55-56
		The Malabar Daily News and the Trivandrum Telegraph Calicut, dt.17th March 1908	Unfortunate Events	57-58
		The Madras Standard Madras dt. 19th and 20th March 1908	Official version of Tinnevelly Riots.	58-60

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		The Liberal, Madras dated 22nd March 1908	An open letter to Mr.L.M.Wynch, Collector and District Magistrate, Tinnevelly.	64-68
		The Desa-bhimani, Guntur dt.26th March 1908	Tinnevelly Riots	68-69
		Nadegannadi,dt. 21st March 1908	-do-	69-70
		Manorama dt.20th March 1908	-do-	70-72
		Kerala Patrika dt.21st March 1908	-do-	72
6.	3	G.O.569, Judicial dt.11th April 1908	Tinnevelly Riots, Questions and answer in Parliament.	7
7.	4	G.O.595, Judicial, dt.23rd April 1908	Legislative Question on Tinnevelly Riots	8
8.	5	G.O.842-43, Judicial dt.18th June 1908	Forwarding copies of petition, Affidavit and the High Court Order dt.20.3.1908 in the case of Swadeshi Agitaters of Tinnevelly.	9

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9.	6	G.O.842-43, Judicial dt.18th June 1908	Criminal Misc.Case No.4 of 1908 in the Court of District Magistrate, Tinnevelly.	10
10.	7	"	Criminal Misc.Petition No.73 of 1908 in the High Court of Judicature, Appellate side, Madras. Affidavit of P.S. Shanmugasundaram Pillai and Court orders thereon	11-16
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12.	9	"	Deposition of Prosecution 1st witness in the Court of District Magistrate,Tinnevelly.	18-21
13.	10	"	Copy of Memorandum of crimes and other occurrences reported to the District Magistrate, Tinnevelly by Inspector of Police, Tuticorin on 11.3.1908	22-23
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20.	17	"	Letter from District Magistrate, Tinnevelly to Government inviting the attention of Government to certain defects in the provisions of the Cr. Procedure Code for the prevention of offences	38-42
21.	18	"	Letter from Government of Madras to Government of India regarding the proceedings against Chidambaram Pillai and others.	43-45
22.	1	G.O.478, Judicial dt.24th March 1908	Prosecution for sedition - Letter from District Magistrate Tinnevelly to Government requesting orders for prosecution of Chidambaram Pillai, Subramania Siva and Padmanabha Iyengar.	1-4

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23	2	G.O.478, Judicial dt.24th March 1908	Letter from the Advocate General Madras to Government with regard to the prosecution of Chidambaram Pillai and others.	5-6
24.	21	G.O.1062, Judicial, dt. 3rd August 1908	Telegram from Public prosecutor dt.2.8.1908 and Government orders thereon. Instructing the Advocate General to oppose the application on behalf of Subramania Siva for suspension of sentence pending the result of his appeal in the High Court.	86
25.	67	G.O.1542, Judicial dt.3rd October 1911	Copy of Judgment in Sc.No.1 of July 1908 in Tinnevelly sedition case	414-459
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29.	20	<u>Confidential Newspaper Reports - June to September 1908</u>	<u>Press Reports Judgment on the Tinnevelly Riots case.</u>	
		The Hindu, Madras dt. 7th and 8th July 1908	The Tinnevelly sedition cases - Chidambaram Transported for life.	73-75

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		The Madras standard Madras dt. 10th July 1908	Press comments on Pinhey's Judgment in Tinnevelly sedition case.	83
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CHAPTER II

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95	61	G.O.1112-1113 Judicial, dt.8th July 1911	Murder of Mr.R.W.D.'E Ashe, Collector and District Magistrate, Tinnevelly on 17th June 1911 by Vanchi Iyer, Telegrams, letters and Reports on the Murder of Ashe and Government orders thereon.	166-315
96	62	Confidential Newspaper Reports 1911	Press Reports on the murder of Ashe	316-326
		Hindu dt.17th June 1911	Ashe Murder	316
		Hindu dt.19th June 1911	-do-	317

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		The Andhra-Kesari, Rajamundry dt.23.6.1911	-do-	318
		Manorama, dt. 23rd June 1911	-do-	319
		Desabhimani, dt.24th June 1911	-do-	321
		Mukhbiri Dakhan, dt.5th July 1911	-do-	322
		Yatharthavachani, dt.10th July 1911	-do-	323
		Swadesamitran, dt.2nd August 1911	-do-	323
97	91	G.O.1471, Judicial dt.16th September 1912	Report on the History of Ashe Murder case and Government orders thereon	780-825
98	90	G.O.474-75, Judicial, dt.23rd March 1912	Judgment of the High Court, Madras on the Tinnevelly Conspiracy case and Government orders thereon.	579-779

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99	92	Confidential Newspapers Reports 1912	Press Reports on the Judgment of the Tinnevelly Conspiracy Case.	826-829
		Madras Standard, dt.16th February 1912	Ashe Murder	826
		Hindu, dt.16th February 1912	-do-	827
		The Indian Patriot, Madras dt.16.2.1912	-do-	828
		Wednesday Review, dt.21st February 1912	-do-	828

G.O.No.478, Judicial, dt.24th March 1908

Prosecution for Sedition

Confidential

Tinnevelly,
March 17, 1908.

From

L.M.Wynch Esquire, C.I.E.,
District Magistrate,
Tinnevelly.

To

The Chief Secretary to Government.

Sir,

I have the honour to lay before Government the following statement of the evidence available against Chidambaram Pillai, Subramania Siva and Padmanabha Iyengar and to request that Government will accord sanction under Section 196 C.C.P. for their prosecution for offences under Section 124A and 153A of the Indian Penal Code.

Subramania Siva and Chidambaram Pillai addressed meetings at Tuticorin from the 3rd February to the 8th March and a meeting at Tinnevelly on the 9th March. Padmanabha Iyengar joined them from about the 26th February and made some speeches.

The speeches dealt with the subject of Swadeshi Boycott and Swaraj. Full reports of them have been sent to the C.I.D. and should have been printed by this time and be in the hands of Government. The speakers' language became more and more inflammatory as time went on. Notes of the speeches have been made in Tamil and Sub Magistrates and

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S.H.Os and by the Town Inspector in English. It is from their notes that the reports have been compiled which have been furnished to the C.I.D. The original notes have been filed in my court.

The speeches as a whole indicate clearly enough that the object of the propaganda was to be the Establishment of Swaraj. Europeans were to be forced by Boycott and otherwise to leave the country and the Boycott was also to be applied to those natives who did not join the movement. The preachers aimed at absolute autonomy and not some type of self Government under the British Government.

I enclose the originals (to be kindly returned) of the statement I recorded on the evening of the 7th March at Tuticorin from the Joint Magistrate, the District Magistrate, and the Inspector of Police.

The following witnesses are also willing to come forward and give evidence as to the state of feeling produced of the speeches.

1. Mr.Rhemins Assistant Commissioner of Salt and Abkari who heard a voice at his window say the white man will be destroyed.

2. Mr.David Time Keeper at the Coral Mills who heard some of the speeches and will depose that he understood the drift of them to be that Europeans were to be driven away altogether.

3. V.Joseph Savarirayan who will depose that one of the speakers said that Europeans were to be called Foreign Devil because they lived by drinking the blood of Indians.

4. Thumbasamy Pillai, Forwarding clerk of the B.I.S.N. Co., who will depose that he distinctly gathered from the speeches that Swaraj meant the overthrow of the present Government and the Boycott and Expulsion of Europeans.

In addition to the above there is evidence that intimidation has been resorted to in furtherance of the Boycott.

I submit therefore that there is ample evidence to justify sanction to prosecute. Subramania Siva has been the worst of thethree agitators but the other two have made speeches similar in tone and have aided and abetted the propaganda.

The evidence summarised above will all have to be proved in the case on my file against the agitators under the security sections.

The parties concerned are I understand moving the High Court for a transfer of the case from my file on the allegation of course that they cannot expect a fair trial in my Court and I think it would be much better that they should be tried under the Penal Code of an additional Joint or District Magistrate appointed for the purpose. The case against them could then be properly prosecuted, as it is now I have no one sufficiently capable to handle it. I asked the District Superintendent of Police to wire to the C.I.D. for a man some days ago but the request was refused, and all through these proceedings I have had the ever present anxiety - not having had to do any Magisterial work for several years - lest I might fall into some trap and make some slips which would vitiate the whole proceedings. Fortunately the Sessions Judges dismissed the petition for bail yesterday but there is no knowing what view the High Court may take, or what effect the release of the persons under remand might have on the peace of the district.

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It seems to me therefore imperative that no more time should be lost in sanctioning prosecution, and therefore I have not delayed the report longer than I could help or waited to have the evidence abstracted in detail. The case rests mainly on the speeches themselves.

I have the honour to be Sir,
Your most obedient servant,

L.M.Wynch.

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G.O.No.478, Judicial, dt.24th March 1908

Confidential
Current No.1827.

Mylapore,
23rd March 1908.

From the Honourable the Advocate General, Madras.

To the Honourable Mr.J.N.Atkinson, C.S.I.,
Chief Secretary to Government,
Fort St.George.

Sir,

With reference to your Judicial Department memorandum No.60.C dated the 21st March 1908, I have the honour to state that in my opinion the Government would be justified in authorising the prosecution of Subramania Siva and Chidambaram Pillai for offences under section 124A and 153A and there is every chance of securing a conviction against them. I do not think that there are sufficient grounds for the prosecution of Padmanabha Iyengar. My opinion is based on the printed summaries of speeches by these persons supplied to me by Mr. Fawcett. Padmanabha Iyengar seems to have delivered speeches on three occasions on the 28th February, 1st March and 6th March. I do not think that these speeches can be said to exceed the limits of free discussion, and liberty of speech. As to the other two persons there can be no doubt that their speeches were calculated to create disaffection and enmity between classes. The

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speeches delivered by Subramaniya Siva on the 23rd February, 1st March, 5th March, 19th February and the 26th February and the speeches delivered by Chidambaram Pillai on the 19th February, 23rd February, 3rd March and 26th February are about the worst specimens of the speeches. The prosecution might be instituted against each of them with reference to three of the worst speeches, as the law permits the joinder of charges in respect of three offences of the some kind committed within the space of Twelve months. The selection should be made with reference to the character of the speeches themselves and the evidence likely to be available with respect to them. Care must also be taken to observe the rules laid down by the Criminal Procedure Code with regard to the Joinder of charges to avoid any miscarriage of justice such as happened in the case of N.A. Subramania Aiyar V King Emperor (I.L.R. 25 Mad 61 P.C). If it is decided to charge any of these persons in respect of three speeches, the charge in respect of each speech should be under only one section of the Penal Code and not under different sections in respect of different speeches or more sections than one in respect of the same speech (vide Cl. 2 of section 234 of the Criminal Procedure Code). If however it is considered preferable to prosecute the speaker under different sections of the Penal Code (Section 124A and 153A), it is advisable to confine the prosecution to a single speech.

I would recommend a charge against Subramania Siva under Section 124A in respect of three speeches and a charge against Chidambaram Pillai under Section 153A in respect of three speeches. The two persons should be tried separately. The other speeches delivered by each speaker may be filed in the Trial against him as evidence of his intention and state of mind (Vide Sec. 14 & 15 of the Evidence Act)

I have the honour to remain

Sir,

Your most obedient Servant,

Sd/ M.Sivaswami Iyer.

3

TINNEVELLY RIOTS - QUESTION AND ANSWER IN PARLIAMENT

G.O.Ms.No.569, Judicial dated 11.4.1908.

Mr. Recs: To ask the Secretary of State for India, whether he can give the House any information regarding a riot at Tinnevelly.

Answer to Mr.Recs' Question No.2, dated 12th March 1908

I am informed that a riot occurred at Tinnevelly on Saturday last in which the Municipal, post and Police offices were looted and burnt. Being unable to clear the streets the Magistrate and Superintendent of Police ordered the Police to fire, and the rioting then ceased. Four casualties were reported.

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Legislative Council Question on Tinnevelly Riots

G.O.Ms.No.595, Judicial dated 23.4.1908.

The Hon'ble B.Narasimheswara Sarma Garu:-

XX. Will the Government be pleased to state -

(a) how many men were killed and how many wounded in Tinnevelly during the recent riot on the 13th March 1908 ?

(b) the places at which the shots were fired, the distances between them, the interval of time between the several shots, the approximate strength of the mob at the place or places where the shots were fired and what the mob was doing at the time ?

(c) will the Government be pleased to state the circumstances which immediately and directly led to the orders given by the Magistrate to fire on the mob ?

x x x x x x x

XX. (a) The number killed is reported to have been four, but the number wounded is not known. Buck shot was used at first.

(b) & (c) The rioters were fired upon by the police sentry when the police station was attacked. They were again fired upon by the Reserve Police, once in the main street leading to the temple, and a second time near the police station. The interval of time between the shots is unknown. The exact number of the mob is unknown but was estimated at several thousands. When the District Magistrate first gave orders to fire, the rioters had set fire to the Post Office, Municipal Office, Station house, and District Munsif's Court and had attacked the police station and the dispensary They refused to disperse when repeatedly ordered to do so and, in spite of one shot fired in the air, continued to attack the police and the Magistrates, throwing stones from all directions. On the second occasion when the Magistrate gave orders to fire, the rioters were actually engaged in burning the police station and stone throwing was persisted in. Warning was again given to the crowd before the police fired.

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G.O.Ms.No.842-43, Judicial dt.18th June 1908

Judicial Department.

Received Regr. Chief Sect. 24th March 1908 Madras Govt. Registered No.1891 Regd. 25.3.1908

Forwarding copies of Petitions, Affidavit and the High Court's Order dated 20th March 1908 in the case of Swadeshi Agitators of Tinnevelly.

No.832 J.

Station Madras Dated the 24th March 1908

From J.T.Gillespie Esq., I.C.S.,

Designation Registrar, High Court

To The Chief Secretary to the Government of Madras.

Honourable Sir,

With reference to your D.O.letter dated 23rd March 1908, requesting that the Government may be furnished with copies of the High Court's order admitting to bail the Swadeshi agitators of Tinnevelly and of the connected records, I am directed to forward herewith copies of Criminal Miscellaneous Petition No.73 of 1908 and of the affidavit filed in support of the Petition and of the order passed thereon: and also a copy of Criminal Revision Petition No.149 of 1908 filed by the same parties.

2. The records connected with the case have been called for and printed copies will be forwarded to you as soon as possible.

I have the honour to be,
Honourable Sir,
Your most obedient servant,
Sd/ J.T.Gillespie
Registrar.

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G.O.No.842-43, Judicial, dt.18th June 1908

In the High Court of Judicature, Appellate Side, Madras.
Crl Miscellaneous Petition No.73 of 1908
In Criminal Revision Case No.149 of 1908

In the Court of the District Magistrate of Tinnevelly
Criminal Miscellaneous Case No.4 of 1908

1. V:O.Chidambaram Pillai
2. Subramania Siva
3. S.Padmanabha Iyengar

Petitioners

- Vs -

King Emperor.

Petition Under Section 498 Crl.P.C.

Petitioners pray that they may be ordered to be let out on bail.

1. Because the petitioners are now illegally in custody and are entitled to be let out on bail.

2. Because even if it is a case of discretion with the Magistrate, he should have allowed the petitioners to remain on bail in the circumstances of the case.

Sd/ T.Rangachari
Sd/ P.Narayanamurthi
Sd/ C.S.Govindaraja Mudaliar

Presented 19.3.08

Vakils for petitioners.

/True copy/

J.T.Gillespie
Registrar.

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G.O.No.842-43, Judicial, dt.18th June 1908

In the High Court of Judicature, Appellate Side, Madras.
Crl.Miscellaneous Petition No.73 of 1908

I, P.S.Shunmuga Sundaram Pillai son of Tawkar Savady Paramanaicken Pillai, aged 24, Hindu Karkarthar, landowner, residing in Aladi Vinayagar Coil Street, Tinnevelly to solemnly and sincerely affirm and say as follows:-

1. I know the accused Mr.V.O.Chidambaram Pillai, Mr.Subramania Siva and Mr.S.Padmanabha Iyengar. I am a friend of Chidambaram Pillai and was for some time his clerk.

2. The British India Steam Navigation Company of Tuticorin conducted by European Agency has been enjoying the monopoly of plying steamships between Tuticorin and Colombo for a very long time.

3. In about October 1906, a Swadeshi Steam Navigation Company was started mainly through the exertions of Mr.Chidambaram Pillai aforesaid and he was for some time the Assistant Secretary of the said Company and at present its Agent.

4. The Swadeshi Company has been successfully competing with the B.I.S.N. Company and has in fact diverted a major portion of its business to itself.

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5. The starting of the Swadeshi Company has been a source of constant anxiety and has caused much irritation to the authorities of B.I.S.N. Company and in consequence the feelings between the authorities of the two concerns have become very much strained, there having been several Magisterial proceedings in connection with the same.

6. While matters stood thus the operatives in the Coral Mills at Tuticorin a European concern struck work on the 26th February on account of their own grievances regarding increase of wages.

7. During the continuance of the strikes, the people of Tuticorin V.O.Chidambaram Pillai and others rendered help to the strikers by feeding them and by rendering advice. The European residents of the place were in great panic and were sleeping in the Steam Boats of the B.I.S.N.Company.

8. During the continuance of the strikes, the District Magistrate Mr.Wynch went to Tuticorin more than once and investigated personally the state of affairs and had personal interviews with a number of people of the locality including the European residents and Mr.Chidambaram Pillai.

9. The strikes continued up to about 5th instant when they were induced to rejoin work chiefly through the exertions of Mr.Chidambaram Pillai.

10. Meanwhile a swadeshi Bank was also started at Tuticorin through the exertions of Mr.Chidambaram Pillai and this has further strained the feelings between the proporietors of the Swadeshi concern and the authorities of

the European concerns chiefly the local branch of the Madras Bank.

11. A Swadesi Spinning Mill was about to be brought into existence and would have been started but for the institution of the proceedings under section 107 and 108 Crl.P.C. against the accused.

12. On 7.3.1908 the District Magistrate was taken to Tuticorin by the Divisional Magistrate and while there the District Magistrate interviewed a number of people and received a lot of information from the Police. Proceedings were commenced against the accused under section 108 Crl.P.C. Notice was served on them about 6 P.M. on 8.3.1908 and they were asked to appear before the District Magistrate at Tinnevelly on the following day at 10 A.M. On 8.3.1908 the accused appeared at 10 but the enquiry began at 4.30 and was being proceeded with from day to day.

13. On 12.3.1908 when the accused were in Court in connection with the said proceedings notices were served on them at 1.30 P.M. asking them for the securities under Section 107 Crl.P.C. and without any time being given to the accused they were asked to plead and the evidence of 3 witnesses forthwith recorded.

14. The accused believe that Section 107 Crl.P.C. was resorted to just with a view to remand them into custody a power not available if proceedings were under Section 108.

15. The accused put in a statement offering securities pending the disposal of the transfer petition to this Honourable Court but this offer was not accepted.

16. Immediately after the evidence was recorded as maintained in para 13 at about 4 P.M. the accused were remanded to custody. All the while the accused remained in Court.

17. The accused again offered unconditional securities while in Court and that too was not accepted.

18. Unfortunately the day after the demand aforesaid there were disturbances in Tinnevelly and the District Magistrate and other European residents, the accused apprehend, are labouring under misconception that

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these disturbances had some connection with the remanding of the accused.

19. The Sessions Court was moved for bail but bail was declined.

20. Mr. Subramania Siva and Padmanabha Iyengar were on some occasions present at the Tuticorin Public meetings and made speeches in support of Swadesi enterprises.

21. Mr. Chidambaram Pillai is a 2nd Grade Pleader of Tuticorin, Mr. Padmanabha Iyengar is a Graduate and was for sometime a Journalist. Mr. Subramania Siva is a learned and religious Sadhu. They are as such, men of position and they are prepared to furnish substantial security.

(Sd) P.S. Shunmuga Sundaram Pillai
Solemnly affirmed at the
Office of the Manager,
High Court,
Appellate Side, Madras, this
20th day of March 1908

Certified that this is the thumb impression of the left hand of the declarant of the above affidavit.

Sd/ A.M. Sabhapathy
Mudaliar,
20.3.1908,
Manager,
Appellate Side.

Before me,

(Signed) A.M. Sabhapathy Mudaliar,
Manager, Appellate Side.

/True copy/

Sd/ J.T. Gillespie
Registrar.

In the High Court of Judicature at Madras
Friday, the Twentieth day of March,
One thousand nine hundred and eight.

PRESENT:-

The Hon'ble Sir Charles Arnold White, Chief Justice,

&

The Hon'ble Mr.Justice Boddam.

Criminal Miscellaneous Petition No.73 of 1908.

1. V.O.Chidambaram Pillai
2. Subramania Siva
3. S.Padmanabha Aiyengar

Petitioners (Accused in Crl.Mis.Case No.4 of 1908 on the file of the District Magistrate, Tinnevelly.

Application praying that, in the circumstances stated therein and in the affidavit filed in support thereof the High Court will be pleased to issue an order directing the release of the petitioners on bail.

This application coming on for hearing: Upon perusing the application and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Rangachariar, Mr.P. Narayana Murthi, and Mr.C.S.Govindaraja Mudaliar, Vakils for the petitioners and of the Public Prosecutor contra the Court made the following

ORDER:

We admit the Criminal Revision petition against the order of the District Magistrate of Tinnevelly dated the 12th March 1908, directing that the petitioners be remanded in custody until the completion of the enquiry and we direct that the notice be returnable on March 27th.

With regard to the question of bail, if this were a matter of discretion, we certainly should not interfere with the order of the District Magistrate, but it seems to us that the District Magistrate had not a discretion in the matter and that on the offer of the petitioners to give the security which they were called upon to give by the order of March 12th, 1908, the District Magistrate was bound to accept bail. The terms of Section 496 of the Code of Criminal procedure are imperative. We cannot possibly accede to the contention advanced by the Public Prosecutor that in this Section the words "other than a person accused of a Non-bailable offence" only apply to the case of a person accused of a bailable-offence.

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We accordingly direct that the petitioners be released on bail on their furnishing security for Rs.2,500/ (Rupees Two thousand five hundred) each with two sureties each for Rs.1,000/- (Rupees one thousand) each to the satisfaction of the Sessions Judge of Tinnevelly.

Sd/ Arthur Davies
Dy.Registrar, Appellate Side.

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G.O.No.842-43, Judicial, dt.18th June 1908

Memorandum of Criminal Revision Petition

Under Sections 435 & 439 of Cr.P.C.

In the Court of the District Magistrate of Tinnevelly

Mis.Case No.4 of 1908

In the High Court Judicature Appellate side Madras. Criminal Revision Petition No.149 of 1908	District Magte's Court	High Court.
1. V.O.Chidambaram Pillai 2. Subramania Siva 3. S.Padmanabha Iyengar	Accused Petitioners	

Vs

King Emperor

The petitioners above named beg to prefer this Memorandum of Criminal Revision Petition against the Orders of the District Magistrate of Tinnevelly dated 12.3.1908 in Misc. Case 4 of 1908 and pray that the proceedings instituted against the petitioners under section 107 Cr.P.C. may be quashed for the following among other grounds:-

The District Magistrate had no jurisdiction to order the remand to custody of petitioners.

2. Section 107 Clause 4 Cr.P.C. is not applicable to the admitted facts of this case, and there is no provision of Law under which the accused could have been arrested and remanded to custody by the District Magistrate.

3. The Magistrate was bound to let the accused on bail under sec. 496 Cr.P.C.

4. The Magistrate was bound to accept the conditional offer to give the securities described in his notice.

5. The notice served on the accused is not in accordance with the law.

Sd/ T.Rangachari
Sd/ P.Narayanamurti
Sd/ C.S.Govindaraja Mudaliar

Vakils for Petitioners.

/True copy/

J.T.Gillespie
REGISTRAR.

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G.O.No.842-43, Judicial, dt.18th June 1908

In the Court of the District Magistrate, Tinnevelly
Miscellaneous Proceedings No.4 of 1908
Deposition of Prosecution 1 witness.

Name	:	Jafer Hussein
Father's name	:	Hyder Ali Khan Sahib
Village	:	Tuticorin
Calling	:	Police Inspector
Age	:	43

Date : 12th March 1908

Solemnly affirmed in accordance with the provisions of Act X of 1875 on the 12 March 1908 by clerk Mahamed Usman.

I was present in this court on Monday afternoon. The Court rose about six o'clock. The three persons now before the Court Mr. Subramania Siva, Padmanabha Iyengar and Chidambaram Pillai were present in Court that evening. They were present in Court to show cause why they should not be bound over under S.108 C.C.P. When they left the Court they were received by a large crowd with shouts of Bande Mataram. They went to their lodging followed by a large crowd. There was a procession that night but I did not see it. On the morning of Tuesday the 10 instant I went to Tuticorin by the 5 A.M. train. The three persons named above travelled by the same train.

They went to Tuticorin. There was a large crowd waiting on the Railway platform with platform tickets to

receive the gentlemen named. Mr.Cross, the assistant Station Master asked the corwd to move on, when they did not move on as ordered. They began quarrelling with Mr.Cross saying he had no business to interfere with them when they had platform tickets. There was a disturbance. The Station Master and Mr.Cross seeing that, ordered the doors to be shut and the Railway Police were not able to pacify and send them out being very few in number. I sent a man for the reserve constables to come, I sergeant and 10 men. I then went into the crowd and advised them not to make a disturbance on the Railway platform and that they had better move on and leave the place. The gates were opened and the crowd allowed to go out Mr.Chidambaram Pillai also asked the crowd to go out without creating any fuss. I sent the reserve back to the station.

About ten or half past ten there was a procession passing the station with a photo of Bepin Chandra Pal in a phaeton, it came from the beach, past the station and went towards Melur. I went at once to the Deputy Superintendent of Police to ask for instructions about the matter and was ordered not to take any action as the prevention order was only for the 9th. I did not go with the procession but I heard that these three gentlemen were present.

At 12 O'Clock I left Tuticorin and these three gentlemen got into the train at Melur. A large crowd of people took leave of them on the platform with shouts of Bande Mataram.

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The Deputy Superintendent of Police received a letter from Mr.Robertson of the Burma Oil Co., the letter was sent to me to send constables to the Burma Oil Company premises for bundobast because he was afraid the workers who had struck work might do some damage to the oil tank.

Mr.Robertson stated that the reason for the strike was that he had refused to give the workmen leave to attend the procession I have just referred to. (Mr.Chidambaram Pillai objected to the witness speaking to the contents of the letter).

On the evening of the 10 I returned to Tuticorin again by the 5.35 P.M. train. I saw Mr.Chidambaram Pillai and he came to Tuticorin in the same train. I did not see the others. Mr.Chidambaram Pillai got down at Melur where he was received by a crowd.

Next morning I heard that the Municipal scavengers had struck work. The Chief sanitary inspector came and tole me. they had received their pay the day before but they said it was not sufficient and they wanted Rs.10 and 15 per mensem. I returned here by the 12 o'clock train. I was present in this Court till nearly 6.30 giving evidence in the enquiry under S.108 C.P.C. There was a very large crowd outside waiting just opposite the Court for the persons under enquiry to come out and as soon as they got down they were received with enthusiastic shouts and the crowd followed them across the river. I saw the crowd sitting in the bed of the river. Then I went away.

A meeting was held in Tuticorin on Sunday evening March the 8th. That was held after half past five after the notices issued by this Court under S.144 and section 114 C.C.P. had been served on Messrs Chidambaram Pillai, Subramania Siva and Padmanabha Iyengar. It was held in the Bandi Pettai on the great cotton read next to the mosque. I was present at the meeting. I took notes of the speeches made. I made a report of them that very night.

After Mr.Chidambaram Pillai finished his speech Mr.Subramania Siva got up and said a few words saying gentlemen, I am going to the Court tomorrow as notices have been served upon us to appear before the District Magistrate.and I do not know whether I shall return or what will become of me. The whole crowd moved, some began to cry and some to shout we will follow you on foot. It was a crisis. If Chidambaram Pillai had not got up and pacified the crowd there would have been a disturbance. He said it was only a proceedings under the security section and this if they would go and give bail for Rs.2,500 each they would return to Tuticorin the very day and that they need not be over anxious. Then there was no disturbance and the crowd dispersed.

It was a very large crowd of about 4,000 people and it was with the greatest difficulty the crowd had to go away. That crowd was not such an orderly crowd as on previous occasions I meant just now that I and the Sub-Inspector had great difficulty in getting them to go away.

The Deputy Superintendent was waiting outside watching the proceedings.

Sd/ Jaffer Hussain

Taken down by me. Read over and declared correct.

Sd/ L.M.Wynch 12.3.08
District Magistrate

/True copy/

L.M.Wynch
District Magistrate

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G.O.No.842-43, Judicial, dt. 18th June 1908

Copy of Memorandum of Crimes and other Occurrences reported to the District Magistrate, Tinnevelly by Inspector of Police, Tuticorin in the District of Tinnevelly on the 11th day of March 1908.

Honoured Sir,

I respectfully beg to bring for the information of the District Magistrate the present unrest and commotion in Tuticorin. The ignorant masses are in uncontrollable condition, as a strong impression has been left upon their minds by the recent seditious preachings of V.O.Chidambaram Pillai and Subramania Siva. The meeting which was held on 8th March 1908 after the notices under Sec. 117-C.P.C. were served upon them and have established the fact, that the ignorant masses could be turned in any way, as the above two individuals desire. When Subramania Siva spoke for a few minutes and told the audience who mustered 3 to 4 thousand that he was going to Tinnevelly to appear before the District Magistrate, and he did not know whether he would return or what would be his fate, the whole crowd moved and began to cry and if Chidambaram Pillai had not taken the necessary precautions to pacify them at once, there would have been a disturbance.

The above mentioned individuals were ordered not to come out in procession on 9.3.08 in Tuticorin, they cannot but obey the order there, but when they came to Tinnevelly, they arranged for a procession and they headed the same, and that there speeches etc.,in Tinnevelly.

Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar though advised not to go to Tuticorin and create any fuss, left Tinnevelly at 5 A.M. (10.3.08) went to Tuticorin at 7 A.M. A very large crowd was awaiting their arrival on the platform with garlands to receive them and on Mr.Cross, the Assistant Station Master asking them to move on further and not to be very near the Railway carriages, they began shouting and were very near creating a disturbance, when the Station Master and others closed the

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Railway gates, and that I had to interfere and prevent a breach of the peace. The Reserve men had to be summoned. Mr.Cross, the Captain of the Railway Volunteers was present and saw the tendency of the mob. This clearly shows that Chidambaram Pillai and Subramania Siva are in touch with the people of Tuticorin though they remain in Tinnevelly. At 10 A.M. (10-3-08) they came out in procession with the Photo of Bepin Chandra Paul, in a Phaeton round the town accompanied with music & c. simply to show to the ignorant masses that in spite of the orders issued the procession was conducted.

At 12 Noon, both of them left Tuticorin for Tinnevelly and there was a large crowd to bid them good bye with shouts of Bande Mataram. The workmen of the Burmah Oil Company struck work this day in order to attend this procession as they were refused leave by Mr.James Robertson.

Mr.Chidambaram Pillai again left Tinnevelly by 5.35 P.M. train (10.3.08) for Tuticorin and he was received by a large crowd with shouts of Bande Mataram. This day the scavengers of the Municipality struck work and it is the popular opinion that Chidambaram Pillai and Subramania Siva are the bottom of these strikes.

This evening at 6 P.M. when Chidambaram Pillai and Subramania Siva came out of the court, a crowd of 500 people and over were waiting and that they received them with enthusiasm and shouting of Bande Mataram.

Considering the present state of affairs in Tuticorin and the sympathy of the Tinnevelly masses with him, and important cases that are being tried, I am afraid that serious results could be expected if the above two individuals are not sufficiently restrained from visiting Tuticorin or their accompanying the crowd in Tinnevelly and making demonstrations.

I beg to remain & c & c

Sd/ M.Krishnasami Naidu

/True copy/

L.M.Wynch

Dt. Magistrate.

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G.O.No.842-43, Judicial dt.18th June 1908

Order under section 112 of the Code of Criminal Procedure.

Whereas information has been laid before me Mr.Lionel Maling Wynch, District Magistrate, Tinnevelly, that you M.R.R.Ry.Subramania Siva Avargal, M.R.Ry Chidambaram Pillai and M.R.Ry Padmanabha Aiyangar Avargal, have been orally disseminating matter, the publication of which is punishable under Section 124-A or 153-A, or both, of the Indian Penal Code; And Whereas, in consequence, proceedings have been instituted against you in this court to show cause why you should not be called upon to execute bonds under Section 108 of the Code of Criminal Procedure, to be of good behaviour for one year; and

Whereas information has now been laid before me that since the institution of the said proceedings, you have not desisted from the conduct complained of, in as much as you have attended demonstrations in Tinnevelly and Tuticorin and made speeches thereat, and that you are likely to continue to hold or attend such demonstrations and make speeches, and by these or other means to excite or to attempt to excite disaffection towards the Government established by law in British India, and to promote or to attempt to promote feelings of enmity or hatred between different classes of His Majesty's subjects, to wit, between Europeans and Natives of India, and between persons who are not willing to join the movement for Swadeshi Boycott and Swaraj and those who do join; and

Whereas such acts are punishable under Sections 124-A and 153-A of the Indian Penal Code, and may, in my opinion, very probably occasion a breach of the peace or disturbance of the public tranquillity.

I hereby call upon you M.R.Ry. Subramania Siva Avargal, M.R.Ry.Chidambaram Pillai Avargal and M.R.Ry.Padmanabha Aiyangar Avargal, to show cause why you should not be ordered to execute bonds under Section 107 of the Code of Criminal Procedure, each of you in the sum of Rs.2,500/- and also each of you to give security by the bonds of two respectable sureties in a sum of Rs.1,000/- each, that you will keep the peace for a period of one year.

Given under my hand
and seal of the Court,
this, the 12th. day
of March 1908.

Sd/ L.M.Wynch,
12.3.08
Dt.Magistrate.

/True copy/

L.M.Wynch,
Dt. Magistrate.

I have received the copy of the notice served upon me. Sd/V.O.Chidambaram Pillai 12.3.08

-do- Sd/Subramania Siva 12.3.08

-do- Sd/S.Padmanabha Iyengar 12.3.08

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12

G.O.No.842-43, Judicial dated 18.6.1908

In the Court of the District Magistrate, Tinnevelly

Miscellaneous Proceedings No.4 of 1908.

Deposition of 2nd witness for Prosecution

Name	Krishnaswami Naidu
Father's name	Nallappa Naidu
Village/Taluk	Tinnevelly
Caste	Baliji
Calling	Inspector of Police
Religion	Vishnavite
Age	49

Date 12th March 1908.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the 12th March 1908 by clerk Mahamed Usman.

Ex.A. I am Police Inspector Tinnevelly Town division. The notice shown me was published in the Town on Monday the 9th. It notifies a procession to take place, lectures to be held and feeding of the poor in the river bed in honour of the release of Bepin Chendra Pal. The procession was to start at 5.30 P.M. and to end at 7 from Tinnevelly Temple to the Bridge. The lectures were to take place from 6-30 P.M. in the river bed, at the Taipusa Mantapam. I saw

the procession. It started after 7 P.M. They started very late and did not arrive at the Mantapam till 9. There was a great mob and great hubbub. The procession was delayed as they waited for Mr.Chidambaram Pillai and Mr.Subramania Siva. I was coming behind the procession, I did not see the Pillai and Mr.Subramania Siva in the crowd. I saw them near the Mantapam. I did not observe them in the crowd. I did not know them before. They were pointed out to me at the Taipusa Mantapam.

Recorded at the request of Mr.Chidambaram Pillai. The witness prefaced his statement by this remark.

I beg your pardon I wish to say.

As soon as the procession arrived the picture of Bepin Chendra Pal was exhibited to the audience and the crowd were asked to shout Bande Mataram several times. The crowd was rather wormy in the mantapam and they did not give room to the speakers. They were requested to go down from the Mantapam by the speakers into the river bed. Then the picture of Bepin Chendra Pal was placed prominently in front over the steps of the Mantapam and the speakers continued on the Mantapam. There were more than 500 persons present.

The first speaker was Mr.Chidambaram Pillai. The 2nd was Mr.Subramania siva and the third was Mr.Ramasamy Iyer. Notes were taken of the speeches by myself and the Palamcottah Inspector. I made a report of them. I was present at the Court yesterday afternoon. I saw what happened after the Court rose. Before the Court rose Crowds of people thronged the Court and came upstairs. As soon as Mr.Chidambaram Pillai and Subramania Siva got down all shouted Bande Mataram. Then they went direct to the river bed. They changed the place of the lecture to the south of Vaipusa Mantapam near Pillaiyar Covil. There then was a very large audience. Mr.Subramania Siva apologised for not giving a speech and then he introduced a Mudaliar and after he had made a speech, Subramania Siva spoke. Then Chidambaram Pillai spoke. Notes were made of their speeches. The notes have been reported. The notes were taken by myself.

(Signed) N.Krishnasami Naidu

Taken down by me, read over and declared correct.

Sd/ L.M.Wynch,
12.3.08
District Magistrate.

/True copy/

Sd/L.M.Wynch,
District Magistrate
24.3.08.

13

G.O.No.842-43, Judicial, dt.18th June 1908

In the Court of the District Magistrate, Tinnevelly.
Miscellaneous Proceedings No.4 of 1908
Deposition of 3rd Witness for Prosecution.

Name	F.Mahomed Usman
Father's name	Shaik Faseed Sahib
Village/Taluk	Tinnevelly
Caste	Mahommedan
Calling	Clerk in the Collector's Office
Age	28

Date 12th. March 1908.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the 12 March 1908 by Clerk T.S.Jambunathan.

I was present in Court on Monday morning acting as clerk to the Court. The three persons Mr.Chidambaram Pillai, Subramania Siva and Padmanabha Iyengar were present in Court. A notice under Section.112 of the C.P.C. was read out to them and the Court then adjourned till 4.30 P.M. Before the Court rose the Court said to the persons aforesaid that they might consider the propriety of taking part in the proceedings that were going on in Tinnevelly similar to those that were to have been held in Tuticorin and which the

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District Magistrate prohibited. A prohibition had been issued in Tuticorin under S.144 of the C.P.C. prohibiting the persons before the Court from taking part in a procession that was proposed to be held on the 9th.in Tuticorin.

The persons before the Court/said they would consider about it. The case was taken up again at 4.30 in the afternoon. As application was put in before the Court for an adjournment for the purpose of applying to the High Court for a transfer of the case.

The Court then asked if such an adjournment should be given, these persons should give security that they would not go to Tuticorin and take part in similar proceedings till orders of the High Court are passed on their application. The persons before the Court did not say they would give security. The Court wanted to proceed with the case and the case was proceeded with.

Sd/Mahomed Usman
12.3.08

Taken down by me, read over and declared correct.

Sd/ L.M.Wynch
12.3.08
District Magistrate

/True copy/

Sd/ L.M.Wynch
District Magistrate

24.3.1908.

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G.O.No.842-43, Judicial, dt.18th June 1908

In the Court of the District Magistrate, Tinnevelly.

Mis.Case No.4 of 1908.

Petition on behalf of the accused states as follows:-

That the accused intend to move the High Court for a transfer of this case also from the file of this Court to that of another and hence apply for an adjournment for a fortnight.

2. That no proceedings can be instituted under Section 107-Cr.P.C. for the alleged action of the accused, and that the accused have reason to believe that section 107 of the Criminal Procedure Code is resorted to by this Court simply with a view to detain the accused in custody under clause 1 of Section 107 Criminal Procedure Code.

3. That the accused offer to give the security required, simply to avoid their detention in custody, without now attempting to show cause why they should not be ordered to give the security, no doubt retaining the right of showing cause, after the orders of the High Court are obtained on the application, the accused intend putting under section 526 Criminal Procedure Code.

12.3.1908

Sd/ V.O.Chidambaram Pillai
Subramania Siva
S.Padmanabha Aiyangar.

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ORDER

This application was put immediately after the Court had called upon the petitioner to plead under Sec. 117 & 242 of the C.P.C. and they had said that they did not admit the truths of the information referred to in the notice under section 112 C.P.C. I am not prepared to accept this security offered in these terms and under section 107(4) of the C.C.P., I direct that the persons before the Court, Messrs. Subramania Siva, Chidambaram Pillai and Padmanabha Aiyangar be remanded to custody until the completion of the enquiry. An adjournment is granted till the 1st April to enable the petitioners to put in their application to the High Court.

Sd/ L.M.Wynch,
District Magistrate
12.3.08

In the Court of the District Magistrate, Tinnevelly.
Mis. Case No.4 of 1908.

Statements of the accused:-

That the accused hereby offer to give the securities required from them under section 107 C.P.C. and they don't want to show any cause why they should not give security.

Sd/V.O.Chidambaram Pillai
Subramania Siva
S.Padmanabha Aiyangar.

12.3.08

ORDER

This petition was presented after the case had been adjourned and orders passed that the petitioners should be remanded to custody and an adjournment granted to enable them to apply to the High Court. The orders already passed will stand and orders on the petition reserved for further consideration.

Sd/ L.M.Wynch,
District Magistrate,
12.3.08

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G.O.No.842-43, Judicial, dt.18th June 1908

Order of the Sessions Judge refusing bail.

In the Court of Sessions of the Tinnevelly Division.

Monday the 16th day of March One thousand nine hundred and eight

Regr.Chief Sect.
26 Mar 1908
Madras Govt.

Present: C.G.Spencer esquire,

Sessions Judge.

Criminal Mis: Petition No.10 of 1908

Petitioner Respondent

1.V.O.Chidambaram Pillai
2.Padmanabha Aiyangar
3.Subramania Siva

Petition under Section 498 of the Code of Criminal Procedure, praying that for reasons asked in the petition the petitioners who have been remanded to custody by the order of the District Magistrate dated 12.3.08 may be released on bail.

This petition coming on for hearing and after hearing the arguments of Sadhu Ganapati Pantulu, Vakil for the Petitioner, and of the Public Prosecutor for the respondent, the Court made the following

Order:-

The District Magistrate's order purports to have been passed under Section 107(4), Criminal Procedure Code.

2. The first objection that has been pressed is that this sub-section applies only to cases where persons are arrested by a Magistrate not empowered to proceed under Sub-section (1) and are sent before a 1st Class Magistrate under the powers given to such Subordinate Magistrates by sub-section (3), and therefore that the District Magistrate's action was ultra vires having regard to the use of the word "Section" in 107(4) I consider that it applies to the whole section and not only to the previous sub-section 3. Moreover if a 1st class Magistrate has power to detain in custody a person sent up to him by a Subordinate Magistrate, a fortiori, he has power to remand to custody a person arrested by his own order.

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3. Section 117(2) lays down that the procedure for trail of cases in which security is required for keeping the peace shall be similar to that observed in the trial of summons cases and Section 243 provides that the accused should be asked at the commencement of the trial of summons casess to plead to the Charge. In this case, there is no admission made by the accused in the records to the effect that they had rendered themselves liable to give security. It was therefore necessary for the Magistrate to proceed to enquire into the truth of the information upon which action had been taken. Vide Section 117 (1). Section 107(4) also refers to detention in custody till the completion of the enquiry.

In spite of the decision in Calcutta, Vol.XXXII page 81, which has been quoted on petitioners' behalf, I consider that reading section 114 together with section 344-Cr.P.C., the District Magistrate had power both to issue a warrant for the arrest of the accused and to remand them to custody from time to time till the proceedings were completed. The petition to be allowed to give security subject to the right to be retained in their hands of showing cause against the order under section 112 was rightly refused on the ground that the enquiry was incomplete and the subsequent petition could not be accepted for similar reasons. So much for the legal objections taken to the order.

4. So far as the remanding of the petitioners to custody pending the disposal of the security cases against them was a matter within the discretion of the District Magistrate, I should require very strong proof that the Magistrate's discretionary power had been exercised wrongly before I should feel justified in interfering with the order. No such proof has been presented to me. The petition is therefore dismissed.

Sd/ C.C.Spencor,
Sessions Judge.

/True copy/

Sd/L.M.Wynch
Dt. Magistrate.
24.3.08

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G.O.No.842-43, Judicial, dt.18th June 1908

Letter from District Magistrate to Government and Criminal Mis.petition No.10 of 1908.

Judicial Department

Current No.2117

Subject: Forwarding copies of printed records in Criminal Revision Case No.149 of 1908 and a copy of the order in the case dated 31.3.08.

Station: Madras No.957 J

Dated the 1st April 1908

From (Name) J.T.Gillespie Esq., I.C.S.,
Designation Registrar, High Court.

To the Chief Secretary to the Government of Madras.

Honourable Sir,

In continuation of my letter No.832 J, dated 24th March 1908, forwarding to you copies of certain papers in the case of the Swadeshi Agitators of Tinnevelly (Criminal Miscellaneous Petition No.73 of 1908 and Criminal Revision Case No.149 of 1908), I am directed to forward herewith printed copies of the records connected with the case and also a copy of the order dated 31st March 1908 in Criminal Revision Case No.149 of 1908.

I have the honour to be,
Honourable Sir,
Your most obedient servant,

Sd/ J.T.Gillespie,

Registrar.

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In the High Court of Judicature at Madras
Tuesday, the thirty first day of March,
One thousand nine hundred and eight.

