

Government of Madras.

JUDICIAL DEPARTMENT.

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Enclosures

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G.O. No. 1471, 16th September 1912.

Ashe murder case.

Recording report on the history of the — by Deputy Superintendent T. Venkoba Rao.



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26

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JUDICIAL DEPARTMENT.

READ—the following paper:—

Letter—from the Hon'ble Mr. D. W. G. COWIE, I.C.S., Inspector-General of Police.
To—the Chief Secretary to Government.
Dated—Madras, the 15th August 1912.
No.—29/Confid. M.

I have the honour to forward, for the information of Government, a report on the history of the Ashe case drawn up by the Deputy Superintendent M.R.Ry. T. Venkoba Rao Avargal, who assisted in the investigation into the case and instructed the Public Prosecutor throughout the trial by the Special Tribunal.

✓ This case was the first trial by such a Tribunal in this Presidency. The trial proved to be of great length, but the result may be considered to be satisfactory, and Government have already acknowledged the value of the services of the police officers who were engaged in the investigation, and among whom Deputy Superintendent M.R.Ry. T. Venkoba Rao Avargal was one of the most conspicuous. I much regret that owing to an oversight this officer's name was omitted from the list given in my letter No. 18 (Confid.), dated 16th ultimo.

ENCLOSURE.

Report on the history of the Ashe murder case drawn up by M.R.Ry. T. Venkoba Rao Avargal, Deputy Superintendent of Police, dated 9th July 1912.

On the morning of 17th June 1911 Mr. Ashe, Collector and District Magistrate of Tinnevely, left Tinnevely Bridge railway station with his wife, Mrs. Ashe, by the 9-30 A.M. train and reached Maniyachi at 10-30 A.M. He was seated in a first-class compartment of 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 very few passengers there. The Maniyachi railway stationmaster Arulanandam Pillai's (P.W. 78) two sons, Arogiaswami and Mariadoss, aged 14 and 12 years respectively (P.Ws. 84 and 85), were standing almost opposite to the first-class compartment in which Mr. and Mrs. Ashe were seated.

2. Just then two men went up to the first-class compartment, one in a 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 the pistol 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. The other man who was standing by the servant's compartment ran away as soon as the shot was fired. The younger of the two sons of the railway stationmaster, Mariadoss (P.W. 85), ran away to his quarters, while the elder remained.

3. The firing attracted, among others, one of the two peons of Mr. Ashe, Kadar Bacha (P.W. 81), who was keeping watch over his luggage at some distance. He went running to the spot and caught hold of the man who fired. A struggle ensued. Just at this point the elder of the two boys, Arogiaswami (P.W. 84), went away home. The man who fired gave a blow to the peon, freed himself from his clutches and ran towards the latrine on the southern side of the platform with the pistol in his hand, threatening those who dared to approach him, and hid himself in the latrine there.

4. The few people that had gathered by that time, railway porters (Perumal, P.W. 80, etc.) and coolies and three railway platform constables (Constables Nos. 98, 537 and 465) who had till then been occupied at the extreme north-eastern end of the station in exchanging signatures chased the green coated man to the latrine, surrounded and guarded it. There was no carbine in the police outpost at Maniyachi railway station. One of the constables went to Maniyachi local police station about two miles off to get a carbine.

5. Before he returned Mr. Ashe was taken back by the next train to Tinnevely Bridge station. Inspector Subramania Pillai of Tinnevely (P.W. 90), on receipt of the news of the murder, proceeded to the railway station, saw the dead body of Mr. Ashe and arranged for holding the inquest. Mr. Ramachandra Rao, Head-quarters Deputy Collector, Tinnevely, Mr. Rajabadar Mudaliyar, Treasury Deputy Collector, Mr. Nellaiyappa Pillai, Stationary Sub-Magistrate of Tinnevely (P.W. 82), and several other officials and non-officials also went to the railway station. Mr. Hamilton, District Superintendent of Police, Tinnevely (P.W. 2), who was absent at Nanguneri and to whom telegraphic intimation was sent, arrived at the railway station a little before 3 p.m. that very day and found inquest on the body of Mr. Ashe almost completed.

6. Meanwhile the railway police constable who went to the local police station, Maniyachi, returned to the railway station, Maniyachi, with a carbine. The police then entered the latrine in which the murderer had hid himself and found him lying dead in a pool of blood with a pistol in his right hand. An empty cartridge case was found by the side of the corpse. The police kept guarding till Mr. Cox, Sub-Collector and Joint Magistrate, Tuticorin, and Mr. Johnson, Assistant Superintendent of Police, Tuticorin (P.W. 89), arrived at Maniyachi at about 2 p.m. by the shuttle train from Tuticorin. They were met by the stationmaster Arulanandam Pillai (P.W. 78) and told of what had taken place and of what his two sons—Arogiaswami and Mariadoss (P.Ws. 84 and 85)—had informed him on his return to his quarters at about 12-30 p.m. after despatching all the trains. They entered into the latrine and examined the corpse of the murderer. The body was lying with the head to the north at the northern end of the latrine in its western portion. The pistol was in the right hand, the thumb being through the trigger guard. Blood was flowing from the nose and mouth and face almost covered in blood. Mr. Johnson removed the pistol, which was found to be a Browning automatic pistol. There were no cartridges in the magazine or chamber. From the information given to Mr. Johnson he ordered telegrams to be sent to be on the look out for and arrest the accomplice in the matter, and proceeded by train, with the body of the assassin well secured in a waggon, to Tinnevely Bridge station where he arrived at about 4 p.m.

7. The body of the murderer was then examined in the presence of the Head-quarters Deputy Magistrate and others. The wound was inside the mouth. On the body was a coat of Basel Mission shikar cloth, a twill shirt, a white lower cloth, and a white upper cloth with coloured border. In a pocket of the coat was a money purse made in France bearing a picture of Queen Victoria and the British Royal Arms above. Inside this, besides other things, there was a second-class ticket No. 128 from Tinnevely Bridge to Maniyachi issued on 17th June 1911 for the very train in which Mr. Ashe travelled. In a pocket of the shirt was found an undated manuscript paper in Tamil bearing the English and Tamil signatures of one R. Vanchi Aiyar of Shenecottah. The paper pointed to the murder of Mr. Ashe having been committed from political motives and to the existence of a huge conspiracy to drive the British out of India.

8. Inquest was held over the assassin's body. All persons likely to know the murderer were brought to see him. No one identified the body. But one Ramalinga Aiyar, a hotel-keeper of Kylasapuram (P.W. 73) close to Tinnevely Bridge railway station, spoke to the assassin having had meals at his hotel for three days—before 17th June 1911—on 14th, 15th and 16th. He did not know who he was or where he came from. No other information was forthcoming. The body was therefore photographed by P.W. 79 and finger impressions taken as well.

9. Having had some clue regarding the identity of the assassin, Mr. Hamilton sent by that very evening train to Tenkasi head constable No. 550 and constable No. 1048 with orders to meet the Tenkasi Inspector Ramachandra Aiyar, proceed with him to Shenecottah, trace the assassin and search his house. He further directed Inspector Subramania Pillai of Tinnevely (P.W. 90) to find out from the hotel-keepers in Kylasapuram and Viraraghavapuram all about the assassin and his movements in Tinnevely.

10. While the Tinnevely police were thus engaged, the Railway Police Inspector of Madura, S. Doraiswami Mudaliyar (P.W. 87), within whose jurisdiction the offence took place, arrived at Maniyachi by the Boat Mail at about 3 p.m.; inspected the spot, examined one of the two sons of the stationmaster, Arogiaswami (P.W. 84), caused telegrams to be sent giving the description of the accomplice by his head constable Doraiswami Aiyar (P.W. 88) attached to Tuticorin station and went by the next train to Tinnevely. The inquest on the two dead bodies had been over by the time he went. He perused the records and stayed at Tinnevely on the night of 17th June 1911 making enquiries in conjunction with the Tinnevely police.

11. The Tenkasi Inspector Ramachandra Aiyar proceeded to Shenecottah on the night of 17th June 1911 and with the help of the Shenecottah police found out who R. Vanchi Aiyar was, and placed his father Raghupathi Aiyar's (P.W. 46) house under guard that night and searched it on the next morning—18th June 1911. With the help of Shenecottah Police Inspector Kumara Pillai and Sub-Magistrate Mr. Parameswara Aiyar (P.W. 47) several letters and issues of Tamil newspaper called *India* were seized. A perusal of the former necessitated the searches of the

houses of Jagannatha Aiyangar (6th accused), Harihara Aiyar (7th accused), Chavadi Arunachalam Pillai (11th accused) and Venkatarama Aiyar (P.W. 29). Nothing was recovered from the houses of Harihara Aiyar (7th accused) and Venkatarama Aiyar (P.W. 29). From the house of Jagannatha Aiyangar some letters showing close intimacy between him and the assassin Vanchi Aiyar were seized, besides half a dozen issues of Tamil newspaper *India*; and from that of Chavadi Arunachalam Pillai (11th accused) several seditious books and pamphlets. Jagannatha Aiyangar (6th accused), the only one of those named who was present, was arrested by the Shencottah Inspector at the request of the Tenkasi Inspector. The Tenkasi Inspector ascertained that Harihara Aiyar (7th accused) was at Alleppey, Travancore State. He sent word to Mr. Hamilton about these searches and applied to him for further assistance. The Tinnevely Inspector Subramania Pillai, Prosecuting Inspector Rajagopalachari, Sub-Inspector No. 1389, head constable No. 636 and some constables were accordingly sent to Tenkasi on the evening of 18th June 1911.

12. Before the Tinnevely Inspector left for Tenkasi he secured the evidence of one Loganatha Aiyar (P.W. 74), a hotel-keeper in Kulasapuram, who knew the assassin as the son of Raghupathi Aiyar of Shencottah but did not know his name. He saw him last on the morning of 17th June 1911, the day of occurrence, at about 9 A.M. Sub-Inspector No. 1347 Masilamani of Tinnevely recorded on 18th June 1911 the statement of one Ponnappa Pillai who had seen the assassin in the company of one Muthuswami Aiyar of Aravankulam, a village about four miles from Tinnevely, about two days prior to 17th June 1911.

13. Inspector Doraiswami Mudaliyar returned to Maniyachi on the morning of 18th June 1911, examined the stationmaster Arulanandam Pillai (P.W. 78), his second son Mariadoss (P.W. 85) and the station staff. While he was thus engaged Mr. F. B. M. Cardozo, Superintendent, Government Railway Police, Trichinopoly District, came in from Trichinopoly and examined those that had already been examined by the Railway Police Inspector. While there he was met by Mr. Hamilton and Mr. Johnson. The three officers went through the case and were making enquiries in Maniyachi. I joined them that evening (18th June 1911) having left Madras the previous evening. I was put in possession of the facts of the case and desired by them to go with them to Tinnevely. I was shown the pistol which bore the writing "Fabrique Nationale. D'Armes de Guerre. Herstal. Belgique Brownings Patent Depose." The pistol was very rusty in its working parts and showed signs of neglect. The maker's number had been carefully filed away from the lock-plate. We reached Tinnevely Bridge at about 5-30 P.M. Inspector Balakrishna Menon of the Criminal Investigation Department, who came with me from Madras, was ordered by Mr. Cardozo to proceed to Shencottah and verify the information obtained regarding the identity of the assassin. I was ordered to stay on at Tinnevely and to assist Mr. Cardozo in the investigation of the case. On the evening of the 19th Mr. P. B. Thomas, Deputy Inspector-General of Police, Criminal Investigation Department and Railways, arrived and put me on the morning of the 20th (next day) in charge of the case diaries and investigation. He and other officers (Messrs. Cardozo, Hamilton and Johnson) guided and controlled the investigation.

14. Inspector Subramania Pillai of Tinnevely, who left Tinnevely with his party by the evening train to Tenkasi, arrived at Tenkasi that night (18th June 1911), found one Mahadeva Aiyar, Minor Irrigation Overseer, Tenkasi (P.W. 68), a relation of R. Vanchi Aiyar, and sent him to Tinnevely. He went to Tinnevely the next day (19th June 1911) and identified the photo of the assassin and his statement was recorded by Mr. Tampoe, Sub-Divisional first-class Magistrate, Sermadevi. Mahadeva Aiyar saw the assassin last at Tenkasi on 12th June 1911.

15. Inspector Subramania Pillai of Tinnevely and his party then met the Tenkasi Inspector Ramachandra Aiyar, and all of them were engaged on the night of 18th June 1911 and a portion of 19th June 1911 in going through the huge mass of correspondence seized from the various houses searched till then. Some of them were signed by, or contained references to, Armugam Pillai, Nattukottai Chetti Street, Tuticorin (P.W. 6), Ramaswami Aiyar of Sundarapandiapuram (P.W. 16), Nilakanta Brahmachari (1st accused), Sankarakrishna Aiyar (2nd accused), Chidambaram Pillai (3rd accused), Jagannatha Aiyangar (6th accused), Harihara Aiyar (7th accused), Bapu Pillai (8th accused), Vembu Aiyar *alias* Mahadeva Aiyar (10th accused), Alagappa Pillai (12th accused), Piehumani Aiyar *alias* Venkatachala Aiyar (14th accused), Madaswami Pillai of Ottapidaram (absconding accused) and Dhammaraja Aiyar, the man who committed suicide in the course of the investigation.

16. On obtaining these particulars the Tenkasi Inspector sent word on 19th June 1911 to Tenkasi to have the house of Chidambaram Pillai (3rd accused) searched, which was done that very day by the Tenkasi Sub-Magistrate Mr. Chandrasekara Aiyar (P.W. 37) and head constable No. 535. Shunmugam Pillai of Tenkasi. Third accused had absconded. Efforts made by the Tinnevely Inspector to arrest the 3rd accused proved futile. On 1st July 1911 I applied for warrant and on 3rd July 1911 for proclamation and distress warrant. His house was attached on 4th July 1911 and he was arrested on 6th July 1911 near Palavur, about 30 miles from Tenkasi, by Sub-Inspector No. 1389 and his party. Some seditious books were seized from his house. On 19th June 1911 head constable No. 550 and constable No. 519 were sent to Punalur to search the house of Bapu Pillai (8th accused). They searched it in the presence of Sub-Magistrate Mr. Nagam Pillai (P.W. 39) and seized two letters, one written by Vanchi to Bapu Pillai (8th accused) and the other written by approver Armugam Pillai (P.W. 6) to Vanchi Aiyar, which unmistakably showed that the 8th accused was one of the conspirators. Mr. George, Superintendent of Police, Travancore, was requested by wire to search the house of Harihara Aiyar (7th accused) in Alleppey and to

arrest him. His house was accordingly searched on 19th June 1911 and he was arrested on 20th June 1911 by the Alleppey Police Inspector (P.W. 38). One of the letters seized from his house indicated considerable intimacy between 7th accused, 10th accused and the assassin Vanchi Aiyar.

17. On the afternoon of 19th June 1911 Tinnevely Inspector (P.W. 90) wired from Shencottah to Mr. Hamilton to the following effect: "Several letters disclosing longstanding conspiracy recovered from murderer's house yesterday. Pray arrange search by competent officers of houses of S. Madaswami Pillai and Ramamurthi, Ottappidaram, K. V. Armugam, Nattukottai Street, Tuticorin. Also their arrest." On receipt of this telegram Mr. Hamilton formed two parties, one under Mr. Johnson (P.W. 89) with Railway Police Inspector S. Doraiswami Mudaliyar (P.W. 87) to proceed to Tuticorin and the other under the Deputy Superintendent Mr. Doraiswami Pillai (P.W. 30) with Sub-Inspector No. 1339 to proceed to Ottappidaram.

18. As the two parties were about to start Mr. P. B. Thomas, Deputy Inspector-General of Police, Criminal Investigation Department and Railways, and Mr. F. A. Dene, Deputy Inspector-General of Police, Southern Range, arrived at Tinnevely by the evening train (19th June 1911). Inspector Viraraghava Aiyar of the Criminal Investigation Department (P.W. 31), who accompanied Mr. Thomas, was directed to proceed by the next shuttle train to Tuticorin with Mr. Johnson to search certain houses there. He left Tinnevely accordingly within half an hour after his arrival and reached Tuticorin at about 9-30 P.M.