Present:-

The Honourable Sir Charles Arnold White, Chief Justice.
The Honourable Mr.Justice Benson
The Honourable Mr.Justice Boddam
The Honourable Mr.Justice Wallis.

And

The Honourable Mr.Justice Sankaran Nair

Criminal Revision Case No.149 of 1908.
(Criminal Revision Petition No.99 of 1908)

1. V.O.Chidambaram Pillai
2. Subramania Siva — Petitioners (Accused)
3. S.Padmanabha Aiyangar

Petition, under Sections 435 and 439 of the Criminal Procedure Code, praying the High Court to revise the order of the District Magistrate of Tinnevelly dated 12.3.1908 in Miscellaneous Case No.4 of 1908 and to quash the proceedings instituted against the Petitioners under Section 107 of the Criminal Procedure Code, by the District Magistrate of Tinnevelly.

This case coming on for hearing Yesterday upon perusing the petition and the affidavit filed in support thereof and the order of the District Magistrate and the material papers in the case and upon hearing the arguments of Mr.P.Narayanamurthi and Mr.C.S.Govindaraja Mudaliar, Vakils for the petitioners and of Mr.C.F.Napier, for the Public Prosecutor, contra and the case having stood over for consideration till this day, the Court made the following.

Order: We are of opinion that on the construction of Section 107(4) of the Code of Criminal Procedure under which the District Magistrate purported to act, his order cannot be supported, as the petitioners were not sent before him by any other Magistrate under subsection (3) so as to bring the case within sub section (4). Mr.Napier has however contended that the effect of section 36 of the Code is to vest in the District Magistrate the power to arrest and send in custody which is conferred by sub section (3), so as to enable the District Magistrate to make an order of detention under sub section (4). We are unable to accede to this contention. Even if section 36 can be construed as giving powers which are not specifically referred to in Schedule III, having regard to the terms of Sub Section (3) of section 107, we are of opinion that the power is not one which can vest in the Magistrate to whom the person is to be sent.

It was further contended by Mr.Napier that if the order could not be supported under the provisions of Section 107(4), it might be supported under Section 114 read with Section 65 and 344 of the Criminal Procedure Code. Assuming that the proviso to Section 114 applies in the case of a person who is before the Court (as to which we express no opinion) we do not think the order can be supported under Section 114 as the District Magistrate has not followed the procedure therein prescribed. As we are of opinion that the order of the District Magistrate remanding the petitioners to custody until the completion of the inquiry, was made without jurisdiction we must set it aside. In this view the question whether a person against whom a valid order under Section 107(4) has been made is entitled on giving security to be released on bail under the provisions of Section 496 of the Criminal Procedure Code until the completion of the inquiry, does not arise. We express no opinion on this question.

If security for appearance has been given under the order of this Court dated March 20th 1908, the bail bonds will be discharged. If any person is in custody under the order for detention made by the District Magistrate, be must be discharged so far as that order is concerned.

/True copy/

Sd/ x x x
Deputy Registrar,
Appellate Side.

To

The District Magistrate, Tinnevelli in duplicate with record.
The Superintendent of the Jail, Tinnevelli.
The Chief Secretary to Government (with C.L)
Dated 31st March 1908

Sent

Order

Crl. Revision Case 149/08.

Directing the discharge of the bail bonds of the accused in Criminal Miscellaneous Case No.4 of 1908 on the file of the District Magistrate of Tinnevelly and the discharge of the accused if in custody.

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G.O.No.842-43, Judicial, dt.18th June 1908

Current No.3212

From

(Name) L.M.Wynch Esquire, C.I.E., I.C.S.,
(Designation) District Magistrate
(Station) Tinnevelly.

R.O.C.No.11 Magisterial / Confdl, dt.16th May 1908.

Subject: Inviting the attention of Government to certain defects in the provisions of the Criminal Procedure Code for the Prevention of offences.

To

The Chief Secretary to Government,
Judicial Department.

Sir,

I have the honour to invite the attention of Government to certain defects in the provisions of the Criminal Procedure Code for the prevention of offences which have been brought to light by the decision of the Madras High Court in its order in Criminal Revision Case No.149 of 1908.

2. The order was passed upon my proceedings in Mis. case No.4/08 on the file of my Court. The facts of the case were briefly as follows. On March the 9th I instituted

proceedings against certain individuals under Section 108 of the Criminal Procedure Code. For various reasons the proceedings had to be adjourned from day to day and meanwhile the accused continued to carry on the propaganda and to make speeches inciting sedition and race hatred which it was the object of the proceedings to prevent. The accused asked for an adjournment for a month in order to move the High Court for a transfer of the case from my file and refused to give any security that they would abstain from their propaganda meanwhile contending correctly enough that the Court had no power to demand such interim security. They took advantage of the adjournment of the Court to make speeches and hold demonstrations at one of which a breach of the peace very nearly occurred.

3. Information to this effect was laid before me on the morning of the 12th March by the District Superintendent of Police and it appeared to me that the only way to prevent a breach of the peace lay in proceedings under section 107 C.P.C. The ruling in I.L.R.Calcutta XXXII 80 precluded me from placing the accused under arrest under section 114 C.P.C. inasmuch as they were already present in Court and under that ruling even if I could have issued warrants for their arrest, I should have been bound to release them on bail immediately if bail were offered and what I wanted was not security for their appearance in Court but security for their good behaviour and for keeping the peace pending the enquiry.

4. Proceedings under Section 107 C.P.C. were duly taken, some evidence was recorded and at the close of the hearing for the day the accused were remanded to custody, under section 107 sub-section 4 C.P.C.

The accused immediately petitioned the Sessions Court to be released on bail under section 496 Criminal Procedure Code.

The Sessions Court refused bail and a revision petition was presented to the High Court. No opportunity was accorded to me to show cause against the application. The Public Prosecutor opposed it as best he could in the absence of any instructions and the High Court admitted the petition and ordered the release of the accused on bail. Fortunately the accused were not prepared to offer the bail demanded, otherwise, their release might have led to serious disturbances of the peace.

5. When the petition eventually came on for hearing before a Full Bench, the Court ruled that my order of remand was made without jurisdiction inasmuch as section 107 sub-section (4) C.P.C. applied only to cases in which the accused have been arrested under sub-section (3) by a Magistrate not empowered to deal with the case himself.

6. It follows from this ruling and that of the High Court of Calcutta in I.L.R. Calcutta XXXII 80 that however convinced a District or Divisional Magistrate may be that a person within the local limits of his jurisdiction is so desperate and dangerous as to render his being at large without security hazardous to the community (Section 110 C.P.C) such person cannot be detained in custody pending the enquiry if he is prepared to offer bail.

While in the case of proceedings under section 107 however serious or imminent a breach of the peace may be once the accused have appeared in Court, a District or Divisional Magistrate is powerless to remand them to custody unless they have been arrested in the first instance by a subordinate Magistrate, but must in the same way accept bail.

7. The amendments required in the law are, I submit, as follows:

(1) a proviso that a Magistrate acting under any of the proventive sections 107-110 C.P.C. should be empowered to pass an interim order binding the accused to furnish security for good behaviour or for keeping the peace as the case may be pending the enquiry, or in default to remand the accused to custody without the option of bail.

(2) a proviso precluding the Sessions Court or High Court from interfering with the proceedings of a Magistrate acting under the aforesaid sections either by way of admitting the accused to bail or by transferring the case from his file.

8. The provisions of Chapter VIII of the C.P.C. are intended for the prevention of offences, and if in the exercise of his discretion the Magistrate of the District or the Division seems it necessary to detain a person in Jail in order to prevent the commission of an offence he should not be compelled to set that person at liberty except under bond to be of good behaviour or to keep the peace. To hold that section 496 of the C.P.C. is imperative and that bail, which is merely for the appearance of the accused in Court, must be accepted appears to me to stultify the provisions of the Code.

9. With regard to the transfer of cases some of the High Court appear to have ruled that a High Court has no power of transfer in the case of proceedings under Chapter VIII (Prinsep's Commentary on section 526 C.P.C. pages 644, 645 Edition 1907) and a definite provision as suggested would not cause any real hardship more especially as applications for transfer are put in merely for vexation and delay.

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10. The amendment of the law is I submit very necessary more especially as proceedings under section 108 C.P.C. are likely to become more frequent in future, and, as the law stands at present, persons accused of disseminating sedition are at liberty to make the Court a focus for further propaganda as long as the enquiry lasts.

11. I enclose copies of the orders of the Sessions Judge and of the High Court for reference.

I have the honour to be,
Sir,
Your most obedient servant,
L.M. Wynch,
District Magistrate.

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G.O.No.842-43, Judicial, dt.18th June 1908

Letter to Government of India

Letter No.843, dated 18.6.1908.

To the Secretary to the Government of India, Home Department.

Sir,

I am directed to reply to Mr.P.W.Monie's letter No.747 dated the 30th May 1908 requesting that the Government of India may be furnished with a copy of the orders passed by the District Magistrate of Tinnevelly and the Madras High Court in the matter of proceedings against Chidambaram Pillai and others under the Sec.107 of the C.P.C.

2. I am directed to submit in compliance with the Government of India's request.

1. Order of the District Magistrate under section 107 sub section (4) C.P.C. in case No.4 of 1908 remanding the parties to custody. 'a'

2. Order of the Sessions Court on appeal (C.C.M.Petition No.10 of 1908) 'b'

3. Order of the High Court on C.M.P.No. 73 of 1908 'c'

4. Order of the Full Bench of the High Court in C.P.C. No.149 of 1908 and to state briefly the facts of the case. 'd'

'a' vide p.32 'c' Vide p.15
'b' " 33 'd' " 35-37

3. On the 9th March 1908, the District Magistrate instituted proceedings against the parties in question under Section 108 of the Criminal Procedure Code. For various reasons the proceedings were adjourned from day to day and meanwhile the accused continued to carry on the propaganda which it was the object of the proceedings to prevent. The accused applied for an adjournment for a

month in order to move the High Court for a transfer of the case from the District Magistrate file and refused to give any security that they would abstain from continuing their propaganda, contending, that the Court had no power to demand such interim security. They took advantage of the adjournment of the Court to make speeches and to organise demonstrations at one of which a breach of the peace was with difficulty prevented.

(ii) Information to this effect was laid before the District Magistrate on the morning of the 12th March by the District Superintendent of Police. The District Magistrate in order to prevent a breach of the peace instituted proceedings under section 107 Criminal Procedure Code. The ruling in I.L.R. Calcutta XXXII 80 precluded the District Magistrate from placing the accused under arrest under section 114 of the code inasmuch as they were already present in Court. Under that ruling even if the magistrate could have issued warrants for their arrest he would have been bound to release them on bail immediately if bail were offered; but what was required in the circumstances of the case was not security for the appearance of the accused in Court but security for their good behaviour and for keeping the peace pending the enquiry.

(iii) Proceedings under section 107, Criminal Procedure Code having been instituted, some evidence was recorded and at the close of the hearing for the day the accused were remanded to custody under Sub-section (4) of that section. The accused immediately petitioned the Court of Sessions for admission to bail under section 496 C.P.C. The Sessions Judge refused bail and a revision petition was presented to the High Court. No opportunity was accorded to the District Magistrate to show cause against the application, and the Public Prosecutor opposed it as best he could in the absence of any instructions.

The High Court admitted the petition and ordered the release of the parties on bail. Their release might have led to serious disturbance of the peace, if the parties had been prepared to offer the bail demanded.

(iv) The petition eventually came on for hearing before a full Bench of the High Court which ruled that the District Magistrate's order of remand was made without jurisdiction inasmuch as section 107, sub section 4 and of the Criminal Procedure Code applied only to cases in which the accused have been arrested under Sub-Section (3) by a Magistrate not empowered to deal with the case himself.

4. I am directed to add that the Government of Madras have under consideration the question whether they should recommend any amendment of the law.

Sd/
13.6.08.

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CONFIDENTIAL NATIVE NEWSPAPER REPORTS

The Tinnevelly Sensation
"The Indian Patriot Madras "
Dated 13th March 1908*

Mr.Chidambaram Pillai and two others who were on the 9th instant called upon by the District Magistrate of Tinnevelly to show cause why they should not be bound over for good behaviour on account of seditious speeches have, as our Tuticorin telegram shows, been dealt with under a different section altogether and been remanded to custody. The result of this step has been a very widespread excitement and commotion, a possibility to prevent which the District Magistrate first took proceedings against them. Our Tinnevelly correspondent informs us that great confusion prevails there today, that all shops and schools have been closed, that the Principal of the Hindu College and the Agent of Messrs. Parry & Co. were stoned, that the mob is parading the streets, that municipal lights were broken, that no jutkas are available, and that all business is dislocated. This is, indeed, a serious state of things which any action of any of the three persons now sent to jail would have hardly helped to create; and we fear that there has been

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* Confidential Native News Paper Reports
Pages 128-129 - January to May 1908.

some bungling on the part of the local authorities. The first notice to the three persons was evidently taken under section 108 of the Criminal Procedure, which empowers a District Magistrate to call upon a person to show cause why he should not be bound over for good behaviour when he has information that such a person, either orally or in writing, disseminates or attempts to disseminate or abets the dissemination of any seditious matter as defined in section 124A or any matter calculated to excite any racial feeling as shown in section 153A. But according to our telegram today, the proceedings were converted into one under section 107, under which, whenever a District Magistrate or other competent Magistrate of the first class is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, he may require such person to show cause why he should not be bound over to keep the peace. Clause 4 of this section authorises a Magistrate, before whom a person is sent under the section, to detain such person in custody according to his discretion until the completion of the enquiry prescribed by the code. It is under this clause that the three accused have been remanded; and the further inquiry having been posted for the 1st of April, they must presumably remain in custody until that date unless the Sessions Judge lets them out on bail. Unless the District Magistrate considered it essential for peace and public tranquillity to detain these men in custody, there was apparently no necessity for him to remand them.

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"So far as we know, except the strike of the mill hands there was no occasion for any kind of anxiety on the part of any body; and assuming that special precautions were needed on account of this circumstance, we do not know whether there was actual necessity to go further than posting a special Police. That Mr.Chidambaram Pillai and his co-adjutors have been organising public meetings and making speeches is a fact well known to us. But was there anything exceptional in their speeches of a few days ago, any more than there was in the speeches which they have been delivering for over two years ? The fact of the proceedings under section 108 being converted into proceedings under section 107 shows unmistakably that their speeches and writings have not made them liable under the law, but that their offence is merely an attempt or preparation to commit a breach of the peace or cause disturbance of the public tranquillity. This offence they must have been preparing to commit by other means than speeches and writings, and we have yet to know what they were. Whatever that may be, it is the remand of these people into custody rather than their freedom that seems likely to disturb peace and public tranquillity; for undoubtedly there are large numbers of people who feel for them and who are indignant at the treatment to which they have been subjected. We would, indeed, for the present put the most favourable construction upon the action of the authorities; but even by doing so we cannot altogether resist the impression that there has been a regrettable miscalculation of possibilities."

THE TINNEVELLY RIOTS

The Liberal, Madras* Dated 15th March 1908.

"Mr.Wynch should be bound over not to disturb the public tranquillity.

"It is a matter for deep regret that a few Europeans are un-wittingly trying to convert Tinnevelly into a district of Eastern Bengal. No doubt the irrepressible presence of Messrs. V.O.Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar has evidently contributed to fan the flames of popular discontent arising out of the oppression of mill employees by their European employers. Further the keen competition between the Swadeshi Steam Navigation Company and a foreign company estranged the feelings between the members of the ruling class and natives of the soil. A few official blunders aroused the dormant spirits of the people. Mr.V.O. Chidambaram Pillai and the other members of the Nationalist trinity have been delivering speeches and stimulated the political energies of the people. The Honourable Member of the Legislative Council, who is a citizen of Tinnevelly, revealled in the glories of being a Moderate of Moderates, and has consequently kept himself aloof from the political agitation carried on by the Extremist trinity, and did not therefore exercise a sober moderating influence on the free deliberation of the Extremist champions. The latter made grand preparations to celebrate the release of Babu Bipin Chandra Pal.

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* Confidential Native Newspaper Reports
Pages 144-145 January to May 1908.

"The local officials began to blunder. If they allowed the safety valve undisturbed and allow the pentup energies of a few Extremists in the district, there would have been no serious apprehension of the breach of the peace. Mr.Wynch and his advisers seem to have adopted the methods in vogue under the regime, Fuller and Hare; they seem to have burned with a desire to send the Extremist leaders to jail. So the proceedings under section 108 of the Criminal Procedure Code were changed to section 107, whereby an opportunity would be found to remand the accused to jail. The strange feature of the blunder of Mr.Wynch seems to be that when securities were offered in respect of which the criminal proceedings were instituted, he refused by stating that he had adjourned the hearing and would not take the securities offered. The whole town was thrown into uproar; the shops and schools were closed; the mob are parading the streets; municipal lights were broken and all business became dislocated. Really the public tranquillity has been seriously disturbed by the illegal and high-handed action of Mr.Wynch, the District Magistrate of Tinnevelly.

"We have been informed on the highest authority that law is no respecter of persons. If any person disturbs the peace of the district, be he a District Magistrate or a private individual, he should be bound

over to keep the peace. The section 107 lays down that if a Magistrate is informed that any person is likely to commit a breach of the peace, he must find sureties for good behaviour. From the information available it is Mr.Wynch who brought about the disturbance of the peace. It may be conceded that he was actuated by good motives. The Judicial Officers Protection Act saves him from all suits for damages. However the Government of Sir Arthur Lawley should take serious notice of the misdeeds of Mr.Wynch, who was for some years the darling of the Government House, and transfer him to some other district, or shunt him along the Judicial time by appointing him as the District and Sessions Judge of Ganjam or Malabar."

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"THE HINDU, MADRAS". *

Dated 16th March 1908.

As regards the order to shoot given by the District Magistrate, it happened in this manner. When the mob had been going about the town committing various excesses, the District Magistrate, Mr.Wynch, accompanied by Mr.Sweeting, District Superintendent of Police, and the Head-quarters Deputy Collector, hurried to where the people had gathered, which was near the National Emporium Offices. Here the Europeans officers observed some decorations. Mr.Wynch asked of some of those present what the decorations were for, and on being informed that they were in commemoration of the release of Bipin Chandra Pal, he gave a cut with a whip to the shop attendant across his face. This angered the mob who answered with a volley of stones, whereupon the District Magistrate ordered the Police to open fire which they did killing four men. This is the account given by our correspondent, and we have the less hesitation in accepting it, as we find a similar account published in the Times of India and in the Empire of the 14th instant, by wire from their Tinnevelly correspondents. The account in the Times of India is as follows:- 'Near the National Emporium offices they noticed

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* Confidential Native Newspaper Reports January to May 1908 pages 145-46.

some decorations. On being informed they were put up to commemorate the release of Bipin Chandra Pal, one of the European officers is said to have given a cut to the shop attendant with a whip. The mob answered with a shower of stones and, finding the position untenable, the District Magistrate ordered the Police to open fire which they did, killing four.' The Empire correspondent is even more specific. 'One of the European officers, he says, lost his temper and struck a shop attendant with his whip. 'We may add that the telegraphic account of the disturbance, of which the above passage forms a part, is word for word the same as that which appeared in the Madras Mail on the same day, viz., 14th instant, excepting that in our local contemporary's message, the passage above mentioned does not appear. Upon the facts stated above, we think the District Magistrate acted in a reckless and unlawful manner in ordering the Police to fire on the crowd which has resulted in the destruction of four human lives. When he saw the crowd of people, far from trying to pacify them, to expostulate with them or to hold any peaceful parley with them, he wantonly outraged their feelings and provoked them to show a hostile demonstration. His conduct on the occasion seems to us most unaccountable resulting as it did in such calamitous consequences. Apart from the gross inhumanity of the proceeding, we think that the District Magistrate had no authority under the law to make the order which he did under the circumstances of the case. Section 127 of the Criminal Procedure Code empowers

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of Magistrate to command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse. Section 128 lays down that if upon being to commanded, any such assembly does not disperse or if without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate may proceed to disperse such assembly by force. Section 129 says that if any such assembly cannot be otherwise dispersed and if it is necessary for the public security that it should be dispersed, the Magistrate may cause it to be dispersed by military force. We do not think that, from the facts stated, it can be at all maintained that the conditions prerequisite for employing force or military force were present in this case. The instructions given to police officers when compelled to use firearms also constitute a safeguard to life and limb, which so far as appears does not seem to have been adhered to. It is provided that 'in order to guard against all misunderstanding, officers commanding Police parties are on every occasion of riots or enforcement of the law to ensure that the fullest warning is given to the mob before any order is given to fire, and to take the most efficient means to explain before hand to the people opposed to them that, in the event of the Police party being ordered to fire, their fire will be effective.' Another rule lays down 'As a warning to rioters before firing commences -

(1) a single shot will be discharged in the air. If this is ineffective;

(2) the first round of fire into a body of rioters will invariably consist of buck shot instead of ball.

"It is extremely questionable whether these instructions were carried out in the present instance. The matter is one requiring a careful and thorough investigation, and we hope the Government will deal with it in the right spirit. It is of the highest importance to the Government that the liberties and lives of its subjects are not played ducks and drakes with by impulsive and irresponsible officials, and the present moment is by no means favourable for showing any the least indifference to what is one of the most elementary functions of a wise administration. Since writing the above, we have received a wire from Tinnevelly, that the Sessions Judge has today refused to interfere with the order of the District Magistrate sending Mr. Chidambaram Pillai and his co-accused to jail. This does not tend to minimise the gravity of the situation nor to increase our faith in the dispensation of justice by mofussil courts".

"THE MADRAS STANDARD MADRAS"

Dated 17th March 1908. *

"The Tinnevelly Trouble"

"On the 13th afternoon, the District Magistrate, the Superintendent of Police and the Reserve Police Inspector went to Tinnevelly to disperse and arrest the mob. Altogether they shot four people, by a mistake, that they were of the mob. One was a Settlement office peon, another a bazaar boy, another a bricklayer. Three died instantaneously and one lies in the hospital.

On the 13th night, a meeting at Tuticorin was dispersed. The Police and the Sub-Magistrate were beaten. The District Magistrate has passed orders under section 144, Criminal Procedure Code, that more than five people should not assemble within a radius of 5 miles within Tinnevelly, Palamcottah and Tuticorin Municipal limits. Great excitement prevails. Remanding to custody persons accused under section 107 is highly resented.

"Mr.Chidambaram Pillai's bail application is posted before the Sessions Judge for today. The public view his detention in custody as illegal and unjust. Great indignation prevails.

"A promiscuous mob burnt and sacked posts, Municipal office, Police station and records in the Munsif's Court Thirty arrests were made at Tuticorin and 20 made in Tinnevelly. One Gurunatha Aiyar, a late head constable, was arrested and remanded. He cheerfully submitted. The houses of Europeans are guarded and streets patrolled and watched."

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* Confidential Native Newspaper Reports - 1908 pp.146-147.

"THE MALABAR DAILY NEWS AND THE TRIVANDRUM TELEGRAPH, CALICUT"
Dated 17th March 1908. *

"The unfortunate events which have occurred at Tinnevelly and Tuticorin must be deplored by all lovers of peace and good Government. They show that political unrest of a type akin to open rebellion has only been scotched, not killed, in parts of the country, and that there is still need for firm measures to uphold the cause of authority, such measures will be intensely detestable to the malcontent and mischief making sections of the community, but experience has shown that they are the only measures for effective use against persons on whom benevolence and conciliation are lost. Such persons and their sympathisers will no doubt say that the disturbances in the south are all due to the despotic action of the local authorities, but unbiassed observation shows quite clearly that all the trouble has been caused by the inflammatory preachings of Chidambaram Pillai and Subramania Sivam, and to the martyr's attitude they struck when they were asked by the authorities to desist from their dangerous game of setting fire to the grass. That martyr's pose does more mischief than anything else. It turns the mob silly and rapidly gains sympathy for men who deserve no sympathy at all, owing to the bloodshed and other mischief

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* Confidential Native Newspaper Reports 1908
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which they create by their defiance of authority and their misleading of their ignorant fellow-country-men. The attitude of the mob towards the local European community shows that the recent political preachings must have had a very pronounced racial effect, and this is most regrettable of all, for, in spite of such creatures as Chidambaram Pillai and Subramania Sivam, Europeans and Indians will have to dwell together in India for a long time yet, and it is poor wisdom to incite the one against the other."

"THE MADRAS STANDARD MADRAS"

Dated 19th March 1908 *

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20th March 1908.

Official Version of Tinnevelly Riots.

"This morning we published the first batch of telegrams from our special correspondent who is now in Tinnevelly. He has interviewed the Collector, Mr.Wynch, whose statement may be taken as the authorised official version. Mr.Wynch says that he ordered the Police to fire in the air though the result of it was four fell dead on the spot. How this came about we are anxious to know. Our special correspondent has also interviewed

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* Pages 148-149. Confidential Native Newspaper Reports 1908.

the Hon'ble Mr.Gurusawmy Aiyar who calls attention to certain inaccuracies in the reports already published. Mr.Gurusawmy Aiyar contradicts the report that there was a general exodus from Tuticorin with a view to add to the mob in Tinnevelly. Merchants and others who were reported to have arrived in Tinnevelly had other business to do. It seems that those who were primarily responsible for the disturbance were all rowdies of whom of course Tinnevelly has more than its share. Mr.Guruswamy Aiyar also tells us that no sort of public sympathy was shown towards the strikes and that the better and the more responsible sections of the people had nothing whatever to do with the occurrences of the past few days. Mr.Guruswamy Aiyar regrets the suggestion made by the Mail that a Punitive Police should be quartered on Tinnevelly. It does not appear that Mr.Guruswamy Aiyar is surprised at the suggestion. In fact nobody is surprised at it. If anything happens a little out of the way at once the Anglo-Indian papers come out with suggestions in plenty about swift and effective punishment."

Opposition seems to have stimulated the Swadeshi spirit in Tuticorin and spread over to Tinnevelly. Messrs. Chidambaram Pillai and his companions left alone could do nothing at all in the matter. Their lectures like similar lectures elsewhere say in Madras, could have produced no impression on the public mind. We are not of those who would attach much weight to the activity of these gentlemen whatever form it might take. What roused public curiosity

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and excited public interest was the manner in which a Swadeshi enterprise was sought to be interfered with. Swadeshiam appeals to the public imagination and evokes public sympathy. We have had the most conclusive proof of it in Bengal where it is not the spirit of lawlessness but the effort to subdue the spirit of Swadeshiam that has been manifesting itself in different directions. The instinct of self-preservation will assert itself even against the most adverse circumstances. It some of the officials down south had held the scales even, instead of throwing their weight into the scales against the pioneers of the Swadeshi movement, the peace of Tinnevelly would not have been disturbed. Mr. Wynch was in no way responsible for the initial blunders.

"THE HINDU, MADRAS"
Dated 21st March 1908 *

Mr. Chidambaram Pillai

"The order to release on bail Mr. Chidambaram Pillai and others, made yesterday by their Lordships, the Chief Justice and Mr. Justice Boddam, will be hailed with satisfaction by that portion of the public which looks to the protection of the law for the well being of the community. We have all along pointed out that the giving into custody of Mr. Chidambaram Pillai and the two others was not only a violation of the law, but was also a grave blunder in

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* Pages 149-50 Confidential Native Newspaper Reports 1908

point of administrative policy on the part of the District authorities. Now that Mr.Chidambaram and his friends have been enlarged on bail, we hope that they will use all their influence and their best endeavours to calm the excitement of the common people in both Tinnevelly and Tuticorin, to restrain them from any longer proceeding to such excesses as disgraced the proceedings of the mob in Tinnevelly on the 13th instant, and to pursue by strictly lawful and constitutional means the vindication of their rights. We desire to impress upon Mr.Chidambaram Pillai and his friends and followers the force of the observations contained in the following passage in a standard work on the law of the English Constitution, which in theory at least governs the relations between the State in India and its citizens:- 'Every subject, whether a civilian or a soldier, whether, what is called a 'servant of the Government' such for example as a policeman or a person in no way connected with the administration, not only has the right, but is, as a matter of legal duty, bound to assist in putting down breaches of the peace. No doubt policemen or soldiers as the persons who are being specially employed in the maintenance of order, are most generally called upon to suppress a riot, but it is clear that all loyal subjects are bound to take their part in the suppression of riots. It is also clear that a soldier has as such no exemption from liability to the law for his conduct in restoring order. Officers, Magistrates, soldiers, policemen, ordinary citizens, all occupy in the eye of the law the same

position. They are each and all of them bound to withstand and put down breaches of the peace, such as riots and other disturbances; they are each and all of them authorised to employ so much force, even to the taking of life, as may be necessary for that purpose, and they are none of them entitled to use more. They are each and all of them liable to be called to account before a jury for the use of excessive that is, of unnecessary force. They are each, it must be added liable on theory at least, to be called to account before the Courts for non-performance of their duty as citizens in putting down riots, though, of course, the degree and kind of energy which each is reasonably bound to exert in the maintenance of order may depend upon and differ with his position as officer, Magistrate, soldier or ordinary citizen.' The above valuable exposition is of importance not only as affording light for the future conduct of Mr. Chidambaram Pillai and his friends, but as laying down the true criterion by which the past conduct of the officials, including the District Magistrate and of the citizens, a number of whom it is announced are going to wait in deputation on His Excellency the Governor in connection with the Tinnevelly Tuticorin troubles is to be judged. It is to be noted that in connection with the subject of the breach of invasion of public tranquillity, action and inaction on the part of public officers and private individuals have their scope and bounds and they are to be determined by the necessities of the case. We have said before that the

action of the District Magistrate in remanding Chidambaram Pillai and his co-accused was illegal and mischievous, and was the causa causans of the riots. That it was the spark which kindled the flame seems to be beyond dispute and this view is, we find, shared by the Tinnevelly Public Prosecutor who has stated to a press representative that the cause of the riot was that Mr. Chidambaram Pillai was remanded to custody. He ought to have been released on bail. If bail had been granted, he (Public Prosecutor) was sure nothing would have happened. This statement he was able to make because Mr. Chidambaram Pillai was able to quell a disturbance which was likely to take place on Monday last at the Tuticorin station.' It is, therefore, quite clear that the District Magistrate had egregiously erred in point both of expediency and of law in depriving Mr. Chidambaram Pillai of his liberty. Happily for Mr. Chidambaram Pillai, and his two friends, the High Court extended its arm to give them back their liberty. But what about the fate of the unfortunate five men who have been done to death under the orders of the District Magistrate ? Their earthly doom is now beyond recall. We have prima facie no faith in the wisdom of the officer who caused their being shot. No circumstances have been disclosed which necessitated this extreme and revolting step. The mob uncontrollable as it was for the moment, was not savage or cruel as regards any human being, It vented its rage only in wreeking and burning certain public buildings.

The Liberal, Madras, dated 22nd March 1908 *

"AN OPEN LETTER"

To

L.M.Wynch, Esq., B.A., C.I.E., I.C.S.,
Collector and District Magistrate,
Tinnevelly.

Sir,

It is with feelings of grave disappointment and humiliation that I feel called upon to write this short epistle to you with the hope that you will see the error of your ways and restore peace and confidence in the district committed to your care.

"2. You have won golden opinions from the people while you were discharging the duties of Private Secretary at the Government House; your tack and sympathy were much appreciated; you never said an unkind word to those who solicited your suffranges or patronage. But alas all this has changed under the Swadeshi breeze of Tinnevelly; your lot seems to have been cast with evil advisers. If a popular celebration were held in honour of the release of Babu Bipin Chandra Pal, it passes my comprehension as to why you should be a party to the

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* Pages 164-66 Confidential Native Newspaper Reports 1908.

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official conspiracy to detain the three popular leaders of the Extremists in Tinnevelly on the day of celebration by instituting criminal proceedings under the security chapter of the Criminal Procedure Code ? Have you forgotten the lessons of history that State prosecution of any kind will be looked upon by the people as State persecution ? Are you so short-sighted as not to see that by launching criminal proceedings as you have done, you are enlisting the active sympathy of the nation on behalf of the accused, and enable them to pose as martyrs to the cause of nationalism ?

3. Assuming that it was an error of judgment on your part in having instituted the proceedings against Mr.V.O. Chidambaram Pillai and two others, it passes one's understanding why you refused to accept sureties when they were offered while the whole object of the prosecution is to get sureties from them. Does not your perverse refusal show your malice to see them in jail by hook or crook ? You ought to have known by the exercise of due care and caution that bail in such cases is a matter of right, not a matter of discretion or grace. You have been found deplorably wanting in ordinary prudence by illegally refusing to release them on bail. When the leading citizens of Tinnevelly were nervous about the imposition of the punitive Police and requested you to receive them in a deputation to hear their grievances, you foolishly refused to receive the deputation. If you had the tact to see how much you would have allayed the public irritation and soreness of temper, and removed all apprehensions in the people on the subject of punitive Police, you would have been the last person to refuse

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ordinary courtesy to your fellow-citizens in the district. Possibly you have regarded them as your Asiatic subjects, not as fellow citizens.

4. How much you have fallen in the public estimation now! You have refused to let them on bail; but the Chief Justice, Sir Arnold White, and Boddam, J., felt bound to order their release. You refused to receive a deputation; but the Governor has consented to receive a deputation from the people. I regard it as a direct vote of censure on your conduct. As a public servant your credit and prestige have gone. I strongly advise you to resign your appointment, or ask for transfer or long leave. Your order to shoot has not enhanced your reputation as a humane ruler. Tinnevelly has been the grave of the reputations of many Civilians; and you are the last mariner who has been wrecked on the rocky coast to Tinnevelly. To add to these misfortunes, you have apparently sanctioned the prosecution of the most prominent Swadeshi preacher and lawyer and five others under the ill fated security chapter, and afforded additional stimuli to the unrest in your district. Though I am inclined to congratulate you on your having converted Tinnevelly into a district of Eastern Bengal, I tremble to consider what disastrous consequences it will have on the policy of Government.

5. It is possible that some public spirited citizens might arrange for the institution of civil suits for damages against you for having shot or given orders to shoot when there was no legal necessity for

the same. You should not be under the delusion that you can seek refuge under section 77 of the Indian Penal Code. Such acts must have been done in good faith, i.e., due care and caution. The Act XVIII of 1890 (Judicial Officers Protection Act) states no doubt that no suit can be brought against any Judge or Magistrate when acting judicially in a matter within his jurisdiction for any error or mistake in doing or committing an act. But if a Judicial Officer does any act beyond the limit of his authority, causing injury to another he will be liable. English Courts have awarded damages in many cases. An improper remand or refusal of bail would not seem to be a judicial act, but would be actionable, at least on proof of malice. If a magistrate grants a warrant without information, upon a supposed charge of a heinous offence, he was held liable. So where he commits a person for re-examination for an unreasonable time. A Magistrate can be compelled to pay damages if he detains a known person to answer a charge not yet made against him; and he will be equally guilty of an assault and false imprisonment and responsible for damages if he tries to force a party who has appeared to answer a complaint, to agree to an arrangement, by threatening that he will otherwise convict him, and giving him into the custody of the police. I give these instances not only for your benefit but for the benefit of the erring magistrates of your district.

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6. No useful purpose could be served by any European Officer parading in the spirit of Homeric heroes in the public streets with a revolver in one hand and a riding whip in the other. A great founder of a religion is said to have founded his religion, with the sword in one hand and the Koran in the other. Pax Britanni~~ca~~ cannot be maintained with riding whips and revolvers. A contended and happy British India can be woven with the silken bonds of love and sympathy, never by maxim guns and smokeless powder.

7. Trusting that you will be pleased to indulge in a mental review of your own position and accept my suggestion of resignation or transfer and leave.

I beg to remain,
Sir,
Your candid critic,
"THE DUKE OF TINNEVELLY BRIDGE".

The Desabhimani Guntur, Dated 26th March 1908 *

Tinnevelly riots.

"During the Tinnevelly-Tuticorin disturbances, the refusing of bail to Messrs. Chidambaram Pillai, Subramania Siva, and Padmanabha Aiyangar and remanding them to jail provoked the people who all joined together in a riot and sacrificied five of them to the savage, Mr. Wynch. There is no use of simply occupying high offices. The ruler of a district should

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* Page No.172 Confidential Native Newspaper Reports 1908

conduct himself with great care. He must be unbiased, patient, and just. We think that all those qualities forsook him at the time. Else, what occasion had he to interfere ? We agree with the view of the Kistna patrika that 'Mr.Wynch, who caused the unlawful imprisonment of their leaders, and whipped the merchant who decorated his shop in honour of Mr.Pal's release, is the cause of the disturbance there."

NADEGANNADI

Dated 21st March 1908 *

Tinnevelly Riots.

Referring to the Tinnevelly riots, the Nadegannadi, of the 21st March, observes that the local authorities committed a very great blunder in ordering the arrests of Mr.Chidambaram Pillai and his colleagues; for it is strongly believed by the people that in the commercial rivalry that exists between the native and the European Steam Navigation Companies in that district, the authorities are always favouring the latter, and have only been waiting for an opportunity to punish the popular leaders, who were influencing the mill employees of the European companies. There were other methods open to Government for punishing these leaders. In any case, opening fire on an ignorant and excited mob is the basest procedure

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conceivable. It is assuredly not safe to provoke the people to such an extent. The excited mob gave vent to its anger by setting fire to the public offices and records. The excitement could never have been so intense in the absence of very strong reasons for it. But it is unfortunate that the authorities in trying to understand the situation are to impatient and too readily lose their heads. It is, however, necessary to understand what it would lead to, if the people in other parts of India should follow the example of the Tinnevelly mob and similarly set fire to the public offices; for, if military force should so readily be resorted to, there will undoubtedly be not left the least trace of loyalty among the Indians. It is highly important therefore that His Excellency the Governor should, with true statesman like qualities, punish the local authorities responsible for bringing about the disturbance and try to pacify the outraged feelings of the people by adopting conciliatory measures.

MANORAMA

Dated 20th March 1908 *

A leader in the Manorama, of the 20th March, details the particulars of the Tinnevelly riots and, while attempting to sift the real cause thereof, says that the keen activity displayed by Mr.Chidambaram Pillai and his two colleagues to further the interest of the Swadeshi

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* Page No.173. Confidential Native Newspaper Reports 1908.

Steam Navigation Company and their lectures on Swadeshism and boycott have brought into being a genuine interest among the people to promote Swadeshi enterprises in the locality and have entailed the ruin of the navigation company of the Europeans long established there. The long and short of their lectures and the spirit of Swadeshism tended to the loss of confidence in them of the District officials, among whom the District Magistrate has now decided that they were seditionists and remanded them to jail refusing to take security for good conduct which they were ready to give. The general conduct of these persons and their lectures have created an impression in the mind of the people that they are sincere workers for the public good and true representatives of their cause and when the bail offered was refused and they were sent to jail there was a popular commotion which culminated in the riots of the 13th March. "Chidambaram Pillai is sent to jail, what an injustice," was the talk everywhere. The article, while admitting the desirability of putting down every disturbance, deplores the shooting down of innocent boys and says that the action of the District Magistrate in consigning Mr.Chidambaram Pillai and others to jail and the order to fire before the necessity for such an extreme step was established, are directly opposed to the principal and popular belief that the subjects under British Government enjoy perfect freedom and security of body and life. It is hoped that the Madras Government will try to vindicate and maintain this principle and belief in the end.

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KERALA PATRIKA

Dated 21st March 1908 *

Anent the same subject, a leader in the Kerala Patrika, of the 21st March, says that the rioters who are said to have no respectable men among them either as principal offenders or as accessories, did not even attempt to cause any loss of life, and so there was evidently no need for shooting down persons. The article, dwelling at length on the subject, opines that unless a special and in dependent enquiry is instituted into the matter, it will not be possible for the Government to do justice, in as much as the District officials are interested parties whose statement should not be given full credence to. It is said that Government will endorse the actions of the District officials who have not acquitted themselves creditably in persecuting Chidambaram Pillai and others for their zealous devotion to the cause of Swadeshism and thus occasioning rioting and that the respectable people, who had no part in the rioting, will be made to bear the evil consequences brought about by the unruly elements among the populace of the district.

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CONFIDENTIAL NATIVE NEWS PAPER REPORTS

Tinnevelly Sedition Case

Chidambaram Transported for life

The Hindu, Madras Dated 7th July 1908. *

"All those who had read the extraordinary summing up of the Special Sessions Judge to the assessors in the sedition case against Chidambaram Pillai, which we published yesterday, must have been prepared for the conviction which has followed, of the accused. But few would have expected to hear of so monstrous a sentence as is reported to have been inflicted upon him. . . . . "

The Hindu, of the 8th July, writes as follows:-

". . . . A Judge who draws upon his own powers of imagination for circumstances from which to derive the most damning proofs of guilt against an accused person before him, stands self-condemned. Mr.Pinhey justifies the enormity of his sentence also on the topsyturvy ground that Chidambaram Pillai is morally responsible for all the lives lost in quelling the riots that ensured on his arrest. The speech, which is the subject of indictment against Chidambaram Pillai, was delivered on the 9th March. He was remanded to custody on the 12th March by an illegal order of the Magistrate in the course of the security proceedings. His unlawful detention in jail inflamed the

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* Pages 455-56 Confidential Native Newspaper Reports 1908 June - September

mob in the Tinnevelly town on the 13th, who caused destruction of public buildings. In the course of that day, four people in the mob were shot dead by the European Officers on the plea, it is said, of quelling the riot, the justification for which has however not been made out. In the statement as an accused person made by Chidambaram Pillai, he charged the District Magistrate and other officers present on the spot as having caused the death of the four persons. This injudicious statement has evidently ruffled the feelings of Mr.Pinhey, the Sessions Judge, who, in speaking of Siva, says 'he had the grace not to make vile and baseless allegations against the District authorities.' Mr.Pinhey has exhibited a far from Judicial or reasonable attitude when he holds Chidambaram responsible for the four lives that were lost on the 13th. On this point also, the prosecution did not set up the theory propounded by the Judge. In opening the case for the Crown, Mr.Powell expressly stated that 'it is not my case that the riots and the destruction of the property was the direct result of the speeches.' The Special Sessions Judge has, however, thought it his duty to improve in several respects upon the prosecution cases as set by the Public Prosecutor. The Judge, even at an early stage of the case on the 6th June last in enlargement of the case for the prosecution, held that 'the riot seems to be the direct consequence of the speeches.' This was evidently necessary in the interests of the prosecution, for even the Public Prosecutor, who had by then awaken to the necessities of his

situation, urged upon the Court that, 'the fact of these people having been in jail did not prevent them from having guided what took place. He desired to go into the matter of the riots, because it would influence the Court very considerably with regard to the sentence. In the Bombay case, the reason why the High Court reduced the sentence of transportation for life was that the country was quiet, that the article in question was published in a newspaper which very few people read, that it influenced no one and was not of much consequence. Therefore, the High Court reduced the sentence in that case. In this case, Government had put forward in order that a deterrent sentence might be passed.' In this, we see some daylight as to why the sentence of transportation for life was passed upon Chidambaram Pillai. The sentence may be what is called 'deterrent' It may more fitly be called vindictive and tyrannical, and the public would, under all the circumstances, refuse to attach any moral weight to it. We must deal with the other questions arising for consideration in these cases in a subsequent issue."