19. That night at about 2 A.M. Mr. Johnson, Inspector Viraraghava Aiyar and others went to the house of Armugam Pillai in the Nattukottai Chetti Street, Tuticorin, and had it sealed with a view to search it the next morning. Inspector Viraraghava Aiyar questioned Armugam Pillai if he knew anything about the murder of Mr. Ashe. Armugam then offered to tell all he knew. Inspector Viraraghava Aiyar recorded his statement in the presence of Mr. Johnson. The statement disclosed the existence of a secret society, members of which belonged to Tuticorin, Ottappidaram, Tenkasi, Shencottah and Punalur with connection in Pondicherry and having for its object the massacre of all white men on a certain date to be fixed by the 1st accused in this case. The principal persons implicated in this statement were accused Nos. 1, 2, 3, 4, 5 and 13, Somasundaram Pillai (P.W. 12) and Madaswami Pillai (absconding accused). Vanchi Aiyar (assassin) and Harihara Aiyar (7th accused) are simply referred to as members of the secret society.

This Armugam is a young man of twenty years of age employed as an accountant on Rs. 7 in the firm of S.M.S. Tuticorin. He began to interest himself in *Swadeshi* matters when he heard the lectures of Mr. G. Subramania Aiyar, Editor of the *Swadesamitran*, in 1907 at Tuticorin to collect funds for the National Fund and the Industrial Association at Madras. He then came under the influence of V. O. Chidambaram Pillai and Subramania Siva—accused in the Tinnevely sedition cases. He heard their lectures at Tuticorin in February 1908 on *Swadeshi* and Boycott among other subjects, and was convinced of what they said, and became a great admirer of the two people. Following the lectures in Tuticorin, there was the arrest of those two people which led to the riot at Tinnevely in March 1908, at which four Indians were shot dead under the orders of the Collector Mr. Wynch. Armugam thought that they were unjustly shot and killed, that the officials were doing unjust acts and that the English must be driven out and *Swaraj* obtained. He talked with men like Madaswami and Somasundaram about the unjust convictions and about the unjust laws. He began subscribing for the *India* newspaper started in Madras in 1908 and continued to be a subscriber till it was proscribed by Government in April 1910. He subscribed for other newspapers from Pondicherry—*Vijaya*, *Suryodayam*, etc. The more he read of them the more was he convinced of the unjust acts of Government, and his hatred towards the British Government grew stronger and stronger. He contributed articles to the papers in Pondicherry and was thus well known to those connected with the papers in Pondicherry. At this period in Pondicherry there were a number of persons actively engaged, fostering *Swadeshi*, boycott and feelings of hatred towards the British Government. Nilakanta Brahmachari, a young man of twenty-one years of age, and a native of Erukkur near Shiyali in the Tanjore district and one connected with *India* and *Suryodayam* was one of them. The papers published by them were being proscribed. They had, therefore, to adopt other methods of spreading their propaganda. For this purpose 1st accused Nilakantam was sent. He was not a stranger to the Tinnevely district. As Narayan Duboi he was at Tinnevely, Palamecottah and other places in Tinnevely district in 1908, as a public man giving lectures on *Swadeshi* and Boycott. Immediately after the Tinnevely riots, he attempted to give a lecture in Palamecottah on *Swaraj*. Inspector Viraraghava Aiyar, who was then in charge of Palamecottah division, prevented him from doing so under his superior's orders. He (1st accused) went to Tenkasi then and became a good friend of 3rd accused who began financing him every now and then. Nilakantam therefore preferred Tinnevely district which was the centre of *Swadeshi* activity and went to Tenkasi in April 1910 to the house of 3rd accused. He had known 2nd accused before. From Tenkasi he sent 2nd accused to fetch Armugam (P.W. 6) and Bande Mataram Subramania Aiyar (13th accused). Second accused went to Tuticorin and met Armugam in a street very near Armugam's house at about 7 P.M. on 9th April 1910, when the latter and P.W. 8 Omajayrubagam Pillai were talking together. Armugam and 2nd accused together went to the house of the former. The latter then told the former that Nilakantam, Editor of the "*Suryodayam*", had come to Tenkasi, that he was going to hold a meeting there and that he wanted him and his party to attend the meeting. Armugam agreed. Second accused left Tuticorin that very night. Armugam

had not enough of money to go to Tenkasi. He therefore borrowed one rupee from one Armugam Chetti (P.W. 7). Next morning he met Madaswami (absconding accused) and Somasundaram (P.W. 12) and asked them to go with him to Tenkasi. They gave some excuse. Armugam alone went to Tenkasi. Second accused met him at the Tenkasi railway station platform between 3 and 4 P.M. on 10th April 1910 and took him to the house of the 3rd accused and introduced him to 1st accused, 3rd accused and 13th accused. There was first a general conversation about *Svadeshi* matters. First accused then took Armugam to a separate room and pointed out to him how patriots have been working for the cause of India; that many of them edited newspapers and published books but were convicted, papers and books being proscribed as well; that they then began delivering lectures, but some of the lecturers were convicted; that the Bengalees therefore took to manufacturing bombs in the interest of the country and murdered certain Europeans—they too were arrested and convicted; that they then thought it necessary to kill Europeans by direct attacks—some of these too were convicted; and that all their endeavours having thus failed, they had hit upon a new plan and that was to take the shape of a general rising all over the country like that of 1857, the Great Indian Mutiny, on a certain date to be subsequently fixed and the massacre of all white people on the same day and asked him if he would join the new movement. Armugam agreed. The other persons present, viz., 2nd accused, 3rd accused and 13th accused, assented to these views and agreed to become members of the new movement. There was a Kali picture there. There was red powder, sacred ashes and flowers kept on the floor in front of the picture. Red powder was put into water and made a solution of it. First accused made *pujan* to the Kali picture, while the rest sat in a line. An oath was drawn up and written on a paper. First accused wrote and it was to this effect: "*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 Gossain was murdered. Just as we drink the white powder solution now it is the white man's blood." To carry on secret correspondence other names were given to the members. These new names were written below the oath described above. Each of the members read the oath paper, drank the red solution saying that that was the white man's blood, cut his thumb with a razor and affixed his thumb impression in blood opposite to their new names.

Armugam was asked by 1st accused to enlist recruits and to distribute the "*Dharmam*" paper published at Pondicherry for the purpose of enlisting the sympathy of the readers and getting recruits. Armugam agreed. The meeting dispersed. Armugam left Tenkasi next morning and reached Tuticorin that very day. He met Somasundaram, who consented to become a member. Nilakantam went to his village and thence to Pondicherry where he was seen by Mr. Chackravarthi Aiyangar (P.W. 3), a Cuddalore Vakil, on 2nd May 1910. This vakil met the Villupuram Railway Police Inspector Lakshminarayana Aiyar on 15th July 1911 on the Villupuram railway station platform, heard of the arrest of the 1st accused and told him of his having met 1st accused at Pondicherry the year before (about the time of Easter 1910) and of the extreme views 1st accused held and which he expressed to him. This vakil's statement was then on 18th July 1911 recorded by the District Magistrate, South Arcot.

About the middle of June 1910 Nilakantam (1st accused) went to Mettupolliam. Just about this time 2nd accused Sankaragrishnam left Tenkasi on 2nd June 1910, met Vanchi Aiyar (assassin) on 3rd June 1910 on the Punalur railway station platform as previously arranged, and spoke to him on some urgent and confidential matter, and reached Alleppey the next day. From there 2nd accused and 7th accused went to Cochin. Second accused alone went to Mettupolliam and met 1st accused there as previously arranged. They then visited Cochin and Alleppey. This was on 20th June 1910. Harihara Aiyar (7th accused) was introduced to 1st accused and he became so enamoured of him that he spent out of his pocket and described him in one of his letters to Vanchi Aiyar (assassin) as the first-born son of Mother Bharatha. From Alleppey 1st and 2nd accused went to Punalur *via* Quilon where they met Vanchi Aiyar (assassin). From there they went to Shencottah. After staying in Shencottah for about a week they went to Tuticorin, one after the other, about the middle of July 1910. Armugam made necessary arrangements for their stay in Tuticorin. He engaged the upstairs portion of one Pattialammal's house in Tuticorin and arranged for their food and conveyance. Armugam had already enlisted the sympathies of approver Somasundaram (P.W. 12) and Madaswami (absconding accused). There another oath-taking meeting was held. At this meeting 1st accused, 2nd accused, 4th accused, 5th accused and Madaswami (absconding accused) and approvers Armugam and Somasundaram took the oath in precisely the same manner as at Tenkasi. After a stay of about a week in Tuticorin Nilakantam went back to Shencottah side and stayed at Courtallam in the bungalow of P.W. 22 Rama Rao for about a fortnight till 9th August 1910 when he left for Punalur. There he was met by approver Ramaswami Aiyar (P.W. 16). As to what happened afterwards will be referred to later on. The above is in brief the statement of Armugam and that of Nilakantam supported by letters seized in the house searches.

20. On the morning of 20th June 1911 Armugam's house was searched in the presence of the Koilpatti Deputy Magistrate, Muhammad Lodi Khan Bahadur, and Mr. Ramaswami Pillai, Sub-Magistrate of Tuticorin (P.W. 34). Mr. Johnson attended the search. Inspectors Viraraghava Aiyar and Doraiswami Mudaliyar searched several letters showing close intimacy among Armugam (P.W. 6), Somasundaram (P.W. 12), Harihara Aiyar (7th accused), Madaswami Pillai (absconding accused) and Vanchi Aiyar (assassin), and highly seditious literature were found in his house.

There were two pamphlets in particular which were of a violently seditious nature, viz., "A friendly word to Aryans" purporting to have been issued from the Faringhee Destroyer Press and "An oath to enter into Abhi Nava Bharatha Sama." One passage in the first runs: "Cherish rancour in your minds. Swear in the presence of God that you will remove this sinner of a Faringhee out of our country and firmly establish *Swaraj* therein! Take an oath that as long as the Faringhee exercises authority in our land of Bharatha you will regard life as worthless. Beat the white English Faringhee you get hold of, even as you beat a dog, and kill him with a knife, a stick, a stone or even by the hand given by God! Mercilessly kill the policeman or official who, helping the Faringhee, teases the people—any people whatsoever! Because Lord Vyasa himself has stated that the White Empire would be ruined between the years Nandana and Ananda (1892—1914). According to these words the *Swadeshi* war has begun in our country. A violent war should take place within the year Ananda. Death may occur either in the sixth or in the hundredth year! Regarding this worthless life as a trifle, we shall make *Swaraj* and our name shine in the country by killing the white Faringhees and then go to the paradise of heroes." The other pamphlet was more or less on the same lines. According to Armugam ten copies of each pamphlet were sent to him by post addressed in the handwriting of Nagaswami Aiyar, who was conducting the *Dharmam* paper in Pondicherry, the first one, about a month before and the second one a week before the date of occurrence. Armugam distributed them among the members of the society and even discussed them with the accused Nos. 4 and 5 and Somasundaram and they expressed their general approval.

Further searches were made in Tuticorin on 20th June 1911, *swadeshi* stores, *swadeshi* pandagasalai, etc., by Inspectors Viraraghava Aiyar and Doraiswami Mudaliyar. Another copy of "A friendly word to Aryans" was seized from the *swadeshi* shop.

The clerk of that shop Balasubramania Pillai (P.W. 13) said to the two searching officers that Armugam gave him the copy.

Approver Armugam, immediately after the search of his house was over, applied to Mr. Johnson for protection from violence from those implicated by him in his statement. Inspector Viraraghava Aiyar was directed by Mr. Johnson to look after him.

21. While the party under Mr. Johnson was thus engaged in Tuticorin, Deputy Superintendent Mr. Doraiswami Pillai (P.W. 30) with his party reached Ottappidaram on the night of 19th June 1911, found Madaswami Pillai had bolted, sealed his house and searched it next morning in the presence of the Ottappidaram Sub-Magistrate Mr. Raghavachari (P.W. 32). Several letters, books and pamphlets and photos were seized. Some of these letters were written by Somasundaram (P.W. 12), some by Harihara Aiyar (7th accused), and some by Shunmugam Pillai of Tuticorin. There was also reference to Vanchi Aiyar (assassin) in one of the letters written by Harihara Aiyar (7th accused). They showed the extraordinary degree of intimacy between persons so widely separated by caste, occupation and residence. A copy of "A friendly word to Aryans" was seized from his tin box kept in the shop of Ramalingam Pillai (P.W. 33).

22. Consequent on information obtained from the records seized in S. Madaswami's (absconding accused) house, Deputy Superintendent Mr. Doraiswami Pillai proceeded to Tuticorin, arrested Somasundaram Pillai (P.W. 12) on the night of 20th June 1911, sealed his house that night and searched it next morning (21st June 1911). Nothing of importance was found in the house.

23. Mr. Johnson on 21st June 1911 learnt that Somasundaram Pillai (P.W. 12) had been arrested and kept in the police station at Tuticorin. He directed Inspector Viraraghava Aiyar to question Somasundaram and find out if he knew anything in the matter. Inspector Viraraghava Aiyar recorded Somasundaram's statement. Somasundaram corroborated Armugam and carried the history of the society to within a few months of the murder. He spoke to his having met Vanchi Aiyar (assassin) in S. Madaswami's (absconding accused) house in Ottappidaram in the month of March 1911 when Vanchi swore an oath to murder Mr. Ashe for, according to Vanchi, Mr. Ashe was responsible for the conviction of Chidambaram Pillai and Subramania Siva and the ruin of the *Swadeshi* Steam Navigation Company. The statement of Somasundaram thus connected the murder with the secret society organized by 1st accused.

24. As a result of the statements of Armugam and Somasundaram the houses of Mulhuswami Pillai alias Muthukumaraswami Pillai (4th accused) and Suppiah Pillai alias Subramania Pillai (5th accused) were searched on 22nd June 1911. Two issues of *Dharmam* paper were seized from the house of the former and nothing from that of the latter. The search was conducted by Inspector Viraraghava Aiyar and Doraiswami Mudaliyar in the presence of Mr. Ramaswami Pillai, Sub-Magistrate of Tuticorin, and Mr. Johnson. Fourth and 5th accused were thereupon arrested.

25. Mr. Johnson left Tuticorin on the afternoon of 22nd June 1911 with his party and came into Tinnevely at about 4-30 p.m. that day. Armugam who was under police protection from 20th June 1911, Somasundaram who was arrested on the night of 20th June 1911, and 4th and 5th accused were brought into Tinnevely from Tuticorin together with the correspondence etc., seized at the searches at Tuticorin and Ottappidaram. The party that went to Shencottah also returned on 22nd June 1911.

26. Mr. Hamilton, who happened to be on the platform of the Tinnevely Bridge railway station, was the first to meet the party. Inspector Viraraghava Aiyar produced Armugam before Mr. Hamilton and told him that he had made a statement to him. Under the orders of the

Deputy Inspector-General of Police, Criminal Investigation Department and Railways, Mr. Hamilton recorded another statement from Armugam, but it was not completed that day as Armugam said he felt very much tired and wanted rest. Armugam repeated his request for protection to Mr. Thomas, which was granted.

27. While the two parties were thus engaged in the East Coast, the party working in Shencottah searched on 20th June 1911 the house of Vembu Aiyar and Pichumani Aiyar (10th and 14th accused) and that of Alagappa Pillai (12th accused). Nothing very useful was seized except a diary of Alagappa Pillai (12th accused) for the year 1910. The entries in the diary showed that he was a man of extreme views. These three accused were found absent. Sub-Inspector No. 1389 (P.W. 41) searched the house of 10th and 14th accused and Railway Police Sub-Inspector Narayanaswami Aiyar (P.W. 42) that of the 12th accused.

28. On information furnished by Tinnevely Inspector Subramania Pillai about the exact whereabouts of the 10th and 14th accused, the Tanjore Town Inspector T. Seshagiri Rao (P.W. 40) was directed on 20th June 1911 by wire to search and seize all correspondence from one Ganapathi Aiyar's hotel near railway station, Tanjore, where 10th accused was employed. It was accordingly searched on 21st June 1911 and two letters of minor importance were seized. They showed that 7th and 10th accused were good friends. Tenth accused was not arrested until 3rd July 1911, when he was arrested under Deputy Inspector-General's orders and brought down to Tinnevely on 5th July 1911. As regards the 14th accused, who was ascertained to have been employed at the time in one K. Subbiah's hotel in Madura, District Superintendent of Police, Madura, was requested on 20th June 1911 to search the hotel where he was employed, seize all suspicious correspondence and arrest him, if necessary. The Madura Town Inspector, in the absence of the District Superintendent of Police, Madura, searched the hotel, seized certain papers which he thought would be of use for the case and arrested the 14th accused on 21st June 1911 as the description given in the reward notice more or less tallied with him. Fourteenth accused was brought to Tinnevely on 22nd June 1911. He denied all knowledge of the offence and stated that he did not know Vasebi Aiyar whose statement was absolutely false. He was put up in an identification parade on the next day (23rd June 1911) and the two sons of the stationmaster did not identify him as the assassin's accomplice.