THE TINNEVELLY SEDITION CASE

The Indian Patriot Madras.
Dated 8th July 1908*

The Indian Patriot, of the 8th July, writes:-

'We do not take seriously the savage sentences passed on

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* Page No.456 Confidential Newspaper reports 1908

the accused in the Tinnevelly sedition cases; for where is not the ghost of a chance of their being confirmed. Nevertheless the Judge, who is responsible for these sentences, has conferred a certain distinction upon himself as well as upon the accused. A case which would not have in ordinary circumstances attracted much attention outside India, will by reason of the sentence rouse the attention of the world, not certainly to the credit of the administration of justice in this country. As to the conviction itself, based as it is upon Police reports and Police testimony, there may be differences of opinion; but there will be no such difference as regards the sentences themselves. Exactly eleven years ago a Judge in Bombay made himself conspicuous by sentencing the editor of a vernacular paper called Pratoda to transportation for life. That sentence so far shocked English feeling that Lord George Hamilton, as Secretary of State for India, had to assuage it by assuring Parliament that the High Court would revise the sentence; and the High Court eventually reduced it to one of twelve months' simple imprisonment. There the Judge had the excuse that no where else had a sedition case been tried, and that therefore he had to use his unaided judgment. But here there is no such excuse, since there have been a number of cases in which the highest courts have affirmed the standard of punishment. Moreover, the sedition with which the accused were charged is spoken sedition and not written; and there must therefore be certain deductions made as regards the degree of deliberation. However that

may be, in considering the sentences it is impossible to overlook the extravagance of retribution which has commended itself to the judicial commonsense of Mr.Pinhey. Two life sentences on one man is a peculiar conception of legal practicality unknown to the history of criminal justice; and the abettor being deemed more criminal than the principal is another novel feature introduced for the first time into criminal jurisprudence. Nor are these the only absurdities which are deemed to have the sanction of law and commonsense. . . . "

THE HINDU MADRAS
Dated 9th July 1908 *

The Hindu, of the 9th July, contains the following leader:- "It is, we think, unfortunate that the cases against Siva and Chidambaram Pillai being the very first ones under section 124-A, which were launched by the Local Government in this Presidency, steps were not taken to have the same tried in the High Court. This could easily have been accomplished, in which case the public would have had the benefit of a trial conducted by a High Court Judge who may be expected to lay down the law in intelligible terms, and the accused would have had the benefit of a trial by a jury composed in part at least of

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* Pages 456, 457 & 458 Confidential Newspaper Report.

his own countrymen. With regard to the sedition trials in India, the Secretary of State Lord Morley seems to be of opinion that they are all tried with a jury. The fact that it is otherwise and that even in such grave cases as the present in which one of the accused has been awarded two sentences of transportation for life and another ten years' imprisonment, the constitution and personnel of the Court was solely determined by the Local Government who had initiated the prosecution and were vigorously conducting it, are matters to be submitted to the consideration of Lord Morley and of the British public. In the Hindu, of the 5th May last, in a paragraph urging the appointment of an Indian to fill the acting vacancy caused by Mr. Justice Benson taking furlough, we referred to this subject in the following terms: 'We must refer here to a rumour, which we give for what it is worth, that a resolution has been come to some time since by the Local Government, that a European District Judge, who is to try the Tinnevelly sedition cases now awaiting committal to the Sessions, is to occupy, as soon as the trials are over, the temporary seat in the High Court Bench vacated by Mr. Justice Benson. We hope that the report is entirely unfounded. The impropriety involved in placing a Judge, European or Indian, under such morally debilitating circumstances is very clear. The appointment of Mr. Pinhey as Special Sessions Judge to try the sedition cases and his appointment as Acting Judge of the High Court were, however, both subsequent to the above date. Mr. Pinhey is a District and Sessions Judge of only a few years' standing. The larger portion of his service has been spent

in the executive branch as Collector and Magistrate. It is, therefore, not surprising that in the course of summing up to the assessors in the sedition case, he has delivered himself of several startling propositions of law and has shown in dealing with the facts of the case executive bias of a very pronounced kind. We do not mean to assert that the two accused before the Special Sessions Court were absolutely innocent of the charges laid against them. The proceedings in the Court make it clear to us that the accused have not had the advantage of such a fair trial as they were entitled to have. So far as the case against Chidambaram Pillai is concerned, it has arisen out of facts and circumstances which took their origin in the keen commercial competition and rivalry between the British India Steam Navigation Company and the Swadeshi Steam Navigation Company. It is an admitted fact that Chidambaram Pillai, who was the Assistant Secretary of the latter company, was largely instrumental in floating it and in carrying on a successful competition with the rival European, company. In promoting the success of the Swadeshi concern, he came into collision not only with the European agents belonging to the British India Steam Navigation Company, but also with the British local officers of Government. Any speeches which he delivered, of which only one delivered on the 9th March forms the subject of indictment against him, have to be construed with reference to all the antecedent and surrounding circumstances and his principal avocation in life, which was to forward the interests of the Swadeshi enterprise. The Sessions Judge,

Mr.Pinhey, puts this aspect of the case in an extraordinary fashion in the following passage of his summing up:

'Mr.Sadagopa Chariar, vakil for Chidambaram Pillai, claimed that his client was an ardent apostle of industrial regeneration of the country and that he was interested in Dharma Sangam (weaving factory). He was also an important person in connection with the Swadeshi Steam Navigation Company which was started about two years ago, chiefly by his own endeavours. There was something to be said on his behalf in this matter. It would appear that accused was a practical man concerned with industrial matters. But the question you should ask yourselves is: Do you think that his reference to industry and his doctrine of industrial regeneration is the end or the means to an end ? The question was whether he was trying to get the Government of this country upset and then have a native Government; was he using industrial regeneration as a cloak, or was he honestly working as he had stated in Court for industrial regeneration ? The case for the prosecution was that all this talk of industrial regeneration was a mere blind that his object was not to restore the industries of this country, but to turn the white men out. This theory of the prosecution, Mr.Pinhey unhesitatingly accepted as the basis of his judgment, although it is opposed to all the facts, probabilities and evidence in the case. That Chidambaram Pillai was working for the promotion of industrial objects was a fact proved and in great part admitted by the Judge, but it had to give way to a chimera in the brain of whoever was

responsible for the prosecution, that Chidambaram's object was to drive out white men from India. How according to the prosecution was Chidambaram Pillai going to execute his gigantic and drastic resolve ? By addressing meetings composed of about five hundred people here and there in the district. It is difficult to understand how a Judge can have accepted such a theory. The commonsense view of the matter seems to be that, barring some indiscreet expressions which he may have used, Chidambaram Pillai's object in addressing the meeting was to induce them to unite and labour for the industrial improvement of the country, irrespective of Government help and co-operation. This view of the case has not been disproved by anything appearing on the side of the prosecution, except some foolish and fantastic notions of Mr.Pinhey regarding the right of the people in India to assemble of meetings and make speeches regarding their grievances. Mr.Pinhey has laid down in his summing up the following gems of political doctrine as applicable to India, and it is enough for us to set them down here for the delectation of our readers in India and in England.

"Political speeches in this country were a novelty to him. There was no lawful occasion, so far as His Honour could see, for any man in this country to make a political speech. People in England had votes. In England, a political speaker made public speeches because the chances were that he was addressing his constitutents to secure their votes. Therefore, a speaker in England might say that he was persuading his audience to exercise

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their constitutional power in his favour at some future time. There was no such thing as that in this country. The masses of Tuticorin and Tinnevelly had no vote. For instance, if they objected to the new Press Bill and wanted to get its provision altered, they could not get it altered by addressing a mob in the Tinnevelly river-bed. Therefore the chances were that when a speaker addressed an audience consisting of a mob in this country, he would be doing it only to persuade the crowd to exercise their physical power as human beings, and that was a dangerous thing.

It will be seen that this train of reasoning inevitably leads to the conclusion that Chidambaram Pillai by his speeches intended to persuade his audience to use force 'to drive white men out'.

Mr. Powell (Public Prosecutor) said that the meeting called for in honour of a person convicted of sedition was not strictly a seditious act. In His Honour's opinion it was a clearly seditious act.

His Honour read section 124-A and the explanations and said that, for instance, if they disapproved of the new Press Bill, they could call a meeting of the educated people of Tinnevelly, discuss it in their room, get a round robin and have it signed by those who disapproved it, and send it to their local Member of Council to have their grievance redressed.

When the word Swaraj was uttered to people like to these, what impression did they suppose it conveyed ? Did they think that it meant to them self-government ? Was

there any word in an oriental language equivalent to our word "Government" ? It might be that educated men like Mr.Sadagopa Chariar and Mr.Gokhale know what Government meant. What did the cooly understand by Government ? An ordinary native would understand what Raj meant. It did not contain any idea regarding a constitutional, free Government. It meant the Raja, and the ordinary man would think that the Government of the British Circar would go away and that they were going to have their own Raja.

"From the foregoing, it is clear that the sedition trials in Tinnevelly were not without some farcical elements."

PRESS COMMENTS ON PINHEY'S JUDGMENT IN TINNEVELLY SEDITION CASE

The Madras Standard, Madras* Dated 10th July 1908.

Mr.Pinhey's Judgment in the Tinnevelly sedition cases has simply staggered the Indian public. The Anglo Indian press is discrectly silent, while the Bengali Press unanimously condemns the sentence as ferocious and barbarous and unprecedented in its severity; for, never in the history of the British rule has a person accused of sedition been sentenced to such a punishment.

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* Confidential Native Newspaper reports 1908 p.458

"THE 'BENGALEE'.

"The Bengalee says, 'The sympathy that will be felt for Pillai by the community will be in exact proportion to his influence among them. Such sympathy as the public will spontaneously feel for them will not be due to their opinions, but to the ferocious character of the sentences of which they have been the recipients. If the Judge has inflicted such heavy punishments only that they might serve as examples to his brother Judges, one can assure him that his object is sure to be defeated. Few British Judges even in India will care to imitate him and by so doing degrade the administration of justice still further in the eyes of our people. One may perhaps go further and say that it is not every Judge who lacks the sense of proportion to the extent that Mr.Pinhey seems to do, nor is perhaps every Judge's reading of law so peculiar as that of this Judge."

"The 'Patrika'

"The Patrika concludes a lengthy article thus: 'The wonder is not that a Judicial officer with such extraordinary notions would convict an ardent apostle of industrial regeneration of India and impose life imprisonment upon him, but that the Madras Government would select him to try the Tinnevelly cases and bring such discredit upon British rule in this country. Now if double

transportation for life be the lot of those who make attempts to improve the industrial condition of their country what, we wonder, might be the punishment for those who might really rise in arms against the British Government ? And is such a humanity -' staggering sentence calculated to strengthen or weaken the foundations of British rule in this country? "

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G.O.No.1062, Judicial, dt.3rd August 1908

Telegram from Public Prosecutor dated 2.8.1908.

Application for suspension of sentence in Subramania Siva - Sedition case coming on tomorrow - Please wire instructions.

Government Order

Your telegram today. Advocate General instructed oppose Sivas application.

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G.O.No.1442, Judicial, dt.19th October 1908.

GOVERNMENT OF MADRAS

Judicial Department.

READ:- The following paper

Letter - from Lieutenant - Colonel R.J. MACNAMARA, M.D., I.M.S., Inspector-General of Prisons.

To

The Chief Secretary to Government,

Dated Ootacamund, the 18th September 1908.

No.63-G.

As some misunderstanding seems to exist as to what is meant by the term "suspended" in connection with sentences ordered by Courts, I have the honour to submit, for favour of approval, a draft amendment to the Jail Manual, embodying the law as laid down in section 426 of the Criminal Procedure Code and the note to rule 307 of the Jail Manual.

2. A case occurred recently in which a convicted prisoner whose sentence was ordered to be suspended by the High Court, was treated by the Superintendent as if sentenced to simple imprisonment, but on a reference being made at my suggestion to the Registrar of the High Court, a reply was received that the prisoner should be treated as if undertrial.

ENCLOSURE

Cancel Note to rule 307 and add as rule 315-A.

315-A (1) When an Appellate Court directs that the execution of a sentence or order appealed against, be suspended, the appellant shall, if detained in Jail pending the further orders of such Appellate Court, be treated in all respects as an undertrial prisoner.

(2) Should the appellant be ultimately sentenced to imprisonment, penal servitude or transportation, the period during which the original sentence was suspended, shall -

(a) if passed in Jail - be included, and

(b) if passed out of Jail - be excluded, in computing the term for which he is sentenced by the Appellate Court.

Order - No.1442, Judicial, dated 19th October 1908.

The following amendments will be made in the Jail Manual:-

The note to rule 307 will be cancelled and the following addition made as rule 315-A:-

"315-A (1) When an Appellate Court directs that the execution of a sentence or order appealed against, be suspended, the appellant shall, if detained in Jail pending the further orders of such Appellate Court, be treated in all respects as an undertrial prisoner.

"(2) Should the appellant be ultimately sentenced to imprisonment, penal servitude or transportation, the period during which the original sentence was suspended, shall:-

"(a) if passed in Jail, be included, and (b) if passed out of Jail, be excluded, in computing the term for which he is sentenced by the Appellate Court".

(True extract)

M.HAMMICK,
Chief Secretary.

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G.O.No.1549, Judicial, dt.16th November 1908

Telegram from Smt.Meenakshi Ammal

Coimbatore East

Governor Madras

Husband stands convicted six years transportation for sedition pray remit sentence condition preaching no sedition or living out of India during period or commute simple imprisonment with privilege having weekly interviews correspondence suitable meals bathing, bedding at his cost wire Coimbatore jail superintendent continue treating him undertrial pending Excellencys decision.

Minachiammal Sidambaram Pillai's wife Uplipalayam. Coimbatore

Government Chief Secretary

Judicial

Madras Mylapore

Petition today pray wire jail continue treating husband undertraial pending petition disposal.

Minachiammal

Sidambaram Pillai's wife

Uplipalayam.

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G.O.No.1549, Judicial, dt.16th November 1908

Petition from Smt.Meenakshi Ammal

To

His Excellency the Governor of Madras in Council Fort St. George, Madras.

Humble petition of Minachiammal wife of V.O. Chidambaram Pillai of Tuticorin, now residing at Uppilipalayam Coimbatore. May it please your Excellency:-

Most respectfully showeth that:-

Petitioner's husband now stands convicted for sedition and sentenced to a term of six years transportation in all by the decision of the High Court of Judicature Madras on his appeals.

2. Petitioner has sent a telegram to your Excellency on the 5th instant, praying for mercy and also for remission or commutation of the sentence.

3. Petitioner's husband as a practical man of business knew full well that the prosperity and progress of the country for which he worked in his own humble way depended entirely on peace and order which the Government alone can secure to the country. Knowing as he did the immense powers and resources of the Government and also his own insignificance and helplessness, he could not have preached sedition. However, the sufferings and troubles which he had to undergo for the past 8 months ought to be a sufficient punishment for his faults if any.

4. Considering all the sufferings of petitioner's husband and his family till now and all the other circumstances of the case which had its origin in the rivalry between the two Steam Navigation Companies in Tuticorin, petitioner most respectfully prays that your Excellency

may be graciously pleased to exercise the prerogative of mercy, in this case and release petitioner's husband unconditionally; and if that is not possible to order:-

(a) that Petitioner's husband may be allowed to live out of his District or Presidency or even India during the period of his sentence or any other specified time;

or

(b) that he may be released on condition that he will be reimprisoned in case he makes any seditions speech or on any other similar condition required;

or

(c) that, at least, his term be commuted to a similar term of simple imprisonment with privilege to have weekly interviews, correspondence, bedding, suitable meals, bathing and clothing even at his own cost.

For which act of mercy the Petitioner shall in duty bound.

Ever pray,
Your Excellency's
Humble Petitioner

9th November 1908

Sd/ Meenakshiammal.

Permanent Residence: for reply
Tuticorin, Tinnevelly District.

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G.O.No.1549, Judicial, dt.16th November 1908

Judicial Department

(6628 A) Telegram from Meenakshi Ammal dt.6.11.08

(6672) -do- dt.9.11.08

(6688) Petition from Meenakshi Ammal dt.9.11.08

Order No.1549 dated 16.11.1908
Mis.

The Government see no reason to interfere in the matter

Sd/ xx
13.11.08

To

Minachiammal Wife of V.O.Chidambaram Pillai,
Tuticorin, Tinnevelli.

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G.O.No.1719, Judicial dt.25th December 1908

Remission of sentence to V.O.Chidambaram Pillai

Subject: Submitting for the orders of Government the case of convict No.1541, V.O.Chidambaram Pillai confined in the Coimbatore Central Jail.

G.No.141.

Station Ootacamund Dated the 30th November 1908

From (Name) Lieut.Col.R.J.Macnamara, M.D., I.M.S.,
(Designation) Inspector-General of Prisons.

To the Chief Secretary to the Government of Madras.

Sir,

With reference to G.O., dated 24th October 1908 Confidential, I have the honour to submit the case of convict No.1541 V.O.Chidambaram Pillai confined in the Coimbatore Central Jail, for the orders of Government.

2. I enclose the prisoner's nominal roll * from which it will be seen that he was convicted under sections 109, 114, 124A and 153A Indian Penal Code, by the Additional Sessions Judge Tinnevelly on the 7th July 08 and sentenced in each of two cases to transportation for life, both sentences to run concurrently. He was originally committed to the Palamcottah Jail and subsequently transferred to Coimbatore. While in the letter Jail, his sentence was

* Vide p.97

suspended by the High Court on appeal on the 4th August 1908 and he was in accordance with the usual practice there treated as under sentence of Simple Imprisonment until the 29th Idem. On this date as the result of a reference made to the High Court by the Superintendent of the Jail, at my suggestion, his position was changed to that of a prisoner under trial Vide my letter disposed of in G.O., No.1442, Judicial, dated 19th October 1908, and he continued so up to the 4th November 1908, when the High Court confirmed the conviction and reduced the original sentences to 6 and 4 years transportation, both sentences to run concurrently.

3. Chidambaram Pillai was on the 2nd November when the grant of Proclamation Remission to convicts in Jail was announced in the position of a prisoner under trial, and he was in consequence declared ineligible for the concession referred to in clause (d) of the confidential G.O., above mentioned, But when I recently inspected the Coimbatore Jail, he asked to be granted it on the ground that the period during which his sentence was suspended viz., the 5th August to the 4th November, is under clause (2) of revised rule 315-A Jail Manual to be included in computing the term for which he was subsequently sentenced by the High Court. If it should be decided to extend the concession to him, it is also a question whether 20 months' remission or 6 months' only should be granted, as he claims the former award.

4. If Chidambaram Pillai had been enlarged on bail during the period his original sentence was suspended,

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there would have been no question as to the grant of Proclamation Remission to him. But the circumstance that he was detained in Jail all the time and that the confinement so undergone counts towards his sentences, notwithstanding that he was "Treated in all respects as an under trial prisoner" furnishes some room for doubt in the matter, and accordingly beg to be favoured with instruction.

5. My personal opinion is that he does not fall within the rules of eligibility, as the opening sentence of the G.O., speak of remission to convicts. On the 2nd November, Chidambaram was not a convict, but an undertrial 'under - detention' and the fact of the detention period counting towards sentence, does not alter the case. The suspension of his sentence temporarily, which was regarded as a great concession by him, has acted in a deleterious manner and in a way unexpected.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ R.J.Macnamara,
Lieut, Col.I.M.S.,
Inspector-General of Prisons.

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(G.O.1719, Judicial, dt.25.12.1908)

Letter No.G.141 dt.30.11.08

FORM No.48

Nominal Roll of Convict No.1541 Name V.O.Chidambaram Pillai

	Crime	Sentence	Date of sentence	Adjudicating courts	Number of the calendar case in which convicted	Present State of health in jail	Conduct	Result of the appeal	Number of previous convictions if any, and remarks
27	114, 109 and 124A I.P.C., 124A and 153A I.P.C.	Transportation for 6 years Transportation for 4 years the sentences running concurrently	7th July 1908	Additional Sessions Judge Tinnevelly	1 of 1908 2 of 1908	35	Good	Good	The sentence of transportation for life passed in C.C.No.1 of 08 reduced to one of transportation for 6 years and the sentence of transportation for life passed in C.C.No.2 of 08 reduced to one of transportation for 4 years - both running concurrently.

Note: In the case of previously convicted convicts, the name of the Jail or Jails in which they served their previous sentences should be given in the Remarks column.

Coimbatore Jail
17th November 1908

See Rules 302 and 1139

Sd/
Superintendent, Central Jail

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G.O.No.1719, Judicial, dt.25th December 1908

Read: Judicial Department

C.No.7134, I.G. of Prisons, No.G.141 - 30.11.08.

Order No.1719, dated 25.12.1908
Mis.

The Government consider that remission granted under the (Resolution) of the Government of India conveyed in Home Department telegram No.248 dated 22.10.08. Should not be refused to convict No.1541 V.O.Chidambaram Pillai on the ground that on the 2nd November last his sentences were temporarily under suspension. The remission allowed to him should be calculated on the sentences finally passed on him by the High Court.

Sd/ C.A.S.
21.12.08

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G.O.No.166-7, Judicial, dt.5th February 1909.

Petition from Chidambaram Pillai and Government orders thereon.

Subject: Submitting for the orders of Government the case of Convict No.1541 - Chidambaram Pillai at present confined in the Central Jail, Coimbatore.

No.G.149

Station: Ootacamund. dated the 3rd December 1908

From (Name) Lieut.Col.R.J.Macnamara, M.D., I.M.S.,
(Designation) Inspector-General of Prisons.

To
The Chief Secretary to the Government of Madras.

Sir,

I have the honour to submit for the orders of Government two petitions from convict No.1541 Chidambaram Pillai at present confined in the Central Jail, Coimbatore, one addressed to the Government of Madras * and the other to the Government of India. **

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* Please see document No.30

** Please see document No.32 original petition sent to Government of India.

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2. Copies of Judgments of the sentencing and appellate Courts and two copies of the prisoner's nominal roll are also enclosed.

3. The points raised by the convict are of a legal character and would more properly therefore come under discussion by the law officers of Government. It is true that under section 124A "imprisonment" cannot extend beyond three years, but Chidambarám Pillai is sentenced not to imprisonment but to "transportation", which is quite in order and may extend to life, under the same section. His contention that his sentence is contrary to law is therefore wrong.

4. The concessions he asks for in para 3 of his petition could not be granted, and the statement that because he is sentenced to transportation he should be allowed all the privileges he wants, and which would not be allowed if he were sentenced to rigorous imprisonment, is proposterous. A perusal of sections 58 and 59 Penal Code and 396 and 397 of the Criminal Procedure Code will show that transportation was intended to be a severe form of punishment than rigorous imprisonment.

5. The convict wishes to be transported to a "fixed island" 'in accordance with the judgments of the Courts'. Needless to say there is no reference to "fixed island" in the Judgment. He is not eligible under current orders for deportation to the Andamans. Coimbatore being a Central Jail, is a place for the detention of Transportation prisoners. Vide section 32 Prisons Act III of 1900, and rule 996 of the Madras Jail Manual. Chidambaram Pillai is therefore undergoing his sentence at Coimbatore, quite in accordance with orders.

6. The petitioner as far as I am aware has no reasonable cause to complain of his treatment, and as a man with legal training, a petition displaying a higher degree of legal reasoning might have been expected from him. The truth is, he has poor case and can only succeed in making a poor display of it. His petition was written on the 24th November. I had a long interview with him on the previous day, in the Superintendent's Office, and endeavoured to get him to understand the position, but told him at the same time, that he was at liberty to make his grievances known, if he thought he had any, in a written petition to Government. I further informed him that he was being and would continue to be treated, in exactly the same manner as any other convict, sentenced into rigorous imprisonment and that no difference would be made on account of his conviction for sedition, or his sentence of transportation. He was on hard labour and Jail diet, and is very anxious to escape both. He appeared to be in excellent health.

I have the honour to be,
Sir,
Your most obedient Servant,
Sd/ R.J.Macnamara,
Lieut, Col.I.M.S.,
Inspector-General of Prisons.

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G.O.No.166-7, Judicial, dt.5th February 1909.

Petition from V.O.Chidambaram Pillai.

To

The Government of Madras,
Madras.

The petition preferred by V.O.Chidambaram Pillai, Convict No.1541, Central Jail, Coimbatore, without prejudice to any Revision or Appeal, or petition for suspension, remission, &c. of his sentence, that he may prefer either direct or through his Vakil to the High Court of Madras, the Privy Council, the Government of Madras of India, or the Emperor of India.

Respectfully showeth:-

That the petitioner stands convicted and sentenced by the High Court of Madras in the appeals he preferred against the judgments of the Additional Court of Sessions, Tinnevelly, in calendar cases No.1 and 2 of 1908 on its file, to transportation for six years for offences under sections 124A, 108 and 114 of the I.P.C., and to transportation for four years for offences under sections 124A and 153A of the I.P.C., but both the sentences to run concurrently.

2. That the Indian Penal Code does not provide for an offence either under section 124A or under section 153A imprisonment for any period exceeding three years; that it is therefore against law to treat the petitioner as one sentenced to Imprisionment, and that too Rigrous Imprisionment.

3. That further a man sentenced to Transportation ought not to be shut up in close prisons and ought not to be given any labour unless he desires for the same, but on the other hand he ought to be allowed all conveniences and comforts that he used to have before his conviction while he was outside the jail.

4. That the petitioner wishes to be transported at once to the fixed island in accordance with the judgments of both the original and the appellate courts and that he protests to be detained here any further unless his sentence is commuted and reduced to simple imprisionment for any period not exceeding three years as per provisions of the above said two sections of the I.P.C., with privelege to have suitable moals, bathing and bedding and also weekly correspondence and interviews with his people and friends.

That the petitioner therefore prays that the Government may be pleased to order the petitioner's transportation immediately and thus execute the sentences of the courts of law in their proper and legal form.

V.O.Chidambaram
Convict No.1541

Central Jail, Coimbatore
24th November of 1908.

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G.O.No.166-7, Judicial, dt.5th February 1909.

Government Order — Judicial Department

C.No.232. — I.G.of Prisons No.G.149 : 3.12.08

Order No.166, dt.5th February 1909
Mis.

With reference to his petition dated the 24th November 1908 convict No.1541 Chidambaram Pillai should be informed that the Government decline to interfere on his behalf.

2. The petition addressed to the Government of India will be forwarded to that Government and the convict should be so informed.

Sd/

5.2.09

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G.O.No.167, Judicial, dt.5th February 1909.

Judicial Department

Letter Mis.No.167, dt.5.2.09

To the Secretary to the Government of India, H.D.,
(with petition nominal roll and judgements papers 7 to 45 Cf.)

Sir,

I am directed to forward a petition addressed to the Government of India by convict No.1541, Chidambaram Pillai confined in the Central Jail, Coimbatore, praying for his immediate transportation. I am also to enclose a copy of a letter from the Inspector General of Prisons, Madras forwarding the petition.

2. H.E. the Governor in Council has considered a similar petition addressed to him but saw no reason to comply with the request therein made. I am to add that the Governor in Council has no recommendation to make on behalf of the petitioner.

Sd/
5.2.09

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G.O.Ms.No.231-2, Judicial, dt.16th February 1909.

Subject: Submitting for the orders of Government three separate petitions addressed by convict No.1541, V.O.Chidambaram Pillai confined in the Central Jail, Coimbatore

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No.C.G.158.

Station: Camp Tanjore dated the 8th February 1909.

From (Name) E.H.Gadsden Esquire.,
(Designation) Ag.Inspector General of Prisons.

To the Chief Secretary to the Government of Madras.

Sir,

I have the honour to submit the accompanying copy of a letter No.J/358 dated 29th January 1909, from the Superintendent, Central Jail, Coimbatore, together with its enclosures for such orders as the Government may see fit to pass thereon.

2. As will be seen from this office letter No.G/149 dated 3rd December 1908 convict No.1541 V.O.Chidambaram Pillai has already addressed two separate petitions to the Government of Madras and the Government of India.

I have the honour to be,
Sir,
Your most obedient Servant,
Sd/ E.H.Gadsden
Ag. Inspector General of Prison

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G.O.No.231-32, Judicial, dt.16th February 1909.

Copy of letter No.J/358 dated 29th January 1909 from Captain W.H.Tucker, I.C.S., Ag.Superintendent, Central Jail, Coimbatore, to the Inspector General of Prisons Ootacamund.

I have the honour to forward herewith three petitions - one addressed to the Government of Madras, the second to the Government of India and the third to His Majesty the King Emperor of India - from convict No.1541 V.O.Chidambaram Pillai sentenced in C.C.No.1 and 2 of 1908 on the file of the Additional Sessions Judge, Tinnevelly.

Copies of Judgement of the sentencing Court and appeal orders were forwarded with his two petitions sent with my letter No.G/4851, dated 25 November 1908. A nominal roll is attached to each of the three petitions".

/True copy/

Sd/ E.H.Gadsden

Ag. Inspector General of Prisons.

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G.O.No.231-32, Judicial, dt.16th February 1909

To

His Excellency the Governor of Madras in Council,
Fort St.George, Madras.

Humble Memorial of V.O.Chidambaram Pillai of Tuticorin now in the Central Jail, Coimbatore under a sentence of transportation for six years.

May it please your Excellency.

Most Respectfully showeth:-

1. That your humble Memoralist stands convicted and sentenced by the High Court of Madras in appeal to six years transportation for offences under Sections 124A, 108 and 114 I.P.C. and to 4 years transportation under sections 124A and 153A I.P.C. the two sentences to run concurrently.

2. That the said convictions and sentences were obtained on the interested and untrustworthy testimony of certain Police officers and others.

3. That your humble Memorialist did nothing in word or deed to merit the punishment that has been inflicted on him.

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4. That your humble Memorialist has been brought to this miserable plight owing to some of his actions having been misrepresented to and misunderstood by the District Magistrate of Tinnevelly as would be seen from the following circumstances - viz.

(1) Your humble Memorialist practically started and worked up a native steam navigation company named "The Swadeshi Steam Navigation Company Ltd." at Tuticorin.

(2) Through your humble Memorialist's exertions the said company did such good work that the agents of the B.I.S.N.Co., at Tuticorin began to entertain serious fears that the newly started Company might ruin their business at Tuticorin.

(3) The said agents appear to have made certain misrepresentation to the District Magistrate of Tinnevelly about your Memorialist's work in connection with the said Company with a view to bring him into trouble and thereby to put obstacles in the way of the said rival Company becoming a success.

(4) The District Magistrate to the great misfortune of your Memorialist appears to have lent a too ready ear to these misrepresentations and jumped to the conclusion that your Memorialist was disseminating, sedition & C., in Tuticorin.

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(5) The District Magistrate thereupon came to Tuticorin, which was the headquarters of the Col., as well as your Memorialist's place of residence on 7th March 1908 and told him to leave Tuticorin that very night and stay somewhere else for about 3 months failing which he threatened to keep him in custody.

(6) Your Memorialist thought that the District Magistrate had no power to do anything of the sort and so he refused to do as he was told.

(7) Next day a notice was served on your Memorialist under Section 108 Cr.P.C. directing him to appear before the District Magistrate on the following day at Tinnevelly which, accordingly he did. Your Memorialist applied under Section 526 (8) Cr.P.C. for an adjournment to enable him to move the High Court for a transfer of the case. The District Magistrate said he would grant the adjournment in case he gave an undertaking not to return to Tuticorin. But your Memorialist said he could not do that as his wife and children were at Tuticorin which was also his place of business. The District Magistrate thereupon proceeded with the inquiry from day to day until the 12th March on which day he remanded him into custody all on a sudden.

(8) On the 13th, as ill luck would have it, some misguided rowdies of Tinnevelly taking advantage of the excited condition of the people in consequence of the unexpected remand (which was subsequently held by the High Court of Madras to have been illegal) set fire to certain public buildings and created a disturbance. The District Magistrate had to go to the spot and in his attempt to disperse the unlawful assembly he fired at the crowd with the result that some persons were shot dead.

(9) The District Magistrate who as the head of the Police is responsible for the peace of his District, wanted to furnish an explanation of the causes which led to the disturbance and which as already indicated lay in his illegal remand of Memorialist into custody and naturally

he made a scape goat of your Memoralist by attributing the whole thing to the harmless and legitimate efforts which your Memorialist had made for the advancement of the interests of the concern above mentioned.

(10) At this juncture, it was, that the sanction of the Madras Government was sought for and obtained for the prosecution of your Memorialist for sedition & c., and your Memorialist was arrested under the said sanction as soon as he was released from his illegal detention above mentioned and your Memorialist has good reasons to believe that the said sanction had not arrived when he was so arrested. As a matter of fact the sanction which is said to have arrived in the shape of a telegram in cypher has not been filed as an exhibit in the course of the Memorialist's trial and so far as the Memorialist is aware has not yet seen the light of day; and the most significant part of the whole affair is that the District Magistrate says in one of his proceedings that the said original telegram in cypher has been destroyed.

5. That having been prosecuted under the circumstances detailed above it is not difficult for evidence being brought in to prove your Memorialist guilty and seeing that the highest court to which your Memorialist could look for legal redress in this country has upheld the convictions, there remains nothing to him but to pray for the clemency which is the prerogative of the crown and which alone can save him.

6. That your Memorialist belongs to a respectable family and is a man of education and statue and has a wife and children to be looked after to whom your humble Memorialist's detention in custody would mean utter ruin and desolation.

7. That your humble Memorialist while maintaining that he is quite innocent is prepared to give any undertaking in regard to his future that it may please your Excellency to direct. He is even prepared if released to leave his

district or his presidency or even India and live outside for the period of his sentence and to have no connection whatever with the Indian Politics, or even to stay with his wife and children as state prisioners.

8. That your humble Memorialist having been brought up in comparative case is physically and morally unfit to undergo the privations of Jail life, and he feels certain that his continued detention in Jail would seriously affect his health and may even prove dangerous to his life.

Your Memorialist would here respectfully point out that under the Jail Rules a person sentenced to transportation for life alone would be sent out of India. In the present case it would mean that your Memorialist will be rigourously imprisoned for a period of six years i.e. 3 years more than the maximum term of imprisonment which could have been awarded to him by the Court itself. Further as the nature of the imprisonment to be awarded for either of the offences of which he has been convicted is not defined under the law, it would appear that only simple imprisonment could be awarded in such cases. The result of the working of the jail rules would therefore be to inflict on your Memorialist a far greater and graver punishment than was intended by the Legislature.

Your humble Memorialist therefore prays, without prejudice to any legal remedies still further open to him, that your Excellency may be graciously pleased in the exercise of the prerogative of mercy to pardon him and remit his sentence, if possible unconditionally or at least on his giving any undertaking that may be deemed necessary under the circumstances of his and case and pending your Excellency's order on this memorial, to order your humble memorialist to be treated as a state prisioner within the meaning of the Jail manual.

For which act of mercy and generosity
Your Memorialist shall ever pray.

Sd/ V.O.Chidambaram

Coimbatore Central Jail
29th Jan 1909.

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G.O.No.231, Judicial, dt.16th February 1909.

ABSTRACT

Declining to interfere with the sentence passed on Convict No.

Judicial Department

Read the following paper:-

No.845 From the Inspector-General of Prisons, No.CG.158, * dated 8.2.1909 forwarding an application for remission of sentence from convict No.1541 confined in the Central Jail, Coimbatore.

ORDER - Mis.No.231, dated 16.2.1909.

The Inspector-General of Prisons will cause convict No.1541, V.O.Chidambaram Pillai confined in the Central Jail at (Coimbatore to be informed that the Government decline to interfere with the sentence passed upon him.

2. The petitions addressed to His Excellency the Governor General in Council and His Majesty the King Emperor will be forwarded to the Government of India and the Convict should be so informed.

Sd/

To

The Inspector-General of Prisons.

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* Vide p.106

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G.O.No.231-32, Judicial, dt.16th February 1909.

Judicial Department.

Letter No.232 dated 16.2.09.

To

The Secretary to the Government of India,
Home Department (with memorials and
nominal rolls pp-11-22)

Sir,

In continuation of my letter No.167* dated the 5th February 1909, I am directed to forward two petitions one addressed to His Majesty the King Emperor and the other to the Government of India from Convict No.1541, Chidambaram Pillai confined in the Central Jail, Coimbatore, praying for the remission of the sentence passed on him.

2. The prosecution of Chidambaram Pillai for offence under Sections 124A, 153A and 505 of the I.P.C. was sanctioned by the Government of Madras. The Judgement of the Sessions Court and the High Court Madras, in the case of the petitions have been forwarded to the Government of India with my letter No.167 dated the 5th February 1909.

3. His Excellency in Council has considered a similar petition addressed to him but saw no reason to comply with the request therein made I am to add that the Governor in Council has no recommendation to make on behalf of the petitioner.

Sd/

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* Vide p.105

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G.O.No.248, Judicial, dt.17th February 1909.

Subject: Forwarding for the orders of Government copy of letter No.J.226, dated 16th January 1909, from the Superintendent, Central Jail, Coimbatore, regarding the conduct of convict Chidambaram Pillai.

No.G.32

Station Ootacamund Dated the 1st February 1909

From (Name) Lieut, Col.R.J.Macnamara, M.D., I.M.S.,
(Designation) Inspector-General of Prisons (On leave)

To the Chief Secretary to the Government of Madras.

I have the honour to forward herewith for information and any action that may be deemed necessary, a copy of letter No.J/226, of the 16th January 1909*, together with its enclosures, received from the Superintendent, Central Jail, Coimbatore, with regard to the conduct of convict Chidambaram Pillai and the measures that are being pursued to keep up surreptitious communication with him, and to supply him with eatables.

2. There can be no reasonable doubt that Chidambaram has interested himself in the defence of the Jailor's assailants and may be more deeply involved in the assault and riot that took place on the 23rd August last, than the information received up to now discloses. There is equally no question that he has been conducting correspondence of a surreptitious character with people outside the Jail. Moral conviction is one thing however, and legal proof is another. Mr.Gadsden suggests dealing with the offences so called, by forfeiture

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* Document No.39

of remission and separate confinement. It does not appear that any forbidden article or letter was found on Chidambaram Pillai and the circumstances that letters were found addressed to him, is not in my opinion sufficient reason to warrant his being punished on that account. The incident however, coupled with the purport of the correspondence, conveys moral conviction of his guilt, but to punish a prisoner, some stronger evidence must be forthcoming. Again, that he paid for the defence of the Jailor's assailants, or got them defended by his friends, even if true and susceptible of proof, is no offence, however it may disclose his sympathies with revolters against authority on the whole, though I believe him as guilty as Mr. Gadsden makes him out to be, I am disposed to question the equity of resorting to punishment without something more tangible to hold on to.

3. It is however a different matter granting to prisoners who have been misconducting themselves in Jail, remission of any description. The Proclamation Remission sanctioned specially by Government in Chidambaram Pillai's case, cannot I think be forfeited at this stage, and as stated, the other punishments advised would hardly be justifiable.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ R.J.Macnamara

Inspector-General of Prisons
(on leave)

G.O.No.248, Judicial, dt.17th February 1909.

Copy of letter No.J/226, dated 16th January 1909, from E.H.Gadsdon, Esquire, Superintendent, Central Jail, Coimbatore to the Inspector-General of Prisons, Ootacamund.

I have the honour to inform you that a few days ago one of the convicts gave information to the Jailor that letters and eatables were being brought into the Jail at night for Chidambaram Pillai and that warder No.82 Ramayya Gounden was concerned in the matter. The Jailer spoke to me about and we discussed how best to try and intercept the articles.

2. Last evening before lock up the Chief Warder brought to the Jailor, in accordance with his orders, the numbers of warders who were going on night duty, and the Jailor allotted the posts, placing warder No.82 as second sentry at the Tower. I may here add that the tower sentry visits the cells where Chidambaram Pillai is confined. The Jailor then ordered Head Warder Ramaswamy to go into the Jail with the Junior Hospital Assistant shortly before 8 P.M. on the pretext of going for medicine, and he also arranged with the Hospital Assistant that he should enter the Jail before 8 P.M. These two passed into the Jail as arranged and took up their position in the Verandah of the Manufactory stores. At 8.5 P.M. Head Warder Hyath Beg, the rounds officer came to the Main Gate and took over Warder No.82 from the guard officer, Head Warder Iyaswamy. He then preceeded to march him to the Tower, when Head Warder Ramaswamy called him to halt, and he and the Hospital Assistant Proceeded to search the Warder. They found

a small quantity of tobacco in his shirt pocket. They then made him undo his putties and finding nothing made him take down his breeches. Head Warder Ramaswamy then undid his lungoti from behind and found the warder was holding something between his legs. This was found to be a paper packet containing eatables. The warder was then holding the front of his lungoti with his hand when the Hospital Assistant snatched the cloth away and found two covers in the warder's hand. They then took the warder and Head Warders to the Jailor's quarters and he made enquiries into the matter and made the Hospital Assistant and Head Warder sign the two covers on the flap. These, and the packet of eatables were handed to me when I came to the Jail this morning.

I opened the covers in the presence of the Officers concerned. No.1 cover contained two letters, translations of which are enclosed marked 1 & 2. No.2 cover contained a second cover inside with letter No.3 inside it. All three letters are from different persons but they are all obviously intended for prisoner Chidambaram Pillai. Letter No.1 acknowledges receipt of a letter and refers to the appeal of three persons and referring to the addressee's case the writer says that he will consult the 'Pillai'.

The three persons referred to in this letter are beyond all reasonable doubt, the three prisoners who assaulted the Jailor, and who have recently been sentenced to ten years transportation. They have not asked to appeal from the Jail. This confirms the opinion I formed some time ago that Chidambaram Pillai had interested himself in their case and that they were defended at his expense. His only reason for doing so must be that he was concerned in the outbreak of the 23rd August. The 'Pillai' referred to is presumably a Vakil named Venugopal Pillai, who instructed the Vakil who defended the Jailor's assailants in the Sessions Court. Allusion is also made to the money now being spent, and Chidambaram Pillai and

his correspondent would appear to have had some difference of opinion on this subject. Letter No.II is more of a statement of account showing a balance due. The writer here states that he has told the 'Mudaliar' to obtain the necessary permission from the Superintendent for an interview. The Mudaliar here referred to is probably C.K.Subramania Mudaly, Vakil of Coimbatore, who has been employed by Chidambaram Pillai in connection with his appeal and other matters.

Letter No.3 is beyond doubt, a letter from the wife of Chidambaram Pillai to the prisoner. It acknowledges receipt of a letter of the 6th instant and refers chiefly to family matters. This letter I showed to Chidambaram Pillai and though he does not say he knows the writing, he admits it is addressed to him.

3. This correspondence proves most conclusively that Chidambaram Pillai has been carrying on a surreptitious correspondence with his friends and relatives outside the Jail, and money is being spent in Coimbatore on his behalf; also that he has been having eatables brought in to him from outside. It also confirms me in my opinion that he has interested himself in the defence of the prisoners who assaulted the prisoner.

4. Since writing the above yesterday Chidambaram Pillai expressed a wish to speak to me, and this morning (17.1.08) he informed me that there was no proof the letters found were genuine ones and legally he would deny that he had carried on any surreptitious correspondence, but morally he admits it and also admits that the prisoners who assaulted Mr.Minchall were defended at his expense, or rather defended by friends of his free of cost.

5. I would now refer you to my letter No.J/5149 dated 14th December 1908 from which you will see that the conclusions I then arrived at, have been fully justified. There is no longer any doubt that:-

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(1) Chidambaram Pillai was indirectly concerned with the riot which took place on the 23rd August 1908.

(2) That the prisoners concerned in the riot and the three prisoners who assaulted the Jailor, were defended at his instance and at his cost.

(3) That he has been carrying on a surreptitious correspondence and has been obtaining contraband from outside the Jail, the only means by which he could have done so, being my bribing subordinate officers of the Jail.

6. The question arises as to how he should be dealt with for these offences. I would suggest first that the six months proclamation Remission which has been granted to him should be forfeited. It is absurd that a man who, ever since his admission to Jail, has been trying to undermine authority, should be granted a privilege of this sort. Secondly, I suggest he should be barred from all priveleges of the remission system for the next two years, besides forfeiting all remission earned under those rules, and thirdly that he be awarded six months separate confinement.

7. I would further once more urge that this prisoner be either deported to the Andamans or transferred to a Jail in some other province of India. It is I consider very undesirable that he should be in any Madras Jail.

8. The warder who was detected bringing in the correspondence etc. has been suspended and will be prosecuted under section 42 of the Prisons Act. The Head Warder (Guard Officer) who permitted him to go on duty with these things in his possession, has been reduced to the grade of warder.

9. * Translations only of the letters, have been submitted, as the originals are required in connection with the prosecution of the warder.

Sd/

For Inspector-General of Prisons

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* Vide p.121-122

I 14.1.1909

Respects to Brother,

Your letter has been received. I shall prepare the appeal of the three prisoners after considering over the matter and send it. As regards your case shall consult the Pillai in detail and let you know the result. I am waiting for an opportunity to see you. Tomorrow or the day after, I shall write to the Superintendent by post and ask for necessary permission. If permission is accorded, I shall come and see you. If it is not granted we shall see about it later.

I hope that the eatables sent reach you all right.

Rest in person,
Yours sincerely,
Sd/ Murugan

I am sorry to note that my writing to you with regard to expenditure has been construed by you as a bit of "advice". I am aware that your mind will allow you to spend enormously under the present condition. However my request is that we should endeavour to curtail the expenditure as much as the actual necessities demand.

Sd/ Murugan

14.1.1909

II

Letter written to the Honoured Brother

The amount chargeable to your account from 20th November 1908 to 14th January 1909 is Rs.19-6-5. Against this, Rs.10-0-0 paid, having been deducted, it leaves a balance of Rs.9-6-5 due. I pray to God day and night to have an early opportunity of seeing you. I told the Mudaliar to go and see you. He said that he would do so after obtaining necessary permission from the Superintendent. I am also thinking of coming with him. Please instruct him to pay me Rs.10-0-0.

May God help us.

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Vandematran

III

Tuticorin
13.1.09

I (female) worship thine (Sis) (Swami's) golden feet. Safe. Pray let me know your welfare, Your letter of the 6th instant has reached me. Your two sons are doing well. "Ammal" is doing us good. As the water that runs to the field also waters the grass that grow by the sides, so "Ammal" cannot leave me as her jewels are with me and she cannot take them. By this, do not think that I quarrel with 'Ammal'. I will not behave in the way in which I did when you were here. Don't be anxious on any account. God will help us. Last January we were all together. This year god has made you to be at one place and us at another. We don't know when he will have a graceful look at us. When I think of these miseries, my anxieties day and night have no bounds. Further, please let me know how you are managing with your meals. Do you get your oil bath twice a week ? You have written to say that your work is lighter than before. That too I should say is a hard one. However it can be said lighter than the work you did before. I don't know when God will help to get you out of that miserable place and join us. There are no money orders forthcoming. The Village Munsiff is being prosecuted for misappropriation of Government money. He is under remand. His house was searched. The case is not posted for hearing. About the printing of book called "மனம் போன போக்கு" (life according to mind) Kandaswami Kavirayar has been addressed. On receipt of his reply. Nellayappa Pillai will have to be sent to Madura. He has not been sent pending information as regards his convenience for the work. Do'. No reply has yet been received for the appeal sent to His Majesty. We thought that at least he would do us some good but no good has come yet. Everything is God's will. We can do nothing ourselves.