29. Inspector Balakrishna Menon was directed to make enquiries about Alagappa Pillai (12th accused) and he succeeded in arresting him on 24th June 1911 night while lurking in a tops near Vadagarai.

30. On 20th June 1911, Inspector Subramania Pillai of Tinnevely, Prosecuting Inspector Rajagopalachari, Tenkasi Inspector Ramachandra Aiyar and their party went to Punalur, searched the house of 2nd accused Sankarakrishnan's father-in-law and caused 8th accused to be arrested by the Punalur police. On information obtained from Raghupathi Aiyar (P.W. 46), assassin's father, that 2nd accused Sankarakrishnan was a good friend of his son, head constables Nos. 535 and 636 were sent on 20th June 1911 to Krishnapuram to search the house of Sankarakrishnan and arrest him. His house was accordingly searched and he was arrested on 21st June 1911. Nothing useful was seized in the house search. He was brought down to Tinnevely on the afternoon of 23rd June 1911.

31. On 23rd June 1911 Mr. Hamilton completed the statement of Armugam and recorded the statement of Somasundaram (P.W. 12). They were placed before Mr. Cox, Joint Magistrate of Tuticorin. Armugam's statement was recorded on 24th June 1911 and that of Somasundaram on 25th June 1911. The latter was recalled and further examined on 26th June 1911. Armugam continued to be under police protection till 7th July 1911, when he was arrested under the District Magistrate's orders. He was in custody till 24th July 1911, when pardon was tendered to him, and on the same being accepted by him he was released on bail. Somasundaram continued to be on remand till 3rd July 1911. On 27th June 1911 an application was made by me to the District Magistrate to tender pardon to Somasundaram. The District Magistrate granted pardon that very day. Mr. Tampoe, Sub-Divisional first-class Magistrate, Tinnevely, who was directed by the District Magistrate to tender pardon, tendered it on 30th June 1911. Somasundaram accepted it and his statement was recorded that day by Mr. Tampoe. He applied to Mr. Tampoe for his release on bail and he was accordingly released on 3rd July 1911. He too applied to the Deputy Inspector-General for police protection, which was likewise granted. These two—Armugam and Somasundaram—continued to be under police protection till the prosecution was closed before the Special Bench, Madras.

32. Inspector Balakrishna Menon of the Criminal Investigation Department, who proceeded to Shencottah by the evening train on 18th June 1911, obtained information that one Kuthalingam Pillai of Shencottah had received a telegram purporting to have been sent by Arunachalam Pillai (11th accused) from Calcutta. Kuthalingam Pillai, when questioned, produced the telegram. It was dated 19th June 1911 and purported to have been from Arunachalam Pillai (11th accused), 191, Bow Bazaar, Calcutta. Kuthalingam Pillai, a close relation of the 11th accused, was not aware of the 11th accused having gone to Calcutta and did not know why he went there. This roused the suspicions of the Inspector. There were other circumstances against the 11th accused. He was seen in Tinnevely a few days before the occurrence. The Commissioner of Police, Calcutta, was thereupon requested on 21st June 1911 by wire to arrest the 11th accused and search his correspondence. Eleventh accused's belongings were searched on 23rd June 1911

and he was arrested that day by the Calcutta police (P.W. 26) and brought to Tinnevely on 20th June 1911. He was identified at an identification parade held on 14th July 1911 by Mr. Tampoe, Sub-Divisional first-class Magistrate, Tinnevely, by one Gnanamuthu, B.A., L.T., Lecturer, Calicut College (P.W. 86), as having been seen by him on the Maniyachi railway station platform a few minutes before the occurrence. If this were true, he could not have been in Calcutta on the 19th evening according to the telegram to Kuthalingam Pillai. His diary for 1911, which was seized with several other things at the Calcutta search, showed that he had an elaborate defence. His defence was that he left Shencottah on the 12th June 1911, reached Tinnevely that afternoon, stayed there on 13 and 14th idem, obtained certificates of good character from Mr. S. Purnalingam Pillai, Principal of the Canasis College, Tinnevely, and from Rev. Mr. Devasahayam of the C.M.S. College, Tinnevely (P.W. 65), raised a loan of Rs. 50 on 14th June 1911 from one Narayana Pillai of Tinnevely on pledge of gold jewels through his uncle Somasundaram Pillai of Tinnevely, left Tinnevely by the 9-30 a.m. on 15th June 1911 for Madras, reached Madras the next morning (16th June 1911), stayed in the house of Mr. Anavara Vinayagam Pillai of the Christian College (P.W. 67), wired to his uncle at Tinnevely for money, received telegraphic money order on 17th June 1911 noon, left Madras by the Calcutta mail on 17th June 1911, reached Calcutta on 19th June 1911 and got himself admitted in the National Medical College, Calcutta, that very day. This defence was carefully sifted by Mr. Cardozo and found to be well established. There was other evidence in the case that he was one of the conspirators. This will be referred to later on.

33. On information furnished by Muthuswami Aiyar of Aravankulam referred to in paragraph 12 *supra*, a steel brief bag which the assassin had left behind in T.V.S.S. Bank at Viraraghavapuram before he took the train at Tinnevely Bridge station on 17th June 1911 was recovered in Karungulam about 15 miles off from Tinnevely through one Visvanatha Aiyar. The brief bag was shown to the assassin's father and brother. They identified it as that of the assassin. This established beyond doubt the identity of the murderer. According to Muthuswami Aiyar the assassin visited the T.V.S.S. Bank and went to the house of a prostitute by name Thayee (P.W. 72) in Tinnevely on the day previous to the date of the murder. The latter was traced by Sub-Inspector No. 1347 of Tinnevely district on 20th June 1911 and questioned. She spoke to Muthuswami Aiyar (referred to above) and two Brahmans whom she could identify having visited her house on the evening of Friday (16th June 1911) prior to the date of occurrence. I had her statement recorded under section 164, Criminal Procedure Code, by the Stationary Sub-Magistrate, Tinnevely. She identified the man in the murderer's photo as one of the two Brahmans and pointed out on 27th June 1911 at an identification parade 2nd accused Sankar Krishnan in the presence of the Stationary Sub-Magistrate, Tinnevely, as the other Brahman who accompanied the murderer and Muthuswami Aiyar. The clerk in the T.V.S.S. Bank, Viraraghavapuram, Sankaraarayana Aiyar (P.W. 71), was traced on 27th June 1911 by the Tinnevely Inspector. He spoke to the visits of the murderer whom he had known before and Muthuswami Aiyar to his bank before the date of murder. It must be said that this Muthuswami Aiyar was put up in an identification parade on 21st June 1911, but he was not identified as the murderer's accomplice by the two sons of the stationmaster.

34. Second accused Sankar Krishnan, who was brought down to Tinnevely on 23rd June 1911, was identified on 26th June 1911 at an identification parade in the presence of the Stationary Sub-Magistrate, Tinnevely, by the two sons of the stationmaster as the accomplice.

35. Mr. George, Superintendent of Police, Travancore, came into Tinnevely on 22nd June 1911 at the request of the Deputy Inspector-General of Police, Criminal Investigation Department and Railways. He was put in possession of the facts of the case and desired to collect evidence in Travancore side about the Shencottah side accused. Inspector Balakrishna Menon of the Criminal Investigation Department and Sub-Inspector P. T. Kannan were deputed to work under him in conjunction with the Travancore police. On 25th June 1911 this party searched the house of Dharmaraja Aiyar referred to in paragraph 15 in the presence of Sethumathava Aiyar (P.W. 55) and two others. Nothing was seized. But on 28th June 1911 he took corrosive sublimate and began to purge and vomit. The Sub-Magistrate of Shencottah, Mr. Parameswara Aiyar, got information about it from one Mr. Sankaranarayana Aiyar (P.W. 56), a relation of Dharmaraja Aiyar, forthwith proceeded to his house, took him to the local hospital and got him admitted as an in-patient. But he (Dharmaraja Aiyar) was discharged the next day. He, however, continued to be an out-patient till 20th July 1911 when he died on account of the poison he had taken on 28th June 1911. This Dharmaraja Aiyar was the best friend of Vanchi Aiyar and Harihara Aiyar. It was he who remitted telegraphic money orders and ordinary money orders for large sums of money on behalf of the 7th accused to Nilakanta Brahmachari (1st accused) between September 1910 and November 1910. He was practically the founder of the Bharatha Matha Association in Shencottah, of which Vanchi Aiyar (assassin), Jagannatha Aiyangar (6th accused), Harihara Aiyar (7th accused), Pichumani Aiyar (14th accused) and Venkatarama Aiyar (P.W. 29) were members. The objects of this association were the encouragement of *swadeshi* goods in addition to the reading of papers obtained from Pondicherry. Meetings were held in Dharmaraja Aiyar's house. There they read the paper *India* and talked about *swadeshi* matters that no English goods should be purchased and that goods manufactured by Indians only should be used. This association eventually developed into a secret society. Though there was nothing illegal in its avowed objects, the unfortunate impression that *Swadeshi* will be crushed as at

Tuticorin and those who are responsible for it will meet Chidambaram Pillai's fate is the only explanation for the association being converted into a secret society. Almost all the members of this association eventually became members of the secret society organized by 1st accused Nilakanta Brahmachari. It was in the Dharmaraja Aiyar's house that two meetings were held in the month of August 1910 before Avaniavittam (19th or 20th August 1910), at which 1st accused Nilakanta Brahmachari presided and most of the Shencottah side accused were present. Dharmaraja Aiyar attended the oath-taking meeting at Punalur in August 1910 and the two meetings in Chithrai (April—May 1911) in the houses of 11th and 12th accused. There was evidence of Ramasubbier, Annavi alias Sankaranarayana Aiyar and Sankara Aiyar (P.Ws. 52, 53 and 54) collected by Mr. George and Inspector Balakrishna Menon that it was Dharmaraja Aiyar who caused copies of the highly seditious pamphlet "An oath to enter into Abhi Nava Bharatha Samaj" to be distributed in Shencottah just a week prior to the date of murder. It will thus be seen that Dharmaraja Aiyar was an important member of the secret society. His friends had been arrested. He knew that evidence against him was overwhelming. To prevent all disgrace he committed suicide.

36. Among the papers seized from the house of the assassin Vauchi Aiyar there was a telegram to the 9th accused Desikachari. On further information that the said Desikachari was seen in the company of the 1st accused at the time of his visit to Punalur in August 1910, his house in Punalur was searched and he was arrested on 1st July 1911. According to Ramaswami Aiyar (P.W. 16), about whom reference will be made later on, 9th accused was present at the Punalur oath-taking meeting and took the oath. There was no other oral evidence and no documentary evidence incriminating him.

37. Enquiries were made in Tinnevely by the Tinnevely Inspector about 1st accused Nilakanta Brahmachari but to no avail. He had gone away to Benares. From Benares he went to Calcutta and surrendered himself before the Deputy Commissioner of Police, Calcutta, and made a statement to him. He was arrested on 7th July 1911 by the Calcutta police (P.W. 28) and his belongings searched. Among the papers seized there was one paper in which he admitted that he was at one time an anarchist. He was brought down to Tinnevely on 11th July 1911. He made a voluntary statement on 12th July 1911 before Mr. Tampoe, Sub-Divisional first-class Magistrate, Tinnevely, and another on 14th July 1911 before the very same magistrate. He admitted having formed societies in Tenkasi and Tuticorin, having with others undertaken by an oath to devote his life and property to the country, to his having offered *pujan* to mother Kali, to having written the conditions of their vow on a piece of paper and to his having put thumb-marks on that paper in blood. The first statement, the one made on 12th July 1911, purported to give an account of his life since 1903 up to the time of his arrest. He made no reference whatsoever to the Punalur oath-taking meeting. Even before he made the first statement evidence of one Sivagaminatha Pillai of Shencottah and of one Rama Rao of Courtallam was secured, the former by Inspector Balakrishna Menon and the latter by Tenkasi Inspector Ramachandra Aiyar. These spoke to 1st accused Nilakanta Brahmachari's stay in their houses in Shencottah and Courtallam in July and August 1910, and the former in particular to the secret interviews granted by him at his house to Vauchi Aiyar (assassin), Dharmaraja Aiyar (the man who committed suicide), Arunachalam Pillai (11th accused) and Alagappa Pillai (12th accused). Second accused Sankarakrishnan stayed with the 1st accused all the five days he remained in Sivagaminatha Pillai's house. At Courtallam where 1st accused stayed in Rama Rao's bungalow, he was visited by 2nd accused Sankarakrishnan, 3rd accused Chidambaram Pillai and 11th accused Arunachalam Pillai whom he (Rama Rao) had known before and by 5th accused Suppiah Pillai whom he saw for the first time then.

38. In consequence of the information furnished by approver Armugam Pillai, Inspector Jagadesa Aiyar was directed by me to proceed to Tuticorin and collect evidence to corroborate Armugam's statement. He went to Tuticorin on 7th July 1911 and collected the evidence of Omajyerubagam Pillai (P.W. 8), Pothikanna Pillai (P.W. 9) and Chidambaram Pillai (P.W. 10). It was in the upstairs portion of the house in which P.W. 10 was employed as a gumastah under a rice merchant that 1st accused stayed for about a week in July 1910. This upstairs portion was engaged by Armugam (P.W. 6) at the request of 2nd accused Sankarakrishnan, who came in advance to intimate the coming of the 1st accused to Tuticorin to form societies similar to the one formed at Tenkasi. These three witnesses stated that 1st accused visited Tuticorin and stayed with the 2nd accused in that house. P.W. 8 and P.W. 9 were both taken to visit 1st accused by Armugam (P.W. 6) as he (Armugam) hoped to enlist them as members, but 1st accused did not approve them. P.W. 8 visited 1st accused twice and on the second occasion he stayed in the house till late in the night when he was asked to go away by 1st accused. When he left, there were 1st accused, 2nd accused, 4th accused, 5th accused and absconding accused Madaswami and the two approvers Armugam and Somasundaram. It was on that night the above persons formed themselves into a society and took the oath. Inspector Jagadesa Aiyar secured the evidence of one A. Armugam Pillai of Tuticorin who stated that the 13th accused in this case (one of those who took the oath at the Tenkasi meeting) brought copies of books called *Ariilorupangu* and *Kanaaru* to Tuticorin for sale about September 1910, that he gave him a few copies and that he (A. Armugam) returned them the next day to approver Armugam Pillai as desired by the 13th accused. He further secured the evidence of one Armugam Chetti (P.W. 7), under whom Armugam was employed in April 1910, to show that he

borrowed one rupee on 9th April 1910 for the purpose of going to Tenkasi. More evidence was obtained to corroborate the statement of Armugam, but it was not let in Court as it was considered unnecessary and immaterial.

39. First accused's father Sivaramakrishna Aiyar's house and that of his uncle Mirthunjaya Aiyar (branch postmaster) (P.W. 36) in Erukur, Sivali taluk, Tanjore district, were searched on 9th July 1911. Money order coupons in the handwriting and signature of Harihara Aiyar (7th accused) and Dharmaraja Aiyar (man who committed suicide), several issues of paper called *Suryodayam* and *India* and letters of the 1st accused from Benares and other places in the north in the months of April and May 1911 and some from Madras in December and January 1910 were seized by Inspector H. Venkateswara Aiyar, who was at that time attached to the Criminal Investigation Department. A perusal of these letters involved an exhaustive enquiry about 1st accused's movements by Rao Bahadur M.R.Ry. T. Jeyasingh Avargal. It was well proved that he had left Madras about the end of February 1911 and never went south.

One Bande Mataram Subramania Aiyar is referred to in the statement of Armugam (P.W. 6) as one of the five persons that took the oath at the Tenkasi meeting. He was called Bande Mataram Subramania Aiyar by Mr. G. Subramania Aiyar, Editor of the "*Svadesamitran*", Madras, as he was fond of shouting *Bande Mataram* and also for the reason that his initials were the same as those of Mr. Subramania Aiyar and to distinguish him from the latter. He gave out to Armugam that he was a native of Ettiyapuram, while as a matter of fact he belonged to a village about ten miles from Ettiyapuram but within Ettiyapuram zamin. Attempts first made to trace him proved unsuccessful. He was eventually traced on 3rd August 1911 by the Ottapidaram Inspector and arrested. His house was searched, but nothing was seized. He was taken to Tinnevely on 5th August 1911. Armugam (P.W. 6) happened to be on the Tinnevely Bridge railway station platform when the latter arrived by train and he identified him at once before Inspector Viraraghava Aiyar and myself as Bande Mataram Subramania Aiyar and as the man who took the oath at the Tenkasi meeting. The only other evidence against him was that of A. Armugam (P.W. 11), and it threw some doubt in the opinion of the Judges of the Special Bench on the identity of the 13th accused with the man who according to P.W. 6's evidence took the oath at Tenkasi. There was no other oral or documentary evidence against him.

This man, according to Armugam, was attached to *Svadesamitran* office for some time in 1907. He is said to have accompanied Mr. G. Subramania Aiyar in his tours to Tuticorin when the latter delivered some lectures on the industrial regeneration of India in the Cosmopolitan Club at Tuticorin and one of which Armugam (P.W. 6) attended. Thirteenth accused went round with a box in which subscriptions were put.

40. Ramaswami Aiyar (P.W. 16), referred to in paragraph 15, is a native of Sundarapandiapuram about five miles from Tenkasi. On 22nd June 1911 his house was searched by Sub-Inspector Venkatagiri Sarma of Tenkasi station (P.W. 20). Nothing was seized. Ramaswami Aiyar was found absent. According to him he absconded as soon as he learnt on 19th June 1911 that Vanchi, one of his society, had committed the murder of Mr. Ashe. Tenkasi police were searching after him, but he had gone into the Travancore territory. The Tenkasi Police Inspector Ramachandra Aiyar had, however, arranged with the village magistrate of Sundarapandiapuram, Palvaunam Aiyar (P.W. 17), to be on the look out for him and arrest him. Ramaswami Aiyar, after his wanderings in Travancore, returned to his village about the end of July. Village magistrate of Sundarapandiapuram arrested him on the morning of 1st August 1911, took him straight to Tenkasi and produced him before the Tenkasi Inspector Ramachandra Aiyar who, after questioning him and recording his statement, took him to Mr. Hamilton, who was then camping at Courtallam, and he too recorded his statement that very day (1st August 1911).

41. Ramaswami Aiyar was a gramophone performer and petty jewel merchant. According to him, about the beginning of August 1910 (8th August 1910), he was returning with Harihara Aiyar (7th accused) from Alleppey to perform *Avaniavittam* in his native village Sundarapandiapuram. On their way at Quilon they met the 8th accused Bapu Pillai and Bapu Pillai then offered to purchase his gramophone for "his society." Ramaswami Aiyar did not then know what that society was, nor had he the curiosity to enquire of them (Bapu Pillai and Harihara Aiyar) about it. The bargain was struck and it was decided that Ramaswami Aiyar should make over the gramophone at Punalur. Ramaswami Aiyar and Harihara Aiyar (7th accused) went in advance to Punalur and spent a day or two in a small hut belonging to 8th accused Bapu Pillai. First accused, 2nd accused, 6th accused and absconding accused Madaswami Pillai were all assembled there. No sedition was then talked. But Ramaswami Aiyar was sent to fetch copies of the *India* which were in possession of 3rd accused at Tenkasi. He went there with Madaswami, met 3rd accused in his concubine's house, obtained from him several issues of the *India*, went back with them to Shencottah and handed them over to 7th accused. Ramaswami Aiyar then went on to his village. After the *Avaniavittam* and *Gayatri* Japan were over, he visited Shencottah and attended two meetings held in the house of Dharmaraja Aiyar (the man who committed suicide). Accused 1, 2, 6, 7, 11 and 14 and Vanchi and Dharmaraja Aiyar attended both the meetings. Third accused Chidambaram Pillai and the absconding accused Madaswami Pillai attended the second meeting only. At these meetings 1st accused presided and lectured on the miserable economical state of India, winding up with the pressing necessity of exterminating the English. After the second meeting, 3rd accused and Madaswami returned to their villages. The rest of

the party proceeded to Punalur where, after more exhortations from 1st accused, a third oath-taking meeting was held in a very similar style to those at Tenkasi and Tuticorin. Accused Nos. 1, 2, 6, 7, 8, 9 and 14, Vanchi, Dharmaraja Aiyar and four others then took the oath. The party then dispersed and Ramaswami Aiyar went away to the West Coast on business of trade. In the month of January 1911, while returning to his house for Sankaranthi, he stopped in Dharmaraja Aiyar's house in Shencottah. Vanchi Aiyar was then absent having gone away on three months' leave. Dharmaraja Aiyar then told him that Vanchi and 2nd accused had gone to Pondicherry by 1st accused's orders and that Vanchi said to him that he would shoot Europeans on the way.

42. The above is the gist of Ramaswami Aiyar's statement to Mr. Hamilton. Ramaswami Aiyar was produced before the Tenkasi Magistrate on 2nd August 1911 and taken to Tinnevely under remand to be produced before the District Magistrate. While at Tinnevely he gave more information to Mr. Hamilton. Mr. Hamilton applied to the District Magistrate for permission to record the additional information volunteered by Ramaswami, but the District Magistrate declined to give the permission applied for. At the preliminary enquiry for the first time Ramaswami Aiyar spoke of two meetings which took place in Shencottah in the month of Chithirai (April-May 1911) on successive evenings in the houses of the 11th and 12th accused. At the first of these two meetings an attempt was made to enlist a friend of 2nd accused (Sundaram Aiyar, P.W. 25), whom he had brought with him from Kadayannallur for the purpose. Sundaram Aiyar, whose evidence was obtained by Inspector Ramachandra Aiyar so far back as 2nd July 1911 and whose statement under section 164, Criminal Procedure Code, was recorded under my orders on 18th July 1911 by the Tenkasi Sub-Magistrate, by his own account took fright and refused to join them saying he would think it over; at the actual meetings Vanchi is said to have taken the lead and to have addressed the others much as Nilakantam had done on the dual necessity of developing the resources of the country and driving out the English. Those present included accused Nos. 2, 3, 6, 7, 8, 11, 12 and 14 and Dharmaraja Aiyar. There was no oath taking at any of these meetings.

43. Ramaswami Aiyar continued to be under custody from the 1st to 17th August, when, under the orders of the District Magistrate, pardon was tendered to him by Mr. Tampoe on 17th July 1911 and he accepted it. As the preliminary enquiry commenced on 18th July 1911, no separate statement was recorded by a magistrate. When examined on 24th and 25th July 1911 by the committing magistrate, he spoke to all the meetings referred to above.

44. One Venkatarama Aiyar of Shencottah is referred to in paragraphs 15 and 35 above. His house was searched on 18th June 1911 as three of the letters seized in Vanchi Aiyar's house showed that he was a member of a society of which Vanchi, Dharmaraja and Harihar were also members and that they were very intimate. According to this witness he left his village Shencottah three or four days after his house was searched. Nobody searched for him. He went on cultivation business to a village near Puliyangudi and returned to Shencottah about the 20th July 1911. He was then interviewed by Inspector Balakrishna Menon of the Criminal Investigation Department and taken to Tinnevely. There I recorded his statement on 24th and 25th July 1911. This statement disclosed the existence at Shencottah of a secret society of a seditious tendency called the Bharatha Matha Association. Accused Nos. 6, 7, 14, Vanchi and Dharmaraja Aiyar were members. P.W. 29 Venkatarama Aiyar was enlisted as a member in February 1910, he having taken the oath in the following terms: "I shall join the society. I shall treat the members who have already joined as friends and brothers and render them necessary help. I will not reveal the secrets which take place in the society. If I reveal, I shall be subject to such sin as to have killed Rishis and black cows." Venkatarama Aiyar took this oath first on a book (Ramayanam) and then again on a candle. They read newspapers from Pondicherry, held meetings and tea-parties. In March and April 1910 the Pondicherry papers *India*, *Suryodayam* and *Vijaya* were proscribed. There was then a collapse of the society. Venkatarama Aiyar was prevented by illness from attending the meetings held by 1st accused Nilakantam in July and August. But sometime after the middle of September he met accused Nos. 6 and 14, Vanchi and Dharmaraja Aiyar, in the house of the last named. Endeavours were then made to induce him to join new society and take a "blood oath," the object of the new society being indicated as the "beating and driving away of the English." Venkatarama Aiyar refused to join the new society, but for the sake of the old one promised to disclose nothing. His evidence was supported by letters written by him and found in Vanchi Aiyar's house search and was accepted in its entirety by the three learned Judges of the Special Bench as sufficient corroboration of the evidence of the approver Ramaswami Aiyar. Mr. Sankaran Nair, J., would not have convicted accused Nos. 6 and 14 had it not been for this man's evidence.

45. Evidence about the handwriting of some of the accused and some witnesses was secured. Inspector Balakrishna Menon of the Criminal Investigation Department collected the evidence of Sri Kariyam Rama Aiyar of Shencottah (P.W. 49) to prove the Tamil handwriting of the assassin Vanchi Aiyar; and Subramania Aiyar (P.W. 43) to prove that of 6th accused, Padmanabha Aiyar (P.W. 44) to prove that of 12th accused and Venkateswara Aiyar (P.W. 51) to prove that of Dharmaraja Aiyar (the man who committed suicide). I secured the evidence of Venkatarama Aiyar (P.W. 29) to prove the handwriting of 7th and 10th accused and that of Kuthalingam Pillai of Shencottah (P.W. 63) to prove that of accused No. 11. Mr. M. S. Ramaswami Aiyar, Deputy Superintendent of Police, on special duty, obtained the evidence of Arunachalam Pillai (P.W. 45) to prove the handwriting of the absconding accused Madaswami Pillai; and Inspector

Ramachandra Aiyar that of Karuppaswami Pillai of Kadayanallur to prove that of 2nd accused. Mr. George, Superintendent of Police, Travancore, examined Mr. Padmanabha Pillai, Forest Ranger, Punalur, and he proved the English handwriting of the assassin Vanchi Aiyar. Mr. T. Jey Singh examined Mr. Loganatha Mudaliyar of the Guardian Press, Madras, and he proved the English handwriting of the 1st accused.

46. Vanchi Aiyar was at the time of occurrence a forest guard of the Travancore State at Punalur. His service register was gone through by Mr. George, Superintendent of Police, Travancore. In January 1911 Vanchi Aiyar went on one month's leave and in February applied for an extension. Mr. Padmanabha Pillai, Forest Officer of Punalur, produced his leave application. The registered cover in which they were sent enclosed bore the date stamp of Pondicherry 3rd February 1911. Mr. Paupa Rao Nayudu, Deputy Superintendent of Police, Simla, was directed by the Deputy Inspector-General to make enquiries in Pondicherry and find out all about assassin's movements there. He secured the evidence of one M. K. Srinivasa Aiyangar, Head Clerk of the British Post Office at Pondicherry (P.W. 4). He was shown the photo of the assassin. He identified him as the man whom he had seen in the house of V. V. S. Aiyar in Pondicherry and moving with him intimately in the month of April 1911 for about twenty days. This evidence connected Vanchi Aiyar (assassin) with the anarchist party at Pondicherry. This witness had also known Nilakantam (1st accused). He had often seen him in the company of the extremists in Pondicherry. He was sent for from Pondicherry and his statement recorded under section 164, Indian Penal Code, on 19th July 1911 by the District Magistrate of Tinnevely.

47. Tenkasi Inspector Ramachandra Aiyar collected the evidence of Sama Rao (P.W. 69) on 30th June 1911 and Sankaranarayana Pillai (P.W. 70), both of Tenkasi. The former spoke to his having met the assassin Vanchi Aiyar in the house of a relation of his (Vanchi Aiyar) at Tenkasi on the night of 12th June 1911 and to 3rd accused having come there and taken the assassin away. He saw them again the next day (13th June 1911) travelling in the train to Tinnevely. The latter is a jutka driver at Tenkasi. On 12th June 1911 3rd accused engaged his jutka for Courtallam and he drove with Vanchi Aiyar and another to Courtallam falls and back to Tenkasi. Third accused paid the jutka hire. I had the statements of these two recorded by the Tenkasi Magistrate Mr. Chandrasekara Aiyar on 5th July 1911. This Inspector further secured the evidence of Ramakrishna Pillai of Kadayanallur, Krishnapuram, which showed that he had seen 2nd accused whom he had known before in Pondicherry in August 1909.

48. There is one more incident which needs mention in connection with this case, and that is the suicide of one Venkateswara Aiyar, a Criminal Court Vakil practising in Punalur. On 5th August 1911 Mr. George had information that this vakil knew something in connection with this conspiracy. He sent word to him with a view to examine him and record his statement. The vakil, without appearing before Mr. George, committed suicide by cutting his throat with a knife. While he had consciousness he wrote on a piece of paper in the presence of Mr. Raman Tampi, Sub-Magistrate of Punalur (P.W. 59), and Mr. Nilakantam Pillai, Sub-Assistant Surgeon in charge of the Punalur (P.W. 62) Hospital, that he attended the meeting just as others did and that he too should be taken as a witness. The evidence about this incident was let in to prove the existence of a conspiracy in Punalur.

49. Mr. Johnson, Assistant Superintendent of Police, Tuticorin, was for a time engaged in searching for the absconding accused Madaswami Pillai. As he could not be found, proclamation and distress warrants were applied for and his moveables and immoveables were attached. He is still absconding.

50. Towards the end of June 1911 Mr. Cardozo went to Ootacamund, with the evidence collected till then, to place all facts before Government and take orders. The Government then directed action to be taken under section 121-A, Indian Penal Code, and empowered on 8th July 1911 Mr. P. B. Thomas, Deputy Inspector-General of Police, under section 196, Criminal Procedure Code, to prefer a complaint under section 121-A, Indian Penal Code, against the accused specified in the order. It further directed the trial of the accused under the provisions of the Indian Criminal Law Amendment Act XIV of 1908. Under the orders of the Deputy Inspector-General of Police I put in a complaint before the District Magistrate, but this was considered by the counsels engaged for the prosecution irregular. A fresh complaint was therefore preferred by the Deputy Inspector-General himself on 1st August 1911 against all the accused except the 14th and another on 5th August 1911 against the 14th accused only. On 18th August 1911, I laid two charge sheets before the Sub-Divisional first-class Magistrate, Tinnevely, Mr. Tampoe, one under sections 302 and 109, Indian Penal Code, against all the accused and Madaswami (absconding accused) and the other under sections 302 and 114, Indian Penal Code, against 2nd accused Sankar Krishnan only. The preliminary enquiry commenced on the very day on which the charge sheets were submitted, viz., 18th August 1911 and concluded on 30th August 1911 when all the accused were committed to take their trial before the High Court of Madras. The investigation and committal lasted until the end of August, during practically the whole of which period Mr. P. B. Thomas remained in supervision of it at Tinnevely. I have in the body of this report referred in the appropriate places to the work done by each Gazetted officer, as well as that done by the subordinate police officers—Criminal Investigation Department and District.

51. The trial in the High Court commenced on 11th September 1911 and came to a close on 2nd February 1912 after 80 sittings. I attended the High Court during the whole period

instructing the counsels and preparing such notes as were required by them. How far I was useful to them Mr. Napier, the Government Pleader, has reported. As regards my work from the earliest stage of the case till its termination, the Deputy Inspector-General has submitted his report.

52. Judgment was delivered by the Special Bench on 15th February 1912. There were three counts of indictment. The first one was under section 121-A, Indian Penal Code, against all the accused, the second one under sections 302, 109 and 111, Indian Penal Code, against all the accused, and the third under sections 302 and 114, Indian Penal Code, against 2nd accused Sankar Krishnan only. 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 Sankaran Nair convicted accused 1, 2, 6 and 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 Nilakantam was sentenced to seven years' rigorous imprisonment, 2nd accused Sankar Krishna Aiyar to four years' rigorous imprisonment, 7th accused Harihara Aiyar to three years' rigorous imprisonment, 3rd accused Chidambaram Pillai to two years' rigorous imprisonment, and the remaining accused—4th Muthukumaraswami Pillai, 5th, Suppiah Pillai, 6th, Jagannatha Aiyangar, 8th, Bapu Pillai and 14th, Pichumani Aiyar *alias* Venkatachalam Aiyar—to one year's rigorous imprisonment each in Special Bench Case No. 1 of 1911. The third count was withdrawn by the Government Pleader and 2nd accused was discharged.