Your ever remembering servant.

True copies of copies

Sd/
For Inspector General of Prisons

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G.O.No.248, Judicial, dt.17th February 1909.

C.No.760, I.G. of Prisons No.G32 : 1.2.09 *

Order No.248, dated 17.2.1909

Recorded.

The Government are not prepared to forfeit the proclamation remission which has been credited to the proceedings. For any jail offences which are proved against him by his own admission or otherwise, the Jail authorities have simple power to deal by way of forfeiture of ordinary remission under the rules.

Sd/ xxx

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* Vide p.115

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41

G.O.Ms.No.366, Judicial, dt.13th March 1909.

Protection to Chidambaram Pillai Question in Parliament

Current No.1429.
Judicial.

34. Mr.Rees. To ask the Under Secretary of State for India, whether Chidambaram Pillai, who was convicted of sedition in connection with the Tinnevelly riots, and announced his intention of lending the steamers of his Swadeshi Company for the deportation of the English from India, has recently given evidence in connection with the outbreak in the gaol in which he is incarcerated at Coimbatore, to the effect that owing to the lack of sufficient European supervision, and to the influence Native subordinates have ever the European supervisor of the gaol, he and his brother prisoners are systematically bullied and brutally ill treated; and whether, if the answer be in the affirmative, any information can be given to the House regarding the outbreak in the Coimbatore Gaol and the treatment of prisoners therein.

(Thursday 18th February)

Answer to Mr.Rees' Question, No.31, dt.18th February 1909.

The Secretary of State has seen the report in the newspapers on which the question is no doubt based. He has no official information on the subject.

Mr.Rees. may I ask if the Government intend to take any steps to protect this patriot from his fellow countrymen ?

Mr.Buchanan : I do not agree that the Government have taken no steps. We have seen statement to the effect contained in the question in the newspapers, and we have no reason to believe they are incorrect, and I rather gather that the gentlemen has received considerable satisfaction as the result of his enquiry.

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G.O.No.428, Judicial, dt.30.3.1909.

Monie, Esq.,

Under Secretary to the Government of India

To the Chief Secretary to the Government of Madras,

Home Department (Judicial).

Calcutta, the 22nd March 1909.

Sir,

I am directed to acknowledge the receipt of your letters No.167, dated the 5th February 1909 (noted on the No.232, dated the 16th February 1909 (margin, submitting three petitions, two of them addressed to the Governnor General in Council and the third to His Majesty the King Emperor, from Chidambaram Pillai, a convict in the Central Jail, Coimbatore, who has been sentenced to 6 years and 4 years' transportation, the sentences running concurrently, on charges under sections 109, 114 and 124-A, and under sections 124A and 153A of the Indian Penal Code, respectively.

2. I am directed to request that the convict may be informed that the Government of India decline to accede to his prayer to be transported immediately to the Andamans, that the action of the jail authorities in treating him while in the Coimbatore Central Jail as if had been sentenced to rigorous imprisonment is correct, and that the Government of India see no reason to interfere with the sentences passed upon him.

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3. The petition addressed by the convict to His Majesty the King Emperor will be forwarded to the Secretary of State.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ Monie,
Under Secretary to the Government of India

Judicial Department

Read:

I

G.O.No.166, dated 5.2.09
G.O.No.231, dated 16.2.09.

II

C.No.1863, Government of India
H.D.No.455, dated 22.3.09.

Order No.428, dated 30.3.1909
Mis.

The I.G. of Prisons will cause convict No.1541, V.O.Chidambaram Pillai confined in the Central Jail, Coimbatore, to be informed that the Government of India decline to accede to his prayer to be transported immediately to the Andamans that they consider that the action of the jail authorities in treating him while in the Coimbatore Jail as if he had been sentenced to rigorous imprisonment is correct and

that they see no reason to interfere with the sentences passed upon him. The convict should also be informed that the petition addressed by him to His Majesty, the King Emperor will be forwarded to the Secretary of State.

Sd/

30.3.1909

To

The I.G. of Prisons.

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43

G.O.Ms.No.760, Judicial, dt.9th June 1909.

May 4th 1899.

Europeans Supervision in India.

Mr.Rees asked the Under Secretary of State for India whether any information has reached the India Office regarding the outbreak in Coimbatore gaol in connection with which the convicted agitator Chidambaram Pillai petitioned the Government of Madras for protection against native warders and native subordinates and for an increase of European supervision, to the end that patriots might be protected from their fellow countrymen ?

Mr.HOBHOUSE (in the absence of Mr.Buchanan): The Secretary of State has received no official information on the subject, and has not made any inquiry.

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G.O.Ms.No.1390, Judicial dt.14th October 1909.

V.O.Chidambaram Pillai's petition to Government of India

No.8 of 1909

Government of India

Home Department

Judicial

To The Right Honourable Viscount Morley of Blackburn, O.M.,

His Majesty's Secretary of State for India.

Calcutta, the 1st April 1909

My Lord,

We have the honour to refer to the telegrams noted on the margin and to forward for your Lordship's consideration a copy of a letter from the Government of Madras, submitting a petition, addressed to His Majesty the King Emperor, by Chidambaram Pillai, in which he prays for the remission of the concurrent sentences of six and four years' transportation passed on his under sections 109, 114, and 124-A and under sections 124-A, and 153-A of the Indian Penal Code, respectively.

1. Telegram from His Excellency the Viceroy to His Majesty's Secretary of State, dated the 22nd March 1908.
2. Telegram from His Excellency the Viceroy to His Majesty's Secretary of State, dated the 24th March 1908
3. Telegram from His Excellency the Viceroy to His Majesty's Secretary of State, dated the 9th July 1908

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2. The circumstances which led to the prosecution of Chidambaram Pillai were briefly stated in the telegrams referred to above and are fully explained in the judgements of which we enclose copies. The offences committed were serious and the sentences passed by the High Court are not in our opinion too severe. We have rejected a similar petition for a remission of the sentence which was addressed to us, and we have no recommendation to make on behalf of the convict.

We have the honour to be,
My Lord,

Your Lordship's most obedient humble servants,

MINTO
KITCHENER
H.E.RICHARDS
C.H.SCOTT
H.ADAMSON
J.O.MILLER
W.L.HARVEY
G.F.WILSON

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G.O.Ms.No.1390, Judicial, dt.14th October 1909.

Judicial
No.41

India Office, London,
3rd September 1909.

To His Excellency the right honourable the Governor General of India in Council.

My Lord,

I have considered in Council the letter of your Excellency's Government in the Home Department, No.8 (Judicial), dated the 1st April, 1909, transmitting a petition addressed to His Majesty the King Emperor by Chidambaram Pillai, in which he prays for the remission of the sentences of transportation passed on him by High Court of Madras.

2. I request that you will cause the petitioner to be informed that I see no reason to advise His Majesty to exercise the royal prerogative of mercy in his case.

I have the honour to be,
My Lord,
Your Lordship's most obedient humble
Servant,

Sd/ Morley of Blackburn.

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G.O.Ms.No.451, Judicial, dt.24th March 1910.

Subramania Siva — Judicial Department

Subject: Submitting for the information of Government, copies of a letter from the Hon'ble Mr.Sashagiri Iyer requesting that Convict No.8338 Subramania Siva confined in the Trichinopoly Central Jail (Nominal Roll * enclosed) may be removed from Cumbly weaving and of the reply sent thereto.

Enclosures: Two

No. G.56

Station: Ootacamund, dated the 6th March 1910

From (Name) Lieot Col.R.J.Macnamara, M.D., I.M.S.,
(Designation) Inspector General of Prisons.

To the Chief Secretary to the Government of Madras.

Fort St.George.

Sir,

Submitted for the information of Government.

Sd/ R.J.Macnamara,
Inspector General of Prisons

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* Vide p.135

T.V.Seshagiri Iyer

Pemmal House,
Vepery, N.C.
3rd March 1910

From The Hon'ble Mr.T.V.Seshagiri Iyer, B.A., B.L.,
High Court Vakil.

To

Lieunt Col. R.J.Macnamara M.C.H., I.M.S.,
Inspector General of Prisons,
Ootacamund.

Sir,

A friend of the relations of Subramania Siva who was convicted by the Sessions Judge of Tinnevelly and who is undergoing imprisonment in the Central Jail, Trichirapolly gave me information about three weeks ago that the prisoner was being put to the work of weaving cumbly and her health suffered in consequence. I was asked to bring the matter to the notice of the proper authorities, but I wanted to make myself see whether there was any justification for my approaching the authorities on the subject. I am now in a position to say that it seems to me that the prisoner is in a very emaciated condition and that he is working in the weaving department. Of course, a convict has to be put to labour. But having regard to the evidence before the Factory Commission as to the effect of weaving cumblies on the health of the labourers having regard to the station in life of the prisoner, I do not think it unreasonable that he should be put to some light work, especially as his health seems to have suffered much I did not want to interpellate the Government on the matter, as I thought that you would direct enquiries to be made on this complaint and see that the man is not compelled to do the work he is now doing. I shall be glad to know that the matter has received your attention.

I have

T.V.Seshagiri Iyer

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Reply to the above communication No. dated 1st March 1910.

Dear Sir,

In reply to your letter of the 3rd instant, I write to say that Subramania Siva is neither emaciated, nor is he employed weaving cumblies, and never has been. His weight is the same, within a pound of what it was when he was admitted to jail.

Our rules make no distinction as regards the station in life a man occupies before he was convicted, nor has the report of the Factory Commission, so far, led to any modification in our rules concerning the form of industry to be carried on in jails. The medical officer of the jail is the official to decide the class of labour on which any prisoner is to be put, and is empowered to change it, if in his opinion it is injurious vide Section 35(3) Prisons Act. If it is no breach of confidence, I should like to know the source of the incorrect information you received about Subramanya Siva, as it is very undesirable that false reports should get abroad to the prejudice of the Jail Department. At the same time, I am glad you have written to me and I trust you are the same, as the facts being what they are, it would have led to no good to question Government on the subject.

I am sir,
Your obedient servant,
Sd/ R.J.Macnamara,
Inspector General of Prisons.

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Form No.48

Nominal Roll of Male* Convict No. @ 8338A, Name Subramania Siva No.of previous convictions Nil, Residence (Village, Taluk and District) Tuticorin, Tinnevelly, Caste Brahmin, Age Years, Occupation Sanniyasi

Section and code under which imprisoned	Original sentence and date ofaward	Adjudicating Court and number of Calendar case in which convicted	Unexpired term of sentence, after deducting remission earned	Present state of health and fitness to undertake a Journey **	Result of appeal (if any)	Conduct in Jail	Remarks
Section 124A I.P.C.	Transportation for 10 years 7.7.08	Additional sessions judge Tinnevelly District 1 of 1908	Y. M. D. 3 9 1	(Bad ausothetic Leprasy) Fit to Travel	Transportation for 10 years reduced to transportation for 6 years.	Suspicious.	

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* Strike out and add "Female" when necessary.

** When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

@ After the prisoner's number, add his class A or B, according as he is classed as a Casual or Habitual respectively, and after the letter, add the number of previous convictions, thus No.3742 B3.

Note: For personal and descriptive marks - see reverse.

Trichinopoly
11.3.1910

R. Shubricee
Superintendent.
11.3.1910

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G.O.Ms.No.1401, Judicial, dt.15.9.1910.

To

His Excellency the Honourable Sir Arthur Lawley,
K.C.M.G., G.C.I.E.,
Governor and President in Council,
Fort St.George.

The Humble Petition of S.Minatchi Ammal,
Gopalakothan Street, Madura.

Most respectfully sheweth:-

1. That your petitioner is the wife of one Subramania Iyer alias Subramania Siva. They are 21 & 25 years old.

2. The said Subramania Siva was the 1st accused in Sessions case No.1 of 1908 * on the file of the Additional Sessions Court of Tinnevelly, charged with having excited disaffection towards the Government by seditious speeches under S.124A I.P.C. and was convicted of the same & sentenced to 10 years transportation. On appeal to the High Court, their Lordships in Criminal appeal No.503 of 1908 confirmed the conviction but reduced the sentence by four years.

3. The said Subramania Siva is undergoing his sentence in the Central Jail in Trichinopoly, and is in very bad health.

4. Your petitioner ventures, after the lapse of these two years, to approach your Excellency in Council with her humble prayer for mercy to her husband. She begs leave to urge the following circumstances for the generous consideration of the Government.

5. Your petitioner is the only child of her parents. Her father was a clerk in Government Service in Madura and died while she was about six years old. Subramania Siva was born of good family but which was very poor. Your petitioner's mother selected him for her son-in-law and the marriage took place while your petitioner was about 9 years old. Thenceforward your petitioner's mother denying herself everything but the bare necessaries, managed to educate him but while in college he took to a study of religious and philosophical books and neglected his proper studies and your petitioner's mother had the mortification of not seeing him a B.A.,

* Vide p.414

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6. On leaving college Subramania Siva took to religious preaching & lived the life of a recluse. He paid no attention to political agitation or even to a theoritical study of politics and until the time of his speeches deemed seditious, he did not anywise associate himself with those who were busy with politics or economics.

7. Why your petitioner's husband suddenly took to making political speeches on which his conviction stands, she is unable to say, she is here on delicate ground. On the one hand it is not for her to say that the conviction is wrong which in her prayer for mercy she is bound to accept & on the other hand it is not proper for her as a wife to account for the sudden change in the extremely peaceful disposition of her husband. In discharge of her duty to himself she is obliged to say what she believes to be the real cause. He was under circumstances unforeseen & powerful thrown out of the balance of his mind. Your petitioner maintains that in speaking as he did he did not believe that he was acting disloyally or doing any thing wrong. Nothing shows the peculiar state of his mind at the time & how little he was his own master than the letter which he wrote to the committing Magistrate on the completion of the preliminary inquiry, from jail & which has been marked as Exhibit S in the case. Your petitioner in grief is obliged to say that it could hardly be the product of a sane & responsible state of mind. The Additional Sessions Judge says of this letter para 36 of the Judgement" It seems to me that he was a tool in the hands of the 2nd accused. The enormous influence that 2nd accused exercised over him, is, I think evidenced by the Statement Exhibit S sent from the Palamcottah Jail. The two accused were confined there together & I cannot resist the conviction that that statement was instigated by the 2nd accused. It contains a statement very expressly exonerating the 2nd accused and is so violent in its terms as almost to amount to a confession of guilt".

Your petitioner ventures to submit that the finding of the judge especially the last sentence which she has italicized, is more than sufficient to verify her suspicion as to her husband's state of mind at the time.

8. Your petitioner would call your Excellemcy's attention to a few more findings of the Judge in support of her statement as to the general peaceful character of her husband and that he did not advocate use of force. Even Siva in his wildest moods recognises the futility of a resort to arms" para 33 of the Judgement. That he was too honest to try to make a defence out of the special position of the local authorities and that he was just if not loyal to them". Subramania Siva also had the grace not to make vile & baseless allegations against the District authorities" para 36 of the Judgement towards the end.

9. Taking all the circumstances into consideration, the Additional Sessions Judge thought it necessary to award on him a much less severe sentence than on his co-accused. The High Court do not differ from him in his estimate of the comparative aggravating circumstances but while they reduce the sentences in the case of both the prisoners, they give no reasons for the equality in the sentences.

10. Your petitioner is informed that the period of six years has not been arrived at arbitrarily or accidentally. Soon after the disposal of the case by the Additional Sessions Judge and before the appeal was finally disposed of by the High Court, One B.G.Tilak was tried for sedition in the Bombay High Court & sentenced to six years transportation. It would appear that in awarding the sentence on Tilak the Court had in view the Tinnevelly cases & even quoted the remark of the Additional Sessions Judge about "misplaced leniency" occuring in para 36 of the Judgement. There can be no doubt that the period of six years was suggested by the sentence on Tilak, it might be unconsciously.

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11. But whether the period of six years was or was not suggested by the sentence on Tilak, your petitioner ventures to submit that the fact itself is worth the consideration of your Excellency in Council. That there ought to be discrimination & distinction in the sentences between Your Petitioner's husband & his co-accused, the Additional Sessions Judge has found. That there ought to be such discrimination & distinction between Tilak & your petitioner's husband is easily seen. Tilak was found guilty of a very serious offence serious in consequence & it also appears that the Bombay High Court took into consideration in awarding severe sentence that Tilak was once before convicted of a similar offence & was released before the expiry of his term by the Government on promise of good behaviour. Your petitioner's husband's case is thus easily distinguished from Tilak's. Is it not inconsistent with the principles of justice that the case of Your petitioner's young husband, his first offence & not rendered heinous by aggravating circumstances but as has been found by the trying judge with extenuating circumstances, should be treated like that of Mr.Tilak ? She ventures to submit that argument on this point is unnecessary.

12. Your petitioner's husband is now in wretched state of health. It might well be that the prison authorities have been treating him well enough under the rules but the trial, and all the attending circumstances and the incarceration must have had their effects on him. When your petitioner last saw him in the Tirchinopoly Jail some few months ago, he was developing a nasty skin complaint & was visibly declining in health. A much longer incarceration means to him incurable illness & premature death.

13. Your petitioner is informed that his conduct as prisoner has been uniformly good as from his gentle nature it could not be otherwise.

14. It is unnecessary to call your Excellency's attention to the fact that she has been since her husband's arrest extremly distressed in mind. To her misery has been added the pang of her helpless condition. What little her young father left has been spent in the education of her husband & in his defence in this trial, which was not considerable owing to her inability. Her mother is unable to maintain her & she your petitioner, is an involuntary guest & burden on some relative or other. Your petitioner is informed that her distress and wretched condition cannot be taken as a ground for the Government to exercise the prerogative of mercy. But she ventures to submit that her condition might be taken into consideration by your Excellency in council as protector of the helpless when there are substantial grounds to interfere.

15. Your petitioner has stated above the grounds on which she has ventured to approach your Excellency in Council with this appeal for mercy. In doing so she has taken her stand on two sets of facts (1) on the findings of the trying judge (2) on the state of the prisoner's health & good behaviour in jail. The Judge has found that he was not in a very enviable state of mind, he has found that he was easily a tool in the hands of others, that he did not advocate the use of force, that he was loyal & just to the local authorities & was not even in his wildest moments tempted into attributing motives to them. And hence he gave a sentence to him about half as severe as the one on his co-accused.

Your petitioner 'ventures to state that if in exercise of the prerogative of mercy which the law has wisely conferred on the executive Government not only for tempering justice with mercy but also for rendering equal justice whenever the occasion might arise-this is one such she submits her husband is pardoned & the remaining sentence is remitted, it would be her life long endeavour to

see that he never again offends against the Government, the protector of all, Your petitioner humbly begs that your Excellency in Council will be pleased to give effect to the findings & intentions of the Trying judge & also to the state of the prisoner's health as well his conduct in jail and extend to him that mercy which is the attribute of the Government as benevolent as it is strong & order his release from jail.

Your petitioner ventures to submit that she has not made this appeal prematurely. Her husband has been in Jail more than two years.

For which act of justice and mercy your petitioner will as in duty bound ever pray & c, & c.

Petitioner
Sd/ xxx
Meenakshi Ammal

7th September 1910
Gopalakothan Street,
Madura.

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G.O.No.1401, Judicial, dt.15th September 1910

Judicial Department

Petition on behalf of Convict

Declining to interfere with the sentences passed on Convict No.8338 Subramania Siva confined in the Central Jail, Tiruchirapally.

C.No.5868 From S.Meenakshi Ammal, wife of Convict Subramania Siva dated 7.9.1910.

Order No.1401, dated 15.9.1910

The Government decline to interfere with the sentence passed on convict No.8338, Subramania Siva, confined in the Central Jail, Trichinopolly.

Sd/

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G.O.No.1447-48, Judicial, dt.26.9.1910.

(Pages 1 to 11 cf)

To

His Excellency the Viceroy and Governor-General
of India in Council,
Fort William, Calcutta.

The humble petition of V.O.Chidambaram Pillai, Convict No.1541, Central Jail, Coimbatore, Madras Presidency.

Most Respectfully showeth:-

That your Excellency's humble petitioner was on the 7th of July 1908 convicted for offence under Sections 124A, 109 and 114 of the Indian Penal Code and sentenced to transportation for life by the Additional Sessions Judge of Tinnevelly in Cal.case No.1 of 1908 * on the file of his court and was on the same date, convicted for offences under sections 124A and 153A of the Indian Penal Code and sentenced to transportation for life by the same Judge in Cal: case No.2 of 1908 on the file of his court, directing that the sentence in the latter case should run concurrently with the sentence in the former case.

2. That on the appeals of your Excellency petitioner against the convictions and sentences in the above said two cases, the High Court of Madras, on the 4th of November 1908 confirmed the convictions in both the cases, but reduced the sentence in the first case to transportation for six years and the sentence in the second case to transportation for four years, the latter sentence to run concurrently with the former.

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* Vide p.414 (Part II)

3. That your Excellency's Humble petitioner was on the very next day of his conviction sent to this jail and is undergoing Rigorous Imprisonment ever since that date. In 1908 he petitioned to the Local Government and your Excellency's Government protesting against his being treated as one sentenced to rigorous imprisonment and prayed that he may be transported at once. But unfortunately his prayers were not granted.

4. That on the 2nd of November 1908, when His Most Gracious Majesty, the late King Emperor of India read and renewed the Queen's Proclamation of 1858 made a gift to all the Indian convicts that were undergoing Judicial sentences on that date by way of remission at the rate of one month. per year on the total terms of sentences they were undergoing on that date. By this gift your Excellency's humble petitioner had, on the said 2nd November 1908 to his credit a remission of twenty months as he was then undergoing a life sentence. But he was not given the said remission of twenty months probably because the Local Governments did not take the petitioner's case in the said view.

5. That then in the month of January the Local Government communicated to your Excellency's petitioner through the Jail authorities that it was pleased to grant him only six months as Proclamation remission in ratio with the sentences passed upon him by the Appellate Court. Here your Excellency's petitioner begs humbly to point out that the High Court of Madras decided his appeals only on the 4th of November 1908 and that decision had nothing to do with, and could not restrospectively effect the gift made by His

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Majesty two days prior to it. Your Excellency's humble petitioner was thus prevented even from getting the benefit of the alms which His Majesty, our late Sovereign, was graciously pleased to bestow on the poor convicts.

6. That, however that may be, your Excellency's petitioner respectfully and with all gratitude accepted with thanks the said reduced gift of six months that came to him through the hands of the Local Government. Now your Excellency's petitioner begs to submit that he has, on this date, to his credit, besides the said remission of six months, a remission of three months granted to him when His Majesty, the present King Emperor, ascended the throne and another remission of twenty eight days granted to him by the Superintendent of the Jail under the Remission system for convicts labour, altogether a total remission of nine months and twenty eight days. Deducting the total remission of nine months and twenty eight days from the period of three years, the maximum sentence of Imprisonment provided in the Code for the Major offence of which your Excellency's humble petitioner stands convicted, there is a balance of two years two months and two days, which alone he has to serve in Jail and this expires on the 8th instant. If your Excellency's petitioner is detained in Jail further than the 8th instant, it will be nothing but unlawful and wrongful confinment.

That your Excellency's humble petitioner therefore respectfully prays that your Excellency may be pleased to issue immediate orders to the Local Government to release him on the 8th instant and in the event of his prayer not

being granted he begs respectfully to give your Excellency notice that he will be put to the painful necessity of claiming from the Government a sufficiently heavy sum as damages suitable to his position in life for every day that he may be so unlawfully and wrongfully confined after the said 8th instant.

Central Jail,
Coimbatore,
1.9.1910

V.O.Chidambaram Pillai
Convict No.1541.

Vakil's address:

C.K.Subramania Mudaliar, B.A.,
Vakil,
Coimbatore, Madras.

C.K.Subramaniam,
Vakil for Your Excellencys humble
Petitioner.

Signed in my presence

M.Gadsden
Supdt., Central Jail,
Coimbatore,
12th September 1910.

Judicial Department

Endt.No.5644-1, dt.5.9.1910

Forwarded to the Supdt., Central Jail, Coimbatore, through the Inspector General of Prisons with reference to rule 581 at sec. of the Jail Manual.

Sd/ xxx

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Judicial Department

To

The Government of India
Through
The Government of Madras,
Ootacamund.

The Pleader begs to enclose the Vakalat executed in his favour by V.O.Chidambaram Pillai convict No.1541, Coimbatore Central Jail, which was by an oversight not sent along with the letter on his behalf submitted to the Government on the 1st Inst.

Sd/ C.K.Subramanian
First Grade Pleader
Coimbatore.

3.9.10

IN THE COURT OF THE DISTRICT COIMBATORE

Suit No. of 190

Between:-

V.O.Chidambaram Pillai of Tuticorin
Convict No.1541, Central Jail,
Coimbatore } Petitioner

I the petitioner above named do hereby appoint and retain Mr.C.K.Subramania Mudaliar, B.A., to appear for me to present the above petition on my behalf, to adopt all such measures as may be legally necessary to execute any decree or order that may be passed in my favour in the above case, to receive and grant receipts, for all moneys lodged herein to credit, to compromise the above Suit in or out of Court, or to withdraw the one and to apply for the return of all exhibits filed on my behalf and receive the same;

and I the above named petitioner do hereby agree to abide by and ratify all acts the said Pleader may do in reference to the premises.

Sd/V.O.Chidambaram
(Convict No.1541)

Executed before me this 30th day of August 1910

J.3401
30.8.10

Sd/xxx
Superintendent
Central Jail
Coimbatore

Vakalatnama

Accepted
C.K.Subramanian
30.8.1910

Judicial Department

Subject: Submitting a copy of letter No.J.5655 dated 12th September 1910 from the Superintendent, Central Jail, Coimbatore, with certain documents for such orders as Government may see fit to pass thereon.

No. G 230

Station Ootacamund

Dated the 14th September 1910.

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From (Name) Lieut. Col. R.J.Macnamara, M.D., I.M.S.,
(Designation) Inspector-General of Prisons.

To the Chief Secretary to the Government of Madras

Sir,

Referring to Judicial Endorsement No.5644-1 dated 5th September 1910, I have the honour to submit the accompanying copy of letter No.J.3655 dated 12th September 1910 from the Superintendent, Central Jail, Coimbatore, together with its enclosures for such orders as Government may see fit to pass thereon.

2. The prisoner's previous petitions to the Government of Madras, the Government of India and His Majesty the King Emperor were disposed of in the following Government orders:-

G.O.No.166,	Judicial	dt.5th February 1909
" 231,	"	dt.16th " 1909
" 428	"	dt.30th March 1909
" 1390	"	dt.14th October 1909.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ Macnamara
Lieut, Col. I.M.S.,
Inspector-General of Prisons.

Copy of letter No.J.3655 dated 12th September 1910 from E.H.Gadsden, Esquire, Superintendent, Central Jail, Coimbatore, to the Inspector-General of Prisons, Ootacamund.

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"I have the honour to return herewith the papers - bearing your endorsement No.5208 dated 8th instant, the petition being signed by Convict No.1541 V.O.Chidambaram Pillai. Two copies of Judgement of the High Court in Criminal appeals Nos. 491 and 503 of 1908, and 492 of 1908 and his nominal roll are herein enclosed. Copies of Judgement of the sentencing Court were submitted to your office with my letter No.J.4851 dated 25th November 1908 to accompany his petitions addressed to the Government of Madras and the Government of India.

(True copy)

Sd/ xxx
For Inspector-General of Prisons.

Pages 52 to 55

Judicial Department

Petition from Convict.

Directing that the petition addressed to His Excellency the Viceroy in Council by convict No.1541, V.O.Chidambaram Pillai confined in the Central Jail, Coimbatore, on the subject of his release be forwarded to the Government of India.

C.No.5644 From C.K.Subramania Mudaliar dt.1.9.10
Endt. to the I.G. of Prisons No.5644-1, dt.5.9.10.

C.No.5728 from C.K.Subramania Mudaliar dt.3.9.10
C.No.5945 from I.G. of Prisons No.G.230 dt.14.9.10

Judicial Department

Order No.1447, dated 26.9.1910
Mis.

The petition will be forwarded to the Government of India.

Sd/ xxx
21.9.10

To

C.K.Subramania Mudaliar Avl.,
Vakil,
Coimbatore.

The I.G. of Prisons

Judicial Department

Letter:- No.1448, dt.26.9.10.
Mis.

To

The Secretary to the Government of India,
Home Department (with petition).

Sir,

With reference to the correspondence ending with Home Department letter No.1386, Judicial, dated the 2nd October 1909, I am directed to forward a petition addressed to His Excellency the Viceroy in Council by convict No.1541, V.O.Chidambaram Pillai, confined in the Central Jail, Coimbatore.

2. The petitioner was convicted in 1908 of an offence under section 124-A of the Indian Penal

the Additional Sessions Judge of Tinnevelly to transportation for life for each offence. The sentence was, on appeal, reduced by the High Court to transportation for 6 years and 4 years, respectively, for the two offences, the sentences to run concurrently. In exercise of the powers conferred on the executive Government by section 32 of the Prisoners Act III of 1900, the sentence of transportation was given effect to in a central Jail in this Presidency. The petitioner's appeal to the Government of India protesting against this and praying that he might be transported was rejected in Home Department letter No.455 dated 22.3.1909.

3. His present contention is that, having regard to the provisions of section 124-A of the I.P.C., the sentence of imprisonment in his case should be limited to a period of 3 years. In this connection I am to invite the attention of the Government of India to para 3 of Home Department letter No.910 dated the 22nd June 1910 and to para 2 of this Govt's reply thereto No.1262, dated 24.8.1910, in which it was held that the executive Government should have full discretion to carry out a sentence of transportation for life or for a term of years as if it were rigorous imprisonment in a jail in India. The petitioner's further claim that while the period of his imprisonment should be limited to 3 years, he should be allowed remissions on a six years' scale is, of course, absolutely unsustainable.

4. I am to add that the Governor in Council has no recommendation to make on behalf of the petitioner.

S.H.S.
22.9.10

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G.O.No.1583, Judicial, dt.27th October 1910.

Petition of V.O.Chidambaram Pillai and Subramania Siva and Government Orders thereon.

Current No.6617, dt.14.10.1910.

Subject: Submitting for the orders of Government a petition addressed to His Excellency the Governor in Council by convict No.8338, Subramania Siva confined at present in the Trichinopoly Central Jail.

No.G.24.8

Station: Ootacamund dated the 15th October 1910.

From (Name) Lieut. Col.R.J.Macnamara, M.D., I.M.S.,
(Designation) Inspector General of Prisons.

To the Chief Secretary to the Government of Madras.

Sir,

I have the honour to submit for the orders of Government a petition addressed to His Excellency the Governor in Council, Fort Saint George, from convict No.8338, Subramania Siva, at present confined in the central jail, Trichinopoly.

2. The prisoner is the first accused in the Tinnevelly Riot of 1908 and a previous petition on his behalf from his wife S.Minakshi Ammal was disposed of in G.O.No.1401, Judicial dated 15th September 1910.

3. The following papers are enclosed:-

(1) The prisoner's Nominal Roll. a
(2) A copy of Judgement of the sentencing Court. b
(3) A copy of Judgement of the High Court and c
(4) The medical case of the prisoner. d

I have the honour to be,

Sir,
Your most obedient servant,

Sd/ R.J.Macnamara
Lieut Col.I.M.S.,
Inspector General of Prisons.

a. vide p.135
b. " p.414
c. " p.477
d. " p.156

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G.O.No.1583, Judicial, dt.27th October 1910.

To

His Excellency the Honourable Sir Arthur Lawley K.E., M.G.I.G.C.I.E., Governor in Council, Fort St.George.

The Humble petition of Subramania Siva a prisoner in the Central Jail, Trichinopoly.

Forwarded through the Superintendent of the Jail.

Most respectfully showeth,

1. That your petitioner was convicted in Sessions case No. 1 of 1908, on the file of the Additional Sessions Judge of Tinnevelly and was sentenced to transportation for ten years.

2. He preferred an appeal to the High Court which was not successful except as to the degree of the sentence which was reduced to six years.

3. It is now too late to enter on his defence again in-view to show that he did not commit the crime imputed to him. Accepting the conviction, he prays that the remaining sentence may be remitted. The additional sessions Judge recorded findings to show that your petitioner did not instigate and preach violence, that he did no misrepresent the local representative of the Government and that previously he confined himself to religious preaching.

4. That since his incarceration his health has been steadily declining and since a year he has been suffering from leprosy, a hereditary one, which has told upon his health so much so that he is placed in the invalid gang inspite of what the medical department of the jail could do.

5. Your excellency yourself has seen him to be a leper during your recent visit to the Central Jail, Tiruchinapolly.

6. That he has been conducting himself well as a prisoner during the last two years and more of his imprisonment.

7. That his conduct in the jail as well the state of his health may be ascertained from the prison authorities.

8. He has left an old mother and a young wife without protection or provision.

He humbly prays that in view of the findings of the Additional Sessions Judge and of his youth and the state of his health and of conduct, your Excellency will be graciously pleased to remit the unexpired portion of the sentence.

For which act of justice and mercy your petitioner will ever pray.

Sd/ Subramania Siva
Convict No.8338
Signed before me
Sd/
Superintendent of Jail

Central Jail,
Tiruchinopoly,
12th September 1910.

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G.O.No.1583, Judicial, dt.27th October 1910.

Form No.63

Medical case of Convict No.8338, suffering from Leprosy in the Central Jail at Tiruchinopoly.

Type of discase	..	Anaesthetic Leprosy
Duration of discase	..	11 months and 12 days
Family history	..	History of Leprosy Father side of Family
Symptoms affecting	..	
Face		nothing marked as yet
Neck		Nil
Trunk		Many light coloured anaesthetic patches over body, and particularly the back.
Upper extremities		-do- a superficial sore on the back of Rt. Elbow with thickened skin.
Lower extremities		-do- a superficial sore over the left knee cap. the surface being raw with a tendency to split also a small ulcer on the dorsuin of left foot.
Circulation		No apparant change
Digestion		Normal occassionally subject to a twisting coheky pain referred to the imbelical region
Respiration and voice		Normal
Nervous system		Complaints of lingling and numbness and loss of sensation at the seat of the patches.
Urinary exeretion		Normal
Complicating eruptions		Nil
General remarks		Nil

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Whether discase is in an advanced from or not	Not advanced early stage.
Whether removal to the criminal Leper Ward is recommended or not	Yes
Treatment followed in Jail	General lines

Central Jail,
Trichinapolly
24.9.10

Sd/ xxx
Medical Officer.

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G.O.No.1583, Judicial, dt.27th October 1910

Judicial Department

Petition from Convict.

Directing that convict No.8338 Subramania Siva confined in the Tiruchirapally C.J. be informed that the Government decline to interfere with the sentence passed on him and stating that they see no reason to order the convict transfer from the Trichinopoly C.J. to the Criminal leper Ward.

C.No.6617/10

Judicial

C.6617 - From the Inspector General of Prisons No.G.248 dt.13.10.10.

Order Mis.No.1583 dated 27.10.1910

Convict No.8338 Subramania Siva confined in the Trichi C.J. should be informed that the Government decline to comply with his request.

2. The Government see no reason to order the convicts transfer from the Trichy C.J. to the Criminal Leper Ward.

Sd/ xxx
26.10.10

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G.O.No.1604, Judicial, dt.2nd November 1910

From

P.W.Monie Esq.,
Under Secretary to the Government of India.

To

The Chief Secretary to the Government of Madras.

Home Department
(Judicial)

Simla, the 24th
October 1910

Sir,

I am directed to acknowledge the receipt of your letter No.1448, dated the 26th September 1910, submitting a petition from V.O.Chidambaram Pillai, a convict in the Central Jail, Coimbatore, in which he prayed that he might be released on the 8th September 1910.

2. In reply I am to say that the Governor General in Council declines to accede to the memorialist's request. I am to ask that, with the permission of the Governor in Council he may be informed accordingly.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/xxx
Under Secretary to the Government
of India.

...160

55

G.O.No.734, Judicial (Confdl) dt.1st May 1911

Judicial Department

From

Hon Mr.P.Kesava Pillai

Subject: Re.Subramania Siva and Surrendra Nath Arya Political Prisiners.

Hon.P.Kesava Pillai

Gooty,
19th March 1911
Regd. 20.3.1911

Dear Sir,

May I beg to know if it is a fact that Subramania Siva convicted for political offence in Tinnevelly, and Surendranath Arya, convicted in Madras for a similar offence are now kept in the Salem Jail in Separate wards, as subject to leprosy. As such they are reported to be treated utter harshly.

May I beg also to know whether any petition has been received for the release of Subramania Siva on the grounds that he is unwell. If so, what steps have been taken by government to find out whether such a prayer could not be granted in favour of the move.

I am yours,
Sd/xxx

To

The Hon'ble Sir Harold A.Stuart, K.C.I.A.,

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G.O.No.734, Judicial, dt.1st May 1911.

Page No.4 Judicial Department

No.2051-1, dt.1.4.11

Dear Col.Macnamara,

Please let me know whether convicts Subramania Siva and Surendranath Arya are at present confined in the Salem Jail, and, if so, whether they are in the Leper Ward.

Sd/ xxx
30.3.11

Sd/xxx
1.4.

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G.O.No.734, Judicial, dt.1st May 1911

Page No.5

From the I.G. of Prisons Judicial Department

Subject: Re.Subramania Siva.

D.O. Octacamund,
3rd April 1911.

Dear Slater,

Your D.O.No.2051-1 of the 1st Instant to hand *

Subramania Siva, is at present in the main jail at Salem. I transferred him to the Criminal Leper annexe at Salem from the Trichinopoly Jail, as his transfer was recommended by the Medical Officer. In the meantime G.O.No. 1583, of the 27th October, issued, and as Government said that they saw no reason to move him from Trichinopoly to the Criminal Leper Ward. I took this as meaning that they did not wish him to be confined in the Leper ward. But as he was already at Salem, I had him moved to the main Jail, Siva is a Leper, but I do not think his disease is so advanced as to render him a source of danger to other people. At Trichy he was confined in a cell, and as the continued confinement must have been particularly irksome I thought it might be well, if he were in the Leper annexe, where at least he would have the companionship of others similarly afflicted.

Surendranath Arya is at Bellary I have no information as to his being a Leper. If he is, it is strange, as G.Subramania, Editor of the "Hindu", whom Government released from the Penitentiary, was also a leper. Three Lepers out of the few seditionists sent to jail is an in ordinate proportion, and suggests some connection between leprasy and sedition !

Yours sincerely,
Sd/ xxx

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* vide p.161

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G.O.No.734, Judicial, dt.1st May 1911

Page No.9 to 11

D.O.No.2051-2 / 25.4.11 Judicial Department.

Dear Mr.Kesava Pillai,

With reference to your letter to Sir Harold Stuart of the 19th March last, * I am directed to inform you that Subramania Siva is at present confined in the Central Jail at Salem and is suffering from leprasy. A petition from his wife praying for his release was received in September last, but it was rejected as the Government found no good grounds for interfering with the course of his punishment. Surrendranath Arya is confined in the Central Jail, Bellary and the Government have not heard that he is suffering from Leprosy.

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* Vide page 160 (DOC 55)

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G.O.No.734, Judicial, dt.1st March 1911

D.O.No.2051-3
Dated 25.4.11.

Dear Col.Macnomara,

With reference to your D.O. of the 3rd April last I am directed to inform you that the Government have no objection to Subramania Siva's being confined in the Leper Ward at Salem if that course is considered desirable.

Sd/ xx
23.4

Sd/ xx
24.4

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G.O.No.903, Judicial, dt.31st May 1911.

Release of Subramania Siva Page No.7

For the U.S.

The followings are the questions asked and the answers given in Council:-

Proposed release of convict Subramanya Siva

Question 30(a) will the Government be pleased to inform whether Subramanya Siva, who was convicted of sedition, is suffering from leprosy; if so, the nature of leprosy he is suffering from, and whether it is contagious ?

(b) Will the Government be pleased to state whether any memorial for his release was received from any of his relatives if so, when, and what orders were passed thereon ?

(c) Will the Government be pleased to consider now the advisability of releasing the said Subramania Siva, imposing on him, if expedient, some conditions for good behaviours during the unexpired portion of his imprisonment ?

Answer 30:

(a) The convict Subramanya Siva is reported to be suffering from anaesthetic leprosy. The Government cannot say whether the disease is contagious or not.

(b) & (c) A petition from his wife praying for his release was received in September 1910. The Government considered there was no reason to interfere with his sentence, and they are still of that opinion.

2. A draft order recording to the papers is submitted.

Sd/ xxx 27.5.11 Sd/xxxx 30.5.11 Sd/xxxx 31.5.11

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G.O.Nos. 1112, 1113, Judicial dt.8th July 1911.

Tinnevelly Conspiracy.

(Pages 2 to 62 cf.)

Passing orders authorising the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence under section 121-A of the Indian Penal Code against certain persons concerned in the; and directing that the provisions of Part I of Act XIV of 1908 shall apply to Preliminary Register Case No.1 on the file of the Sub-Divisional Magistrate, Tinnevelly connected with the murder of Mr.R.W.D'E.Ashe.

GOVERNMENT OF MADRAS
Judicial Department.

Read - the following papers:-

Telegram - from the Assistant Collector, Tinnevelly.

To - The Chief Secretary to Government.

Dated - the 17th June 1911.

Collector Ashe shot Maniyachi platform on way to Kodaikanal this morning. Dead body brought Tinnevelly.

II

Telegram - from the Assistant Collector, Tinnevelly.

To - The Chief Secretary to Government.

Dated - the 17th June 1911.

Ashe removed to Tinnevelli. Maniyachi Station Master wires : assassin shot himself dead.

III

Telegram - from the Secretary to the Board of Revenue (Land Revenue)
To - The Chief Secretary to Government
Dated - Madras, the 17th June 1911.

Assistant Collector, Tinnevelly, wires: begins - Ashe Collector shot dead at Maniyachi. Awaits instructions - ends. Mr.Twig starts for Tinnevelly to-night.

IV

Telegram - from the Inspector-General of Police.
To - The Chief Secretary to Government
Dated - Madras, the 17th June 1911.
No. - 155

Deputy Superintendent of Police, Tinnevelly, wires: begins - Tinnevelly Collector Ashe was shot dead Maniyachi platform this morning on way to Kodaikanal - ends.

V

Telegram - from the Sub-Collector, Tinnevelly
To - The Chief Secretary to Government
Dated - the 17th June 1911.

Ashe and wife travelling Kodaikanal waiting Maniyachi in railway carriage. Neatly-dressed smartha Brahman approached, shot Ashe in chest. Murderer hid in latrine threatening police and porters with revolver. Finally shot himself. Hearing news, proceeded Tinnevelly immediately bring corpse of murderer. Motive at present unknown. Murderer not identified. Enquiry proceeding.

VI

Telegram - from the Chief Secretary to the Government of Madras.
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 17th June 1911.
No. - 501, Judicial.

Ashe, Collector, Tinnevelly, was shot on Maniyachi Station platform this morning His dead body was brought into Tinnevelly. Have wired for further particulars and will communicate as soon as received.

VII

Telegram - from the Chief Secretary to Government.
To - The Assistant Collector, Tinnevelly
Dated - Ootacamund, the 17th June 1911.
No. - 502, Judicial.

Government have heard with deepest concern of the murder of Ashe. Please wire immediately further particulars of occurrence, including motive of murder and whether murderer has been arrested.

VIII

Telegram - from the Chief Secretary to Government.
To - the Assistant Collector, Tinnevelly.
Dated - Ootacamund, the 17th June 1911
No. - 503, Judicial.

Has news of Ashe's murder been cabled to his wife ? If not, wire Mrs. Ashe's address at home. I will cable to Secretary of State. Government are awaiting further information regarding the motive of murder. They wish to know whether it was political and whether assassin was native of Madras or of some other province.

IX

Telegram - from the Chief Secretary to the Government of Madras
To - The Secretary of State for India, London
Dated - Ootacamund, the 17th June 1911.
No. - 505, Judicial.

Ashe, Collector, Tinnevelly, was shot dead this morning on platform at Maniyachi railway station. Assassin shot himself. Have no information regarding what is motive of murder.

X

Telegram - from the Chief Secretary to Government
To - The Sub-Collector, Tinnevelly
Dated - Ootacamund, the 17th June 1911

Corpse of murderer should be photographed. Please keep Government fully informed of progress enquiry.

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XI

Telegram - from the Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - the Chief Secretary to Government.
Dated - Madras, the 17th June 1911.
No. - 133

Deputy Superintendent, Police, Tinnevelly, wires: District Magistrate, Tinnevelly, shot dead on Maniyachi railway platform this morning. Murderer, young Brahman, name unknown, committed suicide. Deputy Inspector-General of Police for Criminal Intelligence and Railways is in Bangalore. Have wired him to proceed to scene immediately and have sent Paupa Rao and an Inspector to meet him there. No further particulars yet. Inspector-General of Police returning Madras tomorrow morning. Will see him personally.

XII

Telegram - from the Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government.
Dated - Madras, the 17th June 1911
No. - 135

My telegram 133 of date. Assistant Superintendent of Police wires later that pistol was used by assassin, who committed suicide and accomplice escaped. Search is being made for latter.

XIII

Telegram - from the Chief Secretary to the Government of Madras.
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 17th June 1911.