53. The petitions filed under section 26 of the Letters Patent on behalf of accused 2, 3, 4, 5, 6, 7, 8 and 14 to revise the order passed by the majority of the Judges in the above Special Bench Case No. 1 of 1911, on questions of law relating to the admissibility of the statements made by the two approvers to Inspector Viraraghava Aiyar, etc., were dismissed by a Full Bench of five Judges on the 17th April 1912.

Order—No. 1471, Judicial, dated 16th September 1912.

Recorded.

(True Extract.)

A. G. CARDEW,
Ag. Chief Secretary.

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 1471, JUDICIAL, DATED
16TH SEPTEMBER 1912.

[SUBJECT.—*Report on the history of the Ashe murder case by Deputy Superintendent
T. Venkoba Rao.*]

Previous papers :			
G.O. 1112-13, Judicial,	8th July	1911.	
" 1127-A.	" 11th "	" "	
" 1135	" 12th "	" "	
" 1206	" 27th "	" "	
" 1289-90	" 10th August	" "	
" 1304	" 14th "	" "	
" 1418	" 7th September	" "	
" 474-75	" 23rd March	1912.	
" 1220	" 31st July	" "	

From the Inspector-General of Police, No. 29 (Confil.) M., dated 15th August 1912.

Under Secretary—

Submitted.

2. With reference to paragraph 2 of the Inspector-General's letter, it is submitted that a revised copy of G.O. No. 1220, Judicial, dated 31st July 1912, is being issued including his name.

C.H.S.—4-9-12.

S.D.—9-9-12.

Chief Secretary—

S. H. SLATER—10-9-12.

Honourable Member—

For perusal. In the revised G.O. No. 1220, Judicial, dated 31st July 1912, Deputy Superintendent T. Venkoba Rao's good work is acknowledged. No action seems to be needed on the current file. The narrative of the Tinnevely case may be useful for reference.

A. G. CARDEW—11-9-12.

H. A. S[UART]—12-9-12.

May be recorded.

A.G.C.—13-9-12.

Under Secretary—

Draft order is submitted.

C.H.S.—14-9-12.

S.D.—14-9-12.

S.H.S.—16-9-12.

[G.O. No. 1471, Judicial, dated 16th September 1912.]

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No. , JUDICIAL, August 1912.

8

116

CONFIDENTIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

Read—the following paper:—

Letter—from the Hon'ble Mr. D. W. G. Cowie, I.C.S., Inspector-General of Police.
To—the Chief Secretary to Government.
Dated—Madras, the 16th August 1912.
No.—29/Confid. M.

I have the honour to forward, for the information of Government, a report on the history of the Ashe case drawn up by the Deputy Superintendent M.R.Ry. T. Venkoba Rao Avargal, who assisted in the investigation into the case and instructed the Public Prosecutor throughout the trial by the Special Tribunal.

This case was the first trial by such a Tribunal in this Presidency. The trial proved to be of great length, but the result may be considered to be satisfactory, and Government have already acknowledged the value of the services of the police officers who were engaged in the investigation, and among whom Deputy Superintendent M.R.Ry. T. Venkoba Rao Avargal was one of the most conspicuous. I much regret that owing to an oversight this officer's name was omitted from the list given in my letter No. 18 (Confid.), dated 16th ultimo.

ENCLOSURE.

Report on the history of the Ashe murder case drawn up by M.R.Ry. T. Venkoba Rao Avargal, Deputy Superintendent of Police, dated 9th July 1912.

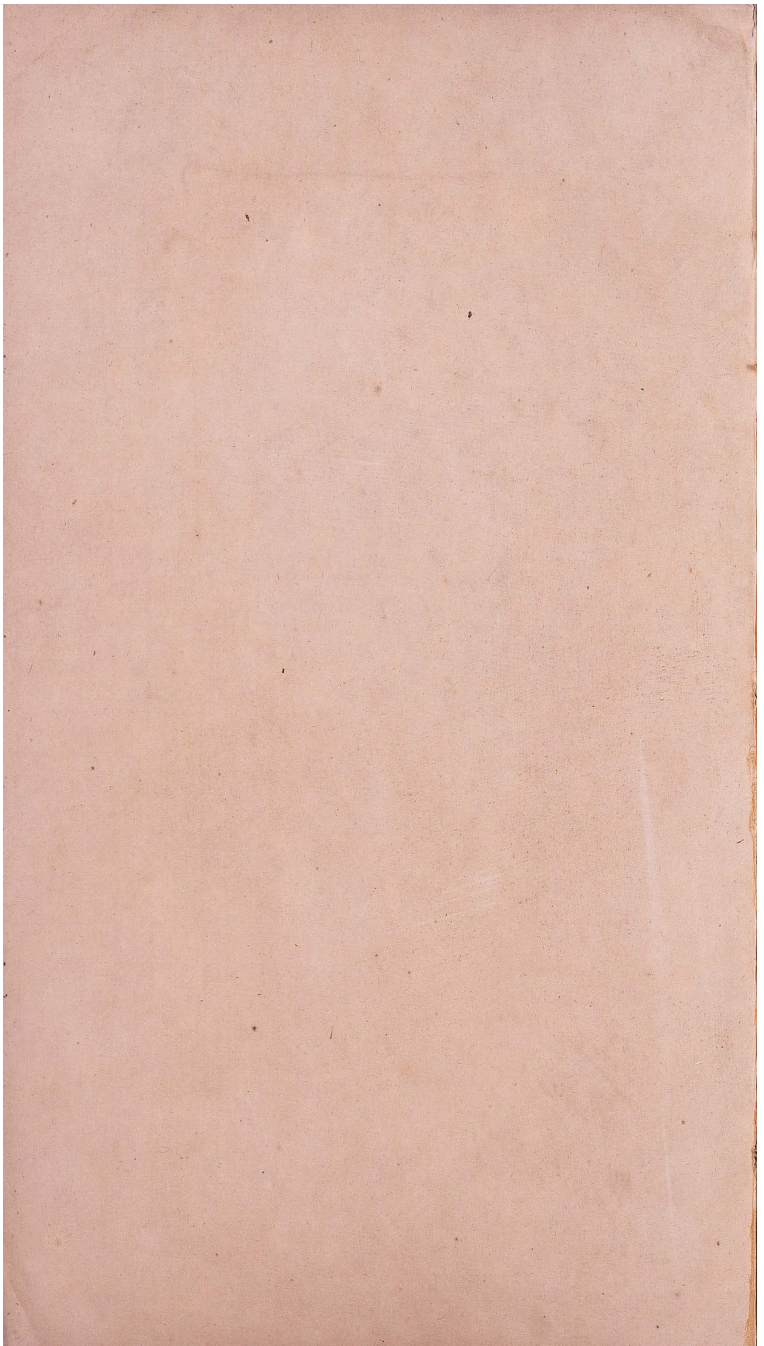
On the morning of 17th June 1911 Mr. Ashe, Collector and District Magistrate of Tinnevely, left Tinnevely Bridge railway station with his wife, Mrs. Ashe, by the 9-30 A.M. train and reached Maniyachi at 10-30 A.M. He was seated in a first-class compartment of which he and Mrs. Ashe were the only occupants and was waiting for the Ceylon Boat Mail. The station platform nearest the row of station buildings was almost clear. There were very few passengers there. The Maniyachi railway stationmaster Arulanandam Pillai's (P.W. 78) two sons, Arogiaswami and Mariadoss, aged 14 and 12 years respectively (P.Ws. 84 and 85), were standing almost opposite to the first-class compartment in which Mr. and Mrs. Ashe were seated.

2. Just then two men went up to the first-class compartment, one in a 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 the pistol 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. The other man who was standing by the servant's compartment ran away as soon as the shot was fired. The younger of the two sons of the railway stationmaster, Mariadoss (P.W. 85), ran away to his quarters, while the elder remained.

3. The firing attracted, among others, one of the two peons of Mr. Ashe, Kadar Bacha (P.W. 81), who was keeping watch over his luggage at some distance. He went running to the spot and caught hold of the man who fired. A struggle ensued. Just at this point the elder of the two boys, Arogiaswami (P.W. 84), went away home. The man who fired gave a blow to the peon, freed himself from his clutches and ran towards the latrine on the southern side of the platform with the pistol in his hand, threatening those who dared to approach him, and hid himself in the latrine there.

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1471-16-9-12
No. , Junior, August 1912.

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4. The few people that had gathered by that time, railway porters (Perumal, P.W. 80, etc.) and coolies and three railway platform constables (Constables Nos. 98, 537 and 465) who had till then been occupied at the extreme north-eastern end of the station in exchanging signatures chased the green coated man to the latrine, surrounded and guarded it. There was no carbine in the police outpost at Maniyachi railway station. One of the constables went to Maniyachi local police station about two miles off to get a carbine.

5. Before he returned Mr. Ashe was taken back by the next train to Tinnevely Bridge station. Inspector Subramina Pillai of Tinnevely (P.W. 90), on receipt of the news of the murder, proceeded to the railway station, saw the dead body of Mr. Ashe and arranged for holding the inquest. Mr. Ramachandra Rao, Head-quarters Deputy Collector, Tinnevely, Mr. Rajabadar Mudaliyar, Treasury Deputy Collector, Mr. Nellaiyappa Pillai, Stationary Sub-Magistrate of Tinnevely (P.W. 82), and several other officials and non-officials also went to the railway station. Mr. Hamilton, District Superintendent of Police, Tinnevely (P.W. 2), who was absent at Nanguneri and to whom telegraphic intimation was sent, arrived at the railway station a little before 3 P.M. that very day and found inquest on the body of Mr. Ashe almost completed.

6. Meanwhile the railway police constable who went to the local police station, Maniyachi, returned to the railway station, Maniyachi, with a carbine. The police then entered the latrine in which the murderer had hid himself and found him lying dead in a pool of blood with a pistol in his right hand. An empty cartridge case was found by the side of the corpse. The police kept guarding till Mr. Cox, Sub-Collector and Joint Magistrate, Tuticorin, and Mr. Johnson, Assistant Superintendent of Police, Tuticorin (P.W. 89), arrived at Maniyachi at about 2 P.M. by the shuttle train from Tuticorin. They were met by the stationmaster Arulanandam Pillai (P.W. 78) and told of what had taken place and of what his two sons—Arogiaswami and Mariados (P.Ws. 84 and 85)—had informed him on his return to his quarters at about 12-30 P.M. after despatching all the trains. They entered into the latrine and examined the corpse of the murderer. The body was lying with the head to the north at the northern end of the latrine in its western portion. The pistol was in the right hand, the thumb being through the trigger guard. Blood was flowing from the nose and mouth and face almost covered in blood. Mr. Johnson removed the pistol, which was found to be a Browning automatic pistol. There were no cartridges in the magazine or chamber. From the information given to Mr. Johnson he ordered telegrams to be sent to be on the lookout for and arrest the accomplice in the matter, and proceeded by train, with the body of the assassin well secured in a wagon, to Tinnevely Bridge station where he arrived at about 4 P.M.

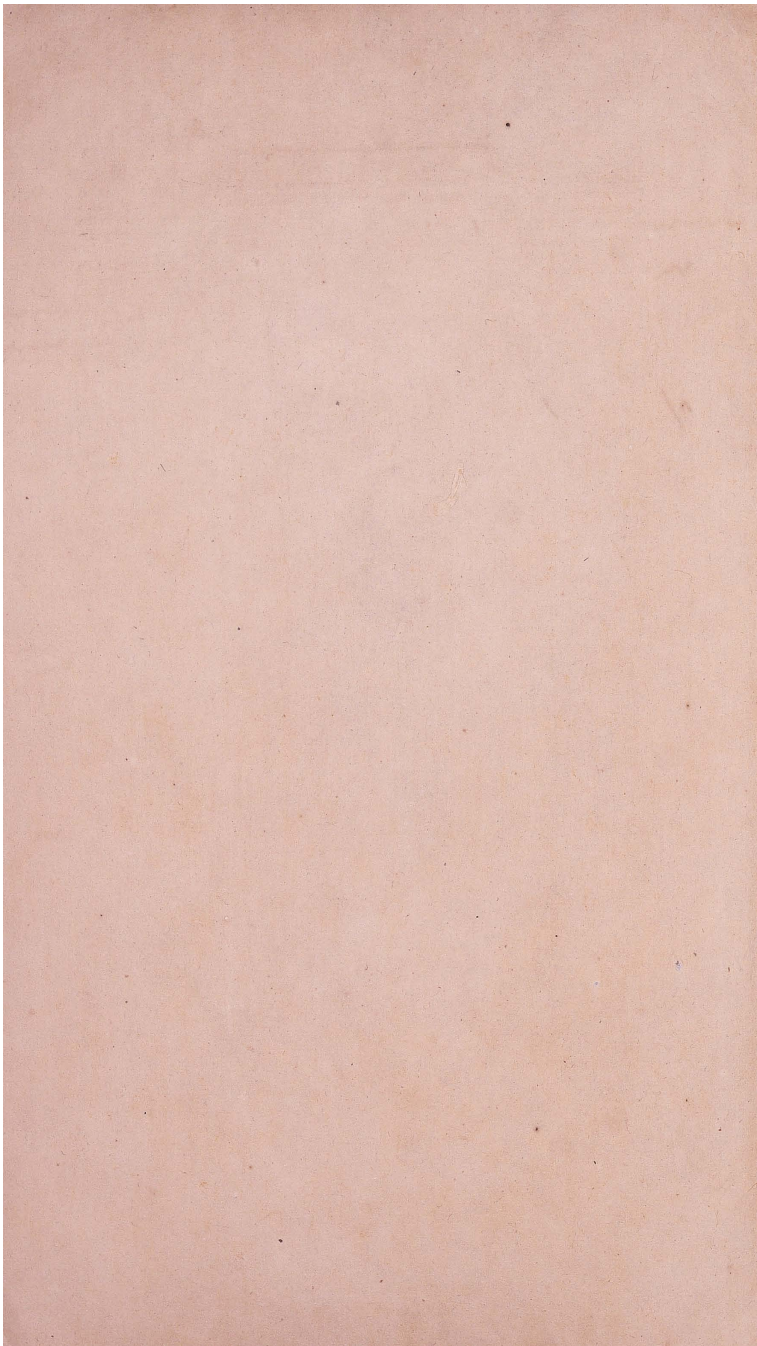
7. The body of the murderer was then examined in the presence of the Head-quarters Deputy Magistrate and others. The wound was inside the mouth. On the body was a coat of Basel Mission shikar cloth, a twill shirt, a white lower cloth, and a white upper cloth with coloured border. In a pocket of the coat was a money purse made in France bearing a picture of Queen Victoria and the British Royal Arms above. Inside this, besides other things, there was a second-class ticket No. 128 from Tinnevely Bridge to Maniyachi issued on 17th June 1911 for the very train in which Mr. Ashe travelled. In a pocket of the shirt was found an undated manuscript paper in Tamil bearing the English and Tamil signatures of one R. Vanehi Aiyar of Shenottah. The paper pointed to the murder of Mr. Ashe having been committed from political motives and to the existence of a huge conspiracy to drive the British out of India.

8. Inquest was held over the assassin's body. All persons likely to know the murderer were brought to see him. No one identified the body. But one Ramalinga Aiyar, a hotel-keeper of Kylasapuram (P.W. 73) close to Tinnevely Bridge railway station, spoke to the assassin having had meals at his hotel for three days—before 17th June 1911—on 14th, 15th and 16th. He did not know who he was or where he came from. No other information was forthcoming. The body was therefore photographed by P.W. 79 and finger impressions taken as well.

9. Having had some clue regarding the identity of the assassin, Mr. Hamilton sent by that very evening train to Tenkasi head constable No. 550 and constable No. 1048 with orders to meet the Tenkasi Inspector Ramachandra Aiyar, proceed with him to Shenottah, trace the assassin and search his house. He further directed Inspector Subramania Pillai of Tinnevely (P.W. 90) to find out from the hotel-keepers in Kylasapuram and Viraraghavapuram all about the assassin and his movements in Tinnevely.

10. While the Tinnevely police were thus engaged, the Railway Police Inspector of Madura, S. Doraiswami Mudaliyar (P.W. 87), within whose jurisdiction the offence took place, arrived at Maniyachi by the Boat Mail at about 3 P.M., inspected the spot, examined one of the two sons of the stationmaster, Arogiaswami (P.W. 84), caused telegrams to be sent giving the description of the accomplice by his head constable Doraiswami Aiyar (P.W. 88) attached to Tuticorin station and went by the next train to Tinnevely. The inquest on the two dead bodies had been over by the time he went. He perused the records and stayed at Tinnevely on the night of 17th June 1911 making enquiries in conjunction with the Tinnevely police.

11. The Tenkasi Inspector Ramachandra Aiyar proceeded to Shenottah on the night of 17th June 1911 and with the help of the Shenottah police found out who R. Vanehi Aiyar was, and



placed his father Raghupathi Aiyar's (P.W. 46) house under guard that night and searched it on the next morning—18th June 1911. With the help of Shencottah Police Inspector Kumara Pillai and Sub-Magistrate Mr. Parameswara Aiyar (P.W. 47) several letters and issues of Tamil newspaper called *India* were seized. A perusal of the former incriminated the searches of the houses of Jagannatha Aiyangar (6th accused), Harihara Aiyar (7th accused), Chavadi Arunachalam Pillai (11th accused) and Venkatarama Aiyar (P.W. 29). Nothing was recovered from the houses of Harihara Aiyar (7th accused) and Venkatarama Aiyar (P.W. 29). From the house of Jagannatha Aiyangar some letters showing close intimacy between him and the assassin Vanchi Aiyar were seized, besides half a dozen issues of Tamil newspaper *India*; and from that of Chavadi Arunachalam Pillai (11th accused) several seditious books and pamphlets. Jagannatha Aiyangar (6th accused), the only one of those named who was present, was arrested by the Shencottah Inspector at the request of the Tenkasi Inspector. The Tenkasi Inspector ascertained that Harihara Aiyar (7th accused) was at Alleppey, Travancore State. He sent word to Mr. Hamilton about these searches and applied to him for further assistance. The Tinnevely Inspector Subramania Pillai, Prosecuting Inspector Rajagopalachari, Sub-Inspector No. 1389, head constable No. 636 and some constables were accordingly sent to Tenkasi on the evening of 18th June 1911.

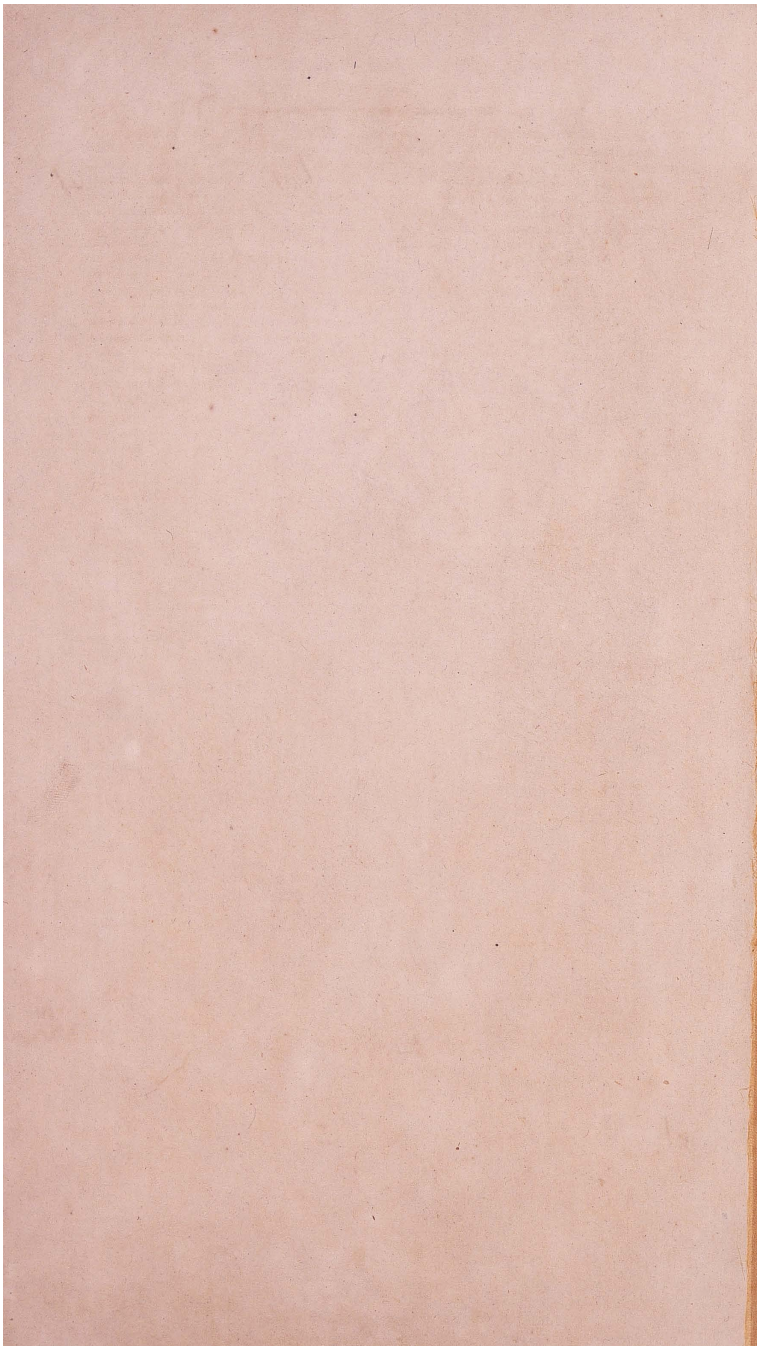
12. Before the Tinnevely Inspector left for Tenkasi he secured the evidence of one Loganatha Aiyar (P.W. 74), a hotel-keeper in Kylasapuram, who knew the assassin as the son of Raghupathi Aiyar of Shencottah but did not know his name. He saw him last on the morning of 17th June 1911, the day of occurrence, at about 9 A.M. Sub-Inspector No. 1347 Masidam of Tinnevely recorded on 18th June 1911 the statement of one Rannappa Pillai who had seen the assassin in the company of one Muthaswami Aiyar of Aravankulam, a village about four miles from Tinnevely, about two days prior to 17th June 1911.

13. Inspector Doraiswami Mudaliyar returned to Maniyachi on the morning of 18th June 1911, examined the stationmaster Arulandaam Pillai (P.W. 78), his second son Mariadoss (P.W. 85) and the station staff. While he was thus engaged Mr. F. B. M. Cardozo, Superintendent, Government Railway Police, Trichinopoly District, came in from Trichinopoly and examined those that had already been examined by the Railway Police Inspector. While there he was met by Mr. Hamilton and Mr. Johnson. The three officers went through the case and were making enquiries in Maniyachi. I joined them that evening (18th June 1911) having left Madras the previous evening. I was put in possession of the facts of the case and desired by them to go with them to Tinnevely. I was shown the pistol which bore the writing "Fabrique Nationale. D'Armes de Guerre. Herstal. Belgique. Brownings Patent Depose." The pistol was very rusty in its working parts and showed signs of neglect. The maker's number had been carefully filed away from the lock-plate. We reached Tinnevely Bridge at about 5-30 P.M. Inspector Balakrishna Menon of the Criminal Investigation Department, who came with me from Madras, was ordered by Mr. Cardozo to proceed to Shencottah and verify the information obtained regarding the identity of the assassin. I was ordered to stay on at Tinnevely and to assist Mr. Cardozo in the investigation of the case. On the evening of the 19th Mr. F. B. Thomas, Deputy Inspector-General of Police, Criminal Investigation Department and Railways, arrived and put me on the morning of the 20th (next day) in charge of the case diaries and investigation. He and other officers Messrs. Cardozo, Hamilton and Johnson, guided and controlled the investigation.

14. Inspector Subramania Pillai of Tinnevely, who left Tinnevely with his party by the evening train to Tenkasi, arrived at Tenkasi that night (18th June 1911), found one Mahadeva Aiyar, Minor Irrigation Overseer, Tenkasi (P.W. 68), a relation of R. Vanchi Aiyar, and sent him to Tinnevely. He went to Tinnevely the next day (19th June 1911) and identified the photo of the assassin and his statement was recorded by Mr. Tampoe, Sub-Divisional First-Class Magistrate, Sermadevi. Mahadeva Aiyar saw the assassin last at Tenkasi on 12th June 1911.

15. Inspector Subramania Pillai of Tinnevely and his party then met the Tenkasi Inspector Ramachandra Aiyar, and all of them were engaged on the night of 18th June 1911 and a portion of 19th June 1911 in going through the huge mass of correspondence seized from the various houses searched till then. Some of them were signed by, or contained references to, Armugam Pillai, Nattukottai Chetti Street, Tuticorin (P.W. 6), Ramaswami Aiyar of Sundarapandiapuram (P.W. 16), Nilakanta Brahmachari (1st accused), Sankarakeshava Aiyar (2nd accused), Onidambaram Pillai (3rd accused), Jagannatha Aiyangar (6th accused), Harihara Aiyar (7th accused), Bapu Pillai (8th accused), Vembu Aiyar alias Mahadeva Aiyar (10th accused), Alagappa Pillai (12th accused), Pichumani Aiyar alias Venkatachala Aiyar (14th accused), Madaswami Pillai of Ottapidaram (absconding accused) and Dharmaraja Aiyar, the man who committed suicide in the course of the investigation.

16. On obtaining these particulars the Tenkasi Inspector sent word on 19th June 1911 to Tenkasi to have the house of Chidambaram Pillai (3rd accused) searched, which was done that very day by the Tenkasi Sub-Magistrate Mr. Chandrasekara Aiyar (P.W. 37) and head constable No. 535 Shunmugam Pillai of Tenkasi. Third accused had absconded. Efforts made by the Tinnevely Inspector to arrest the 3rd accused proved futile. On 1st July 1911 I applied for warrant



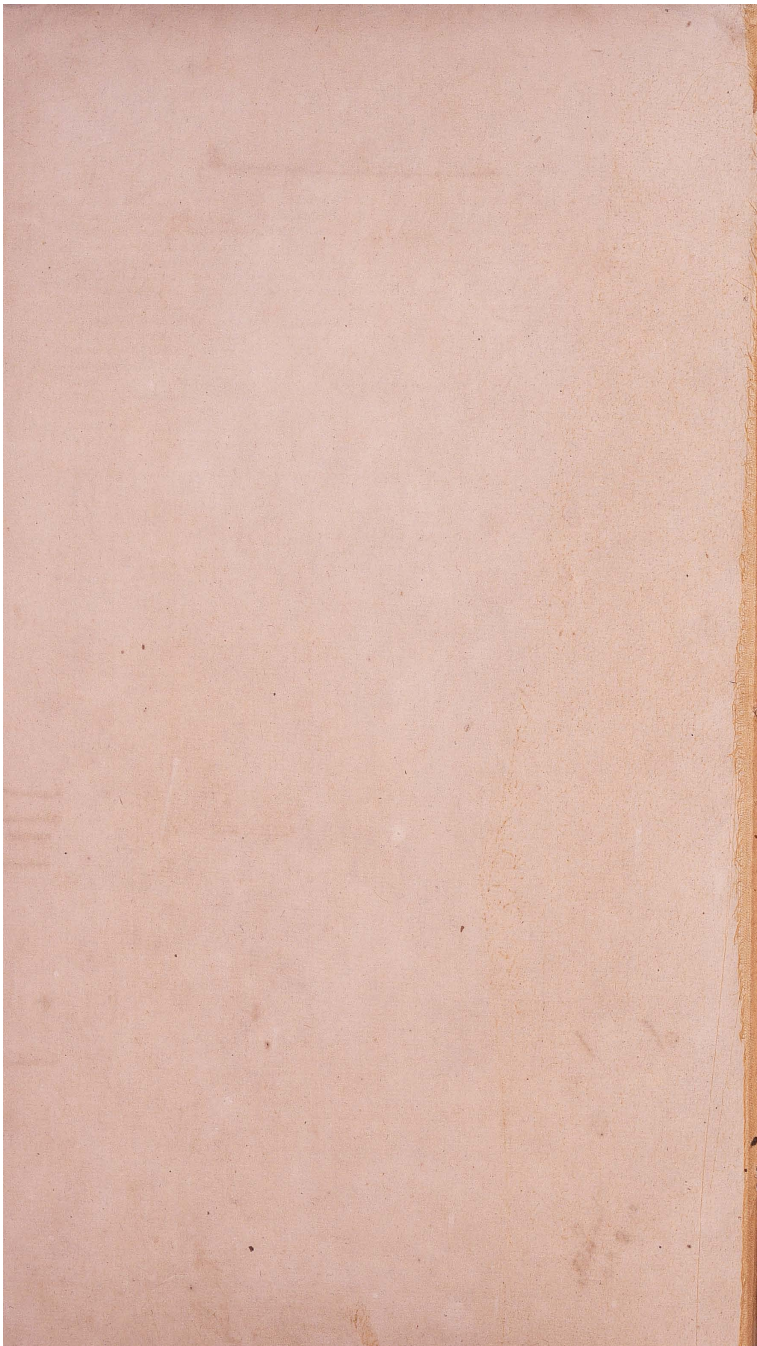
and on 3rd July 1911 for proclamation and distress warrant. His house was attached on 4th July 1911 and he was arrested on 6th July 1911 near Palavur, about 30 miles from Tenkasi, by Sub-Inspector No. 1389 and his party. Some seditious books were seized from his house. On 19th June 1911 head constable No. 550 and constable No. 519 were sent to Punalur to search the house of Bapu Pillai (8th accused). They searched it in the presence of Sub-Magistrate Mr. Nagam Pillai (P.W. 39) and seized two letters, one written by Vanchi to Bapu Pillai (8th accused) and the other written by approver Armugam Pillai (P.W. 6) to Vanchi Aiyar, which unmistakably showed that the 8th accused was one of the conspirators. Mr. George, Superintendent of Police, Travancore, was requested by wire to search the house of Harihara Aiyar (7th accused) in Alleppey and to arrest him. His house was accordingly searched on 19th June 1911 and he was arrested on 20th June 1911 by the Alleppey Police Inspector (P.W. 38). One of the letters seized from his house indicated considerable intimacy between 7th accused, 10th accused and the assassin Vanchi Aiyar.

17. On the afternoon of 19th June 1911 Tinnevely Inspector (P.W. 90) wired from Shencottah to Mr. Hamilton to the following effect: "Several letters disclosing longstanding conspiracy recovered from murderer's house yesterday. Pray arrange search by competent officers houses of S. Madaswami Pillai and Ramamurthi, Ottappidaram, K. V. Armugam, Natukottai Street, Tuticorin. Also their arrest." On receipt of this telegram Mr. Hamilton formed two parties, one under Mr. Johnson (P.W. 39) with Railway Police Inspector S. Doraiswami Mudaliyar (P.W. 87) to proceed to Tuticorin and the other under the Deputy Superintendent Mr. Doraiswami Pillai (P.W. 30) with Sub-Inspector No. 1339 to proceed to Ottappidaram.

18. As the two parties were about to start Mr. P. B. Thomas, Deputy Inspector-General of Police, Criminal Investigation Department and Railways, and Mr. F. A. Dene, Deputy Inspector-General of Police, Southern Range, arrived at Tinnevely by the evening train (19th June 1911). Inspector Viraraghava Aiyar of the Criminal Investigation Department (P.W. 31), who accompanied Mr. Thomas, was directed to proceed by the next shuttle train to Tuticorin with Mr. Johnson to search certain houses there. He left Tinnevely accordingly within half an hour after his arrival and reached Tuticorin at about 9-30 P.M.