Continuation my telegram Tinnevelly murderer. Collector was sitting in railway carriage with wife, when neatly dressed Brahman approached and shot Collector in Chest. Murderer then took refuge in latrine threatening police and porters with revolver and finally shooting himself dead. Motive of murder at present unknown and murderer not identified.

XIV

Telegram - from the Chief Secretary to Government
To - The Sub-Collector, Tinnevelly
Dated - Ootacamund, the 18th June 1911
No. - 506, Judicial

If Ashe's murderer is known to have had accomplice, Government authorize you to offer one thousand rupees reward for information leading to his arrest. Please wire action taken.

XV

Telegram - from the Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government.
Dated - Madras, the 18th June 1911
No. - 141

My telegram number 135, seventeenth, No further particulars to hand from Tinnevelly. The Deputy Inspector-General of Police for Criminal Intelligence and Railways and Criminal investigation Department officers proceeding to scene to-night.

XVI

Telegram - from the Sub-Collector, Tinnevelly.
To - The Chief Secretary to Government
Dated - the 18th June 1911.

Murder probably political, but not certain. Assassin believed native Travancore. Corpse photographed. Please instruct Superintendent George Co-operate Hamilton investigation. I await orders regarding district charge.

XVII

Telegram - from the Hon'ble Mr.J.Twigg.
To - The Chief Secretary to Government.
Dated - Tinnevelly, the 18th June 1911

Am returning Madras tomorrow morning.

XVIII

Telegram - from the Chief Secretary to the Government of Madras
To - The Secretary to the Government of India, Home Department
Dated - Ootacamund, the 18th June 1911
No. - 510, Judicial.

Continuation my telegram seventeenth. Tinnevelly assassin believed to be native Travancore and murderer probably political, but this not yet certain. Reward of 1,000 rupees sanctioned for information leading to arrest of accomplice.

XIX

Telegram - from the Chief Secretary to Government.
To - The Resident in Travancore and Cochin
Dated - Ootacamund, the 18th June 1911
No. - 511, Judicial.

Ashe, Collector, Tinnevelly, murdered Saturday by Brahman, believed native of Travancore. Government will be glad if Darbar will instruct George co-operate Tinnevelly police in investigating murder.

XX

Telegram - from the Chief Secretary to Government
To - The Sub-Collector, Tinnevelly
Dated - Ootacamund, the 18th June 1911
No. - 512, Judicial.

Travancore been asked instruct George Co-operate investigation. You will hold charge district till relieved by Gillman who has been appointed Collector.

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XXI

Telegram - from the Chief Secretary to Government
To - The Hon'ble Mr. Twigg, I.C.S., Tinnevelly
Dated - Ootacamund, the 18th June 1911
No. - 513, Judicial

Government would prefer your remaining Tinnevelly guide and advise Sub-Collector for present. Gillman has been appointed Collector and will arrive few days.

XXII

Telegram - from the Superintendent of Railway Police.
To - the Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 19th June 1911.

Regarding Ashe's murder. Assassin traced to be Vanchi alias Sankara Aiyar, of Shencottah, Travancore State, near Tenkasi, son of Raghupathi, late monigar, devasthanam, Shencottah, and related to Mahadeva Aiyar, Minor Irrigation Overseer, Tenkasi. He was formerly forest guard, Punalur, Travancore State, returned recently from Baroda. Correspondence Bombay, Poona, Baroda seized. Murder political, accomplice described. Reward, 1,000 rupees offered. Am reporting particulars police.

XXIII

Telegram - from the Sub-Collector, Tinnevelly
To - The Chief Secretary to Government
Dated - the 19th June 1911.

Your 506, 512 received. Reward notice printed, distributed Tamil, English early this morning. Am wiring

Hindu newspaper insert advertisement today's issue. Murderer now positively identified. Cardozo already furnished you full details of murderer's connections now being traced.

XXIV

Telegram - from the Chief Secretary to the Government of Madras
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 19th June 1911
No. - 518, Judicial.

Tinnevelly murder. It has now been ascertained that murderer was Vanchi alias Sankara Aiyar, of Shencottah, Travancore. He was formerly forest guard in Travancore and returned recently from Baroda. Correspondence with Bombay, Poona and Baroda seized. Murder clearly political. Accomplice not yet arrested, but description circulated.

XXV

Telegram - from the Chief Secretary to Government
To - Sub-Collector, Tinnevelly
Superintendent of Railway Police, Tinnevelly.
Dated - Ootacamund, the 19th June 1911

The cipher should be used in telegraphing information on which further police investigation may be based.

XXVI

Telegram - from the Deputy Inspector-General of Police for Criminal intelligence and Railways
To - The Chief Secretary to Government
Dated - the 19th June 1911.

Murder apparently political. Murderer identified resident, Shencottah. Recently returned Baroda. Accomplice not arrested. Reward one thousand rupees already offered.

XXVII

Telegram - from the Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways
To - The Chief Secretary to Government
Dated - Madras, the 19th June 1911
No. - 144

My telegram No.141 of 18th instant. Assassin traced to be Vanchi alias Sankara Aiyar, of Shencottah, Travancore State, near Tenkasi, son of Raghupathi, late monigar devasthanam, Shencottah, and related to Mahadeva Aiyar, Minor Irrigation Overseer, Tenkasi. Murderer was formerly forest guard. Punalur, Travancore State. He returned recently from Baroda State. Correspondence Bombay, Poona, Baroda seized. Murder political. Accomplice described. Reward 1,000 rupees offered.

XXVIII

Letter - from A.R.Cox, Esq., I.C.S., Sub-Collector, Tinnevelly.
To - the Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 17th June 1911.

I have the honour to submit the following report regarding the murder of Mr.R.W.D'E. Ashe. I.C.S., Collector and District Magistrate of this district, which was committed today.

Mr.Ashe left Tinnevelly Bridge by the 9.30 A.M. train with Mrs. Ashe, intending to take her to Kodaikanal, where their four children are living. She had only returned from England on Monday last.

I was told by the Station Master at Maniyachi that Mr.Ashe was sitting in the railway carriage conversing with some persons, two of whom were the Station Master's small sons, waiting for the arrival of the mail train from Tuticorin to Madras. At about 10.40 A.M. a neatly dressed Brahman looked into the carriage and then proceeded to point a revolver at Mr.Ashe. The latter must have observed the man's action, for he took his topee and tried to throw it at him but it was too late. The murderer had just fired a shot, which entered Mr.Ashe's chest and penetrated the lung. Even them Mr.Ashe seems to have tried to get out of the carriage to seize the man, but was restrained by his wife. The assassin ran off. I believe that the Collector's dalayat struggled with him, but was thrown aside. The murderer then ran into the latrine challenging any one to approach him, pointing his revolver. The latrine was surrounded by the Railway police and porters and gang coolies and the District police of Maniyachi station were sent for. The latter did not arrive, I believe, in less than an hour, and by that time assassin had shot himself. Mr.Mansfield, Agent of the Madura Company Tuticorin, who arrived at Maniyachi by the boat mail from Tuticorin heard of the outrage and got into the carriage with Mrs.Ashe. A railway Apothecary who also came there did what he could.

The train back to Tinnevelly was quickly despatched, but poor Mr.Ashe died in his wife's arms, at about the Gangaikondan station, Mr.Mansfield and the Apothecary being also present at the time. Mr.Hill, Assistant Collector, was at Tinnevelly Bridge station and took Mrs.Ashe to the Collector's bungalow. Mr.Ashe's body was left in waiting room at the Railway Station.

I received first intimation of the sad news at Tuticorin from the local Station Master (who had received a wire from the Station Master, Maniyachi), at about 11.40 A.M. I hastened towards the Railway Station and on my way met the Assistant Superintendent of Police, Mr.E.J.Johnson, who had also received a wire. Together we travelled to Maniyachi by the 12.40 P.M. train. There we saw the body of the murderer and took the revolver from his dead hand. It was a Browning automatic pistol and no unspent cartridge remained in the weapon. The man must have charged it only with two cartridges; with one, he had shot Mr.Ashe and with the other, himself. As no one at Maniyachi identified the body, I took it with us in a Railway train to Tinnevelly Bridge. We arrived there at 3.45 P.M. The Superintendent of Police, Mr.Hamilton, had hastened in from Nanguneri post haste and was on the Railway platform. The assassin is a full grown man aged, I should say, 25.30. His body was searched, and on it was found a letter, which may or may not be a "blind". It purports to be signed by Vanchi Aiyar of Shencottah, which is just within the Travancore boundary. Mr.Hamilton has not divulged to us the full contents of this letter.

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It is exceedingly probable that the murderer had accomplices. I think Mr.Hamilton is quite right in keeping the contents of the letter to himself. He can be implicity trusted to follow up every possible clue, and disclosure might just spoil everything.

I do not think it can be said for certain yet whether the crime is a political one, i.e. the deed of some member of any anarchical society of which more is to be heard, or whether it is in revenge for something already suffered by the murderer or his friends. If the latter, the murder would not be correctly described as political. Many persons were taken to see the assassin's body including persons from Tenkasi, but up to the present no one has identified it. The corpse was photographed, and I have little doubt that the identity will ultimately be known. I personally believe I have seen the man before I cannot say where. Mr.Johnson and, I think, Mr.Hamilton have the same impression about themselves. Mr.Ashe's body was carried on a stretcher to his bungalow, where it was placed in a coffin. The funeral cortege left the bungalow at 6 P.M. the coffin being carried by the Reserve Police and followed by all the officials, European and Indian, present, and by several private gentlemen, European and Indian. The body was laid to rest in the cemetery of the English Church, Palamcottah, at about 7 P.M.

Mrs. Ashe is bearing the bereavement with wonderful fortitude. She has from a long time suffered from a weak heart and we were much concerned for her state. Mr.Hill, who has been living with Mr. and Mrs. Ashe, has just (10 P.M.) been to see her, at her call,

and found her collected and peaceful. A Miss Person, a missionary lady, has been with Mrs.Ashe since the afternoon and very kindly stays the night here in attendance.

Mr.Ashe had handed over charge to Mr.Hill, Assistant Collector, giving him keys, etc. He had also intimated to me that he was leaving the district, saying at the same time that I need not come into Tinnevelly, unless Mr.Hill wanted me. I shall take charge of the keys etc., from Mr.Hill tomorrow. I received a wire from the Board of Revenue, Madras, that Mr.Twigg will be here by the boat mail train tomorrow evening.

Regarding your telegrams 502 and 503 received by me, I replied to the first stating briefly such particulars as were known at the time; I only received telegram 502 as the funeral procession started and could not reply today. In fact, my first wire will have shown you that Mrs.Ashe was not in England, but out here with her husband. Mr.Hill has already cabled to Mr.Ashe's relations" at home". Mrs. Ashe entirely approves of his action. As for wiring you on the question of political motive, I had to see Mr.Hamilton (the District Superintendent of Police) before doing so. I shall wire you tomorrow as follows: "Murder probably political but not certain. Assassin believed native Travancore. Corpse photographed. Please instruct George Superintendent co-operate Hamilton investigation." I shall add to my telegram the words "Await orders regarding district charge." Until a relieving officer arrives. I shall take charge of the district myself.

XXIX

Letter - from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.B.I., I.C.S., Acting Chief Secretary to the Government of Madras.
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 20th June 1911
No. - Ref. 3383, Judicial

In continuation of my telegrams ending with that dated the 19th June 1911, I have the honour by direction of the Governor in Council, to communicate the following information regarding the assassination of Mr.Ashe, the Collector and District Magistrate of Tinnevelly.

2. Mr.Ashe left Tinnevelly by the 9.30 A.M. train on the 17th instant, accompanied by Mrs.Ashe, who had arrived from England a few days before. They were on their way to Kodaikanal, the hill station in the Madura district, where their four children were residing. While waiting at the Maniyachi junction for the train from Tuticorin, Mr. and Mrs. Ashe remained in their railway carriage, the former conversing with various persons on the platform. At about 10.40 A.M., a respectably dressed Brahman looked into the carriage and then proceeded to point a revolver at Mr.Ashe. The latter must have observed the man's action, for he took topee and tried to throw it at him; but it was too late, for the murderer had fired and the shot entered Mr.Ashe's chest and penetrated the lung. Mr.Ashe seems to have tried to get out of the carriage to seize the man but was restrained by his wife. One of Mr.Ashe's peons is said to have struggled with the assassin, but he was thrown aside and the man ran into the latrine, challenging any one to approach him and pointing

his revolver. The latrine was surrounded by the Railway police and porters and gang coolies, but no one apparently attempted to enter it and the assassin eventually shot himself.

3. Mr.Ashe was attended by a Railway Apothecary, who accompanied him in the return train to Tinnevelly. Mr.Ashe expired in the train about eight or nine miles from Maniyachi junction.

4. The murderer who was between 25 and 30 years of age, has since been identified as a Brahman named Vanchi alias Sankara Aiyar, of Shencottah, in the Travancore State. He was at one time employed in the Travancore Forest Department as a forest guard, but he has recently returned from Baroda. A letter was found on his body, and it is reported that correspondence with Bombay, Poona and Baroda has been seized. The Government have not yet received information of the nature of the contents of any of these letters, but it is clear that the crime was a political one. Mr.Ashe took part in suppressing the riots that occurred at Tuticorin in March 1908, and it is possible that it was on this account that he was selected for assassination.

5. In the first reports no mention was made of any accomplice, but it has since been reported that the murderer had a companion, who escaped. A description of this man has has been published, and a reward of Rs.1,000 has been offered for his capture. The murder was committed with a Browning pistol, which may possibly afford a clue to the connections of the murderer. The Travancore police have been asked to co-operate with the Madras Police.

XXX

Telegram - from the Sub-Collector, Tinnevelly.
To - The Chief Secretary to Government.
Dated - the 20th June 1911.

Thomas, Deputy Inspector-General of Police for Criminal Intelligence and Railways, has taken over investigation, matter being distinctly political. Accordingly he will keep you informed daily progress.

XXXI

Telegram - from the Chief Secretary to Government
To - The Deputy Inspector-General of Police for Criminal Intelligence and Railways, Tinnevelly.
Dated - Ootacamund, the 20th June 1911
No. - 527, Judicial.

Government rely upon you to push inquiry into Ashe's murder with utmost possible energy. Every clue to discovery of instigators of murder or associates of murderer should be followed with greatest promptitude. Government recognize that inquiry will impose heavy burden upon you and your subordinates but are confident that you appreciate extreme importance of the matter and that burden will be cheerfully borne. You should keep Government fully informed of progress of inquiry. Your reports will be treated as strictly confidential.

XXXII

Telegram - from the Chief Secretary to Government
To - The Resident in Travancore and Cochin
Dated - Ootacamund, the 21st June 1911
No. - 530, Judicial

My telegram eighteenth. Please wire what action taken. Matter most important and urgent and Government should have been informed whether desired instructions issued.

XXXIII

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 20th June 1911.

Murder committed by fanatic. Political motives. Instigators not certain, but nothing to show that connection with other provinces. Correspondence seized Shencottah, Ottapidaram, Tuticorin, show probable seditious society in Travancore, Pondicherry and Tuticorin. One suspected accomplice under arrest, Tinnevelly. Two suspected men arrested. Shencottah and Tuticorin, Murderer's affairs and movements before murder known. Case taken over by Criminal Investigation Department.

XXXIV

Telegram - from the Chief Secretary to Government
To - The Deputy Inspector-General of Police for Criminal Intelligence and Railways, Tinnevelly Bridge.
Dated - Ootacamund, the 21st June 1911.

Your telegram says nothing to show connection other provinces, but Cardozo reported murderer recently returned from Baroda and correspondence with Bombay, Poona, Baroda, seized. Which is correct ? Wire urgent.

XXXV

Letter - from the Hon'ble Mr.H.D.ROBERTSON, Acting Inspector-General of Police.
To - the Chief Secretary to Government
Dated - Madras, the 20th June 1911.

I have the honour to enclose, for the information of Government, a copy of a report from the Superintendent of Police, Tinnevelly, regarding the murder of Mr.Ashe.

Enclosure

Special report on the murder of
District Magistrate Mr.Ashe.

On 17th June 1911 morning, Mr.Ashe left Tinnevelly Bridge station accompanied by Mrs.Ashe travelling in the 9.30 train for Maniyachi on his way to Kodaikanal. A respectable Muhammadan witness, who was on the platform, states that just before the train started, two men whom he described and could identify, and one of whom he has since identified to be the murderer, hurried on to the platform and went to the second class compartments. One of them carried a wooden box measuring some 30 inches by 9 by 4, and they had other small parcels done up in cloth. On arrival of the train at Maniyachi, Mr. and Mrs. Ashe did not alight as the train from Tuticorin had not arrived. The two sons of the Maniyachi Station Master came and stood opposite the compartment occupied by Mr.Ashe. They say there was no one else close at hand, and narrate how two men came from the Southern end of the platform, and how one of them stood near the servant's compartment while the other went up to the first class compartment and stared at Mr.Ashe. Mr.Ashe frowned at the latter, who immediately drew a pistol and aimed it at Mr.Ashe, who observing this stood up and taking off his topee threw it at the man. The hat missed the man and fell on the platform. The pistol then went off and Mr.Ashe was wounded. He tried to get out of the compartment, but was prevented by Mrs.Ashe, and both of them fell on to the floor of the carriage. The man standing by the servants' compartment made off up the platform as soon as the shot was fired and got away into the open fields. The actual

murderer was tackled by the Collector's duffadar, who had come from the station buildings on hearing the shot fired. The murderer threw off the duffadar and hit him on the face; he then pointed the pistol at him and the duffadar ran away to the refreshment room. the murderer then walked up the platform to the north and rounded the station buildings to the west side, and came down the platform to its south end. Meanwhile the native passengers on the platform had gathered and followed up the murderer, who went into the women's portion of the southern latrine. He again issued therefrom and went down the men's portion. The natives began to throw stones at him and he threatened to shoot any of them who hit him. He then disappeared into the latrine. Three Railway constables who had till then been occupied at the extreme north-eastern end of the station in exchanging signatures heard of the affair. One of them went off to Maniyachi Village to get a carbine from the village there (there being none in the Railway Police Station), and on his return armed, entered the latrine and found that the murderer had committed suicide. A strong wind was blowing and this prevented the sound of the shot being heard outside the latrine. The corpse was left as it lay till the arrival of the Sub-Collector and the Assistant Superintendent of Police from Tuticorin.

Meanwhile the mail train from Tuticorin had arrived, and in it came Mr.Mansfield, the Madura Company's Agent at Tuticorin. He had the train containing Mr.Ashe despatched immediately to Tinnevelly Bridge, helping there to secure medical aid. He also travelled with the train with the Railway Hospital Assistant. Before the train reached Tinnevelly

Mr.Ashe had expired. Mrs.Ashe was taken home and the body was deposited in a waiting room where the inquest was held.

I had been in camp at Nanguneri and there received information of the matter. I biked into the station arriving before 3 P.M. and attended the inquest. Mr.Mansfield, the duffadar and a peon, as well as the Muhammadan mentioned above, were examined and spoke to the facts narrated so far as they were aware of them. The District Medical and Sanitary Officer examined the body. There was a wound on the right side of the chest about 4 inches below the nipple. The bullet had apparently hit on the upper edge of the eighth rib and been deflected upwards by it and passing through the liver had entered the right lung. There was no other injury. I took possession of the property found on the body.

The Sub-Collector Mr.Cox, with the Assistant Superintendent of Police Mr.Johnson, had left Tuticorin by the 12.40 P.M. train and on arrival at Maniyachi went to the latrine and examined the corpse of the murderer. The body was lying with the head to the north at the north end of the latrine in its western portion. The pistol was in the right hand, the thumb being through the trigger guard. The face was covered in blood and it was not apparent where the injury was located. Blood was flowing from the nose and mouth. The Assistant Superintendent removed the pistol which proved to be a Browning automatic pistol. There were no cartridges in the magazine or chamber. The corpse was placed in a waggon attached to the shuttle train

which was then starting for Tinnevelly Bridge. Before leaving Maniyachi Mr. Johnson made enquiries about the case and got information from the Station Master about the accomplice. Learning he had escaped, the Assistant Superintendent wired to Tuticorin for a Sub-Inspector and some police with instructions to follow up this man. The Railway Police had sent information along the line about the escape of this accomplice.

On arrival of the shuttle at Tinnevelly Bridge, the body of the murderer was examined in the presence of the panchayatdars. The wound appeared to be inside the mouth. On the body was a coat of Basel Mission shikar cloth, a twill shirt, a white lower cloth, and an upper cloth, white with coloured border. In a pocket of the coat was a purse "made in France" bearing a picture of Queen Victoria and the British Royal Arms above. Inside this was a second class ticket from Tinnevelly Bridge to Maniyachi, five annas in cash and some buttons. In a pocket of the shirt was an undated manuscript letter in Tamil, signed both in Tamil and English. A rough translation of the letter is as follows:- "Our enemies of England having seized our country and having trodden under foot the eternal sanathana dharma are crushing them out of existence. Every (true) Indian is now endeavouring to drive away the enemies of the country the English, and to replant the dharmas and our inheritance. They are making great preparations with the intention of crowning as King a disgraceful mlecha man, George V, capable of eating the flesh of bulls in our country where our rulers beginning with Raman, Sivaji, Krishnan, Guru Govindan, Arjunan reigned and rendered dharmas prosperous. Three thousand

of us Madrasees have banded ourselves together for the purpose of killing him (George V) as soon as he sets foot in our country. In order to make this known I, the least among them, have this day done this deed. This is the duty which every one in Hindustan should perform".

The letter is signed in Tamil and English as follows:-

R.Vanchiyar of Shencottah.
F.A.Hamilton,
District Superintendent of Police,
Tinnevelly District.

19th June 1911.

An identification parade was held, all hotel-keepers and other persons likely to know the man being brought to see him. No one identified the body. Photographs of the corpse and also the finger-impressions were taken, and the corpse sent for post-mortem. I despatched a head constable by the evening train to go to Tenkasi and tell the Inspector there to go to Shencottah which is in Travancore territory and make enquiries there in conjunction with the local Inspector.

Mr.Ashe's funeral was held in the evening, some of the native officials offering to act as palbearers. The Zamindar of Singampatti attended the funeral.

On Sunday I went with the Assistant Superintendent to Maniyachi and met the Superintendent, Government Railway Police, and made enquiries in the case.

A Brahman youth who proved to be an Aiyangar was arrested by the Ilavalengal police at Kadambur on suspicion of his being the absconding accomplice and was brought to Maniyachi. The sons of the Station Master there did not identify him as the man they saw near the servants' compartment. He has been brought to Tinnevelly Bridge for being shown to the Muhammadan witness. He gives a more or less satisfactory account of his movements, but these have still to be verified. I made enquiries regarding the wooden box said to have been carried by the murderer and his accomplice, but so far have not been able to discover any trace of it. Railway Police constable 465 recovered from the latrine at Maniyachi the empty case of a Browning cartridge; and the District Medical and Sanitary Officer removed from the head of the murderer the bullet which had killed him. He had shot himself through the tongue and the bullet had penetrated the vertebral column and lodged there.

A telegram received from the Tenkasi Inspector at Shencottah gave information that evidences of the murderer's identify had been traced there and that suspected houses were being searched. The Tinnevelly Inspector and a Criminal Investigation Department Sub-Inspector were sent there to afford any assistance necessary.

The Railway Police have registered the case and are investigating. Further enquiries will be made in conjunction with them.

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XXXVI

Letter - from A.R.Cox, Esq., I.C.S.,
Sub-Collector, Tuticorin, at Tinnevelly Bridge.
To - The Chief Secretary to Government.
Dated - the 19th June 1911.

I have the honour to send the following information regarding today's investigation on the murder of Mr.Ashe. I enclose an English translation of the Tamil letter found on the person of the murderer. The police have discovered that a man answering to the name of the signatory of this letter is known in Shencottah. A hotel keeper here stated yesterday that he recognised the body of the assassin as that of the son of one Raghupathi Aiyar of Tenkasi. The police are at Tenkasi waiting the receipt of copies of the photographs of the corpse. I will report the result of the verification.

Your telegram No.506 I received at 6 P.M. last night. I am having a notice of the reward of 1,000 rupees printed and shall distribute copies as soon as I receive them. I met the Hon'ble Mr.Twigg yesterday afternoon at Maniyachi railway station, where also I met Mr.Cardozo (Madras Railway Police) Mr.Hamilton, District Superintendent of Police, and Mr.Johnson, Assistant Superintendent of Police. We all returned from Maniyachi to Tinnevelly Bridge together. The reward notice is being printed in Tamil with a full description of the man wanted. I shall also advertise the notice in the Hindu.

Your telegram No.512 has just been received by me (7.30 A.M) and I note its contents.

Enclosure:

The mlechas of England having captured our country, tread over sanathanadharmas of the Hindus and destroy them. Every Indian is trying to drive out the English, and get swarajyam, and restore sanathanadharmas. Our Raman, Sivaji, Krishnan, Guru Govindan, Arjunan ruled our land protecting all dharmas, and in this land they are making arrangements to crown George V, a mlecha and one who eats the flesh of cows. Three thousand Madrasees have taken a vow to kill George V as soon as he lands in our country. In order to make others know our intention I, who am the least in this company, have done this deed this day. This is what every one in Hindustan should consider it as his duty to do.

R.Vanchi Aiyar of Shencottah.

XXXVII

Telegram - from the Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Madras, the 21st June 1911
No. - 153

No further reports received from Tinnevelly either yesterday or today 5 P.M. Am expecting consolidated report, from the Deputy Inspector-General of Police for Criminal Intelligence and Railways, of progress of case from its commencement. Will forward it through the Inspector-General of Police to you immediately on receipt.

XXXVIII

Telegram - from the Resident in Travancore and Cochin.
To - The Chief Secretary to Government
Dated - Trivandrum, the 21st June 1911.

Your telegram 530 of today. Desired instruction issued to Darbar immediately on receipt of telegrams of 18th. George immediately communicated with Tinnevelly Police asking how he could help. Two Brahmans of Alleppey have been arrested on suspicion and some letters seized, but nothing definite discovered. George proceeds Tinnevelly to night to meet Thomas.

XXXIX

Telegram - from the Resident in Travancore and Cochin
To - The Chief Secretary to Government
Dated - Trivandrum, the 22nd June 1911.

Extremist literature discovered in two houses, Shencottah. None found in friend's house, Punalur, where assassin staying, house of assassin's brouther or uncle am uncertain which searched and Bharati's India and letters from Pondicherry and Poona found. This man named Pitchu Aiyar, who recently resigned Darbar forest service, was serving at Punalur on Shencottah Quilon line and has not been seen since murder. Information derived from Shencottah Magistrate's letter to District Magistrate indicates existence of conspiracy. George started during night.

XL

Telegram - from the Resident in Travancore and Cochin.
To - The Chief Secretary to Government
Dated - Trivandrum, the 22nd June 1911.

In continuation my today's telegram. Diwan reports arrest at Shencottah of one Jagannatha Aiyangar. No details

given. District Magistrate, Quilon, understands Shencottah Magistrate to mean that assassin, not Pitchu Aiyar, was in Darbar forest service. Have asked Diwan clear the point and ascertain significance Jagannatha Aiyangar's arrest.

XLI

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - the Chief Secretary to Government
Dated - Tinnevelly Bridge, the 22nd June 1911.

Arrests have been made of several suspected persons at Tuticorin, Travancore and Madura. The evidence points to the existence of a secret society in Shencottah and Tuticorin. So far other provinces are not involved. George, the Superintendent of Police, Travancore, is here. Letters have been seized at Tuticorin.

XLII

Telegram - from the Chief Secretary to Government
To - The Deputy Inspector-General of Police for Criminal Intelligence and Railways
Dated - Ootacamund, the 23rd June 1911.

It is strictly forbidden to send messages partly en clair and partly in cipher.

XLIII

Telegram - from the Chief Secretary to the Government of Madras
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 23rd June 1911.

Please see my letter dated the 20th instant regarding Ashe's murder. It does not appear from the latest reports that there is so far evidence that other provinces are involved. The first report regarding the assassin's visit to Baroda and seizing of correspondence with Bombay, Poona and Baroda is apparently incorrect.

XLIV

Telegram - from the Hon'ble Mr.J.Twigg, I.C.S.,
To - The Chief Secretary to Government
Dated - Palamcottah, the 23rd June 1911

Gillman having arrived, am at liberty to return to Madras ?

XLV

Telegram - from the Chief Secretary to Government
To - The Hon'ble Mr.J.Twigg, I.C.S., Palamcottah.
Dated - Ootacamund, the 23rd June 1911

Unnecessary for you to remain after Gillman's arrival.

XLVI

Telegram - from the District Magistrate, Tinnevelly.
To - The Chief Secretary to Government
Dated - Tinnevelly, the 23rd June 1911.

Government have already sanctioned a reward of Rs.1,000 for arrest of accomplice of Ashe's murder who absconded immediately. Beg to request that Government will sanction reward of Rs.1,000 for any information leading to conviction of any one concerned in case.

XLVII

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 23rd June 1911.

Inquiry proves existence of secret society. Statements have been given to police by two members who will probably be made approvers. On (? further) evidence warrants for arrest and search obtained son of ex-zamindar. Still no connection with other provinces.

XLVIII

Letter - from G.W.Lrane, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government (through the Inspector-General of Police)
Dated - the 22nd June 1911
No. - C.232.

The enclosed consolidated report, received from the Superintendent, Government Railway Police, Trichinopoly, today, regarding the murder of Mr.Ashe, and the progress of the Police enquiry into the case, is submitted, in continuation of this office telegram No.153, dated 21st June 1911.

Forwarded

Madras,
23rd June 1911

H.D.Robertson,
Acting Inspector-General of Police.

Enclosure.

Copy of a report received from F.B.M.Cardozo, Esq., Superintendent, Government Railway Police, dated Tinnevelly, the 20th June 1911.

On the 17th June 1911 Mr.Ashe, Collector of Tinnevelly, and Mrs.Ashe left by the morning mail from Tinnevelly Bridge station for Kodaikanal. They reached Maniyachi junction at 10.38 A.M. and remained in the first-class compartment of a bogie carriage consisting of a first class compartment, a servants' compartment and two second class compartments.

They had to change at Maniyachi junction into No.2, boat mail from Tuticorin, which is due at Maniyachi junction at 10.48 A.M. The passengers by the morning Tinnevelly mail got out of the train on its arrival at Maniyachi Mr.Ashe and his wife remained in the carriage possibly as they found it more convenient to stay there, than to go to the waiting room. The carriage in which they were sitting was just opposite the first and second class waiting room. The two sons of the Maniyachi Stationmaster, Arokiaswamy, aged 14, and Mariya Das, aged 12 state that they went to the platform to see the passengers. No one was near the carriage in which Mr. and Mrs. Ashe were sitting. The peons and servants had gone to the waiting room. No one was in the second class compartment. These two boys knew Mr.Ashe by sight but did not know Mrs. Ashe. When Mr.Ashe saw them, he smiled at them and they stayed near the carriage, on the platform, about two yards away. They had not been there more than a minute or two, when they noticed two men, one in a green coat and the other a young Brahman without a coat, approach the carriage from the south, along the platform. The green coated man peeped into the compartment where the Ashes were, the other young Brahman went and stayed at the servants' compartment. Mr.Ashe who was sitting on the side farthest from the station platform was annoyed at the green coated man looking into the carriage and frowned at him. The man pointed a pistol at Mr.Ashe (the boys say they do not know how the man got the pistol, they did not see him take it out of his pocket). Mr.Ashe was alarmed and taking off his topee threw it at the man, but it missed

him and fell out of the window on to the platform. Just then the green coated man fired the pistol. At this point, the smaller of the two boys, Mariya Das, ran away and knows no more. The elder boy Arokiaswamy says that immediately the shot was fired, the young Brahman ran away north along the platform but he did not pay much attention to him. Mr.Ashe tried to get out of the carriage, but Mrs. Ashe prevented him and almost immediately after Mr.Ashe fell down. The Collector's peon, hearing the shot, came out of the waiting room and seized the green coated man. While they were struggling, Arokiaswamy went away home being frightned. The station officials land others now carry on the story. They say the assassin threw off the peon and struck him, threatened the crowd and ran away north, doubled round the north end of the station building, ran south down the other platform and eventually got into the female latrine at the south end of the station, followed by a crowd of police, peons, porters, coolies and passengers, The assassin came out of the female latrine and flourishing his pistol declared he would shoot anyone who came near him. He then ran into the male latrine. He was there bombarded with railway metal (stones). As no one had any fire-arms, no one went into the latrine after him. There were only two platform Railway constables and the Railway beat constable who had come in the train from Tinnevelly. The other platform constable had gone on escort duty in Ottapidaram and the Railway Police head constable was absent without leave. At the time of the attack on Mr.Ashe, the two platform constables had taken up their positions on the outer platform to receive the boat mail expected

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from Tuticorin, and the Railway Police beat constable was with one of them getting exchange of signatures. As soon as the crowd had got the assassin in the male latrine, one of the Railway Police constables was sent to Maniyachi local police station, which is nearly 1.1/2 miles away, to get some men and fire-arms to capture him. Meanwhile the boat mail came in from Tuticorin and on board were Mr.Mansfield of the Madura Company and the Railway Apothecary of Tuticorin by great good fortune. Mr.Ashe was at once attended to and a train was run back to Tinnevelly convoying him. Unfortunately he died on the way, at about 11.30, from internal haemorrhage. He had been struck a little to the right between the eighth and ninth ribs. Intimation of the affair was atonce wired to all concerned. Later the Maniyachi local police constable turned up with a carbine and entered the latrine where the assassin had taken refuge. He called out to the others outside and they came in and found the assassin dead, with a pistol in his hand. He had evidently shot himself but no wound on him was found. Mr.Cox, Head Assistant Magistrate, and Mr.Johnson, Assistant Superintendent of Police, Tuticorin, arrived at 13.45 P.M. The body of the assassin had not been disturbed. They found in his hand an F.N. Browning model automatic 256 bore pistol covered with blood which had issued from the dead man's mouth. They took and examined the pistol; it was found empty of cartridges. An empty cartridge case 310 bore was found in the latrine. The assassin had apparently only two shots at his disposal. It was known that he had fired only one shot at Mr.Ashe and although no one heard a shot fired in the latrine,

owing to the great noise made by the wind, he could only have fired one shot at himself, because a careful search revealed only one empty case. The pistol was very rusty in its working parts and showed signs of great neglect. The maker's number had been carefully filed away from the lock plate.

Note - The District Superintendent of Police tells me that an exactly similar automatic pistol had been stolen about a year ago from Mr.Lodge of the Forest department, while in the Tinnevelly district. The Deputy Traffic Manager, South Indian Railway, Mr.Cross, who was at Madura, and Mr.Woolscroft, the South Indian Railway District Medical Officer of Madura, left for Tinnevelly by the first available train, but it was too late for them to do anything. The Traffic department afforded every facility for the moving of Mr.Ashe to Tinnevelly by a specially light train and for moving the body of the murderer to Tinnevelly for necessary inquest.

After an inquest on the body of Mr.Ashe, and a death certificate granted by the District Medical Officer. Tinnevelly, his remains were carried to Palamcottah and interred in the European cemetery on night of 17th. On the same night an inquest was held on the body of the assassin. A copy of the report will be forwarded when received from the local police.

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In a pocket of his coat was found a purse "Made in France" containing the following items:-

(1) A second-class railway ticket from Tinnevelly Bridge to Maniyachi for 17th June 1911, issued for the very train in which Mr.Ashe travelled, for it was found that five second class tickets had been issued to Maniyachi, by that train, and only four were collected. This ticket makes the fifth.

(2) Five annas in cash; and
(3) Some detachable buttons.

Fastened to his sacred thread which contained six strands and which showed he was a married Brahman, was a small key. In a pocket on his shirt was found a letter in Tamil well written (a true translation is enclosed marked exhibit A). This gives his name as R.Vanchi Aiyar of Shencottah (on the Border of Tinnevelly district in Travancore State). At the inquest the Collector's peon, Shamsir Sahib, declared that he had seen a man two or three times during the last few days trying to get at Mr.Ashe with a petition, at the Collector's bungalow, and had sent him away saying that he could not see Mr.Ashe at the house, Ramalinga Aiyar, as hotel-keeper of Veeraraghavapuram, close to Tinnevelly Bridge Railway station, said that the assassin had meals at his hotel for three days on the 14th, 15th and 16th, but he has not come since. He did not know who he was, and he came alone.

The assassin was dressed in a white dhoti and shirt with a shikar cloth coat and a lace cloth round his neck with the ends trucked in front inside the coat like a comforter. He was a robust, well-developed man of about 30 years of age. Looked like a Smartha

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Brahman and wore his hair like the local Brahmans shaved back from the forehead and grown long behind. He were no head covering and had a beard of over a month's growth. His finger prints were taken and he was photographed.

A post-mortem was held on the morning of 18th and a bullet (310) was found to have penetrated his tongue and entered the vertebrae at base of skull. Muhammad Madi Khan, a Muhammadan ex-policeman, said to local police that he had come to Tinnevelly Bridge station, on the 17th morning, to see a friend off, and just as the train was starting he saw a man like the assassin and a Brahman youth like a Malayalee rush on to the platform and enter the train. The youth was carrying a varnished wood box about 30 inches long by 9 inches wide, by about 4 inches deep (it looked like a gun case). This box has disappeared mysteriously.

I left Trichinopoly by the No.3 passenger train on 17th June 1911, and arrived at Maniyachi at about 9 A.M. I examined the scene of offence, examined the two boys, sons of the Station master, and other witnesses.

I description of the other man who was/ with the assassin was got from the boys, who were the only persons at Maniyachi who noticed him and who saw the assassin fire the shot at Mr. Ashe. The Ilevalengal local police station house officer wired he had found a young Aiyangar Brahaman, answering to the description of the youth at Kadambur and had arrested him. He was brought to Maniyachi, but the two boys failed to identify him, although they did not appear quite sure and said he was like him. I ordered the police

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to take him to Tinnevelly and get him remanded, so that we might test his story. He said his name is Srinivasa Aiyangar, son of Singam Aiyangar of Gamblaputhur village, Periyakulam Taluk, Madura District, and that he had been educated at Trivandrum and Periyakulam High Schools. He had come to Tinnevelly a month ago to get a job in the Survey department: he had spent one day in Tinnevelly and then had gone to Trichendur and Kulasekharapatnam for 15 days, where he has relations. He came back to Tinnevelly and lived in a chatram at Kurukuthurai. He did not get a job and had enough money to take him to Maniyachi by rail. He went on the 16th and then went by road through Ilaye-langal to Kadambur. He had intended walking back to his native village.

His story will be tested. Mr.Hamilton, District Superintendent of Police, Tinnevelly, and Mr.Johnson, Assistant Superintendent of Police, Tuticorin, came to Maniyachi and I went through the case with them. Mr.Cox, who is carrying on in charge of the district, arrived from Tinnevelly to meet the boat mail No. I which was convey-ing the Hon'ble Mr.Twigg.

On the arrival of the boat mail, Mr.Twigg was put in possession of what information we had. Just before the departure of the connecting train to Tinnevelly, by which we all travelled, Mr.Hamilton received a message from the Inspector of Tenkasi, from Shencottah, to the effect that the assassion was really Raghupathi Vanchi Aiyar of Shencottah. By the boat mail Deputy Superintendent

Venkoba Rao and Criminal investigation Department Inspector Balakrishna Menon arrived. I sent the latter on the Shencottah to enquire into this information, and tomorrow morning will send a photograph, which should be ready by then, of the assassin. We will know definitely tomorrow evening(19th).

On arrival at Tinnevelly Bridge station, Mr.Cox told me that he had been informed by the Tinnevelly Deputy Collector, Mr.Ramachandra Rao, who had held the inquest on the body of the assassin on night of 17th, that a hotel keeper, Loganatha Aiyar by name, had told him this day (18th June 1911) that last night at the inquest he had been afraid to identify the body of the assassin, but that he had really known him quite well for the last five years. He did not know him by any other name than that of Raghupathi Aiyar's son of Shencottah and added that on the morning of the 17th he had been to his hotel for meals.

At about 6.30 or 7 P.M. this evening (18th June 1911), Mr.Cox received a wire from Government authorizing him to issue a reward of Rs.1,000 for the apprehension or information leading to the apprehension of the accomplice. This notice was at once drafted and sent to press for 500 copies to be printed to night.

The description of the man wanted is as below:

Description - Age about 20; height 5 feet 1 inch or 5 feet 2 inches; slight build; brown colour; smooth shaved face; hair cropped; dressed in a waist cloth like a Malayalee, wearing saered thread and a lace-bordered cloth over his shoulder.

This morning (19th June 1911) was engaged in preparing the record in this case. Saw Headquarter Deputy Magistrate, Tinnevelly, and got from him copies of the inquest proceedings and statements of witnesses examined by him.

Received message from Shencottah to the following effect; "Several letters disclosing long standing conspiracy recovered from murderer's house yesterday. Please arrange search, by competent officers, houses of Mahadevaswami Pillai and Ramamurthi, Ottapidaram, K.V.Arumugam, Nattu Kottai Street, Tuticorin, also their arrest."

Later another message from Shencottah to the following effect: "Murderer Vanchi alias Sankara Aiyar, Son of Raghupathi Aiyar, late monigar, devasthanam, Shencottah, and a relation of Mahadeva Aiyar, Minor Irrigation Overseer, Tuticorin, was a forest guard at Punalur (Travancore State). Six months back went away to Baroda and returned recently, was seen on 13th at Kadayan en route Tinnevelly; four houses searched by local police, letters from persons at Poona, Bombay and Baroda seized on suspecion from his house; books and pamphlets, seditious, seized from other houses."

Mahadeva Aiyar alluded to in this telegram was sent into Tinnevelly by the local police and appeared before Mr.Tampoe, who recorded a statement from him, in which he says he saw Vanchi Aiyar, the murderer, who has married his wife's sister's daughter, some five years ago, and again on the night of the 12th at Tenkasi. He spoke with him and asked him where he had been during the last few months. Vanchi Aiyar told him that he had been in Baroda

learning technical work. He identified the photographs shown to him of the murderer as those of his relation Vanchi alias Sankara Aiyar, son of Raghupathi Aiyar, of Shencottah.

In the afternoon, after the arrival of the boat mail by which the Deputy Inspector General of Police for Criminal Intelligence and Railways and the Deputy Inspector-General, Southern Range, came, Deputy Superintendent Paupa Rao Nayudu, who had also come in that train, was sent to Shencottah to bring all the correspondence seized there. Mr.Cox gave Mr.Thomas and self a note of some information which Mrs.Ashe had given to Mr.Hill, Assistant Collector. The information was to the following effect. The day before the murder Mr.Ashe told her that a man had been to see him with a letter of introduction from Rev.Weston, of Nazareth, relating to the dispossession of a zamindar. The morning of their departure from Tinnevelly, Mr.Ashe pointed out to her, on the Tinnevelly platform, a man in a very bright purple coat as the person who had been to see him with the letter from Rev.Westen. At Maniyachi this same person came to the window of their compartment and said "Good morning to Mr.Ashe." Mr.Ashe returned the salute. The man again spoke. Mr.Ashe said "Good morning, you may go," but the man did not go. He stood outside the carriage and Mr.Ashe got annoyed with him and told him in a peremptory tone to go away. The man still did not go but glanced up and down the platform in a very furtive manner. So furtive was his look that Mrs.Ashe suspected

something and was frightened. He stepped back and made a gesture, as if backoning some one. Immediately after this the murderer came to the window and shot her husband.

Information is being gathered as to who this purple-coated person is. Rev.Westen has been wired to. In the evening search parties were sent to Ottapidaram and Tuticorin. More houses were ordered to be searched in Shencottah. On the morning of the 20th the Deputy Inspector-General of Police for Criminal Intelligence and Railways took the whole case as a Criminal Investigation Department one and asked me to send a consolidated report on it up to date. This morning the correspondence seized at Shencottah was brought to Tinnevelly by Deputy Superintendent Paupa Rao Nayudu and the whole day we were busily engaged in going through the letters, etc.

One Jagannatha Aiyangar, of Shencottah, who had been arrested by the Travancore police, said that one Pichumani Aiyar, an employee in an eating house in Madura, told him on the evening of the 17th that he and Vanchi Aiyar had murdered (shot) an European that morning. Special message sent to Madura District Superintendent of Police to arrest and search house of this Pichumany Aiyar. Mr.Johnson, Assistant Superintendent of Police, Tuticorin, wires to say that Arumugam Pillai of Tuticorin, mentioned in the correspondence seized, had been arrested and more correspondence seized.

The Deputy Superintendent, Doraiswamy Pillai, wires that S.Mahadevaswami Pillai, who appears to be the same person as Ramamurthi, was absconding from Ottapidaram. Some correspondence was found in his house. This correspondence will all be carefully gone through; it is very bulky. So far there has not been anything very important disclosed.

Mr.George, Superintendent of Police Travancore, is co-operating with us and Criminal Investigation Department Inspector, Balakrishna Menon, has been directed to proceed to . . . . Alleppey where some information may be obtained. The murderer's father has arrived in Tinnevelly and he is being closely examined by Mr.Tampoe, Head Assistant Magistrate. He has identified the murderer's photograph as that of his son Vanchi Aiyar.

Exhibit A.