19. That night at about 2 A.M. Mr. Johnson, Inspector Viraraghava Aiyar and others went to the house of Armugam Pillai in the Nattukottai Chetti Street, Tuticorin, and had it sealed with a view to search it the next morning. Inspector Viraraghava Aiyar questioned Armugam Pillai if he knew anything about the murder of Mr. Ashe. Armugam then offered to tell all he knew. Inspector Viraraghava Aiyar recorded his statement in the presence of Mr. Johnson. The statement disclosed the existence of a secret society, members of which belonged to Tuticorin, Ottappidaram, Tenkasi, Shencottah and Punalur with connection in Pondicherry and having for its object the massacre of all white men on a certain date to be fixed by the 1st accused in this case. The principal persons implicated in this statement were accused Nos. 1, 2, 3, 4, 5 and 13, Somasundaram Pillai (P.W. 12) and Madaswami Pillai (absconding accused). Vanchi Aiyar (assassin) and Harihara Aiyar (7th accused) are simply referred to as members of the secret society.

This Armugam is a young man of twenty years of age employed as an accountant on Rs. 7 in the firm of S.M.S. Tuticorin. He began to interest himself in *swadeshi* matters when he heard the lectures of Mr. G. Subramania Aiyar, Editor of the *Swadeshi Mitran*, in 1907 at Tuticorin to collect funds for the National Fund and the Industrial Association at Madras. He then came under the influence of V. O. Chidambaram Pillai and Subramania Siva—accused in the Tinnevely sedition cases. He heard their lectures at Tuticorin in February 1908 on *Swadeshi* and Boycott among other subjects, and was convinced of what they said, and became a great admirer of the two people. Following the lectures in Tuticorin, there was the arrest of those two people which led to the riot at Tinnevely in March 1908, at which four Indians were shot dead under the orders of the Collector Mr. Wynch. Armugam thought that they were unjustly shot and killed, that the officials were doing unjust acts and that the English must be driven out and *swaraj* obtained. He talked with men like Madaswami and Somasundaram about the unjust convictions and about the unjust laws. He began subscribing for the *India* newspaper started in Madras in 1908 and continued to be a subscriber till it was proscribed by Government in April 1910. He subscribed for other newspapers from Pondicherry—*Vijaya Suryodhayam*, etc. The more he read of them the more was he convinced of the unjust acts of Government, and his hatred towards the British Government grew stronger and stronger. He contributed articles to the papers in Pondicherry and was thus well known to those connected with the papers in Pondicherry. At this period in Pondicherry there were a number of persons actively engaged, fostering *swadeshi*, boycott and feelings of hatred towards the British Government. Nilakanta Brahmachari, a young man of twenty-one years of age, and a native of Erukur near Shiyali in the Tanjore district and one connected with *India* and *Suryodhayam* was one of them. The papers published by them were being proscribed. They had, therefore, to adopt other methods of spreading their propaganda. For this purpose 1st accused Nilakantam was sent. He was not a stranger to the



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Tinnevely district. As Narayan Duboi he was at Tinnevely, Palamcottah and other places in Tinnevely district in 1908, as a public man giving lectures on Swadeshi and Boycott. Immediately after the Tinnevely riots, he attempted to give a lecture in Palamcottah on Swadeshi. Inspector Viraraghava Aiyar, who was then in charge of Palamcottah division, prevented him from doing so under his superior's orders. He (1st accused) went to Tenkasi then and became a good friend of 3rd accused who began financing him every now and then. Nilakantam therefore preferred Tinnevely district which was the centre of Swadeshi activity and went to Tenkasi in April 1910 to the house of 3rd accused. He had known 2nd accused before. From Tenkasi he sent 2nd accused to fetch Armugam (P.W. 6) and Bande Mataram Subramania Aiyar (13th accused). Second accused went to Tuticorin and met Armugam in a street very near Armugam's house at about 7 P.M. on 9th April 1910, when the latter and P.W. 8 Umaiyambagam Pillai were talking together. Armugam and 2nd accused together went to the house of the former. The latter then told the former that Nilakantam, Editor of the Suryodayam, had come to Tenkasi, that he was going to hold a meeting there and that he wanted him and his party to attend the meeting. Armugam agreed. Second accused left Tuticorin that very night. Armugam had not enough of money to go to Tenkasi. He therefore borrowed one rupee from one Armugam Chetti (P.W. 7). Next morning he met Madaswami (absconding accused) and Somasundaram (P.W. 12) and asked them to go with him to Tenkasi. They gave some excuse. Armugam alone went to Tenkasi. Second accused met him at the Tenkasi railway station platform between 3 and 4 P.M. on 10th April 1910 and took him to the house of the 3rd accused and introduced him to 1st accused, 3rd accused and 13th accused. There was first a general conversation about Swadeshi matters. First accused then took Armugam to a separate room and pointed out to him how patriots have been working for the cause of India; that many of them edited newspapers and published books but were convicted, papers and books being proscribed as well; that they then began delivering lectures, but some of the lecturers were convicted; that the Bengalees therefore took to manufacturing bombs in the interest of the country and murdered certain Europeans—they too were arrested and convicted; that they then thought it necessary to kill Europeans by direct attacks—some of these too were convicted; and that all their endeavours having thus failed, they had hit upon a new plan and that was to take the shape of a general rising all over the country like that of 1857, the Great Indian Mutiny, on a certain date to be subsequently fixed and the massacre of all white people on the same day and asked him if he would join the new movement. Armugam agreed. The other persons present, viz., 2nd accused, 3rd accused and 13th accused; assented to these views and agreed to become members of the new movement. There was a Kali picture there. There was red powder, sacred ashes and flowers kept on the floor in front of the picture. Red powder was put into water and made a solution of it. First accused made pujan to the Kali picture while the rest sat in a line. An oath was drawn up and written on a paper. First accused wrote and it was to this effect: "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 Gossain was murdered. Just as we drink the white powder solution now it is the white man's blood." To carry on secret correspondence other names were given to the members. These new names were written below the oath described above. Each of the members read the oath paper, drank the red solution saying that that was the white man's blood, cut his thumb with a razor and affixed his thumb impression in blood opposite to their new names.

Armugam was asked by 1st accused to enlist recruits and to distribute the Dharmam paper published at Pondicherry for the purpose of enlisting the sympathy of the readers and getting recruits. Armugam agreed. The meeting dispersed. Armugam left Tenkasi next morning and reached Tuticorin that very day. He met Somasundaram, who consented to become a member. Nilakantam went to his village and thence to Pondicherry where he was seen by Mr. Chackravarthi Aiyangar (P.W. 3), a Cuddalore Vakil, on 2nd May 1910. This vakil met the Villupuram Railway Police Inspector Lakshminarayana Aiyar on 16th July 1911 on the Villupuram railway station platform, heard of the arrest of the 1st accused and told him of his having met 1st accused at Pondicherry the year before (about the time of Easter 1910) and of the extreme views 1st accused had and which he expressed to him. This vakil's statement was then on 18th July 1911 recorded by the District Magistrate, South Arcot.

About the middle of June 1910 Nilakantam (1st accused) went to Mettupalilam. Just about this time 2nd accused Sankarabharthi left Tenkasi on 2nd June 1910, met Vanebi Aiyar (assassin) on 3rd June 1910 on the Punalur railway station platform as previously arranged, and spoke to him on some urgent and confidential matter, and reached Alleppey the next day. From there 2nd accused and 7th accused went to Cochin. Second accused alone went to Mettupalilam and met 1st accused there as previously arranged. They then visited Cochin and Alleppey. This was on 20th June 1910. Hariharan Aiyar (7th accused) was introduced to 1st accused and he became so enamoured of him that he spent out of his pocket and described him in one of his letters to Vanebi Aiyar (assassin) as the first-born son of Mother Bharatha. From Alleppey 1st



and 2nd accused went to Punalur via Quilon where they met Vanchi Aiyar (assassin). From there they went to Shencottah. After staying in Shencottah for about a week they went to Tuticorin, one after the other, about the middle of July 1910. Armugam made necessary arrangements for their stay in Tuticorin. He engaged the upstairs portion of one Pattialammal's house in Tuticorin and arranged for their food and conveyance. Armugam had already enlisted the sympathies of approver Somasundaram (P.W. 12) and Madaswami (absconding accused). There another oath-taking meeting was held. At this meeting 1st accused, 2nd accused, 4th accused, 5th accused and Madaswami (absconding accused) and approvers Armugam and Somasundaram took the oath in precisely the same manner as at Tenkasi. After a stay of about a week in Tuticorin Nilakantam went back to Shencottah side and stayed at Courtallam in the bungalow of P.W. 22 Rama Rao for about a fortnight till 9th August 1910 when he left for Punalur. There he was met by approver Ramaswami Aiyar (P.W. 16). As to what happened afterwards will be referred to later on. The above is in brief the statement of Armugam and that of Nilakantam supported by letters seized in the house searches.

20. On the morning of 20th June 1911 Armugam's house was searched in the presence of the Kolipatti Deputy Magistrate, Muhammad Lodi Khan Bahadur, and Mr. Ramaswami Pillai, Sub-Magistrate of Tuticorin (P.W. 34). Mr. Johnson attended the search. Inspectors Viraraghava Aiyar and Doraiswami Mudaliyar searched several letters showing close intimacy among Armugam (P.W. 6), Somasundaram (P.W. 12), Harihara Aiyar (7th accused), Madaswami Pillai (absconding accused) and Vanchi Aiyar (assassin), and highly seditious literature were found in his house. There were two pamphlets in particular which were of a violently seditious nature, viz., "A friendly word to Aryans" purporting to have been issued from the Faringhee Destroyer Press and "An oath to enter into Abbi Nava Bharatha Samaj." One passage in the first runs: "Cherish rancour in your minds. Swear in the presence of God that you will remove this sinner of a Faringhee out of our country and firmly establish *swaraj* therein! Take an oath that as long as the Faringhee exercises authority in our land of Bharatha you will regard life as worthless. Beat the white English Faringhee you get hold of, even as you beat a dog, and kill him with a knife, a stick, a stone or even by the hand given by God! Mercilessly kill the policeman or official who, helping the Faringhee, teases the people—any people whatsoever! Because Lord Vyasa himself has stated that the white empire would be ruined between the years Nandana and Ananda (1892—1914). According to these words the *swadeshi* war has begun in our country. A violent war should take place within the year Ananda. Death may occur either in the sixth or in the hundredth year! Regarding this worthless life as a trifle, we shall make *swaraj* and our name shine in the country by killing the white Faringhees and then go to the paradise of heroes." The other pamphlet was more or less on the same lines. According to Armugam ten copies of each pamphlet were sent to him by post addressed in the handwriting of Nagaswami Aiyar, who was conducting the *Dharmam* paper in Pondicherry, the first one about a month before and the second one a week before the date of occurrence. Armugam distributed them among the members of the society and even discussed them with the accused Nos. 4 and 5 and Somasundaram and they expressed their general approval.

Further searches were made in Tuticorin on 20th June 1911, *swadeshi* stores, *swadeshi* pandagasalai, etc., by Inspectors Viraraghava Aiyar and Doraiswami Mudaliyar. Another copy of "A friendly word to Aryans" was seized from the *swadeshi* shop.

The clerk of that shop Balasubramania Pillai (P.W. 13) said to the two searching officers that Armugam gave him the copy.

Approver Armugam, immediately after the search of his house was over, applied to Mr. Johnson for protection from violence from those implicated by him in his statement. Inspector Viraraghava Aiyar was directed by Mr. Johnson to look after him.

21. While the party under Mr. Johnson was thus engaged in Tuticorin, Deputy Superintendent Mr. Doraiswami Pillai (P.W. 30) with his party reached Ottapidaram on the night of 19th June 1911, found Madaswami Pillai had bolted, sealed his house and searched it next morning in the presence of the Ottapidaram Sub-Magistrate Mr. Raghavachari (P.W. 32). Several letters, books and pamphlets and photos were seized. Some of these letters were written by Somasundaram (P.W. 12), some by Harihara Aiyar (7th accused), and some by Shunmugam Pillai of Tuticorin. There was also reference to Vanchi Aiyar (assassin) in one of the letters written by Harihara Aiyar (7th accused). They showed the extraordinary degree of intimacy between persons so widely separated by caste, occupation and residence. A copy of "A friendly word to Aryans" was seized from his tin box kept in the shop of Ramalingam Pillai (P.W. 33).

22. Consequent on information obtained from the records seized in S. Madaswami's (absconding accused) house, Deputy Superintendent Mr. Doraiswami Pillai proceeded to Tuticorin, arrested Somasundaram Pillai (P.W. 12) on the night of 20th June 1911, sealed his house that night and searched it next morning (21st June 1911). Nothing of importance was found in the house.

23. Mr. Johnson on 21st June 1911 learnt that Somasundaram Pillai (P.W. 12) had been arrested and kept in the police station at Tuticorin. He directed Inspector Viraraghava Aiyar to question Somasundaram and find out if he knew anything in the matter. Inspector Viraraghava Aiyar recorded Somasundaram's statement. Somasundaram corroborated Armugam and carried the history of the society to within a few months of the murder. He spoke of his having met Vanchi Aiyar (assassin) in S. Madaswami's (absconding accused) house in Ottappidaram in the month of March 1911 when Vanchi swore an oath to murder Mr. Ashe for, according to Vanchi, Mr. Ashe was responsible for the conviction of Chidambaram Pillai and Subramania Siva and the ruin of the Swadeshi Steam Navigation Company. The statement of Somasundaram thus connected the murder with the secret society organized by 1st accused.

24. As a result of the statements of Armugam and Somasundaram the houses of Muthuswami Pillai *alias* Muthukumaraswami Pillai (4th accused) and Suppian Pillai *alias* Subramania Pillai (5th accused) were searched on 22nd June 1911. Two issues of *Dinamani* paper were seized from the house of the former and nothing from that of the latter. The search was conducted by Inspector Viraraghava Aiyar and Doraiswami Mudaliyar in the presence of Mr. Madaswami Pillai, Sub-Magistrate of Tuticorin, and Mr. Johnson. Fourth and 5th accused were thereupon arrested.

25. Mr. Johnson left Tuticorin on the afternoon of 22nd June 1911 with his party and came into Tinnevely at about 4-30 P.M. that day. Armugam who was under police protection from 20th June 1911, Somasundaram who was arrested on the night of 20th June 1911 and 4th and 5th accused were brought into Tinnevely from Tuticorin together with the correspondence etc., seized at the searches at Tuticorin and Ottappidaram. The party that went to Shencottah also returned on 22nd June 1911.

26. Mr. Hamilton, who happened to be on the platform of the Tinnevely Bridge railway station, was the first to meet the party. Inspector Viraraghava Aiyar produced Armugam before Mr. Hamilton and told him that he had made a statement to him. Under the orders of the Deputy Inspector-General of Police, Criminal Investigation Department and Railways, Mr. Hamilton recorded another statement from Armugam; but it was not completed that day as Armugam said he felt very much tired and wanted rest. Armugam repeated his request for protection to Mr. Thomas, which was granted.

27. While the two parties were thus engaged in the East Coast, the party working in Shencottah searched on 20th June 1911 the house of Vembu Aiyar and Pichumani Aiyar (10th and 14th accused) and that of Alagappa Pillai (12th accused). Nothing very useful was seized except a diary of Alagappa Pillai (12th accused) for the year 1910. The entries in the diary showed that he was a man of extreme views. These three accused were found absent. Sub-Inspector No. 1389 (P.W. 41) searched the house of 10th and 14th accused and Railway Police Sub-Inspector Narayanaswami Aiyar (P.W. 42) that of the 12th accused.

28. On information furnished by Tinnevely Inspector Subramania Pillai about the exact whereabouts of the 10th and 14th accused, the Tanjore Town Inspector T. Seshagiri Rao (P.W. 40) was directed on 20th June 1911 by wire to search and seize all correspondence from one Ganapathi Aiyar's hotel near railway station, Tanjore, where 10th accused was employed. It was accordingly searched on 21st June 1911 and two letters of minor importance were seized. They showed that 7th and 10th accused were good friends. Tenth accused was not arrested until 3rd July 1911, when he was arrested under Deputy Inspector-General's orders and brought down to Tinnevely on 16th July 1911. As regards the 14th accused, who was ascertained to have been employed at the time in one K. Subbiah's hotel in Madura, District Superintendent of Police, Madura, was requested on 20th June 1911 to search the hotel where he was employed, seize all suspicious correspondence and arrest him, if necessary. The Madura Town Inspector, in the absence of the District Superintendent of Police, Madura, searched the hotel, seized certain papers which he thought would be of use for the case and arrested the 14th accused on 21st June 1911 as the description given in the reward notice more or less tallied with him. Fourteenth accused was brought to Tinnevely on 22nd June 1911. He denied all knowledge of the offence and stated that he did not know Vanchi Aiyar which statement was absolutely false. He was put up in an identification parade on the next day (23rd June 1911) and the two sons of the stationmaster did not identify him as the assassin's accomplice.