The mlechas of England having captured our country, tread over the sanathanadharmas of the Hindus and destroy them. Every Indian is trying to drive out the English and get swarajyam and restore sanathanadharmas. Our Raman, Sivaji, Krishnan, Guru Govindan, Arjunan, ruled out land protecting all dharmas and in this land they are making arrangements to crown George V, a mlecha, and one who eats the flesh of cows. Three thousand Madrasees have taken a vow to kill George V, as soon as he lands in our country. In order to make others know our intention, I, who am the least in the company, have done this deed this day. This is what every one in Hindustan should consider it as his duty.

(Signed) R.VANCHI AIYAR, SHENCOTTAH.

XLIX

Letter - from G.W.Deane, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - the Chief Secretary to Government (through the Inspector-General of Police)
Dated - the 23rd June 1911.
No. - 235-C

The following further report, dated 21st June 1911, received today, from the Superintendent, Government Railway Police, from Tinnevelly, is submitted in continuation of this office No.232-C, dated 22nd June 1911.

Forwarded

23rd June 1911

H.D.ROBERTSON,
Ag. Inspector-General of Police.

ENCLOSURE

Report on the investigation of the murder of Mr.Ashe, by F.B.M.Cardozo, Esq., Superintendent of Government Railway Police, Trichinopoly, dated 21st June 1911.

The murderer's father Raghupathi Aiyar was closely examined and he stated that he and his son had not been on good terms lately. He said he had visited Pondicherry and Baroda, and was again in Pondicherry a short time before this murder.

A man named Muthuswamy Aiyar alias Ramasarma, son of N.Sankara Aiyar of Aravankulam, Tinnevelly district, was arrested by the local police on suspicion, on information that he had been seen moving about with the murderer some days before the murder. He admitted that his father owned lands at Punalur (place where the murderer had been

employed) He said that the T.U.S.S.Bank (Local bank) accountant had introduced him to the murderer Vanchi alias Sankara Aiyar. He took Vanchi to one Ponnappa Pillai for an oil bath. Again he went to Vanchi next day at the T.U.S.S.Bank and went to a dancing girl's house (Thai) at melamada Street. The murderer later visited the house of one Somasundaram Pillai is New Street, Tinnevelly, and remained there a short time.

Again next day he met the murderer at the T.U.S.S. Bank, and a Muhammadan aged about 50 spoke to the murderer, and asked him "How is the affair doing", to which the murderer replied" we will see."

This man resembled the person said to have been seen with Vanchi at the time of the murder, and the two sons of the Maniyachi Station master were sent for and brought to Tinnevelly, but failed to identify him as the man. He is being kept under remand, as he obviously knows more than he has disclosed, and further information about him may be obtained later. The correspondence which is being carefully gone through, which was seized at Shencottah, discloses the existence of a seditious society embrancing persons in Shencottah, Ottapidaram and Tuticorin. This society must have started some time last year and followed the propaganda preached by Nilakanta Aiyar, a well-known seditionist, who visited these parts about May and June or last year.

There are clear indications of connection with the anarchist gang at present in Pondicherry, but no word in the correspondence discloses any direct connection with other provinces.

The papers seized at Tuticorin and Ottapidaram will be received tomorrow and gone through carefully, and further information may then be available.

L

Telegram - from the Chief Secretary to Government.
To - The Deputy Inspector-General of Police for Criminal Intelligence and Railways.
Dated - Ootacamund, the 25th June 1911.

Your telegraphic reports should give information about the persons arrested and the searches made and the correspondence examined. Government must be kept fully and promptly informed by telegram of the progress of the enquiry. Please send a copy of Cardozo's daily reports here direct. With regard to your telegram of the 23rd, wire particulars of the ex-zamindar mentioned therein, and whether his son has been arrested, and if so, why.

LI

Telegram - from the Resident in Travancore and Cochin.
To - The Chief Secretary to Government.
Dated - Trivandrum, the 25th June 1911

Reference my confidential letter 22nd. Vanchi Aiyar had four months' leave end of 1910 and beginning of 1911, resigned May last. Quilon District Magistrate reports every help rendered to British police who are acting cautiously.

LII

Telegram - from the Resident in Travancore and Cochin
To - the Chief Secretary to Government
Dated - Trivandrum, the 26th June 1911

District Magistrate, Quilon, starting Tinnevelly to interview British Officers.

LIII

Telegram - from the Chief Secretary to the Government of Madras
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 26th June 1911
No. - 556, Judicial.

Tinnevelly murder. Correspondence seized indicates existence of secret society with members in Shencottah and Tuticorin. Connection with Pondicherry now clearly established. Still no evidence of connection with other provinces.

LIV

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 24th June 1911.

Have released zamindar on bail. The absconding Pillai from Shencottah arrested Calcutta. Murderer's box, left Tinnevelly, recovered. Tuticorin correspondence still being examined. Recent seditious pamphlet found. Connection with Pondicherry clearly established.

LV

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 25th June 1911

Arumugam Pillai and Somasundaram Pillai have given statements disclosing details of conspiracy. These have been recorded on oath. Zamindar's son is being prosecuted under the Arms Act. He has been released on bail.

LVI

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 26th June 1911.

Two boys have identified Sankarakrishna Aiyar, under arrest, as the accomplice who ran away at Maniyachi.

LVII

Telegram - from the Chief Secretary to Government
To - The District Magistrate, Tinnevelly.
Dated - Ootacamund, the 27th June 1911
No - 565, Judicial.

Letter found on Ashe's murderer should not be published. Warn Thomas.

LVIII

Demi-Official - from A.T.FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To - The Chief Secretary to Government
Dated - Trivandrum, the 22nd June 1911.

Your telegram of the 18th announcing the murder of Ashe reached me on Monday morning the 19th and its contents and instructions were communicated at once to the Diwan. I also asked him to send George to me as soon as he had spoken to him. An hour or so later I received the Diwan's reply, and George came to see me about 11 o'clock after his interview with the Diwan. I repeated my instructions to him and asked him to inform me of what was being done. He told me that he had wired to the Superintendent of Police, Tinnevelly, offering to co-operate in any way he could, When I next saw him he told me he had received instructions to search the house of a cloth merchant at Alleppey and arrest him. He sent orders accordingly to his Inspector, and on Wednesday night he told me that two men who occupied the premises, Harihara Aiyar and Harihara Sastri (nephew and uncle had been arrested. Some letters were seized, but he could not say what they were as the Inspector's report had not been received. It is a two days' post from Alleppey. On Wednesday evening the Diwan sent me for perusal and return a letter written by the Shencottah Sub-Magistrate to the District Magistrate, Quilon, and

from it I learned that the Assassin's name is Vanchi Aiyar and he is the son of Raghupathi Aiyar whose brother's daughter is married to Mr.Venkatarama Aiyar, Assistant Head Sirkar Vakil. The letter speaks of another brother Pichu Aiyar who seems to be employed under Messrs. Vallibhoy Kadirbhoy & Co., who have been the Sirkar timber purchasing contractors for the past quarter of a century. From the letter which is loosely worded and mixes up the writer's knowledge with matters of opinion and speculation, it was not clear whether Pichu Aiyar was the brother or paternal uncle of the assassin. The Diwan and I went carefully through the letter and concluded that Pichu Aiyar was the uncle, and that, as immediately after saying that Pichu Aiyar had been long connected with Vallibhoy Kadirbhoy & Co., the letter went on to say that "he was until the other day employed in the Forest department," the pronoun he referred to Pichu Aiyar. I accordingly wired to you today that on Pichu Aiyar's house being searched "Bharati's India" and letters from Poona and Pondicherry were found there and that this Pichu Aiyar who had recently resigned the Darbar Forest Service was serving at Punalur on the Shencottah - Quilon line and had not been seen since the murder. This afternoon (Thursday) the Diwan saw the Quilon District Magistrate, who told him that all this information refers to the assassin, and not to Pichu Aiyar who is an old man. The Shencottah Magistrate's letter mentions that a letter found in the assassin's

pocket showed his name to be R.Vanchi Aiyar of Shencottah and that it contained a statement to the effect that 3,000 young men were prepared to prevent the celebration of the King's Coronation in India and that he gave the first signal to the authorities by committing this deed. Then it is stated that he is the son of Raghupathi Aiyar whose brother's daughter is married to the Assistant Head Sirkar Vakil. The letter goes on "another brother of his is Pichu Aiyar long connected with Vallibhoy & Co., I learnt from the Diwan to night after he had conversed with the Quilon District Magistrate that the writer means that Pichu Aiyar is another brother of Raghupathi Aiyar and not of the assassin. The letter proceeds to say that he (which we now know must refer to the assassin) was till the other day employed in the Forest department at Punalur in some subordinate capacity, such as a guard and that some months ago he took leave and went to Pondicherry and that recently he resigned the service and told his people that he had got a billet, in Baroda. He was last seen at Shencottah on 12th June and at Tenkasi on 15th. The Magistrate says that he (i.e., the assassin) never used to stop at his house at Shencottah and had long ago quarrelled with his people, but he does not give the source of his information, and it is quite likely this may have been started by Vanchi Aiyar's own relatives out of fear just as at first the rumour got about that, as the murderer's father had died in jail and his soul

was in consequence eternally damned because the necessary ceremonies could not be performed, his son had killed the Collector. The Sub-Magistrate speaks of the search of three other houses, in two of which correspondence of an extremist type was found, but he does not say whose houses they were or what was the nature of the correspondence. The only information which George has been able to give me, besides the news of the arrest of the two cloth merchants (Hariharа Aiyar and Harihara Pastri), is that the house at Punalur of one Ramaswami Pillai where Vanchi Aiyar stayed has been searched, but according to his Inspector's wire" no useful correspondence was obtained". This information I received on applying to George on Wednesday night to let me know before he left for Tinnevelly what had been done. He said he had not communicated it to me as he had no more definite news to give. At this end George is working on instructions which he carries out without understanding their import. The Diwan does not like to telegraph to his officers for details for fear of confusing enquiries and allowing matter to get out. It is clear from the Sub-Magistrate's letter, dated 18th, from which I have quoted freely, that he and the Darbar police have been actively assisting the British police from the outset - even before I got your wire - in their searches. The threads are in the hands of the British police, and it is essential that the investigation should as far as possible be conducted by them for two reasons: (a) the Travancore police are not nearly so competent and (b) for the good name of the State the

tendency of the Travancore officials would be to try to make out that the act was unconnected with any conspiracy. The Sub-Magistrate's letter is valuable in as much as it shows

(1) that there was, in a friendly Native State, at least one man who having, so far as we know, no cause for personal animosity against the British Government was prepared to sacrifice his life to kill a prominent British official;

(2) that the man was in touch with Pondicherry and Poona - notorious centres of sedition. How far there are others in Travancore of his way of thinking has yet to be discovered.

(3) that the assassin was fairly well connected and probably decently educated. He was not a mere boy to be led away by others but a grown man and competent to form his own opinions. The Diwan told me this evening that his father is alive and retired only two years ago from the Darbar's devaswom department while he was the Manager of the Sirkar temple at Arienkavu. Both the father and uncle (Pichu Aiyar) are reputed to be respectable well-behaved people.

These seem to be the important features in the case. His Highness is too distressed to speak much about the case and the Diwan is much upset also. The latter hoped at first it would turn out that the assassin was not a Travancore man, but it now appears that not only is he so but was in the Darbar service as was also his father and that his

uncle is employed by Sirkar contractors of over half a century standing. The reflection that the assassin was connected by marriage with the Assistant Head Sirkar Vakil causes much pain. His Highness is dreadfully disressed that the assassin was a Travancore man and no doubt feels it the more that he and his family were Darbar servants. Further, he shrinks from anything that brings notoriety to the State: it makes it all the worse that this should have occurred so soon before the visit of their Majesties to Delhi.

LIX

Telegram - from the Secretary to the Government of India, Home Department
To - The Chief Secretary to the Government of Madras
Dated - Simla, the 26th June 1911
No. - 398, Political.

The publication of the vernacular letter or note found on person of Ashe's deceased assassin should not be permitted unless it is absolutely necessary in the interests of justice.

LX

Telegram - from the Chief Secretary to Government.
To - The District Magistrate, Tinnevelly.
Dated - Ootacamund, the 27th June 1911

Government think Act XIV of 1908 should be applied to proceedings connected with Ashe's murder. Send abstract of evidence available for prosecution and particulars of persons to be charged.

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LXI

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 27th June 1911.

Arrest made of Alagappa Pillai of Shencottah.

LXII

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.

To - the Chief Secretary to Government (through the Inspector-General of Police)
Dated - the 26th June 1911
No. 237-C

The enclosed reports, received from the Superintendent, Government Railway Police, Trichinopoly, dated 22nd 23rd and 24th June, regarding the murder of Mr.Ashe, and the progress of the police enquiry into the case, is submitted, in continuation of this office No.235-C, dated 23rd June 1911.

Forwarded.

Madras,
26th June 1911

H.D.ROBERTSON
Ag. Inspector-General of Police.

ENCLOSURE

Copy of a report of the investigation of the murder of Mr.Ashe, by Mr.F.B.M.Cardoze, Superintendent of Government Railway Police, dated 22nd June 1911.

Yesterday the two sons of the Station master failed to identify the young man Muthuswami Aiyar* who has been arrested on suspecion. As, however, he has been seen in the company of the murderer before the murder, he is kept under arrest and further enquiries are being made about him.

* Paragraph 758 of 1908

The Rev.Weston of Nazareth, who had given a letter of introduction to the purple coated person mentioned by Mrs.Ashe, wired that he was the son of the claimant to the Panchalamkurichi zamindari (near Ottapidaram), but enquiries go to show that he really had nothing to do with the affair, and Mrs.Ashe must have mistaken the elapse of time between his leaving the carriage and the arrival of the assassin.

The two sons of the Station master of Maniyachi say nothing about the purple coated person and are sure that no one was near the carriage for some two minutes before the murderer arrived.

Telegrams from the Assistant Superintendent of Police, Tuticorin, State that further searches are being made there and one Somasundaram Pillai * was arrested and correspondence seized, also that Madaswami Pillai (Paragraph 1781 of 1908) and Shunmugasundaram Pillai (paragraph 330 (a) of 1908) had left the place for Trichendur.

* Paragraph 467-C of 1908, Secret Abstracts.

Madura police wired that Pichumani, who was employed in an eating house there, had been arrested and was being sent in custody to Tinnevelly. We expect him here today.

The Tanjore police wired that Vembu Aiyar's house had been searched and nothing incriminating or of importance had been found.

Yesterday's perusal and sifting of correspondence, already seized, shows that Vembur Aiyar alias Mahadeva Aiyar is the elder brother of Pichumani alias Venkatachalam Aiyar. They were both in correspondence with the murder.

Report continued, dated 23rd June 1911.

This morning was occupied in putting the record in the case so far together.

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In the afternoon Arumugam Pillai (Paragraph 524 (a) of 1907), Somasundaram Pillai, Subbayya Pillai and Muthu-Kumaraswami Pillai were brought into Tinnevelly from Tuticorin with the correspondence seized at the searches made in Tuticorin.

Pichumani Aiyar was brought under arrest from Madura. A torn letter found in his house was placed together and found to contain nothing of importance.

Pichumani Aiyar is the young lad who is said to have told Jagannatha Aiyangar, under arrest in Shencottah, that he and Vanchi Aiyar had murdered an European that morning (17th June 1911). He is remanded, and the two Station master's sons will be obtained and the identification parade carried out in the presence of a Magistrate.

He (Pichumani Aiyar) has denied all knowledge of the offence and states he does not know Vanchi Aiyar,. This statement is false, as correspondence seized from Vanchi's house discloses rather more than acquaintanceship.

Arumugam Pillai has admitted belonging to a secret society formed with the intention to kill Europeans.

He offers a full account of the whole affair, and all yestereday, afternoon was spent in according his statement. Towards dark he professed to be tried and wanted to rest. This statement will be completed today.

Somasundaram Pillai and Subbayya Pillai have been remanded. The correspondence seized at Tuticorin will also be gone into today.

Yesterday afternoon, Mr. George, Superintendent of Police, Travancore, arrived and was placed in possession of the facts, as at present ascertained. He informed us that Harihara Aiyar had been arrested at Alleppey and remanded.

Mr. Gillman arrived by boat mail to take over charge of the district. Mr. Thomas, Deputy Inspector-General

of Police, explained the case to him and gave him what information had been obtained so far.

Report continued, dated 24th June 1911.

Yesterday the correspondence seized at Tuticorin was partly gone through.

It discloses the existence of secret society, members of which belong to Shencottah, Tuticorin and Ottapidaram with connection in Pondicherry.

The statements of Arumugam Pillai and Somasundaram Pillai of Tuticorin were completed.

The former gives information of the secret society of which he was a member, as was also the murderer, and gives its history upto February 1911, when he was married and ceased to have any connection with it. He speaks to an oath taken to murder Europeans generally.

The latter (Somasundaram Pillai) correborates the former and carries on the history of the society to within a few weeks of the murder.

He details an occasion at Ottapidaram in S.Madaswami Pillai's house, when Vanchi swore an oath to murder Mr.Ashe

From that time he did not have anything more to do with the murderer or the society.

Mrs. Ashe has recovered sufficiently from the shock of her husband's murder to be interviewed, Mr.Gillman took a statement from her, in which she dwells on the presence of the sone of the claimant to the Panchalankurichi zamindari at the time of the murder, and her statement is quite clear that she is positive he was screening the murderer's presence when he stood at the window of the carriage in which she and her husband were seated. This evidence is contradictory to that recorded from the duffadar and the sons of the Station master of Maniyachi.

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The duffadar says he was talking to the zamindar's son in the waiting room and the boys say that only the murderer and his companion who ran away were present.

From the demeanour of the two boys it is clear that the elder boy does not wish to give evidence and the younger boy is influenced by the elder. Both have been probably told by their father not to render any assistance for fear of reprisals.

The duffadar is known to have been in Mr.Ashe's bad books and was shortly to leave the service. He has possibly been got at by the zamindar's son. The Deputy Inspector-General thought that Mrs.Ashe's statement coupled with the peculiar circumstances attending his connection with the affair was good enough to justify his arrest. The District Magistrate has issued search and arrest warrants, and Mr.Johnson, Assistant Superintendent of Police, Tuticorin, with a special party has been despatched to search and arrest the son of the zamindar.

In the evening the two sons of the Maniyachi Station master failed to identify the man, Pichumani Aiyar, arrested in Madura.

Sankarakrishna Aiyar, brother-in-law of the murderer and who is a member of the society and mentioned continually in the correspondence seized, has been brought here under arrest from Tenkasi and has been remanded.

LXIII

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government (through the Inspector-General of Police)
Dated - the 27th June 1911
No. - 240-C.

The enclosed report, received from the Superintendent of Government Railway Police, Trichinopoly, today regarding the murder of Mr.Ashe, and the progress of the police enquiry into the case, is submitted, in continuation of this office No.237-C, dated the 26th June.

Forwarded

27th June 1911

H.D.ROBERTSON,
Ag. Inspector-General of Police.

Enclosure

Report on the Proceedings of the Police enquiry into the murder of Mr.Ashe, by Mr.F.B.M.Cardozo, Superintendent of Government Railway Police, Trichinopoly, dated 25th June 1911.

Yesterday the son of the ex-zamindar of Panchalamkurichi was arrested and brought into Tinnevelly. He was taken before the District Magistrate.

A Roman Catholic priest, Rev.Castets, S.J., Trichinopoly, who had come from Trichinopoly, stated he had travelled with the son of the ex-zamindar, his father and three others in the second-class compartment next to the first-class compartment in which Mr. & Mrs. Ashe were.

As soon as the train reached Maniyachi, the Reverend Father got out on to the eastern platform and the zamindar and his son on to the western platform. It was not till ten minutes or more after the train arrived at the station that the shot was fired.

The son of the ex-zamindar says that as soon as he got out of his carriage at Maniyachi he salamed to Mr.Ashe and Mrs.Ashe as they sat in their carriage.

Mrs.Ashe only glanced at him. She had her back to him. He did not stay there, but at once passed on and went to the waiting room, where he took some food. It was some minutes after this that the shot was fired.

From the demeanour and evidence of this man and the Reverend Father it is almost certain that Mrs.Ashe is mistaken in her assertion that the son of the ex-zamindar was at the window for some time.

We have it in evidence that the assassin was some time at the window before firing the shot, and that Mrs.Ashe was annoyed with him for looking in at the window. Mrs.Ashe had her back to the place where the assassin was, and most likely concluded that the assassin and the ex-zamindar's son were the same person.

It was decided to release the man on bail. In the search of his house some unlicensed arms were found - a revolver and 10 lb. of gun powder, a heap of swords, daggers, etc. Among his correspondence were extracts from Pondicherry seditious papers.

It was clearly proved later on that six passengers travelled in the second class compartment next to Mr. & Mrs. Ashe.

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We have accounted for all six passengers as below:

1. Ex-zamindar of Panchalamkurichi.
2. Son of No.1
3. Rev. Castets., S.J.,
4. M.Raman, Manager, Survey Office, Tinnevelly
5. Venkata Rao, a clerk in the Survey office.
6. A Pillai, a landlord, friend of Nos. (4) and (5)

We have found out that Mr.K.K.Chakko, Barrister, travelled in the other second-class compartment and that it was full. We have sent for Mr.Chakko and hope to be able to get from him the names or description of his fellow passengers that day.

LXIV

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - the Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 28th June 1911.

Should like Cardozo proceed Ootacamund to explain case in detail and obtain instructions. Can now spare him a day. Please wire reply; Myself cannot leave.

LXV

Telegram - from the Chief Secretary to Government.
To - The Deputy Inspector-General of Police for Criminal Intelligence and Railways.
Dated - Ootacamund, the 28th June 1911.

Send Cardozo as proposed.

LXVI

Telegram - from the District Magistrate, Tinnevelly.
To - The Chief Secretary to Government
Dated - the 28th June 1911.

Reference - your last wire and wire sent today by the Deputy Inspector-General of Police for Criminal Intelligence and Railways. Have instructed Cardozo proceed Ootacamund tomorrow to explain all particulars and obtain instructions.

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XLVII

Telegram - from the Resident in Travancore and Cochin
To - the Chief Secretary to Government
Dated - Trivandrum, the 29th June 1911.

Instructions contained in your D.O. letter 25th carried out.

LXVIII

Demi-official - from H.F.W.GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 27th June 1911

Your demi-official of 25th to hand and instructions noted. The progress of the police investigation has been so satisfactory during the past few days that there would have been no necessity to notify the reward I asked for, even had Government sanctioned it.

It may be asserted that the main facts of the conspiracy and murder are now in our hands and that details alone have to be worked out.

It was fortunate that Vanchi Aiyar, the murderer, gave his place of residence in the letter which was found upon him, as all the results obtained have followed from this information. The police were able to search his and other houses in Shencottah at once and secure incriminating correspondence, before it had been made away with. It was this correspondence that guided further action in the investigation of the conspiracy to murder Ashe, for it gave the names of the conspirators. Two names, Madhavaswami alias Ramamurthi Pillai, of Ottapidaram and V.V. Arumugam Pillai of Tuticorin were wired down at once and their houses were searched and further incriminating correspondence was found. Madhavaswami had absconded (and has not yet been arrested), but Arumugam was

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arrested by Johnson (Assistant Superintendent of Police) and at once volunteered a statement, which however he was told to hold over until he was brought to Tinnevelly. It was ascertained that Pichumani Aiyar and Somasundaram Pillai were also conspirators and both these men were subsequently arrested. Arumugam Pillai has not been kept under remand and will be treated as a witness. His statement, which has been recorded by Cox under section 164, Criminal Procedure Code, brings the history of the secret society down to February 10th and ends with an oath taken to murder Europeans generally. Somasundaram Pillai (I have tendered him a pardon) has been and still is under remand and his confession has also been recorded by Cox. He was associated with the society to within a few weeks of the murder and has spoken to a meeting, between Madhavaswami, Vanchi and himself at Madhavaswami's house at which Vanchi swore to murder Ashe.

The conspiracy appears to have been organised by one Nilakanta Aiyar, a native of Shiyali taluk, who came down here from Pondicherry in May or June last year and seems, so far as has been ascertained, to have associated with men of Shencottah, Ottapidaram and Tuticorin. The secret society does not appear to have had any connection with an archists in other parts of India. Madhavaswami was the most dangerous member of it. Nilakanta Aiyar was here at the time of the riots three years ago, but Thomas then thought him to be compartively harmless. He has evidently

become dangerous since. Thomas has not yet been able to arrest either of these men, and if he does not secure them within the next few days, it will be advisable to offer a reward for their apprehension. I request that Government will give me authority to offer a reward of Rs.500 for each of them, in case I find it necessary to do so.

So much for the conspiracy. Thomas will have a charge sheet put in against the men implicated in it, who have already been arrested, in a few days.

In regard to the actual murder, most of the facts are now clear. Sankarakrishna Aiyar, a relation of Vanchi, has been arrested, and there can be no doubt that he is the man who was with Vanchi at Maniyachi and who bolted after the shot was fired. He has been identified by the two sons of the Station master at Maniyachi who witnessed the tragedy. The identification was done yesterday in the presence of the Sub-Magistrate and was conclusive. Sankarakrishna Aiyar was mixed up with other Brahmans and was picked out by each boy at once, the boys being brought in separately. It is believed Sankarakrishna Aiyar and Madhavaswami were associated with Vanchi during his three days stay at Viraraghavapuram immediately before the murder and that they travelled down with him in the same train as Ashe from Tinnevelly Bridge. Thomas is now on the track of witnesses who are likely to prove

these facts. Sankarakrishna Aiyar will shortly be charged with abetment of murder and evidence sufficient to obtain a remand from the Magistrate will be put forward. All the evidence that we require will not have been secured by the time that this charge sheet is put in, and what is forthcoming afterwards will be included in a supplementary charge sheet. We hope also that there will be sufficient evidence against Madhavaswami to prosecute him on the same charge.

I have thought it advisable to summarise results so far at some length so that Government may understand that they have been obtained in natural sequence from the clue that the murderer left in his letter and that there is no reason to suspect the police of underhand work. The searches made are above suspicion and the evidence recorded by the police has been taken under the immediate supervision of Thomas himself and in the presence of either Hamilton or Cardozo. Everything is being done under the direction of these officers.

This letter has been copied by Hill, my Assistant Collector.

LXIX

Telegram - from the Superintendent of Railway Police
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 29th June 1911.

Will arrive Ootacamund afternoon mail 30th. Please send peon with instructions meet me.

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LXX

Telegram - from the Chief Secretary to Government
To - The District Magistrate, Tinnevelly
Dated - Ootacamund, the 30th June 1911
No. - 593, Judicial.

Your demi-official, 27th June, Government authorize you to offer reward of thousand rupees each for arrest of Nilakanta and Madhavaswami. You must not tender further pardons without approval of Government.

LXXI

Demi-official - from A.T. FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To - The Chief Secretary to Government.
Dated - Trivandrum, the 26th June 1911.

In continuation of my letter, dated Thursday, 22nd June 1911, and my telegram of the 25th June, I write to say that I have obtained the following information from the Diwan through the Conservator of Forests, Quilon. Vanchi Aiyar, the murderer of Mr. Ashe, entered the Darbar service as a temple accountant at Arienkavu in Makaram 1083 (January-February 1908). He was appointed forest watcher in Dhanu 1085 (December 1909-January 1910), and forest guard in Chingam 1086 (August-September 1910), He was granted 25 days' leave on 14th Thulam 1086 (30th October 1910) and ten days' leave on 15th Dhanu 1086 (30th December 1910). He got an extension of leave for one month and then applied for and obtained a further extension of two months. The latter application was made from Madras by telegram. He rejoined duty on the 26th Meenam 1086 (8th April 1911) and resigned the service on the 2nd Edavam (15th May 1911). His District Forest Officer reports that he was a quiet well-behaved man.

2. In my letter of the 22nd June, I stated that the Sub-Magistrate of Shencottah had reported that Vanchi Aiyar took leave some months ago and went to Pondicherry. In view of the reports that correspondence or papers incriminating other persons and showing the existence of a conspiracy have been discovered, I think the periods of leave taken and extensions applied for are significant. The information now received from the Conservator of Forests that one extension of leave was applied for from Madras by telegram also appears to me to be of great importance. It is, of course, pure surmise on my part, but it looks to me as though the assassin were being prevailed upon and had not quite made up his mind or was possibly not very willing to undertake the murder which was then probably being concocted. It will be seen from the dates I have given above that the rejoined his duty on 8th April and remained in service for five weeks and two days. It seems clear that he finally made up his mind to commit the murder when he resigned his service on 15th May. If the extensions of leave indicate a certain unwillingness on his part to go to extremes, it is quite possible that some one was sent down to keep him up to the mark and see that he carried out the deed which he might have consented to commit before the returned to duty on 8th April. It might be profitable to discover whether, as a matter of fact, anybody from outside the State came and visited him or was in close personal communication with him between the dates 8th April and 15th May. How a man in his position and with his family connection with the Darbar became mixed up with a murderous set is still a mystery. From all accounts the assassin made no serious attempt to escape; at the same time, according to what has appeared in the papers, I see that the number on the revolver used had been obliterated. Would a man who was acting entirely by himself and who made no effort to escape have taken the precaution of filing off the number on the revolver in order to baffile

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enquiry or is this circumstance due to the foresight of men who supplied him with the weapon and was the suicide of the assassin a master stroke on their part ?

LXXII

Demi-official - from H.F.W.GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.

To - The Chief Secretary to Government.

Dated - Tinnevelly, Bridge, the 28th June 1911.

I have received your eipher telegram intimating the opinion of Government that Act XIV of 1908 should be applied to proceedings in connection with Ashe's murder, To that opinion, I beg to state, I entirely subscribe.

If proceedings of the ordinary description were to be taken in this district, much unhealthy excitement would be caused, and much sympathy would, I apprehend, be evoked and expressed for the accused. The witnesses would give their evidence before a crowd they knew to be hostile and would probably be terrorised. It is, therefore, very desirable that the public and vakils of the district should be excluded from the local magisterial inquiries, and should receive their impressions of the final trials in the diluted form of newspaper reports. Another advantage of the procedure prescribed by the Act under reference is that the witnesses will have to stand the fire of cross examination only once - and that before the High Court. The High Court will also have a better grasp and appreciation of the evidence, when it is given before them, than if they had to refer, in appeal, to a written record.

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You ask for the particulars of the evidence available for the prosecution and of the persons charged. I think that the most satisfactory way in which this report can be made is by Cardozo in person. I have telegraphed you today that he leaves hare for Ootacamund tomorrow. He will give you this letter. He takes a precis of the evidence with him, and being thoroughly posted in all details of the investigation, will be able to give Government any information they require.

We have decided that the charge against Sankarakrishna Aiyar should be under section 302 and 114, Indian Penal Code. The charge sheet has been drafted but has not been put up yet to a Magistrate. Thomas is waiting for witnesses who are expected to prove that Sankarakrishna Aiyar travelled with the murderer in the same train as Ashe. You will understand from the evidence that Cardozo will lay before you that this is the only missing link in the case.

In regard to the other persons, whom it is proposed to charge, it can only be proved by the evidence as far obtained that they were engaged in a conspiracy to murder European Officers and that as a result of that conspiracy Ashe was murdered. We are in favour of their being charged under sections 302 and 109, Indian Penal Code. Please refer to section 107, second definition of abetment, and also explanation 5. In regard to Madhavaswami (when he is arrested), there will be evidence that he was present when the murder of Ashe was agreed upon. In regard to the others the legal point will arise

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whether, having regard to the object of the conspiracy, the murder of Ashe was an act which the abettor must have foreseen as probable. I request the orders of government by wire as to the offence with which these men should be charged.

P.S - The letter found on the murderer has not been published. I suppose its contents must become public at the trial.

LXXIII

Telegram - from the Chief Secretary to the Government of Madras.
To - The Secretary to the Government of India, Home Department.
Dated - Ootacamund, the 1st July 1911
No. - 609, Judicial.

Government of India's sanction requested to application of Part I of Act XIV of 1908 to proceedings in respect of offences under sections 121-A and 302 read with 100 and 114 of Indian Penal Code, committed in connection with murder of Mr.Ashe, Collector of Tinnevelly.

LXXIV

Telegram - from the Chief Secretary to Government
To - The District Magistrate, Tinnevelly.
Dated - Ootacamund, the 1st July 1911
No. - 610, Judicial.

Government have read Arumugam Pillai's statement and think you should arrest Madathakadai Chidambaram Pillai and search his house and house of his dancing girl at Tenkasi. They approve proposed charge against Sankarakrishna Aiyar, but others should be charged under section 121-A as well as under sections 302 and 109. Necessary sanction for first section will issue at once. Government have decided to apply Act XIV of 1908 to all these offences on hearing from you that Magistrate has taken cognizance of them.

LXXV

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.

To - The Chief Secretary to Government (through the Inspector-General of Police)

Dated - the 28th June 1911

No. - 241-C

The enclosed report received from the Superintendent, Government Railway Police, Trichinopoly, today regarding the murder of Mr.Ashe, and the progress of the police enquiry into the case, is submitted, in continuation of this office No.240-C, dated 27th June 1911.

Forwarded. The Criminal Investigation Department office have not time to type the enclosures and the statements forwarded are the only portions which are of much importance. Mr.Thomas has, I believe, been asked by you to send a brief report of the investigation and results up to date, but this has not yet been received. It has perhaps been sent to you direct. I think satisfactory progress is being made.

H.D.ROBERTSON,

29th June 1911 Ag. Inspector-General of Police

ENCLOSURE

Report on the progress of the police enquiry into the case of the murder of Mr.Ashe, received from Mr.F.B.M.Cardozo, Superintendent, Government Railway Police, Trichinopoly, dated 26th June 1911.

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Yesterday it was decided to proceed against the Panchalamkurichi ex-zamindar's son under the Arms Act in respect of unlicensed arms found in his house when searched.

Enquiries show that Nilakanta Aiyar (paragraph 288, current abstracts) of Erukur, Shiyali Taluk, Tanjore, who is one of the Pondicherry anarchist party, is closely concerned in the conspiracy and his arrest has been ordered. He was said to be somewhere in Madras, but the latest advice is that he is hiding in Tinnevelly town.

The statements of Arumugam Pillai [paragraph 524 (a) of 1907_7 and Somasundaram Pillai (paragraph 467-C of 1908) have been recorded by a Magistrate. They prove the conspiracy, and the latter's statement is a confession. He was duly warned before his statement was recorded.

Further information has been received that Muthuswami Aiyar (paragraph 758 of 1908) under arrest, who was seen in company of the murderer for some days before the offence, removed a box (identified to be that of the murderer) from the house of Sankara Aiyar of Tinnevelly and sent it to his people at Karunkulam. The box has been recovered. It contains nothing of importance.

LXXVI

Endorsement No.C.173-1, Judicial, dated 2nd July 1911.

Returned to the Inspector-General of Police with thanks.

2. The Deputy Inspector-General of Police has been asked to send a copy of his daily report direct to me.

3. We have not been very well served in the matter of prompt information. On the 25th and 26th we had no reports and I now learn that two daily reports were received direct by the Inspector-General who, instead of sending them on to me atonce, sent them to the Personal Assistant to the Deputy Inspector- General of Police

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for Criminal Intelligence and Railways who in turn forwarded them once more to the Inspector-General for transmission to me! I see in last night's Mail again information about Mahdi Husain's identification of the accomplice, of which I have not heard a word officially. I hope the Inspector-General of Police will see that Government are promptly informed of all important incidents.

H.A.STUART,
Ag. Chief Secretary.

To
The Inspector-General
of Police.

LXXVII

Letter - from G.W.DEANE Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government (Through the Inspector-General of Police)
Dated - the 29th June 1911.
No. - 242-C.

The enclosed report, dated 27th received from the Superintendent, Government Railway Police, Trichinopoly, today regarding the murder of Mr.Ashe, and the progress of the police enquiry into the case, is submitted in continuation of this office No.241-C, dated the 28th June 1911.

Forwarded. It is satisfactory that the accomplice has at last been identified.

H.D.ROBERTSON,
Ag.Inspector-General of
Police.

29th June 1911

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Enclosure.

Report by Mr.F.B.M.Cardozo, Superintendent, Government Railway Police, dated 27th June 1911.

Yesterday Sankarakrishnan Aiyar, brother-in-law of the murderer, who had been arrested three days ago, and brought to Tinnevelly the day before yesterday, was identified by the two sons of the Maniyachi Station master as the person who was with the murderer when he fired the shot at Mr.Ashe, and who ran away north immediately afterwards. He answered the description of the person as given by them on the 18th. The identification was very formally conducted in the presence of the Town Sub-Magistrate.

Muhammad Mahdi, who is said to have seen a person of this description getting into the train at Tinnevelly Bridge with the murderer, cannot be found. He is employed by the Burma Oil Company and is on tour somewhere. We expect to hear of him in a day or two and he will be asked if he can identify this man.

It is also likely that a pointsman, who was on duty at the northern end of the Maniyachi junction station, may be able to identify him.

Mr.Chakko, Barrister, from Madras arrived. It was supposed that he had travelled to Maniyachi in the same train as Mr.Ashe and would be able to give us some information about his fellow passengers in the other second-class compartment. He told us, however, that he had not been in that train, but had travelled as far as Maniyachi the previous night, and he was standing in the east platform with Rev.Father Castets when the shot was fired. He did not see the assassin, but at once went to the assistance of Mr.Ashe. Alagappa Pillai of Shencottah (paragraph 240), who was mentioned in the correspondence found in the murderer's house, and who had absconded and in whose house some seditious literature had been found, was arrested hiding up a tree in a tope in Vadagara village attached to Pambuli police station in Tinnevelly district.

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He is a relative of the village magistrate, who had been hiding him and who declared to the police that he had left the place five days ago. The conduct of the village magistrate is being brought to the notice of the District Magistrate, Tinnevelly.

On Coronation day a number of the recent seditious pamphlets were distributed in Madura town. Copies were placed on the table of Europeans in the station and a newly entertained temporary Muhammadan peon of the Executive Engineer, Public Works department, Madura, is said to have taken part in the distribution. The matter is being enquired into by the District Superintendent of Police, Madura, who is in correspondence with the Deputy Inspector-General of Police for Criminal Intelligence and Railways. The latter officer has no Criminal investigation Department men to spare to investigate the matter, but will shortly visit Madura.

LXXVIII

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government (through the Inspector-General of Police)
Dated - the 30th June 1911
No. - 247-C

Enclosed copy of a report received from the Superintendent of Government Railway Police, Trichinopoly, dated the 28th instant, regarding the murder of Mr.Ashe, and the progress of the police enquiry, is submitted, in continuation of this office No.242-C, dated 29th June.

Forwarded.

Madras,
30th June 1911

H.D.ROBERTSON,
Ag.Inspector-General of Police

Enclosure

Report received from Mr.F.B.M.Cardozo, Superintendent of Government Railway Police, regarding the murder of Mr.Ashe, and the progress of the Police enquiry up to the 28th June 1911.

Yesterday I examined the head pointsman, one Subba Kone of Maniyachi. He says he was in charge of the points at the north end of the station on the 17th morning. At the time the shot was fired the engine tender of the Tinnevelly mail had backed to the south-east of the station yard for water. He was in charge of the main line north point to receive local train from the north. He noticed about ten minutes after the Tinnevelly mail train had arrived, a young lean man running north past his points. He did not see his face and could not recognize him if he saw him again. The other shunters say they saw no one, they were engaged at various points and attending to the shunting.

Later in the afternoon, Thayi, the dancing girl, who had orginally said that on the 16th evening Muthuswami Aiyar and two Brahmans visited her, was taken to the sub-jail and a formal identification parade was held in the presence of the Sub-Magistrate. She then identified Sankarakrishnan Aiyar, the accomplice, as the man who accompanied Muthuswami Aiyar and the murderer to her house on the evening of 16th June.

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Muthuswami Aiyar was released on bail; he said that Sankarakrishna Aiyar and the murderer had been with him to the dancing girl's house on the 16th.

His statement is to be recorded on oath today by a Magistrate. Sankara Aiyar the accountant of the T.U.S.S. Bank, who was alleged by Muthuswami Aiyar to have introduced the murderer to him, admitted this and said that Sankarakrishna Aiyar was in the company of the murderer at the time.

Enquiries are being made at Kadayanallur, the native place of Sankarakrishna Aiyar, and an attempt is being made to ascertain his exact movements so as to anticipate any attempt to establish an alibi.

LXXIX

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 1st July 1911.

I forwarded to you today two important statements of Travancore witnesses. Success now largely depends on active assistance from Travancore Darbar, who may be reluctant to admit existence of seditious conspiracy in Travancore. District Magistrate agrees with me in this. In the matter of investigation in Travancore territory our hands are tied.

LXXX

Demi-official - from A.T.FORBES, Esq., I.C.S., Resident in Travancore and Cochin.
To - The Chief Secretary to Government.
Dated - Trivandrum, the 27th June 1911.

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In continuation of information contained in my confidential letter of the 26th instant, I send copy of a report written by the District Magistrate, Quilon, and copies of two communications addressed to the District Magistrate by his subordinate Magistrate at Shencottah and Punalur.

ENCLOSURES

(1)

Report - from the District Magistrate, Quilon
To - The Diwan of Travancore
Dated - the 25th June 1911.

With reference to your telegram and in continuation of my reply thereto of yesterday's date, I beg to report as follows.

2. The murder of the Tinnevelly Collector took place on 17th June 1911 at Maniyachi. The assassin who shot himself shortly after was identified by a piece of paper found on his person as R.Vanchi Aiyar of Shencottah. On the morning of the next day, i.e., 18th June 1911, the Tenkasi Police Inspector came to Shencottah and informed the local Police Inspector that the assassin was R.Vanchi Aiyar of Shencottah and that his house should be searched. Raghupathi Aiyar, father of Vanchi Aiyar, was sent for and the house was searched, when some letters of a suspicious nature, addressed to Vanchi Aiyar, were found. These were duty taken possession of and handed over to the British police under the Magistrate's orders. On information received by the police that the assassin used to frequent the house of Jagannatha Aiyangar who lives next door, the latter's house was also searched and there also a few

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letters were found. This Jagannatha Aiyangar was arrested on the same day as he was suspected to be on intimate terms with the assassin. The Magistrate granted remand for his detention for one week.

3. The houses of some other persons who were suspected to have been on friendly terms with the assassin, Vanchi Aiyar, were also searched, viz., those of Harihara Aiyar, son of Subba Aiyar, timber merchant, Amman sannadhi Street, Chavadi Arunachalam Pillai and P.Venkatarama Aiyar on 18th June 1911, that of Alagappa Pillai on 19th June 1911, and that of Venkatachalam Aiyar and Mahadeva Aiyar, sons of Krishna Aiyar, on 20th June 1911. Nothing was found in the houses of Venkatarama Aiyar and Harihara Aiyar. But in the houses of Arunachalam Pillai, Alagappa Pillai and Venkatachalam Aiyar and Mahadeva Aiyar, some letters were found indicating some connection between them and the assassin. These papers were seized and handed over to the British police.

4. Among the papers found in the house of the assassin Vanchi Aiyar, there were some letters addressed to him by Harihara Aiyar, residing at Alleppey, i.e., the son of Subba Aiyar, timber merchant above mentioned. On information given to the Alleppey police by the Superintendent of Police, this Harihara Aiyar and his uncle Harihara Sastri were arrested on 20th June 1911. The local first class Magistrate granted them remand for three days in the first instance and subsequently for twelve days more.

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5. On 19th June 1911 British head constable No.857 of the Tinnevelly Town police came to Punalur and requested the local police and Magistrate to search the house of one Ramaswami Pillai alias Bapu Pillai. The search was made and two letters were found, one of which was addressed to the assassin Vanchi Aiyar and another was addressed by him to Ramaswami Pillai. There was nothing incriminating in these letters, which were however handed over to the British Police. It was ascertained on enquiry that Vanchi Aiyar had been staying in Ramaswami Pillai's house for four or five months rent-free while he was platform accountant in the Punalur railway station. Two days later, i.e., on 21st June 1911, the Police Inspectors of Tenkasi and Tinnevelly came to Punalur and wanted a search to be made of the house of one Appathurai Aiyar, peon in the Punalur taluk cutcherry, as his son-in-law was suspected to be one of Vanchi Aiyar's comrades. The search was made, but nothing was found. The British Police Inspectors then requested the local Police Inspector to arrest Ramaswami Pillai as some incriminating letters had been found in the search of his house at Kadayam in Ambasamudram taluk. The man was arrested and remanded to custody for a week by the local Magistrate.

6. Thus four arrests have been made in Travancore - (1) Jagannatha Aiyangar, (2) Harihara Aiyar (3) Harihara Sastri and (4) Ramaswami Pillai. They are all under custody pending the application for their extradition through the Resident.

7. In addition to the first demi-official report from the Shencottah Magistrate which I submitted for your

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perusal while at Trivandrum, I have received two further demi-officials from him and from the Pathanapuram Magistrate, copies of which are enclosed for your information, together with copies of the Shencottah search lists. These papers give some information about the facts and circumstances connected with the arrest of the persons named above. In regard to certain inferences and surmises contained in these letters, I beg to state that, as the investigation is in the hands of the British Police, it is not possible for us to say whether and how far they are corroborated by the facts already elicited and what the further investigations might disclose. It is evident that there is a strong suspicion that the murder was committed as the result of a conspiracy which the British police are trying their best to unravel as cautiously as possible. Whether the conspiracy is a fact and, if so, where it originated and how it developed and what portion of it relates to Travancore have yet to be disclosed by the further investigations of the British police.

8. I understand that the British police have already arrested the following persons whose names were disclosed at the searches made in Shencottah and in their further enquiry:-

(1) Arunachalam Pillai, student, National Medical College, at Calcutta.
(2) Alagappa Pillai, at Pampili, Tenkasi taluk
(3) Sankarakrishna Aiyar, at Krishnapuram, Tenkasi taluk

9. They have also made other arrests in different places in British India and are pursuing their investigations there, of which we have no information here.

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They have not moved for any further arrests to be made in Travancore. Our police and magistracy are rendering them every possible help. I shall report further particulars from time to time.

(2)

Letter - from the Second Class Magistrate, Shencottah
To - The District Magistrate, Quilon.
Dated - 8th Ani 1086 (22nd June 1911)

In continuation of my demi-official of the 4th instant I beg to write as follows.

2. A photograph of the murderer had been taken at Tinnevelly before burial and his father was sent to Tinnevelly to identify the persons The father is convinced that the murderer is his own son. He has been asked to take his younger son also which he is going to do.

3. Some further searches have been made. Hitherto the men suspected were (1) Jagannatha Aiyangar; a distant relative of Mr.Veeraraghava Aiyangar, belonging to Shencottah, who is now in the police lock-up; (2) Harihara Aiyar, son of Marakkadai Subbaiyar, now at Alleppey; (3) Venkatarama Aiyar, son of the brother of Mr.P.V.Subbu Aiyar, B.A., B.L., of Quilon, absconding; (4) Alagappa Pillai of Shencottah, now in Tinnevelly; (5) Arunachalam Pillai of Shencottah, now at Calcutta in the National Medical College there; and (6) one Bapu Pillai (alias Ramaswami Pillai) of Punalur already arrested. In regard to the fifth man, a telegram was received by Mr.Kotilingam Pillai from him asking for money. Mr.Pillai is a vakil of my Court and he was at once asked by me to lay this information before the police, which he did.

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4. The correspondence seized shows nothing more than that all these were radical swadeshists. No correspondence relating to the past six months is forthcoming. Evidently it was kept in the box which was carried away by the murderer's accomplice. Of course connection with Pondicherry and Ottapidaram, the birth place of Chidambaram Pillai, is seen and the plot must evidently have been hatched at Ottapidaram. It is stated that Chidambaram Pillai's clerk used now and then to visit the house of Arunachalam Pillai (No.5) This boy used to collect subscription for the National fund of Mr.G.Subramaniya Aiyar and was the secretary of an obscure association here. A history of this association was recently prepared and submitted by the local Inspector of Police to his superior. Some books such as Bharat's Janmabhumi and Tilak's trial have been taken from his house. He went to Calcutta without giving any information to his relations. The revolver is said to have been obtained from Pondicherry. All those suspected are striplings between 20 and 25 years of age. Besides the Tenkasi Inspector, Mr.Balakrishna Menon, B.A., of the Madras Criminal Investigation Department, Mr.Subramania Pillai, the Tinnevelly Police Inspector, Mr.Rajagopalachariyar, Prosecuting Inspector, and some Railway Police Inspectors were here. Rao Bahadur Bapu Rao Nayudu of the Criminal Investigation Department was also here. The correspondence seized has been all handed over on receipt to the Tenkasi Inspector, who has given it over to Mr.Nayudu. Each Inspector is gone in a different direction for collecting further information.

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Mr.George, our Police Superintendent, passed this on his way to Tinnevelly today.

Two years ago one Nilakanta Aiyar of Karur (Coimbatore) appears to have visited the murderer and converted him to the tenets of anarchists. The Aiyangar in custody says that the murderer used now and then to say that he would take the life of some prominent European and kill himself. It is also said that now and then various sanyasins used to visit Punalur.

I shall write again about further particulars.

(3)

Report dated 9th Ani 1086 (23rd June 1911) from the Second class Magistrate, Punalur, to the District Magistrate, Quilon.

With reference to your demi-official dated 22nd June 1911, I beg to inform you that on the 5th instant head constable No.857 of the Tinnevelly Town police came to me with the local Police Inspector and asked me to render him some help in searching certain suspected houses in Punalur in connection with the Tinnevelly murder case. I at once went with them and searched the house of one Ramaswami Pillai alias Bapu Pillai. Two letters were discovered. Of these, one was addressed to Vanchi Aiyar, the murderer. It was written in Tamil and contained some information regarding the progress of a swadeshi shop. The other letter was addressed to Ramaswami Pillai by Vanchi Aiyar from Shencottah. In that letter Vanchi Aiyar requested Ramaswami Pillai to send certain things, vegetables, etc., to him. Nothing criminating was found in these letters.

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However, the letters were handed over to the Tinnevelly police. Both these letters bore distant dates. From what Ramaswami Pillai said and the evidence of the by standers, there can be no doubt that these two persons were on terms of perfect intimacy for the last one year or so. It seems Vanchi Aiyar was staying in his house for about four or five months rent free, while he was platform accountant in the Punalur railway station.

On the 21st the Police Inspectors of Tenkasi and Tinnevelly came to me and wanted me to go with them for searching the house of one Appathurai Aiyar, a peon of the local taluk cutcherry. It seems his son-in-law was one of those who instigated Vanchi Aiyar to commit the murder. His house was searched and nothing criminating was discovered. His son-in-law was at Punalur a fortnight ago, but now he is at Krishnapuram in Tenkasi taluk. Both the Inspectors told me that incriminating letters of a very suspicious nature were found out at the search of Ramaswami Pillai's house at Kadayam in Ambasamudram taluk. In the evening they made a joint report to the Police Inspector of the locality that, as they gravely suspect Ramaswami Pillai as one of the persons who belonged to a conspiracy which resulted in the murder of the Collector, they requested he should be arrested and kept in custody. The local police required remand for seven days, and I at once ordered accordingly. Copies of the remand and the report of the police were at once submitted to you.

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LXXXI

Letter - from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To - the District Magistrate, Tinnevelly
Dated Ootacamund, the 2nd July 1911.

We have seen Cardozo and a telegram was sent to you yesterday informing you of the decision of the Government regarding the course which the prosecutions should take. I enclose a copy of it for your information. The Government of India have been asked to sanction Part I of Act XIV of 1908 being applied to the proceedings in both cases. For the purpose of the order under section 2 of the Act, I shall want to know the official designation of the Magistrate or Magistrates who take cognizance of the two complaints; and for the purpose of the order under section 196 of the Code of Criminal Procedure, I shall probably want to know the names of the accused persons. Will you please let me have this information at once ? I told Cardozo to let you know what we wanted, but I think it better to inform you also by letter.

The Government are of opinion that it is expedient that you should have legal advice is preparing the case, and I am to suggest that you should employ either the Government Pleader or some other competent pleader for this purpose. He should be shown the record of the investigation and should be asked to advise what further evidence, if any, is required. On going through the record yesterday, there seemed to be various minor points deserving of inquiry. Cardozo took a note of these, so I need not trouble you further with them. He told us that no proceedings had been taken against M.Chidambaram Pillai and that no search had been made either of his house or of the house of his dancing girl at Tenkasi, but I see in Friday night's Madras Mail that Chidambaram Pillai is wanted by the police in this case and is absconding, so possibly the information given to us by Cardozo was incorrect. The

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record, however, made no mention of any action against Chidambaram Pillai, although it was clear that he was quite as much implicated as the other persons under arrest.

I am awaiting the two important statements given by Travancore witnesses mentioned in Thomas's telegram of yesterday. On receipt of them, the Government will decide whether it is necessary to address the Travancore Darbar, but so far nothing seems to have happened to indicate that the Darbar is in any way reluctant to assist the investigation, while the Government have received very definite assurances of the Darbar's willingness to help.

LXXXII

Demi-official - from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.

To - The Deputy Inspector-General of Police for Criminal Intelligence and Railways, Tinnevelly Bridge.

Dated - Ootacamund, the 2nd July 1911.

I have Cardozo the enclosed copy of a confidential demi-official, dated 26th June 1911, from the Resident in Travancore and Cochin, but he inadvertently left it behind with the other papers which he gave me. The dates which Forbes gives may be useful if you have not got the information already.

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I am awaiting the receipt of the two important statements referred to in your telegram of yesterday. Has there up to the present been any indication of reluctance on the part of the Travancore Darbar to assist in the investigation of this case ?

Please remember to send me direct a daily report on the progress of the investigation, when there is anything to report.

LXXXIII

Demi-official - from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.

To - The Advocate-General, Ootacamund.
Dated - Ootacamund, the 2nd July 1911

Would you kindly look through the enclosed drafts of orders under section 196 of the Code of Criminal Procedure and section 2 of the Indian Criminal Law Amendment Act and let me know whether they are suitable in form and substance ?

In the case of the order under section 196 of the Code of Criminal Procedure, is it necessary to specify the name of every accused person ? and if more accused are brought into the case later, must a fresh order of sanction be issued in each case ?

ENCLOSURES

(1)

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorities the Deputy Inspector General of Police for Criminal Intelligence and Railways to make a complaint of the offence punishable under section 121-A of the Indian Penal Code against.

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(2)

Whereas (here enter the designation of the Magistrate) has taken cognizance of the offence of abetment of the murder of Robert William D'Estcourt Ashe, Collector and Magistrate of the District of Tinnevelly, an offence specified in the schedule of the Indian Criminal Law Amendment Act, 1908, and whereas it appears to the Governor of Fort St.George in Council that in the interests of peace and good order the provisions of Part I of the said Act should be made to apply to proceedings in respect of that offence, the Governor of Fort St.George in Council, with the previous sanction of the Governor-General in Council, does hereby direct, by virtue of the authority given him by sub-section (1) of section 2 of the said Act, that the provisions of Part I of the said Act shall apply to such proceedings.

LXXXIV

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 3rd July 1911.

Chidambaram Pillai has absconded. A warrant was at once secured and he is being proclaimed. His house was searched. It is said that Nilakanta Aiyar is in Benares. Since last report there is no fresh information.

Report from the Deputy Inspector-General of Police for Criminal Intelligence and Railways, dated the 30th June 1911, regarding the progress of the police enquiry, in the case of the murder of Mr.Ashe.

Arunachalam Pillai arrested in Calcutta has arrived in Tinnevelly. The correspondence seized with him contains nothing incriminating.

One Dharmaraja Aiyar of Shencottah, whose name was mentioned in the correspondence seized originally at Shencottah, has been taken to the Shencottah hospital ill and was at first supposed to have poisoned himself. He is recovering and now states that he only took some medicine given him a month ago by a pandaram.

Jagannatha Aiyangar has made a confessional statement to the Travancore Magistrate, Shencottah, giving details of an assembly of most of the men concerned in the conspiracy at Punalur under the leadership of Nilakanta Aiyar last year.

One Venkatarama Aiyar of Punalur has been sent into Tinnevelly as a witness and his statement has been recorded by the first-class Magistrate, Tinnevelly. He gives similar evidence to Jagannatha Aiyangar and identifies the pistol found on Vanchi Aiyar as similar to one possessed by Nilakanta Aiyar when at Punalur.

One Mahdi Khan, son-in-law of Raza Khan (formerly Collector of Kurnool, etc.,), who is employed in the Burma Oil Company and was on the platform of the Tinnevelly Bridge railway station on the morning on which Mr.Ashe left, identifies Sankarakrishna Aiyar as one of two men who entered a second class carriage on the same train as Mr.Ashe just before the departure of the train.

Copies of statements attached.

Tinnevelly Bridge,
30th June 1911.

P.B.THOMAS,
Deputy Inspector-General of Police for Criminal Intelligence and Railways.

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ENCLOSURES

(1)

The statement of R.Jagannatha Aiyangar, aged about 25 years, made before me S.Parameswara Aiyar, M.A., B.L., M.R.A.S., Magistrate of the Second Class at Shencottah, on the 26th day of June 1911 / 12th Aani 1086.

Name of accused - Jagannatha Aiyangar.
Father's name - Ranga Aiyangar
Family name - Nil
Caste and occupation - Vaishnava Brahman, cooking.
Permanent residence - South Mada Street, Shencottah

No police officer is present before me now. The Inspector of Police, Shencottah, brought the accused before me. He is not now present here. No other person having anything to do with the detection of the crime and having come in contact with the accused is present. I have examined the person of the accused. It was ascertained from him whether the confession he is going to make is voluntary and interrogated him fully as to his motive in making the confession. He says that he wants to make a clear breast of the whole affair and does not do it under coercion. He has only received kind treatment from the police since his arrest. I have attentively observed demeanour of the accused and satisfied myself that the confession he makes is voluntary. There are no marks of violence on his person.

(Signed) S.PARAMESWARA AIYAR,
Second class Magistrate.

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Translation of the statement of R.Jagannatha Aiyangar before the Second class Magistrate of Shencottah.

Question - What have you to say ?

Answer - I am a native of Pillayarkulam in Tinnevelly. Eight or nine years ago I went to Veerakulam in Tenkasi taluk and lived there for three years. I then left for Nayanagaram in the same taluk and after a stay of three years there I moved to Shencottah in Chittirai 1084, i.e., two years ago. I was employed in the temple of Appaperuman at Shencottah. I live in South Mada Street. From the date of my arrival I lived in South Mada Street. I failed in the third form. Vanchi who shot the Collector of Tinnevelly was here when I came to Shencottah. He also lived in the same street, and we became friends. Vanchi was then an accountant in the Arunkavu temple. My father became old, and I was appointed in his stead to do service in the temple. Vanchi/a had friend by name Ramaswami of Soundarapandiyapuram who is also known as Thala (not quite legible) From the time they became friends Vanchi and Ramaswami were addicted to ganja and toddy. These two purchased a bottle of whiskey and took it to Vanchi's house. I was asked to partake of it, but I refused. They insisted and I yielded. This was about a year ago. South Mada Street is also called Ambikapuram. At that time Vanchi was getting India edited by Subramania Bharati. Seven or eight months ago, Vanchi was appointed platform accountant Punalur. I took three months' leave and accompanied him to Punalur. I used to cook for him. I stayed with him at Punalur for two months, i.e., Karthigai and Margali. He lived in the house of Bapu Pillai alias Ramaswami Pillai. Vanchi was a subscriber to the Bala Bharata and the Dharma from Pondicherry. A sample copy of the Vijaya was received by him. He ceased to get the India, but continued to get three or four copies of Dharma at

a time and circulated them among his friends, Ramaswami and others. Vanchi got a letter to the effect that Nilakantan, who was contributing articles to the Bala Bharata and the India, would go to Shencottah and that he should receive him at Shencottah. Nilakantan is also called Nilakanta Brahmachari and he is aged about 26. Vanchi took three days' leave and went to Shencottah. I accompanied him. Nilakantan who arrived there was accommodated in the house of Raghupathi Aiyar. Vanchi's father. Shankarakrishnan of Krishnapuram; son-in-law of Appathurai Aiyar, a peon in the taluk of Punalur, came to Shencottah and stopped with us for two days. Thinking that sufficient secrecy could not be maintained at Shencottah, we left for Punalur and stopped in the house of Bapu Pillai alias Ramaswami Pillai for 15 days. This was in the month of Karthigai. First they talked about candle making and weaving, and then they resolved that the Hindus should form a society and work on the lines of Tilak and Bharati and recommended the killing of the English. Sankarakrishnan. Hariharan, Madaswami of Ottapidaram, Bapu alias Ramaswami Pillai, Vanchi and myself were present then. The railway fare was paid by Bapu Pillai. We did not take any oath. When we parted Sankarakrishnan was talking with Nilakantan in private for a long time. Sankarakrishnan, Vanchi, Madaswami and myself accompanied him to Shencottah. They went to Courtallam. Sankarakrishnan and Vanchi got money from Chidambaram Pillai of Tenkasi and gave it to Nilakantan who subsequently left the place. Vanchi went back to Punalur but

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I did not follow him. Vanchi was then appointed a forest guard at Kalathuppizhai where I joined him. After a stay of three days there, Vanchi had an attack of fever. He applied for leave and left the place. After some time he was transferred to Anchel. He stayed there for a few days, and then went to Shencottah on one month's leave. In the month of Margali he left Shencottah for Madras, Pondicherry and other places. He halted at Madura with one Pichumani alias Venkatachalam who was keeping a hotel there. He stayed there for a day and went to Madras, and thence to Pondicherry, where he said he met Subramania Bharati. Vanchi was asked to collect subscription for the papers, and they would not give him any money. He came back after a stay of ten days. He gave out that the society was in a stronger position and that he was going out in connection with the society and that I should accompany him. I refused because I had to do service in the temple. I am not a member of the local society. Vanchi asked Alagappa Pillai and Arunachalam Pillai to subscribe for the papers and start a library. Vanchi was not a subscriber. One day Vanchi, Venkatarama Aiyar, son of Parasurama Aiyar. Harihara Aiyar, son of Subbaiyar and myself met in Vanchi's house in Perumal Sannadhi Street, when Vanchi said that he would kill one District Collector and then die, and observed that he had read of similar murders in the India. I now identify the photograph of Madaswami Pillai of Ottapidaram. I heard of the murder of the Collector on Saturday evening, i.e., 3rd of Ani, from Meenakshisundaram Pillai,

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sweetmeat seller. Vanchi was talking to Pitchumani alias Venkatachalam about killing a Collector. So I said to the police that I saw him on the 3rd. I did not see Pichumani on the 3rd. Thinking that he might have joined, I said so. Madaswami is also called Ramamurthi. I know nothing further.

Question - You heard the statement read out to you. Have you got to alter anything ?

Answer - I heard the statement and there is nothing to alter therein.

Question - Have you heard the statement ? Is it correct ?

Answer - Yes. It is correct.

26th June 1911 R.JAGANNATHA AIYANGAR

(Signed) S.PARAMESWARA AIYAR,
Second class Magistrate,
Shencottah.

(2)

Name - Venkatarama Aiyar
Father's name - Subramania Aiyar
Village - Puliyara, Travancore
Age - 23.

30th June 1911.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on 30th June 1911.

I am the son of Subramania Aiyar. I belong to Puliyara, Shencottah taluk, Travancore. I am employed as a forest guard under the Travancore Government in Punalur. I have been stationed at Punalur for the past 2½ years. It is five years since I was employed in the Forest department. I know Vanchi Aiyar. He is the son of Raghupathi Aiyar of Shencottah. Vanchi Aiyar

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was also called Sankara Aiyar. He was about 25 years of age. I have known him from his boyhood. I was learning in the Shencottah Malayalam school with him. He was a friend of mine. He was platform accountant of the Forest department at Punalur last year. He was living in the house of Bapu Pillai alias Ramaswami Pillai at Punalur. At first his mother came and cooked for him, and then she went away. Vanchi Aiyar engaged one Jagannatha Aiyangar as his cook.

Between the 7th and 9th of Vrischigam, Andu 1086, a sanyasi, whose name was Nilakantan, came to Punalur. He was a man of average colour, a little taller but thinner than me, with his head close cropped and without a tuft; he used spectacles when he wanted to read, and appeared to be about 20 or 25 years of age. I saw him then for the first time.

I asked Vanchi who this man was. He told me that he was a sanyasi, and asked me for some ganja for him. He told me that he had come from Pondicherry, and that he had come to lecture and make other arrangements about swadeshi matter.

With the sanyasi five others came. Their names were -

(1) Dharmaraja Aiyar of Amman sannidhi Street, Shencottah.
(2) Vembu Aiyar alias Mahadeva Aiyar
(3) Rama Aiyar, son of Mani Aiyar of Shencottah
(4) Harihara Aiyar, son of Marakadai Subbayyar, Shencottah.
(5) Ramaswami Aiyar of Sundarapandiyapuram.

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Vanchi and his cook Jagannatha Aiyangar also arrived at Punalur with these and the Sanyasi. He must have left Punalur to go and accompany them to Punalur. I first saw Vanchi Aiyar at Tennalai railway station. I got into the train and came to Punalur and on arriving there, saw the others getting out of the same train.

I travelled in the Brake van. The others were in one of the ordinary passenger compartments.

At Punalur, they were met by one Sankarakrishna Aiyar who belongs to Krishnapuram. I knew him before as my aunt's house is next door to his. My aunt's name is Arunavathal. She was married to one Dharmaraja Aiyar, but is now living separate from him in Krishnapuram.

I went into the office of my superior officer, Mr. Pereira, which is alongside the station.

On the next day Vanchi came and asked me for ganja and then told me that it was for Nilakanta Aiyar.

Dharmaraja Aiyar is living in the house in which my father used to live in at Shencottah. I have known him since my boyhood.

Vembu alias Mahadeva Aiyar was a class-mate of mine at the Malayalam school, Shencottah.

Rama Aiyar I did not know before. I saw him at Punalur for the first time. Vanchi told me that he was the son of Mani Aiyar, a paddy contractor.

I have known Harihara Aiyar for the past four or five years. His father is a forest timber contractor.

When the railway tunnel at Ariyankavu was being opened. Ramaswami Aiyar came there as cook to Raghava Chari, Store keeper. They both stayed in our house for two years then. I have known him - Ramaswami Aiyar - since then.

Vanchi told me that these others had come to see and hear the sanyasi. They all stayed in the house of Bapu Pillai.

I saw all these rowing on the river in boat belonging to Bapu Pillai. I saw them on two or three occasions boating. Some people of Punalur viz:-

(1) Bapu Pillai

(2) V.Desika Chari, Secretary of the Travancore Agri-Cultural Trading Company, and comes from Aruvankulam.

(3) Subramaniya Aiyar, Pravarti Accountant of Punalur. He is a relation of Vanchi Aiyar.

(4) Subramaniya Pillai of Shencottah, an excise peon who was at that time in Punalur.

(5) Raghava Chari, cousin of No.(2), was also with them occasionally. They used to take a gun when they went out boating. One day I saw them bring a few birds. It was a double-barelled gun belonging to Bapu Pillai.

On the 12th of Vrischigam, at about 8 P.M., I heard gramophone music in the upper-storey of Bapu Pillai's house. They called me and I went in. After the music was over, Sankarakrishna Aiyar gave a short lecture in which he said that we should drive the English out and have a swadeshi government. He stated that the proper lecture would be on the 16th after a special puja in the temple at Bapu Pillai's expense.

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I have to pass the temple on my way home. At about 8 P.M. on the 16th, on returning home after work, I passed by this temple. It is called "Bharanikavu" temple. I saw all the people above mentioned at the temple together and also many people from the village. When the puja was over, Bapu Pillai said that the swadeshi lecture should now take place and called these men. By this time most of the ordinary public of the village had gone away. They began the lecture at the temple, but Vanchi Aiyar said that it had best be done in the house of Bapu Pillai and not in the temple. And so they went to the house. Vanchi and Bapu Pillai caught me by the hand and forced me to go with them.

Sankarakrishna Aiyar and Vanchi Aiyar lectured there for about fifteen or twenty minutes. They said that we should drive away the English an after getting possession of the country rule it ourselves. They also said that a big factory should be established by the riverside by Bapu Pillai and that they should discuss the matter on the 20th.

On the evening of the 20th at about 7 o'clock, a servant of Bapu Pillai came to me and told me that meals were being made ready at his house for every one that evening and asked me to come. I told him that I had already taken my meals, that I would come in the morning as there was no other male member in the house. The servant then went away. About an hour later, Vanchi Aiyar and Harihara Aiyar came to me. They told me that I should come even though I had had my meals as there were many matters to be discussed. They went and called by grandmother who was sleeping in the house of a Pothi-Brahman-some distance off and leaving her in my

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house took me with them. They told me when we had reached the house of Bapu Pillai that they had made arrangements to establish factories for the manufacture of soap, candles, cocoanut-oil and cloth; that each share was to be Rs.500, and that if I took a share they would employ me in the factory on a salary of Rs.50 a month and give me also a share in the profits. They also asked me to lend them Rs.100 on a pro-note. Bapu Pillai said he would stand surety for it, and that the money should be paid to, and the pro-note executed by, Vanchi Aiyar. That day I had about Rs.500 to pay advances to carters. This money had been given to me by Mr.Pereira who trusted me with his departmental money. Sankara Aiyar alias Vanchi Aiyar knew of this. They asked me to give it out of this money. I refused to pay as the money belonged to Government. As for the Rs.500 share I told them I could not pay without consulting my father. I also told them that I could not give up the Sirkar's work to become an employee in the factory. They replied that if I did not do so I should have many enemies and be subject to much harm. Desika Chari owed me about Rs.68 and he said that he would not pay this unless I took a share. At that time I had obtained an ex-parte decree for this amount against him. Then I wanted to go away, but they stopped me and the lecture began. Sankarakrishna Aiyar and Vanchi Aiyar spoke first and finally Nilakanta Aiyar spoke. They said that it was the last meeting, that Bapu Pillai, Vanchi Aiyar, Harihara Aiyar and Desika Chari should do all that was necessary for the Swadeshi cause in Punalur and the latter agreed. Nilakanta Aiyar said that he would collect friends there and make all arrangements to help from Pondicherry.

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Harihara Aiyar promised to do likewise in Alleppey. Then they said that all Englishmen should be driven out, that we should make all arrangements for fighting against the English, that we should crop-our hair short and that we should keep the matter a secret. At the time -

1. Nilakanta Aiyar.
2. Vanchi Aiyar
3. Desika Chari
4. Harihara Aiyar
5. Bapu Pillai
6. Rama Aiyar
7. Jagannatha Aiyangar
8. Vembu Aiyar alias Mahadeva Aiyar
9. Sankarakrishna Aiyar
10. Ramaswami Aiyar
11. Subramaniya Pillai - Excise peon
12. Subramaniya Aiyar - Pravarti Accountant
13. Dharmaraja Aiyar.

and I were present. All of them agreed to do all this except No.(12) and I, as we were Government servants and as we did not like to give up our employements.

Vanchi Aiyar also said that there were societies in Baroda, Bombay, Calcutta, Pondicherry, etc., for the purpose of fighting against the English and that we should form a similar society in Punalur.

I saw all these people going together from the house of Bapu Pillai in the afternoon of the 22nd. Vanchi Aiyar had a gun in his left hand and a knife in his right.

On the 23rd morning all these with the exception of (1) Desika chari (2) Subrahmaniya Aiyar and (3) Subrahmaniya Pillai were seen by me going by the morning train. They told me they were going to Shencottah. I was going from Edamanu to Tenmalai by the same train. I returned to Punalur on the 25th and found that Bapu Pillai and Vanchi had returned.

From the 4th to 10th Dhanu Vanchi worked as forest guard with me in the same beat. On the 10th I went to the Range Officer at Anchal to show our diaries. Vanchi was in the Range Office and asked for a month's leave from the Ranger, but he was only granted casual leave and that on 12th and 13th Dhanu.

On page 49 of my diary (Exhibit X) the initials of the Ranger bear the date 11-5-86 that is, because the 10th happened to be a Sunday and I was there in the night, he put the next day's date.

That same night Vanchi Aiyar walked back to Punalur. Before going he told me that he was going to Pondicherry by the next morning train and that I should not tell the Ranger about it.

Harihara Aiyar who had come to Punalur on the 9th and Jagannatha Aiyangar went with him. I heard so when I returned to Punalur the next afternoon.

Vanchi returned in Medam. He told me he had been to Tuticorin, Pondicherry, Baroda, Dacca and Calcutta in the meantime, and that he had been given presents and that he had practised with a revolver.

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In Makaram previous, when I attempted to arrest some shikaries in the forest, they had threatened to shoot me. Vanchi Aiyar seemed to have heard of this on his return and he told me that if I had a revolver nothing of that kind would happen to me. He then pulled out a small tin box from his pocket and opening it showed me a small black revolver and a knife. The revolver resembled very much the one shown to me now. (The revolver recovered from Vanchi Aiyar was shown to him) He then closed the box and putting it in his pocket went away. He told me that Nilakantan had given the revolver to him as a present. The box was varnished outside in colours red, white and black and was white inside. It looked to me like a tin box.

Desika Chari also had a revolver. He and Vanchi used to go and practise shooting in the forest. Desika Chari's house is surrounded by the forest.

In Medam towards the end. I went to Desika Chari's house to ask for money. I saw Vanchi there. He had a gun with him and Desika Chari had a revolver. It was a big revolver.

Vanchi Aiyar was allowed to take up his work in the Forest department at Anchal on his return in Medam. On 9th Edvam I went to Anchal and heard that he had gone to Baroda after resigning his post.

About ten days ago I heard that he had shot the Collector of Tinnevelly and had shot himself subsequently.

Bapu Pillai returned to Punalur at about 11 o'clock in the night on the day after we heard of the death of the Collector.

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Marakadai Harihara Aiyar used to send Vanchi Aiyar Swadeshi clothes from Alleppey.

I see the photograph (Exhibit Y). It is that of Vanchi Aiyar.

The man produced now before this Court is Sankara-Krishna Aiyar. (Sankarakrishna Aiyar was produced for extension of remand. The witness saw him and identified him)

I have studied up to the Lower Secondary grade and know English.

(Signed) P.S.VENKATARAMA AIYAR

Taken down by me, read over in Tamil and admitted correct.

(Signed) A.TAMPOE

30th June 1911

First class Magistrate.

/ True copy /

Camp, Tinnevelly Bridge
30th June 1911

T.VENKOBA RAO,
Dy.Superintendent of Police,
C.I.D.

(3)

Name	- Muhammad Mahdi Khan
Father's name	- Z.Hussain Khan
Village	- Madras, Saidapet
Taluk	- Saidapet
District	- Chingleput
Caste	- Mussalman
Calling	- Inspector, Burma Oil Company
Religion	- Shia sect.
Age	- 50

Solemnly affirmed by K.Venkatarama Aiyar, Collector's Office, Tinnevelly.

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I see the persons now present. Among them there is the Brahman whom I saw on the Tinnevelly Bridge railway station at about 10 A.M. on 17th June 1911. I saw him entering in a hurry into the second class compartment of the morning boat mail. I saw him getting in hurriedly one or two minutes before the train started towards the north. I have pointed out that Brahman. I have no doubt that I saw him that day. I asked his name in the Court's presence and he gave out as Sankarakrishnan Aiyar of Krishnapuram.. When I saw this man that day, he was wearing another cloth. There is no other difference. I had come to Tinnevelly then on duty as an Inspector of the Burma Oil Company, Madras. My office is within the Bridge railway station compound. I went to the platform to receive my brother-in-law Hussain Ali from Shermadevi and was there expecting him. He had sent word that he would be coming on Saturday morning. Sankarakrishna Aiyar, the Brahman before the Court, got in to the very train in which the District Collector Mr.Ashe did. He got into the train that went towards the north. When I saw the man before the Court that day, the Treasury Deputy Collector of this district, Mr.Rajabadar Mudaliyar, was talking to Mr.Ashe. When I was in the platform, I talked to Mr.Mudaliyar.

30th June 1911. MUHAMMAD MAHDI KHAN

Read over and declared correct.

S.Neelaiyappa Pillai
Stationary Sub-Magistrate.

(True translation)

30th June 1911

T.VENKOBA RAO,
Dy. Superintendent of Police, C.I.D.

Note - The witness was kept near the District Court premises which is about three fourths furlong distance from the sub-jail compound at Kokkarkulam where the identification parade was held. Brahmans numbering 13 and other non Brahmans 3, altogether 16 persons, of about the description given in the notice and of about the description of the accused in prison were collected. They were asked to wear their dress in the same way as the accused as far as they could. The accused by name sankarakrishna Aiyar was then brought out of the sub jail and mixed with the persons referred to above. The witness was then sent for and asked to point out if any of the persons whom he said he saw getting into a second class railway carriage from the Bridge railway station platform in a hurry at about 10 A.M. on the morning of the 17th June when the late Collector. Mr.Ashe was also going north in the same train. The witness picked out the accused from among the said persons as the person whom he saw in the circumstances stated above. The Tinnevelly Circle Inspector was present with me during the identification.

D.NELLIYAPPA PILLAI,
Stationary Sub-Magistrate.

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LXXXV

Demi-official - from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To - The District Magistrate, Tinnevelly
Dated - Ootacamund, the 5th July 1911.

On Saturday last (1st July) I received from Thomas a telegram, of which the following is the paraphrased version:- "I forward to you today two important statements of Travancore witnesses. Success now largely depends on active assistance from Travancore Darbar who may be reluctant to admit existence of seditious conspiracy in Travancore. The District Magistrate agrees with me in this. In the matter of investigation in Travancore our hands are tied."

On the following day the statements were received and they show clearly that the conspiracy embraced natives of Travancore as well as of British India. There is no question therefore of the Travancore officers being able to conceal the fact of the existence of a conspiracy in that State, and the stage when the Darbar might have been reluctant to admit its existence has long been passed. moreover, the Government have received neither from you nor Thomas nor from any other source any evidence of any unwillingness on the part of the Darbar or its officers to co-operate with our officers in this investigation. At Shencottah and Alleppey searches and arrests have been made promptly on your requisition and statements have been taken from prisoners who volunteered to confess. The Diwan wrote to Forbes on the 19th; "Of course the "Darbar and its officers will do everything they can to co-operate" and George was told so. The Diwan himself was starting for Quilon and Shencottah when Forbes last wrote and he proposed to go on and see you. He also told Forbes that he would impress on the Travancore local police officers that they had to give every assistance to the British police.

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The Government do not understand what Thomas means by saying that our hands are tied in the matter of the investigation in Travancore. If he simply means that our police have no authority in that State, it was hardly worth telegraphing. There is, however, nothing to prevent. Thomas himself going over to Travancore and consulting with George, while it ought to be easy to induce George to take one or two of our detectives, if they are wanted, to work with his police, just as Scotland yard would send detectives to France or Holland to co-operate with the French and Dutch police.

Again, with reference to Thomas's remark that success now largely depends on the active assistance of the Travancore Darbar, I am to point out that very much still remains to be done by our police. In the first place there is the obvious duty of capturing or locating the absconders, especially Nilakantan and Madhavaswami Pillai and M.Chidambaram Pillai. The Government think that police officers should be sent openly to Pondicherry, Karikal and Marmagao and perhaps Mahe to see whether the absconders are taking refuge there. The probability is that they are not concealing themselves as they will think they are safe, but in any case the slower secret enquiries can be conducted afterwards and the open enquiry will tend to throw the absconders off their guard. Then there are branches of the enquiry which require fuller working; for example, the possibility of Vembur Aiyar and Pichumani having spread the gospel of sedition among their associates at Tanjore

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and Madura. Similar enquiries should be made among and about the associates of the other persons implicated. Possibly women like Chidambaram Pillai's dancing girl could give useful clues. The correspondence also suggested minor clues that ought to be followed up in the off chance of their yielding something. Cardozo took a note of some of these and no doubt action has been taken.

You will have already gathered that the Government are disappointed with Thomas's management of the enquiry. Their misgivings were first roused by a suggestion of his that the only action which need be taken against the members of a conspiracy the object of which was, admittedly, the murder of Europeans, was to bind them over under the security sections !! What would you and he have said if that suggestion had come from the Travancore Darbar ? Instead of these surmises about the possible in action of the Travancore officers and allegations that all hope of success now depends upon their active assistance, the Government want to see more energy and intelligent work on the part of our own police. They rely on you to keep the police up to their mark, and to see that they follow up every line that offers even the remotest chance of success. It has been suggested that it might be expedient to give Thomas the special assistance of a wholetime European Officer, and in that case they would send Longden who is a most competent officer and knows the district well. But they fear that if he were imposed from without as it were, there would be friction and want of harmonious working. I am to ask

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therefore that you will consider this matter and perhaps, if you think that Longden should be sent, you could arrange that Thomas should himself ask for him or at least consent to your doing so. But if you are of opinion that it would be well to have Longden's services, Government will send him whether Thomas consents or not. There is still very much to be done in preparing the case for trial. If you want Longden, please telegraph without delay.

There is one other matter and I have done. The Government do not understand why Arumugam Pillai has not been arrested. By his own admission he is as guilty as the others under arrest with the exception of Sankarakrishnan Aiyar. His evidence is that of an accomplice and will be of the same value whether it is given as a witness or as an approver who has been tendered a pardon. While he remains at large, there is the risk of his bolting or of being got at by friends of the accused and made to spoil his evidence. If you arrest him you avoid these risks, and if he recedes from his statements he can be put in the dock and punished.

I am desired to ask you to consider the desirability of his arrest in any case and to say that the Government wish him to be arrested at once unless you feel confident that he will neither bolt nor retract.

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LXXXVI

Telegram - from the Chief Secretary to Government.
To - The District Magistrate, Tinnevelly
Dated - Ootacamund, the 5th July 1911
No. - 632, Judicial.

Government presume steps being taken to obtain surrender from Travancore of persons arrested there in connection with murder conspiracy.

LXXXVII

Letter - from the Hon'ble Mr.P.S.Sivaswami Aiyar, C.I.E., Advocate-General.
To - The Chief Secretary to Government
Dated - Ootacamund, the 4th June 1911.

In the draft order under section 196 of the Criminal Procedure Code, for the words "complaint of the offence" substitute "complaint in respect of an offence". After entering the names of such persons as may now be known, insert the words" and all other persons who may have joined them in the said conspiracy."

While it is necessary to specify the names of the persons now known for the purpose of identifying the case, no fresh order will be necessary if other persons are brought in as accused at a later stage. A "complaint" need not necessarily be against known persons (see section 4 (h) of the Code).

In the draft order under the Criminal Law Amendment Act, in respect of abetment of murder, the words "murder and" should be inserted between "offence of" and "abetment" in the third line. Under section 114 of the Penal Code, an abetter who is present at the commission of the offence is to be deemed to have committed the offence. I think it is also desirable that the order should clearly indicate the case by referring to its number on the Magistrate's file.

The draft notification are returned herewith.

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LXXXVIII

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government (through the Inspector General of Police)
Dated - the 4th July 1911
No. - 258-C

Enclosed, copy of reports received from a Deputy Superintendent of Police, Criminal Investigation Department, regarding the murder of Mr.Ashe, and the progress of the Police enquiry up to the 1st July 1911.

Forwarded.

4th July 1911

H.D.ROBERTSON,
Ag. Inspector General of Police.

ENCLOSURE

Copy of Deputy Superintendent T.Venkoba Rao's reports in his case diary for 29th June 1911 regarding the murder of Mr.Ashe.

29th June 1911 - Inspector Balakrishna Menon of the Criminal Investigation Department, who was making enquiries in Punalur, Travancore State, obtained information that one Venkatarama Aiyar, a forest guard at Punalur, used to associate with the assassin Vanchi Aiyar, and knew his affairs. Venkatarama Aiyar, on being examined by the Inspector, stated "I am the son of Subramania Aiyar of Pularai Village, Shencottah taluk, I am employed as a forest guard at Punalur; I have lived at Punalur for the last two and a half years; I know Raghupathi Aiyar's son, Vanchi Aiyar of Shencottah. He was a platform accountant at Punalur last year. He was my friend. He used to live here in

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the house of Bapu Pillai alias Ramaswami Pillai. Jagannatha Aiyangar of Shencottah was his cook. On or about the 7th or 9th of Vrischigam 1086 (December 1910)

1. A sanyasi named Nilakanta Aiyar
2. Dharmaraja Aiyar, Anuman Sannadhi Street, Shencottah.
3. Vembu alias Mahadeva Aiyar
4. Marakadai Harihara Aiyar of Alleppey
5. Rama Aiyar, son of Mani Aiyar of Shencottah
6. Jagannatha Aiyangar (Vanchi's cook)
7. Ramaswami Aiyar of Sundrapandayapuram.

all came to Punalur by the evening train, accompanied by Vanchi Aiyar (the assassin). I got into the same train at Tenmalai and saw Vanchi Aiyar in the train. The rest I saw only after reaching Punalur station. Sankarakrishna Aiyar of Krishnapuram (the accomplice), son-in-law of Appadurai Aiyar, also came to Punalur. They all went together. I saw them again on the 10th Vrischingam 1086 at about 3 P.M. going in a boat along the Punalur river from south to north. I was then bathing in the river . On the 11th I saw these men at the Punalur railway station when I was going to Tenmalai. I returned to Punalur on the 12th. That night at 8 P.M. I heard a gramophone being played in the upstair room of Bapu Pillai's house. I went to the house and listened to the music for half an hour and then went home for my meals, leaving them all there. I left for Kolathupurha on the 13th and returned to Punalur on the 15th. That evening I met them all again returning from bathing. On the 16th Bapu Pillai performed some puja in Bhavanikava temple where I saw the same persons together again. That night there was a

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swadeshi discourse in the temple, when Vanchi Aiyar (the assassin) and Sankarakrishna Aiyar (the accomplice) delivered some swadeshi lectures. I was present. Desika Chari of the Travancore Agricultural Trading Company and Subrahmaniya Pillai (excise peon) who was at that time at Punalur, were also present at these lectures. Only two or three temple servants were admitted. On the 20th evening there was again a music party in Bapu Pillai's house. Ramaswami Aiyar of Sundarapandayapuram was playing the gramophone. This gramophone was purchased by Bapu Pillai for Rs.80; when the music was finished they began to discuss the means by which swaraj might be obtained, after killing the English. Desika chari was also present that night. They told me that I should resign my post in Travancore, and work for the swadeshi cause. Vanchi Aiyar (the assassin) promised to get me a billet with a salary of Rs.50 if I deposited Rs.500, and asked me to advance Rs.100 of it. At that time Subrahmaniya Aiyar of Shencottah (Pravarthi accountant, Punalur, and a relation of Vanchi Aiyar the assassin) was also present. I told Vanchi Aiyar that I had not got the money to deposit, that I belonged to a poor family and that I would consult my father, I added that I would not resign my post. All the people (mentioned above) were always together in Punalur. They used to smoke ganja and drink liquor. Vanchi Aiyar (the assassin) often asked me for forest ganja which I refused to give him. They used to talk of starting some swadeshi industries at Punalur; of obtaining swaraj by fighting the English and that we should form a society here on the same lines as

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people in Bombay, Pondicherry, Baroda and Calcutta had done. Vanchi Aiyar always used to talk and lecture in this manner. On the 23rd, I travelled from Edaman to Tenmalai by the morning train and all the above mentioned persons eceept Desika Chari (the pravarthi accountant) and the excise peon travelled by the same train, saying they were going to Shencottah. I have seen Vanchi Aiyar and Bapu Pillai returning home some time after they have been out shooting. Bapu Pillai had a double-barrelled gun, which Vanchi Aiyar used to carry. On the 25th I saw Vanchi Aiyar and Bapu Pillai at Punalur. From the 30th Vrischigam (15th December 1910) to the 10th Dhanu (24th or 25th December 1910) Vanchi Aiyar worked with me in the same boat. On the 10th Dhanu (24th or 25th December 1910) we went to the Range Office and on that day Vanchi Aiyar asked for a month's leave but only got two days' casual leave. He left Punalur on the morning of the 11th saying he was going to Pondicherry. He asked me to accompany him but I declined. I heard that Harihara Aiyar and Jagannatha Aiyangar had accompanied him. The former had come to Punalur on the 9th to meet Vanchi Aiyar. I remained at Anchal. Vanchi Aiyar did not return to Punalur till the month of Medam (April-May). He said he had been to Pondicherry, Tuticorin, Baroda, Dacca and Calcutta and that he received many presents. He told me he had been practising with a revolver while he was away on his tour, and that I should get a revolver for my own protection. He then showed me a small black revolver which he had in his pocket, and which he said Nilakanta Aiyar had given him. I replied that I did not want one.

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After his return I was working in Anchal. On the 9th Edavan 1086 (22nd May 1911) I went to Anchal, where I heard that Vanchi Aiyar had left for Baroda, taking all his things, and he had resigned his post in the Forest Department. About ten days ago I heard that Vanchi Aiyar had shot the Tinnevelly District Collector, and then shot himself. It was after I heard this that Babu Pillai returned to Punalur. Marakadai Harihara Aiyar and Bapu Pillai used to help Vanchi Aiyar with funds."

Inspector Balakrishna Menon produced this witness before me on 29th June 1911, and I questioned him. He corroborated the above statement.

Sub-Inspector T.P.Kannan of the Criminal Investigation Department made enquiries about Desika Chari of the Travancore Agricultural Trading Company and learnt from him that he had been to Bombay sometime ago to meet Tilak, under whose instructions he had revived the Punalur Paper Mills. He also learnt that he and the assassin Vanchi Aiyar used to be very friendly.

9th June 1911 - On the 26th June 1911, Inspector Balakrishna Menon, Criminal Investigation Department, received information that Chinnammal, a Brahman widow of Shencottah, and sister of Pichumani Aiyar (who is under remand) had been to Tanjore and returned to Shencottah on 24th June 1911. She was sent for and questioned. She admitted having gone to Tanjore and Madura to get money. She stated that, while at Tanjore, her brother's house was searched. She left Tanjore and came into Madura where she learnt that another brother of hers, Pichumani Aiyar,

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had been taken to Tinnevelly by the police. Her house was searched and a letter was seized addressed to her brother Mahadevan from one of his friends advising him to mend his ways as he was leading a bad life.

House searches are being conducted by Mr. George, Superintendent of Police, Travancore, the result of which will be reported.

30th June 1911 - Today an application was made to the Sub-Divisional First Class Magistrate, Tinnevelly, to tender pardon to O.Somasundaram Pillai to whom the District Magistrate, in his Proceedings, dated 27th June 1911, had sanctioned the tender of pardon, and to record his statement on oath, if he accepts the pardon.

Pardon was accordingly tendered to O.Somasundaram Pillai and he accepted it. His statement was recorded by the Magistrate and he corroborated his previous statements.

30th June 1911 - Today an application was made to the Sub-Divisional First class Magistrate, Tinnevelly, to record the statement of Venkatarama Aiyar, forest guard of Punalur, whose statement to Inspector Balakrishna Menon is reported above. The Magistrate recorded it and a copy will follow when received.

30th June 1911 - The remand granted to Sankarakrishna Aiyar expired this day. As the investigation is still going on, an application was made to the sub-Divisional First-class Magistrate, Tinnevelly, who remanded him till 6th July 1911.

30th June 1911 - Today Muhammad Mahdi Khan, Inspector, Burma Oil Company, Madura, son of Kadar Nawaz Khan, late

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Collector of Kurnool district, identified in the presence of the Stationary Second-class Magistrate, Tinnevelly, Sankarakrishna Aiyar (the accomplice) as one of the two men seen by him on 17th June 1911 getting hurriedly into a second class compartment of the same train in which late Mr.Ashe travelled. He picked out the accomplice from among 16 persons, consisting of 13 Brahmans and three non-Brahmans, who were paraded by the police.

30th June 1911 - Head constable No.206 of Ottapidaram station, Tinnevelly district, who was deputed to trace S. Madaswami Pillai of Ottapidaram and Shunmugam Pillai of Tuticorin, was unable to find them.

30th June 1911 - today an application was made to the District Magistrate for the issue of a search warrant to search the house of Somasundaram Pillai of Sattur, a private vakil, and to seize all suspicious and incriminating correspondence. This vakil is an intimate friend of Nilakanta Brahmachari, who is one of the members of the conspiracy and is still untraced. Inspector Viraraghava Aiyar, Criminal Investigation Department, will be deputed to execute the warrant.

30th June 1911 - Today an application was made to the District Magistrate, Tinnevelly, to obtain from the Check Office, Calcutta, all telegrams received at Kilakadiyan railway station, South Indian Railway, or Post Office and at Tenkasi railway station, South Indian Railway, and Post Office, between the 15th and 20th June 1911, as most of the persons concerned in this case come from these parts.

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1st July 1911 - S.Madaswami Pillai, son of Subbayya Pillai of Ottapidaram, and Madathukadai Chidambaram Pillai, son of Sankaralingam Pillai, are still absconding. Their where abouts are not known in spite of careful enquiries made. They are evading arrest. The District Magistrate was therefore requested this day to issue warrants for their arrest and this has been done.

1st July 1911 - Accused T.S.Somasundaram Pillai of Tinnevelly and Alagappa Pillai of Shencottah were further remanded till the 6th instant.

LXXXIX

Telegram - from the Secretary to the Government of India, Home Department
To - The Chief Secretary to the Government of Madras
Dated - Simla, the 5th July 1911
No. - 408, Political

With reference to your telegram, dated the 1st of July 1911, the Governor General in Council sanctions the application of provisions of Part I of ACT XIV of 1908 to proceedings in respect of offences under sections 121-A and 302 read with 109 and 114 of the Indian Penal Code committed in connection with the murder of Mr.Ashe.

XC

Telegram - from the Chief Secretary to Government
To - The District Magistrate, Tinnevelly
Dated - Ootacamund, the 6th July 1911
No. - 637, Judicial

Wire names of persons against whom charge under section 121-A will be laid.

XCI

Telegram - from the Chief Secretary to Government
To - The District Magistrate, Tinnevelly
Dated - Ootacamund, the 6th July 1911
No. - 638 Judicial.

Government did not order charge under section 121-A to be made against Sankarakrishna Aiyar. He should be charged under sections 302 and 114. Wire name and designation of Magistrate who takes cognizance of this charge

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and number of case on his file. Order will then issue under Act XIV of 1908.

XCII

Telegram - from the District Magistrate, Tinnevelly
To - The Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 6th July 1911

In both cases the preliminary charge sheets have been presented to Tampoe yesterday. I have forwarded copies by post to you today with covering letter applying for sanction cognisance 121-A and for application of provisions of Act XIV of 1908. Referring to your telegram of yesterday an application has been made to the Resident in Travancore and Cochin for the rendition of Jagannatha Aiyangar, Bapu Pillai, Desika Chari and Harihara Aiyar.

XCIII

Letter - from H.F.W.GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 4th July 1911.

I had issued a warrant for Madathukadai Chidambaram Pillai prior to the receipt of your telegram of the 2nd instant, and the police have been trying to arrest him for nearly a fortnight. But he is absconding and has not been taken yet. I have now proclaimed him (as also Madaswami Pillai) under section 87. Criminal Procedure Code, and attached their moveable property under section 88.

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Attachment of their lands will follow. Both are men of considerable means and the police think that Chidambaram Pillai at any rate will surrender himself when he hears that his property has been attached. Madaswami is supposed to be in hiding somewhere in the neighbourhood of Trichendur, as he was seen there on the 26th June. If he is not caught very soon, I shall notify the reward for his arrest that Government have authorised.

I am only waiting for the description of Nilakanta Aiyar (which Thomas has wired for from Madras) to notify the reward for him. Nilakantan was last heard of in Benares, where he is said to have announced his intention of trekking to the Himalayas. He will be very difficult to catch, as he is a vagrant beggar.

As soon as the sanction of Government for the charge under section 121-A, Indian Penal Code, has been received, the police will lay informations before Tampoe against Sankarakrishna Aiyar under sections 302, 114 and 121-A, an against the men already implicated in the conspiracy case "and others" under sections 121-A, 302 and 109. In your telegram you have stated that the proposed charge (i.e., under sections 302 and 114) against Sankarakrishna Aiyar was approved, but section 121-A will be added as Cardozo informed me that Government directed that this should be done. Copies of the informations laid will be forwarded to Government.

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A staff under the direction of Deputy Collector S.N.V.Rajachar will commence work today on the translation of the correspondence seized. Copies of the letters and of the English translations will be sent to Fisher at the Government Press for being printed. I shall write to Fisher to have the printing done expeditiously and kept confidential. Will you also please send him an instruction to the same effect ? It seems advisable that our translation work here should be passed by the Tamil and Malayalam Translators before being sent to Fisher. So I propose to send the work to Raghava Charlu in the first instance and ask him to forward it to the press. Please instruct the Translators to give these translations their first attention. I mention the Malayalam Translator as I understand that some of the letters are in Tamil with Malayalam characters.

I shall telegraph to you as soon as Tampoe has taken cognizance of the cases, so that the provisions of Act XIV of 1908 may be applied.

XCIV

Telegram - from the Chief Secretary to Government
To - The Superintendent, Government Press, Madras
Dated - Ootacamund, the 6th July 1911
No. - 643, Judicial.

Please treat as strictly confidential correspondence that may be sent to press for printing by District Magistrate, Tinnevelly, in connection with Ashe murder case and arrange for printing as expeditiously as possible.

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XCV

Telegram - from the Chief Secretary to Government
To - The Senior Translator to Government
Dated - Ootacamund, the 6th July 1911
No. - 644, Judicial.

Please give first attention to translation work that may be sent by District Magistrate, Tinnevelly, in connection with Ashe murder case and treat correspondence as strictly confidential.

XCVI

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector - General of Police for Criminal Intelligence and Railways.

To - The Chief Secretary to Government (through the Inspector-General of Police)

Dated - the 4th July 1911

No. - 259-C.

Enclosed copy of the case diary report of a Deputy Superintendent of the Criminal Investigation Department regarding the murder of Mr.Ashe, and the progress of the police enquiry up to the 2nd July 1911.

Forwarded.

H.L.ROBERTSON,
Ag.Inspector-General of Police

4th July 1911.

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ENCLOSURE

Copy of a case diary report received from a Deputy Superintendent of the Criminal Investigation Department regarding the murder of Mr. Ashe, and progress of the police enquiry upto the 2nd July 1911.

2nd July 1911 - This day I examined Nallaswami Pillai, son of Sankaralingam Pillai, of Ottapidaram, who was produced before me by Tinnevelly Inspector. He stated that two or three months ago, he, Olimuthu Pillai, son of Kumaraswami Pillai of Ottapidaram, and S.Madaswami Pillai, son of Subbayya Pillai of Ottapidaram, went together in a Jutka of his from Ottapidaram to Thattaparai; that the Sub-Magistrate of Ottapidaram. Mr.Raghava Chari, also went on that day to Thattaparai; that at Thattaparai railway station, the Sub-Magistrate asked them where they were going, and he replied that he and Olimuthu Pillai were going to Tinnevelly and S.Madaswami Pillai to Shencotta; that S.Madaswami Pillai asked him to purchase a ticket for him to Shencottah, that as he had to purchase a ticket for the Sub-Magistrate, who had gone to the platform and called him, he (the witness) asked Madaswami Pillai to do it himself, that he, Olimuthu Pillai, and S.Madaswami Pillai travelled together as far as Tinnevelly Bridge station and that S.Madaswami Pillai went in the train westwards.

He added that at about 6 P.M. on the 5th or 6th June 1911 he went to Ramalingam Pillai's shop in Ottapidaram, where he met S.Madaswami Pillai, and the Tuticorin Vakil Sivaswami Aiyar's Gumastah, whose name he did not know and whom he could identify; that Madaswami Pillai asked him if he was going to Thattaparai, and if so, to take him up and take him, that he did so; that he (the witness),

Madaswami, Vakil Sivaswami Aiyar's gumastah and one Periaswami Naicken of Araikulam, went together in a jutka; that the vakil's gumastah stayed at Thattaparai saying he was going to Tuticorin by the mail train; that he Madaswami Pillai and Periaswami Naicken travelled on to Tinnevelly Bridge; that Periaswami Naicken went away to his vakil's house, that he and Madaswami Pillai went to the river to bathe and after bathing to a coffee hotel west of the Hindu College, Tinnevelly, after this Madaswami Pillai went away saying the was going to Shencottah; that he (the witness) and Periaswami Naicken came to the Tinnevelly Bridge railway station to catch the 11 o'clock shuttle, and met S.Madaswami Pillai who was waiting for the morning mail from Madras which was very late that day; that he saw S.Madaswami getting into that train and that he returned to Ottapidaram.

He (the witness) further added that on 15th June 1911 he went to Ramalingam Pillai's shop, where he again met Madaswami Pillai and the vakil's gumastah, that Madaswami Pillai was writing something which he concealed on seeing him; that Madaswami asked him (the witness) if he could give the vakil's gumastah a lift in his jutka going that day to Thattaparai, and that he said that he could not.

On 1st July 1911 Nallaswami Pillai (the witness) gave this information to the Vakil T.R.Ganapatiram Aiyar who communicated the same in writing to the Prosecuting Inspector of Police, Tinnevelly, who, in his turn, communicated it to the Tinnevelly Inspector.

That portion of the above statement relating to witness Nallaswami Pillai's meeting Madaswami Pillai and the vakil's gumastah on 15th June 1911 is not supported by O. Somasundaram Pillai and his letter O.Sumasundaram Pillai says that Madaswami went to Ottapidaram on 13th June 1911.

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2nd July 1911 - Inspector Viraraghava Aiyar, Criminal Investigation Department, searched the house of the private vakil S.A.Somasundaram Pillai of Sattur on 1st July 1911 and found, among other things, a letter written by Madaswami Pillai (one of the Absconding accused) of Ottapidaram, and a manuscript, probably in the handwriting of S.A.Somasundaram Pillai, containing some objectionable matter regarding British rule in India; the vakil was absent at Aruppukottai.

The manuscript will be examined and its contents reported later.

The same Inspector learnt that one Naranappa Naicken of Maniparapat was in possession of some correspondence relating to the murder of the late Mr.Ashe. He has obtained a search warrant to search the house.

2nd July 1911 - The Tinnevelly Circle Inspector examine Chavadi Arunachalam Pillai (who was arrested in Calcutta) of Shencottah on 1st July 1911. He stated, among other things, that he is a member of the secret society organized by Nilakanta Brahmachari, that as far as he could remember the other members of the society were -

1. Vanchi Aiyar alias Sankaran Aiyar (the assassin)
2. Sankarakrishnan Aiyar of Krishnapuram (the accomplice)
3. Chidambaram Pillai of Tenkasi
4. Dharmaraja Aiyar of Shencottah
5. Harihara Aiyar of Shencottah
6. Jagannatha Aiyangar of Shencottah
7. Madaswami Pillai of Ottapidaram, and
8. Arumugam Pillai of Tuticorin;

that there is a big society at Pondicherry and its members are -

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1. Nagaswami
2. Rama Aiyar Brahmachari, Asaramam, Pondicherry.
3. V.V.Subramania Aiyar of Varagemari, Trichinopoly district.
4. Shyamji Krishna Varma, who visited France, and some others;

that the aims of the society, formed by Vanchi Aiyar and Nilakanta Aiyar, a meeting of which was held last year at Shencottah, was to kill all European officers of the district with a view to intimidate European officials and discourage them from coming out to serve in India, and by this means to ultimately obtain swaraj. Vanchi and Nilakanta Aiyar said that there are several similar societies in other parts of the country. The witness added that Vanchi Aiyar brought two revolvers from Pondicherry and gave one of them to him some time ago; that about a month ago Vanchi Aiyar proposed to shoot the Tinnevelly Collector and asked the witness to accompany him for the purpose, that he and Sankarakrishna Aiyar (the accomplice) consented, and he (the witness) and Vanchi Aiyar left Shencottah on 12th June 1911 at 10.30 A.M.; Vanchi Aiyar then got down from the train at Tenkasi, while he (the witness) went on to Tinnevelly where he stayed in the house of Somasundaram Pillai, that Vanchi Aiyar, the Assassin, met him on the 14th evening near the Hindu College in Tinnevelly, and told him he was making enquiries about the Collector's movements and would let him know about it next day; that he then consulted his relations Nallaswami Pillai and Somasundaram Pillai who advised him not to join

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the society formed by Vanchi and Nilakanta Aiyar, and commit some foolish act; they advised him to go and study; that he (the witness) took the morning train from Tinnevelly on 15th June 1911 without informing Vanchi Aiyar, went to Madras on the 16th stayed there in the house of Anavaradanayagam Pillai and left Madras on the 17th. The witness then corroborates the statement he made to the Calcutta police about other matters.

When questioned about the revolver said to have been given to him, he gave prevaricating statements as to the place in which he had hidden it. He finally said he had kept it in a straw-rick behind his uncle Somasundaram Pillai's house.

He pointed out the straw-rick in the presence of the Sub-Magistrate and others, but no revolver was found there.

This witness knows more than he has now given out and is keeping something back.

Further enquiries are being made.

XCVII

Letter - from G.W.DEANE, Esq., Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government (through the Inspector General of Police)
Dated - the 5th July 1911
No. - 267-C.

Enclosed copy of case diary reports, received from a Deputy Superintendent of the Criminal Investigation Department regarding the murder of Mr.Ashe, and progress of the Police enquiry up to the 3rd July 1911, is

submitted in continuation of this office No.259-C, dated 4th July 1911.

Forwarded.

5th July 1911 H.D.ROBERTSON,
Ag. Inspector General of Police.

ENCLOSURE

Copy of case diary reports received from Deputy Superintendent T.Venkoba Rao regarding the Maniyachi murder case.

Ist July 1911 - Inspector Viraraghava Aiyar, Criminal Investigation Department, obtained a search warrant from the Divisional Magistrate, Tinnevelly, to search the house of S.A.Somasundaram Pillai, private vakil, Sattur. The vakil was absent and was said to have gone to Aruppukottai. In the search a letter written by Madaswami Pillai, of Ottapidaram, dated 10th November 1910, and some other papers were found and seized. A search list was prepared and the articles seized were initialled by the Sub-Magistrate of Sattur, who was present, and handed over to the Inspector. In the evening the Inspector reported the result of his search to the Divisional Magistrate, Sattur, who told the Inspector that he had learnt from his munshi Padmanabhachariya (son of a High Court Vakil of Travancore) that one Narayanappa Naick, Village munsif of Minippar-patti, was in possession of some correspondence written by some persons of Tuticorin and that it would be advisable to question the munshi about this. The Inspector did so and learnt from him that when he was teaching Mr.Krish-namma (Sub-Divisional Magistrate, Sattur) the vernaculars, the village munsiff Narayanappa Naick came to see him

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(the munsif) two or three months ago, and told him that he (the village munsif) was in possession of some correspondence written by some people from Tuticorin regarding their intent to kill Mr.Ashe, and Mr.Srinivasa Rao, Sub-Judge (now at Coimbatore), and that he was keeping the papers with him and would produce them before Mr.Hamilton, District Superintendent of Police of Tinnevelly, as he said that he was his informant and that Mr.Ashe was described in those papers as white (in Tamil) and Mr.Srinivasa Rao as ghee (in Tamil). Upon this information the Inspector applied to the Divisional Magistrate to issue a search warrant to search the house of this village magistrate. A warrant was accordingly issued.

2nd July 1911 - At 6.30 A.M., the Assistant Superintendent of Police of Sivakasi and the Taluk Magistrate of Sattur arrived, and in their presence and in the presence of two other respectable persons, the house was searched, but nothing incriminating or important was found. The Inspector reports that the village magistrate appears to have invented this false story that he was in possession of certain important correspondence in order to worm himself into the confidence and good books of the District officers, as he has many enemies in his village.

2nd July 1911 - All attempts to trace and arrest Madathukadai Chidambaram Pillai, son of Sankaralingam Pillai and S.Madaswami Pillai, son of Subramaniya Pillai, having proved futile, an application was this day made to District Magistrate for the issue of proclamation and distress warrants against both of them.

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2nd July 1911 - Venkatarama Aiyar, employed as a forest guard at Punalur, whose statement was recorded by the Magistrate on 30th June 1911, mentions V.Desika chari Secretary of the Travancore Agricultural Trading Company at Punalur, as one of the men who were present at the swadeshi lectures delivered by Nilakanta Brahmachari, Vanchi Aiyar (the assassin) and Sankarakrishna Aiyar (the accomplice) and that V.Desika Chari became a member of the secret society, previously mentioned, having for its object the killing of the English and driving them from the country.

The Travancore police was thereupon requested to arrest Desika Chari, which was done on 1st July 1911. His house was searched and the correspondence seized will be examined and the contents reported. A.380 bore cartridge (whether rifle or pistol cartridge it is not stated), which had been tried but had missed fire, was recovered from his house. When examined by Mr.George, District Superintendent of Police, Travancore, Desika Chari stated that he had seen Sankarakrishna Aiyar (the accomplice) associating very intimately with Vanchi Aiyar (the assassin); that he (the witness) had been only once to Bapu Pillai's house, on which occasion he saw there Vanchi Aiyar (the assassin). Bapu Pillai, and Venkatarama Aiyar (forest guard), and they were conversing together; that he (the witness) had seen a man called a "Swami" by Vanchi Aiyar, Bapu Pillai, etc., lecturing on the public road at the end of the bridge in Punalur, but he had never spoken to him; that Vanchi Aiyar (the assassin) and others used

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to go on the river in a boat; he (the witness) had never seen a weapon in Vanchi Aiyar's hands, but Venkatarama Aiyar (forest guard) used to carry a gun.

The shop of Fernanden was searched but nothing incriminating was found. V.Desika Chari is a customer in that shop.

Several house searches were made, but nothing of importance or of any use in this case was found.

Mr.George, District Superintendent of Police, Travancore, examined the Forest Officer of Punalur, K.Padmanabha Pillai, under whom the assassin, Vanchi Aiyar, had served. He stated that Vanchi Aiyar submitted his resignation on 15th May 1911 and left the service without waiting for orders and that Vanchi Aiyar (the assassin) had sent him a letter from Pondicherry asking for extension of the leave.

More particulars of Vanchi Aiyar's (the assassin's) service are promised.

3rd July 1911 - Today Inspector Doraiswami Pillai of Ottapidaram and Sub-Inspector Hanuman Singh, Criminal Investigation Department, were examined by the District Magistrate, Tinnevelly, and proclamation and distress warrants against Chidambaram Pillai and S.Madaswami Pillai were issued and endorsed to the Inspectors of Police, Tenkasi and Ottapidaram, for execution.

3rd July 1911 - Today an application was made to the District Magistrate, Tinnevelly, requesting him to telegraph to the Resident, Travancore, to order the detention of V.Desika Chari of the Travancore Agricultural Trading

Company at Punalur till extradition is applied for. A brief statement of the information implicating him was given in the application.

3rd July 1911 - Today an application was made to the District Magistrate, Tinnevelly, giving him a brief statement of information upon which the arrest of the undermentioned individuals is deemed desirable and requesting that they may be extradicted:

1. Jagannatha Aiyangar.
2. Bapu Pillai alias Ramaswami Pillai.
3. S.Harihara Aiyar
4. V.Desika Chari.

3rd July 1911 - O.Somasundaram Pillai of Tuticorin, who has made a confessional statement to the Sub-Divisional First class Magistrate, Tuticorin, and who accepting the tender of pardon was examined on oath, requested the Magistrate to release him on bail explaining that he had acted foolishly and that he had made a full confession of all he knew of the conspiracy. As there was no objection to his being released on bail, this was done.

XCVIII

Letter - from the Hon'ble Sir HAROLD STUART, K.C.V.O., C.S.I., I.C.S., Acting Chief Secretary to Government.
To - the District Magistrate, Tinnevelly.
Dated - Ootacamund, the 7th July 1911.

The Government have learnt with some surprise that Somasundaram Pillai (the approver) has been released on bail, and I am desired to inquire why the prosecution assented to this. Being on bail, he may the more easily be murdered, as approvers have been murdered in Bengal, or he may be got at by the friends of the other accused, who will coach him so to alter his evidence as to spoil it.

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Will you please see that Thomas sends me daily reports of the progress of the investigation ? He is not doing so.

XCIX

Letter - from H.F.W.GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.

To - The Chief Secretary to Government.

Dated - the 5th July 1911.

The police investigation into the case against Sankarakrishna Aiyar is now practically complete: but so far I have had no opportunity of discussing the evidence necessary and the manner in which it should be presented before the Court except with the police officers in charge of the case. I feel that in regard to the form in which the case should be presented the advice of a lawyer is essential, and that the lawyer or lawyers chosen for this purpose should conduct the prosecution not only before the Court of First Instance but also before the Special Tribunal. The same remark also applies to the conspiracy case, in regard to which the investigation is, of course, by no means complete as yet.

I presume that Napier as Public Prosecutor will be in charge of the cases, and in view of their peculiar nature and particular importance I would recommend that another lawyer, preferably Richmond, should be associated with him. Both or either of them should conduct the prosecution in the Court of First Instance and should have an

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opportunity of examining the evidence before the enquiries commence.

There is no reason why the magisterial enquiry into the charges against Sankarakrishna Aiyar should not commence next week. The date can be fixed to suit the convenience of Napier and Richmond, if both are in the country. I am given to understand that Napier is not in India at present, and if this is the case Richmond alone may be sent down. He is, I believe, at present at Ootacamund and I expect you will easily be able to arrange with him. His arrival may be timed for Monday the 10th instant or any subsequent date and the trial can commence two days later so that he may have an opportunity of looking into the evidence in the meantime. While he is here on this occasion, the evidence in the conspiracy case will also be laid before him and his advice obtained as to the points necessary to complete it. By the time the conspiracy case is taken up Napier will probably have returned to the country and can come down here for it along with Richmond.

C

Letter - from H.F.W.GILLMAN, Esq., I.C.S.,
District Magistrate, Tinnevelly.

To - The Chief Secretary to Government.

Dated - the 6th July 1911.

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Your demi-official of the 2nd instant was not despatched from Ootacamund until the 3rd and reached me after I had posted my demi-official of yesterday.

I have had to call in the Government Pleader here to advise me in regard to the preliminary charge sheets, and I shall get him to assist in conducting the preliminary enquiry.

CI

Telegram - from the District Magistrate, Tinnevelly.
To - The Chief Secretary to Government.
Dated - the 7th July 1911.

Mr.Tampoe, I.C.S., Sub-Divisional Magistrate of Tinnevelly, has taken cognizance of the case against Sankarakrishna Aiyar as Preliminary Register Case No.1 of this year. The names of the accused in the conspiracy case have been posted yesterday and will reach you this afternoon. Arumugam Pillai has been arrested and the accused remanded by Mr.Tampoe until the 20th.

CII

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 7th July 1911.

Accused Chidambaram Pillai arrested.

CIII

Letter - from H.F.W.GILLMAN, Esq., I.C.S., District Magistrate, Tinnevelly.
To - The Chief Secretary to Government.
Dated - Tinnevelly Bridge, the 5th July 1911.

I have the honour to enclose copies of the information which have this day been laid by the police before Mr.A.McG. Tampoe, I.C.S., first-class Sub-Divisional Magistrate, Tinnevelly, against Sankarakrishna Aiyar under sections 302 and 114, Indian Penal Code, and against 16 persons under sections 302 and 109, Indian Penal Code. I also enclose a report received from the Superintendent of Government Railway Police, Trichinopoly district.

2. I request that Government will be pleased to accord sanction, under section 196, Criminal Procedure Code, for the prosecution of all the accused under section 121-A, Indian Penal Code, as there is evidence of a conspiracy amounting to an offence under the latter section.

3. The Government Pleader, Tinnevelly, advises that Sankrakrishna Aiyar should first be tried under sections 302 and 114 only, and that, if necessary, the charge against him under section 121-A may be pressed later.

4. The reason is that Arumugam Pillai, one of the witnesses against him for the offences under sections 302 and 114, Indian Penal Code, will be charged himself with the offence under section 121-A, Indian Penal Code. The police suggest that Arumugam Pillai should be taken as an approver in the conspiracy case. If the case against Sankarakrishna Aiyar is taken up under section 121-A in conjunction with the other sections, Arumugam Pillai will have to be tendered a pardon at once and examined as an approver in that case, and the value of his evidence will be greatly diminished. It will not, however, be necessary to take Arumugam Pillai as an approver if the conspiracy charge against Sankarakrishna Aiyar is not joined with the other sections, and he will become an ordinary witness.

5. The case against Sankarakrishna Aiyar under sections 302 and 114, Indian Penal Code, is a strong one.

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6. Under these circumstances it is recommended that while sanction may be accorded to Mr.Tampoe to take **cognizance** of the offence under section 121-A, against all the accused mentioned, in both charge sheets, the prosecution of Sankarakrishna Aiyar under that Section may be permitted to be postponed.

7. The provisions of Part I of Act XIV of 1908 may be made to apply to these proceedings.

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ENCLOSURES
MADRAS POLICE

TO THE SUB-DIVISIONAL FIRST-CLASS MAGISTRATE, TINNEVELLY.

Charges taken at, or information laid by T.Venkoba Rao, Deputy Superintendent of Police, Criminal Investigation Department, Madras, on the 5th day of July 1911.

Station house number of charge	Date and hour of the charge or intelligence of the crime being brought to station, and distance of scene from the station	Defendant or person charged or suspected. Name, address and occupation	Persons charging or informing Name, address and occupation	Witnessess: Name and address; present or not present.	Witnessess: what points called to prove
1	2	3	4	5	6
Tuticorin Railway Police Station Crime No.39 of 1911	17th June 1911 11-30 A.M.	Sankarakrishnan Aiyar, son of Sonu Sastri, of Krishnapuram attached to Kadayajallur, Tenkasi Taluk	Rex	I Rev.Father J.Castels, St.Joseph's College, Trichinopoly (absent) II Arulanandum Pillai, Station-master, Maniyachi (absent) III Arogiasani, son of Arulanandum Pillai, Station master, Maniyachi IV Maria Doss, son of Arulanandum Pillai, Station master, Maniyachi V Perumal, Office porter, Maniyachi railway station VI Kadir Batcha, Peon, Collector's Office, Tinnevelly.	To speak to the facts noted in column 12 as far as they know.

[illegible] No.465, Maniyachi Railway Police Station.

VIII Mr.E.J.Johnson, Assistant Superintendent of Police, Tuticorin

IX Raghupathi Aiyar, son of Vanchi Aiyar, of Shencottah

X Mahadeva Aiyar, Minor Irrigation Overseer, Tenkasi

XI Sankaranarayana Aiyar, son of Subbier of Harikesanallur.

XII Loganatha Aiyar, son of Venkateswara Aiyar, Hotel-keeper, Kailasapuram, Tinnevelly.

XIII Visvanatha Aiyar, son of Kolathur Aiyar, Tinnevelly

XIV Thayee, daughter of Lakshmi, Tinnevelly

XV Arumugam Pillai, son of Venkatachalam Pillai, of Tuticorin

XVI Somasundaram Pillai, son of Olaganatha Pillai of Tuticorin.

XVIII Muhammad Mahdi Khan, Inspector of Burma Oil Company, Madras

XVIII Dr.C.B.Rama Rao, District Medical and Sanitary Officer, Tinnevelly

XIX Venkatarama Aiyar, son of Subramania Aiyar, forest guard, Punalur.

At the station house						Remands granted	
Prisoners taken into custody. By whom and at what hour, or nature of process requested	Property. Found on person or elsewhere when and by whom, and list of articles forwarded	Confined from what hour to what hour	At what hour admitted to bail	Date and hour of being placed by the police before the Magistrate	Charge or information. Name of offence and circumstances connected with it, in concise detail and under what section of the Penal Code charged	No. and date of	For what period
7	8	9	10	11	12	13	14
21st June 1911, 6.30 A.M., by the Tenkasi Division Police	Property seized was forwarded to the Magistrate	Nil	..	..	Section 302 and 114 Indian Penal Code. That the accused noted in column 3 was one of these engaged in a conspiracy with Vanchi *	..	..

* Aiyar, son of Raghupathi Aiyar, of Shencottah (now dead) and others for the killing of Europeans in general and the late Mr.Ashe, the Collector and District Magistrate of Tinnevelly, in particular and in pursuance of such conspiracy was present at the Maniyachi Railway Station platform on 17th June 1911 at about 10.30 A.M. aided and abetted the above said R.Vanchi Aiyar in committing the murder of the late Mr.Ashe. That he had thereby committed offences punishable under the above sections.

Supplemental charge sheet will be put in later on.

2. Application is being made to the District Magistrate, Tinnevelly, requesting him to obtain the sanction of Government for the prosecution of the accused noted in column 3 under section 121-A, Indian Penal Code, and for this case being tried under the special provisions of Act XIV of 1908.

3. It is therefore requested that an adjournment may be granted.

5th July 1911

T.VENKOBA RAO,
Deputy Superintendent of Police, CID

5th July 1911.

F.CARDOZO,
Superintendent, Government Railway Police.

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MADRAS POLICE

TO THE SUB-DIVISIONAL FIRST-CLASS MAGISTRATE, TINNEVELLY.

Charges taken at, or information laid by T.Venkoba Rao, Deputy Superintendent of Police, Criminal Investigation Department, Madras, on the 5th day of July 1911.

Station house number of charge	Date and hour of the charge or intelligence of the crime being brought to station, and distance of scene from the station	Defendant or person charged or suspected. Name address and occupation	Persons charging or informing Name, address and occupation	Witnesses: Name and address; present or not present	What points called to prove
1	2	3	4	5	6
Tuticorin Railway Police Station Crime No. 39-A of 1911	17th June 1911, 11.30 A.M.	Separate sheet attached (vide page 59)	Rex	I. Rev. Father castes, St.Joseph's College Trichinopoly (absent) II. Arulanandam Pillai, Station master, Maniyachi (absent) III. Arogiasami, son of Prosecution witness II (absent) IV. Maria Doss, son of Prosecution witness II (absent) V. Perumal, Office porter, Maniyachi railway station (absent) VI. Kadir Batcha, Peon, Collector's Office, Tinnevelly (absent) VII. Kadir Batcha, constable No.465, Maniyachi Railway Police, out post (absent)	Properties seized have been forwarded to the Magistrate.

VIII. Mr.E.J.Johnson, Assistant Superintendent of Police, Tuticorin (absent)

IX. Raghupathi Aiyar, son of Vanchi Aiyar, of Shencottah (absent)

X. Mahadeva Aiyar, Minor Irrigation Overseer, Tenkasi (absent)

XI. Sankaranarayana Aiyar, son of Subbier, of Harikesanallur, now in Viraraghavapuram, Tinnevelly (absent)

XII. Loganatha Aiyar, son of Venkateswar Aiyar, Hotel-keeper, Kailasapuram, Tinnevelly (absent)

XIII. Visvanatha Aiyar, son of Kolathur Aiyar of Tinnevelly (absent)

XIV. Thayee, daughter of Lakshmi of Tinnevelly (absent)

XV. Somasundaram Pillai, son of Olaganatha Pillai, of Tuticorin

XVI. Muhammad Mahdi Khan, Inspector, Burma Oil Company, Madras (Absent)

XVII Dr.C.B.Rama Rao, District Medical and Sanitary Officer, Tinnevelly (absent)

XVIII Venkatarama Aiyar, son of Subramania Aiyar, forest guard, Punalur (absent)

Prisoners taken into custody. By whom and at what hour, or nature of process requested	Property found on person or elsewhere when and by whom, and list of articles forwarded	At the station master's house: confined from what hour to what hour	At the station master's house: At what hour admitted to bail	Date and hour of being placed by the police before the Magistrate	Charge or information. Name of offences and circumstances connected with it, in concise detail, and under what section of the Penal Code charged	Remands granted: Number and date of	Remands granted: For what period
7	8	9	10	11	12	13	14
..	..	..	..	..	Sections 302 and 109 Indian Penal Code. That the accused noted in column 3 were engaged in a conspiracy for the killing of Europeans in general and the late Mr.Ashe, Collector and District Magistrate of Tinnevelly, in particular, and in pursuance of such conspiracy aided and abetted the murder of Mr.Ashe by Vanchi Aiyar and Sankarakrishna Aiyar on 17th June 1911, at about 10.30 A.M., at Maniyachi railway station platform. That they have thereby committed offence punishable under the above sections.	..	..

NAMES OF THE ACCUSED

Sl. No.	Name of accused	Father's name	Residence	Whether arrested or not
1.	Nilakanta Aiyar alias Brahmachari	Sivaramakrishna Aiyar	Erukkur, Shiyali taluk, Tanjore district	Absconding
2.	Madaswami Pillai	Subramaniya Pillai	Ottapidaram	-do-
3.	Shunmugam Pillai	-do-	Tuticorin	-do-
4.	T.S.Somasundaram Pillai	Swaminatha Pillai	Tinnevelly	On remand
5.	Pichumani Aiyar	Krishna Aiyar	Shencottah	-do-
6.	VemburAiyar	-do-	-do-	-do-
7.	Jagannatha Aiyangar	Ranga Aiyangar	-do-	Under arrest in Travancore. To be extradited.
8.	Harihara Aiyar	Marakadai Subbu Aiyar	Alleppey	-do-
9.	Bapu Pillai alias Ramaswami Pillai	..	Punalur	-do-
10.	V.Desika chari	Secretary, Travancore Agricultural Trading Company, Punalur	-do-	-do-
11.	Chavadi Arunachalam Pillai	Chavadi Subramaniya Pillai	Shencottah	On remand
12.	Alagappa Pillai	Veyinamuthu Pillai	-do-	-do-
13.	Muthukumaraswamiya Pillai	Nellaperumal Pillai	Tuticorin	-do-
14.	Subbayya Pillai	Vythilingam Pillai	-do-	-do-
15.	I.V.Arumugam Pillai	Venkatachalam Pillai	-do-	Absent
16.	Madathukadai Chidambaram Pillai	Sankaralingam Pillai and others.	Tenkasi	Absconding

5th July 1911

T.VENKOBA RAO,
Deputy Superintendent of Police, C.I.D.

Supplemental charge sheet will be put in later on.

2. Application is being made to the District Magistrate requesting him to obtain the sanction of Government for the prosecution of the accused noted in column 3 under section 121-A, Indian Penal Code, and for this case being tried under the special provisions of Act XIV of 1908.

3. It is therefore requested that an adjournment may be granted.

5th July 1911

T.VENKOBA RAO,
Deputy Superintendent of Police,
C.I.D.

5th July 1911

F.CARDOZO,
Superintendent, Government
Railway Police.

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FIRST INFORMATION REPORT.

First information of a cognizable crime reported under section 154, Criminal Procedure Code, at Police Station - Tuticorin Railway Police.

Circle - Madura Railway Police.

District - Trichinopoly Railway Police.

No. - 39-A

Date and hour of occurrence - 17th June 1911, about 10.30 A.M.

Date and hour when reported	Place of occurrence and distance and direction from Police Station	Date of despatch from Police Station
17th June 1911 11.30 A.M.	Maniyachi Railway Station platform	5th July 1911

(N.B. - A first information must be authenticated by the signature, mark or thumb impression of informant and attested by the signature of the officer recording it)

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Name and residence of informant and complainant	Name and residence of accused	Brief description of offence, with section, and of property carried off, if any	Steps taken regarding investigation explanation of delay in recording information	Result of the case
1	2	3	4	5
Rex	1. Nilakanta Brahmachari, Erukkur 2. S.Madaswami Pillai of Ottapidaram 3. S.Shunmugam Pillai of Tuticorin 4. T.S.Somasundaram Pillai of Tinnevelly 5. Pichumani Aiyar of Shencottah 6. Vembu Aiyar of Shencottah 7. Jagannatha Aiyangar of Shencottah 8. S.Harihara Aiyar of Alleppey 9. Bapu Pillai alias Ramaswami Pillai of Punalur 10. V.Desika Chari of Punalur.	302 and 109, Indian Penal Code		

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1	2	3	4	5
Rex	11. Chevadi Arunachalam Pillai of Shencottah	302 and 109, Indian Penal Code.		
	12. Alagappa Pillai of Shencottah			
	13. Muthukumaraswamiya Pillai of Tuticorin			
	14. Subbayya Pillai of Tuticorin			
	15. K.V.Arumugam Pillai of Tuticorin			
	16. M.Chidambaram Pillai of Tenkasi and others.			

In the course of investigation into Crime No.39 of 1911 of Tuticorin Railway Police Station (sections 302 and 114, Indian Penal Code), it was found that the accused noted in column 2 and others conspired together to kill Europeans in general and Mr.Ashe, Collector and District Magistrate, Tinnevelly, in particular, and in pursuance of such conspiracy aided and abetted the murder of Mr.Ashe by R.Vanchi Aiyar and Sankarakrishna Aiyar on 17th June 1911 at 10.30 A.M. at Maniyachi Railway Station platform and thereby committed offences punishable under sections 302 and 109, Indian Penal Code.

Further enquiries are being made. The case relating to the murder of Mr.Ashe has already been registered under section 302, Indian Penal Code, in Crime No.39 of 1911 of Tuticorin Railway Police Station and the accomplice Sankarakrishna Aiyar has been charged under sections 302 and 114, Indian Penal Code.

5th July 1911.

F.CARDOZO,
Superintendent, Railway Police.

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Memorandum of crimes and other occurrences reported to the District Magistrate, Tinnevelly, by the Deputy Superintendent of the Government Railway Police, Trichinopoly district, on the 5th July 1911.

Occurrence | Station-house - Tuticorin Station Crime No.39 of 1911

District Office - Trichinopoly Railway Police district.

Date of occurrence - 17th June 1911.

Taluk, station, village - Maniyachi railway Station platform.

I have the honour to inform you that charges have, this day, been laid before the Head-quarters Sub-Divisional First-class Magistrate, Tinnevelly -

(a) against Sankarakrishna Aiyar, son of Samu Sastri of Krishnapuram, Tenkasi Taluk, under section 302 and 114, Indian Penal Code, and

(b) against those mentioned in the list attached and others under sections 302 and 109, Indian Penal Code.

As there is evidence of a conspiracy amounting to an offence under section 121-A, Indian Penal Code, and as cognizance of this offence cannot be taken without the sanction of the Local Government, I have the honour to request you will be good enough to move the Local Government

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to accord sanction for the prosecution of the above accused in each of the two cases.

As it is desirable that these cases should be tried under the provisions of Act XIV of 1908, I would request you to apply for the sanction of the Government of Madras to apply the provisions of that Act to these two trials.

Names of the accused

Sl. No.	Name of accused	Father's name	Residence	Whether arrested or not
1	2	3	4	5
1.	Nilakanta Aiyar alias Brahmachari	Sivaramakrishna Aiyar	Erukkur, Shiyali taluk, Tanjore district	Absconding
2.	Madaswami Pillai	Subramania Pillai	Ottapidaram	-do-
3.	Shunmugam Pillai	-do-	Tuticorin	-do-
4.	T.S.Somasundaram Pillai	Swaminatha Pillai	Tinnevelly	On remand
5.	Tichumani Aiyar	Krishna Aiyar	Shencottah	-do-
6.	Vembu Aiyar	-do-	-do-	-do-
7.	Jagannatha Aiyangar	Ranga Aiyangar	-do-	Under arrest in Travancore to be extradited
8.	Harihara Aiyar	Narakadai Subbier	Alleppey	-do-
9.	Bapu Pillai alias Ramaswami Pillai		Punalur	-do-
10.	V.Desika Chari		-do-	-do-

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1	2	3	4	5
11.	Chavadi Arunachalam Pillai	Chavadi Subramania Pillai	Shencottah	On remand
12.	Alagappa Pillai	Veyinamuthu Pillai	-do-	-do-
13.	Muthukumaraswamiya Pillai	Nellaperumal Pillai	Tuticorin	-do-
14.	Subbayya Pillai	Vythilingam Pillai	-do-	-do-
15.	K.V.Arumugam Pillai	Venkatachallum Pillai	-do-	Absent
16.	Madathukadai Chidambaram Pillai	Sankaralingam Pillai and others	Tenkasi	Absconding

F.CARDOZO,
SUPERINTENDENT, GOVERNMENT RAILWAY POLICE,
TRICHINOPOLY.

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CIV

Telegram - from the Personal Assistant to the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government.
Dated - the 7th July 1911
No. - 185

Individual last mentioned paragraph 288 current abstracts arrested Calcutta. Commissioner of Police, Calcutta, directed to send him to the Deputy Inspector-General of Police for Criminal Intelligence and Railways, Tinnevelly.

CV

Telegram - from the Deputy Inspector-General of Police for Criminal Intelligence and Railways.
To - The Chief Secretary to Government
Dated - Tinnevelly Bridge, the 8th July 1911.

Yesterday Nilakanta Aiyar was arrested at Calcutta.

CVI

Demi-official - from S.H.SLATER, Esq., I.C.S., Under Secretary to Government.
To - The District Magistrate, Tinnevelly
Dated - Ootacamund, the 8th July 1911.

Orders are issuing today sanctioning, under section 196, Criminal Procedure Code, the prosecution under section 121-A, Indian Penal Code, of the sixteen accused against whom information has been laid in Railway Police Crime No.39-A of 1911, and applying the provisions of Part I of Act XIV of 1908 to the proceedings taken against Sankarakrishna Aiyar in Preliminary Register Case No.1 of 1911 on Tampoe's file.

The order applying the provision of Part I of the above Act to the proceedings against the other sixteen accused can issue only after the Government hear that the Magistrate has taken cognizance of the charges against them.

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I am desired to ask you to wire directly the Magistrate has taken cognizance of that case, giving at the same time the number of the case on his file.

Order - No.1112, Judicial, dated 8th July 1911.

Under the provisions of section 196 of the Code of Criminal Procedure, 1898, the Governor in Council authorizes the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of the offence punishable under section 121-A of the Indian Penal Code against -

1. Nilakanta Aiyar alias Brahmachari
2. Madaswami Pillai
3. Shunmugam Pillai
4. T.S.Somasundaram Pillai
5. Pichumani Aiyar
6. Vembu Aiyar
7. Jagannatha Aiyangar
8. Harihara Aiyar
9. Bapu Pillai alias Ramaswami Pillai
10. V.Desika Chari
11. Chavadi Arunachalam Pillai
12. Alagappa Pillai
13. Muthukumaraswamiya Pillai
14. Subbayya Pillai
15. K.V.Arumugam Pillai
16. Madathukadai Chidambaram Pillai

and all other persons who may have joined them in the said conspiracy.

(True extract)

H.A.STUART,
Ag.Chief Secretary

To
The Deputy Inspector-General of Police for Criminal Intelligence and Railways.
The District Magistrate, Tinnevelly.

Order - No.1113, Judicial, dated 8th July 1911.

Whereas Alfred McGOWAN Coomarasamy Tampoe, Esq., Sub-Divisional Magistrate of Tinnevelly, has taken cognizance as Preliminary Register Case No.1 of 1911 on his file, of the offences of the murder and abetment of the murder of Robert William D'Estcourt Ashe, Collector and Magistrate of the district of Tinnevelly, offences specified in the schedule of the Indian Criminal Law Amendment Act, 1908, and whereas it appears to the Governor of Fort St.George in Council that in the interests of peace and good order the provisions of Part I of the said Act should be made to apply to proceedings in respect of those offences, the Governor of Fort St.George in Council, with the previous sanction of the Governor-General in Council, does hereby direct, by virtue of the authority given him by sub-section (1) of section 2 of the said Act, that the provisions of Part I of the said Act shall apply to such proceedings.

(True extract)

H.A.STUART,
Ag. Chief Secretary.

To
The District Magistrate, Tinnevelly.
The Hon'ble the Chief Justice of the High Court of Judicature, Madras (with C.L)

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