29. Inspector Balakrishna Menon was directed to make enquiries about Alagappa Pillai (12th accused) and he succeeded in arresting him on 24th June 1911 night while lurking in a tope near Vadagarai.

30. On 20th June 1911 Inspector Subramania Pillai of Tinnevely, Prosecuting Inspector Rajagopalachari, Tenkasi Inspector Ramachandra Aiyar and their party went to Punalur on 20th June 1911, searched the house of 2nd accused Sankarakrishnan's father-in-law and caused 8th accused to be arrested by the Punalur police. On information obtained from Raghupathi Aiyar (P.W. 46), assassin's father, that 2nd accused Sankarakrishnan was a good friend of his son, head constables Nos. 535 and 636 were sent on 20th June 1911 to Krishnapuram to search the

house of Sankarakrishnan and arrest him. His house was accordingly searched and he was arrested on 21st June 1911. Nothing useful was seized in the house search. He was brought down to Tinnevely on the afternoon of 23rd June 1911.

31. On 23rd June 1911 Mr. Hamilton completed the statement of Armugam and recorded the statement of Somasundaram (P.W. 12). They were placed before Mr. Cox, Joint Magistrate of Tuticorin. Armugam's statement was recorded on 24th June 1911 and that of Somasundaram on 25th June 1911. The latter was recalled and further examined on 26th June 1911. Armugam continued to be under police protection till 7th July 1911, when he was arrested under the District Magistrate's orders. He was in custody till 24th July 1911, when pardon was tendered to him, and on the same being accepted by him he was released on bail. Somasundaram continued to be on remand till 3rd July 1911. On 27th June 1911 an application was made by me to the District Magistrate to tender pardon to Somasundaram. The District Magistrate granted pardon that very day. Mr. Tampoe, Sub-Divisional first-class Magistrate, Tinnevely, who was directed by the District Magistrate to tender pardon, tendered it on 30th June 1911. Somasundaram accepted it and his statement was recorded that day by Mr. Tampoe. He applied to Mr. Tampoe for his release on bail and he was accordingly released on 3rd July 1911. He too applied to the Deputy Inspector-General for police protection, which was likewise granted. These two—Armugam and Somasundaram—continued to be under police protection till the prosecution was closed before the Special Bench, Madras.

32. Inspector Balaarishna Menon of the Criminal Investigation Department, who proceeded to Shencottah by the evening train on 18th June 1911, obtained information that one Kuthalingam Pillai of Shencottah had received a telegram purporting to have been sent by Arunachalam Pillai (11th accused) from Calcutta. Kuthalingam Pillai, when questioned, produced the telegram. It was dated 19th June 1911 and purported to have been from Arunachalam Pillai (11th accused), 191, Bow Bazaar, Calcutta. Kuthalingam Pillai, a close relation of the 11th accused, was not aware of the 11th accused having gone to Calcutta and did not know why he went there. This roused the suspicions of the Inspector. There were other circumstances against the 11th accused. He was seen in Tinnevely a few days before the occurrence. The Commissioner of Police, Calcutta, was thereupon requested on 21st June 1911 by wire to arrest the 11th accused and search his correspondence. Eleventh accused's belongings were searched on 23rd June 1911 and he was arrested that day by the Calcutta police (P.W. 26) and brought to Tinnevely on 29th June 1911. He was identified at an identification parade held on 14th July 1911 by Mr. Tampoe, Sub-Divisional first-class Magistrate, Tinnevely, by one Gnanamuthu, B.A., L.T., Lecturer, Calicut College (P.W. 86), as having been seen by him on the Maniyachi railway station platform a few minutes before the occurrence. If this were true, he could not have been in Calcutta on the 19th evening according to the telegram to Kuthalingam Pillai. His diary for 1911, which was seized with several other things at the Calcutta search, showed that he had an elaborate defence. His defence was that he left Shencottah on the 12th June 1911, reached Tinnevely that afternoon, stayed there on 13 and 14th idem, obtained certificates of good character from Mr. S. Purnalingam Pillai, Principal of the Camasis College, Tinnevely, and from Rev. Mr. Devasahayam of the C.M.S. College, Tinnevely (P.W. 65), raised a loan of Rs. 50 on 14th June 1911 from one Narayana Pillai of Tinnevely on pledge of gold jewels through his uncle Somasundaram Pillai of Tinnevely, left Tinnevely by the 9-30 a.m. on 15th June 1911 for Madras, reached Madras the next morning (16th June 1911), stayed in the house of Mr. Anavaratha Vinayagam Pillai of the Christian College (P.W. 67), wired to his uncle at Tinnevely for money, received telegraphic money order on 17th June 1911 noon, left Madras by the Calcutta mail on 17th June 1911, reached Calcutta on 19th June 1911 and got himself admitted in the National Medical College, Calcutta, that very day. This defence was carefully sifted by Mr. Cardozo and found to be well established. There was other evidence in the case that he was one of the conspirators. This will be referred to later on.

33. On information furnished by Muthuswami Aiyar of Aravankulam referred to in paragraph 12 *supra*, a steel brief bag which the assassin had left behind in I.V.S.S. Bank at Viraraghavapuram before he took the train at Tinnevely Bridge station on 17th June 1911 was recovered in Karungulam about 15 miles off from Tinnevely through one Visvanatha Aiyar. The brief bag was shown to the assassin's father and brother. They identified it as that of the assassin. This established beyond doubt the identity of the murderer. According to Muthuswami Aiyar the assassin visited the I.V.S.S. Bank and went to the house of a prostitute by name Thayee (P.W. 72) in Tinnevely on the day previous to the date of the murder. The latter was traced by Sub-Inspector No. 1347 of Tinnevely district on 20th June 1911 and questioned. She spoke to Muthuswami Aiyar (referred to above) and two Brahmans whom she could identify having visited her house on the evening of Friday (16th June 1911) prior to the date of occurrence. I had her statement recorded under section 164, Criminal Procedure Code, by the Stationary Sub-Magistrate, Tinnevely. She identified the man in the murderer's photo as one of the two

Brahmans and pointed out on 27th June 1911 at an identification parade 2nd accused Sankar Krishnan in the presence of the Stationary Sub-Magistrate, Tinnevely, as the other Brahman who accompanied the murderer and Muthuswami Aiyar. The clerk in the T.V.S.S. Bank, Viragbhavapuram, Sankaranarayana Aiyar (P.W. 71), was traced on 27th June 1911 by the Tinnevely Inspector. He spoke to the visits of the murderer whom he had known before and Muthuswami Aiyar to his bank before the date of murder. It must be said that this Muthuswami Aiyar was put up in an identification parade on 21st June 1911, but he was not identified as the murderer's accomplice by the two sons of the stationmaster.

34. Second accused Sankar Krishnan, who was brought down to Tinnevely on 23rd June 1911, was identified on 26th June 1911 at an identification parade in the presence of the Stationary Sub-Magistrate, Tinnevely, by the two sons of the stationmaster as the accomplice.

35. Mr. George, Superintendent of Police, Travancore, came into Tinnevely on 22nd June 1911 at the request of the Deputy Inspector-General of Police, Criminal Investigation Department and Railways. He was put in possession of the facts of the case and desired to collect evidence in Travancore side about the Shencottah side accused. Inspector Balakrishna Menon of the Criminal Investigation Department and Sub-Inspector P. T. Kannan were deputed to work under him in conjunction with the Travancore police. On 25th June 1911 this party searched the house of Dharmaraja Aiyar referred to in paragraph 15 in the presence of Sethumathava Aiyar (P.W. 55) and two others. Nothing was seized. But on 28th June 1911 he took corrosive sublimate and began to purge and vomit. The Sub-Magistrate of Shencottah, Mr. Parameswara Aiyar, got information about it from one Mr. Sankaranarayana Aiyar (P.W. 56), a relation of Dharmaraja Aiyar, forthwith proceeded to his house, took him to the local hospital and got him admitted as an in-patient. But he (Dharmaraja Aiyar) was discharged the next day. He, however, continued to be an out-patient till 20th July 1911 when he died on account of the poison he had taken on 28th June 1911. This Dharmaraja Aiyar was the best friend of Vanchi Aiyar and Harihar Aiyar. It was he who remitted telegraphic money orders and ordinary money orders for large sums of money on behalf of the 7th accused to Nilakanta Brahmachari (1st accused) between September 1910 and November 1910. He was practically the founder of the Bharatha Matha Association in Shencottah of which Vanchi Aiyar (assassin), Jagannatha Aiyangar (6th accused), Harihar Aiyar (7th accused), Pichumani Aiyar (14th accused) and Venkatarama Aiyar (P.W. 29) were members. The objects of this association were the encouragement of *swadeshi* goods in addition to the reading of papers obtained from Pondicherry. Meetings were held in Dharmaraja Aiyar's house. There they read the paper *India* and talked about *swadeshi* matters that no English goods should be purchased and that goods manufactured by Indians only should be used. This association eventually developed into a secret society. Though there was nothing illegal in its avowed objects, the unfortunate impression that *swadeshi* will be crushed as at Tuticorin and those who are responsible for it will meet Chidambaram Pillai's fate is the only explanation for the association being converted into a secret society. Almost all the members of this association eventually became members of the secret society organized by 1st accused Nilakanta Brahmachari. It was in the Dharmaraja Aiyar's house that two meetings were held in the month of August 1910 before Avaniavittam (19th or 20th August 1910), at which 1st accused Nilakanta Brahmachari presided and most of the Shencottah side accused were present. Dharmaraja Aiyar attended the oath-taking meeting at Punalur in August 1910 and the two meetings in Chithrai (April-May 1911) in the houses of 11th and 12th accused. There was evidence of Ramasubbier, Annavi alias Sankaranarayana Aiyar and Sankara Aiyar (P.Ws 52, 53 and 54) collected by Mr. George and Inspector Balakrishna Menon that it was Dharmaraja Aiyar who caused copies of the highly seditious pamphlet "An oath to enter into Abhi Nava Bharatha Samaj" to be distributed in Shencottah just a week prior to the date of murder. It will thus be seen that Dharmaraja Aiyar was an important member of the secret society. His friends had been arrested. He knew that evidence against him was overwhelming. To prevent all disgrace he committed suicide.

36. Among the papers seized from the house of the assassin Vanchi Aiyar there was a telegram to the 9th accused Desikachari. On further information that the said Desikachari was seen in the company of the 1st accused at the time of his visit to Punalur in August 1910, his house in Punalur was searched and he was arrested on 1st July 1911. According to Ramaswami Aiyar (P.W. 16), about whom reference will be made later on, 9th accused was present at the Punalur oath-taking meeting and took the oath. There was no other oral evidence and no documentary evidence incriminating him.

37. Enquiries were made in Tinnevely by the Tinnevely Inspector about 1st accused Nilakanta Brahmachari but to no avail. He had gone away to Benares. From Benares he went to Calcutta and surrendered himself before the Deputy Commissioner of Police, Calcutta, and made a statement to him. He was arrested on 7th July 1911 by the Calcutta police (P.W. 28) and his belongings searched. Among the papers seized there was one paper in which he admitted that he

was at one time an anarchist. He was brought down to Tinnevely on 11th July 1911. He made a voluntary statement on 14th July 1911 before Mr. Tampoe, Sub-Divisional first-class Magistrate, Tinnevely, and another on 14th July 1911 before the very same magistrate. He admitted having formed societies in Tenkasi and Tuticorin, having with others undertaken by an oath to devote his life and property to the country, to his having offered *pooja* to mother Kali, to having written the conditions of their vow on a piece of paper and to his having put thumb-marks on that paper in blood. The first statement, the one made on 12th July 1911, purported to give an account of his life since 1903 up to the time of his arrest. He made no reference whatsoever to the Punalur oath-taking meeting. Even before he made the first statement evidence of one Sivagaminatha Pillai of Shencottan and of one Rama Rao of Courtallam was secured, the former by Inspector Balakrishna Menon and the latter by Tenkasi Inspector Ramachandra Aiyar. These spoke to 1st accused Nilakanta Brahmanari's stay in their houses in Shencottan and Courtallam in July and August 1910, and the former in particular to the secret interviews granted by him at his house to Vanchi Aiyar (assassin), Annamuraja Aiyar (the man who committed suicide), Arunachalam Pillai (11th accused) and Alagappa Pillai (12th accused). Second accused Sankar Krishnan stayed with the 1st accused all the five days he remained in Sivagaminatha Pillai's house. At Courtallam where 1st accused stayed in Rama Rao's bungalow, he was visited by 2nd accused Sankar Krishnan, 3rd accused Chidambaram Pillai and 11th accused Arunachalam Pillai whom he (Rama Rao) had known before and by 5th accused Suppiah Pillai whom he saw for the first time then.

38. In consequence of the information furnished by approver Armugam Pillai, Inspector Jagadesa Aiyar was directed by me to proceed to Tuticorin and collect evidence to corroborate Armugam's statement. He went to Tuticorin on 7th July 1911 and collected the evidence of Omaiyanbagam Pillai (P.W. 8), Pothikannu Pillai (P.W. 9) and Chidambaram Pillai (P.W. 10). It was in the upstairs portion of the house in which P.W. 10 was employed as a gumstamb under a rice merchant that 1st accused stayed for about a week in July 1910. This upstairs portion was engaged by Armugam (P.W. 6) at the request of 2nd accused Sankar Krishnan, who came in advance to intimate the coming of the 1st accused to Tuticorin to form societies similar to the one formed at Tenkasi. These three witnesses stated that 1st accused visited Tuticorin and stayed with the 2nd accused in that house. P.W. 8 and P.W. 9 were both taken to visit 1st accused by Armugam (P.W. 6) as he (Armugam) hoped to enlist them as members, but 1st accused did not approve them. P.W. 8 visited 1st accused twice and on the second occasion he stayed in the house till late in the night when he was asked to go away by 1st accused. When he left, there were there 1st accused, 2nd accused, 4th accused, 5th accused and absconding accused Madaswami and the two approvers Armugam and Somasundaram. It was on that night the above persons formed themselves into a society and took the oath. Inspector Jagadesa Aiyar secured the evidence of one A. Armugam Pillai of Tuticorin who stated that the 13th accused in this case (one of those who took the oath at the Tenkasi meeting) brought copies of books called *Aritrupangum* and *Kanavu* to Tuticorin for sale about September 1910, that he gave him a few copies and that he (A. Armugam) returned them the next day to approver Armugam Pillai as desired by the 13th accused. He further secured the evidence of one Armugam Chetti (P.W. 7), under whom Armugam was employed in April 1910, to show that he borrowed one rupee on 9th April 1910 for the purpose of going to Tenkasi. More evidence was obtained to corroborate the statement of Armugam, but it was not let in Court as it was considered unnecessary and immaterial.

39. First accused's father Sivaramakrishna Aiyar's house and that of his uncle Mirthunjaya Aiyar (branch postmaster) (P.W. 36) in Erukkur, Sivali taluk, Tanjore district, were searched on 9th July 1911. Money order coupons in the handwriting and signature of Harihar Aiyar (7th accused) and Dharmaraja Aiyar (man who committed suicide), several issues of paper called *Suryodayam* and *India* and letters of the 1st accused from Benares and other places in the north in the months of April and May 1911 and some from Madras in December and January 1910 were seized by Inspector H. Venkateswara Aiyar, who was at that time attached to the Criminal Investigation Department. A perusal of these letters involved an exhaustive enquiry about 1st accused's movements by Rao Bahadur M.B.Ry. T. Jeyasingh Avargal. It was well proved that he had left Madras about the end of February 1911 and never went south.

One Bande Mataram Subramania Aiyar is referred to in the statement of Armugam (P.W. 6) as one of the five persons that took the oath at the Tenkasi meeting. He was called Bande Mataram Subramania Aiyar by Mr. G. Subramania Aiyar, Editor of the *Swadesamitran*, Madras, as he was fond of shouting *Bande Mataram* and also for the reason that his initials were the same as those of Mr. Subramania Aiyar and to distinguish him from the latter. He gave out to Armugam that he was a native of Ettiyapuram, while as a matter of fact he belonged to a village about ten miles from Ettiyapuram but within Ettiyapuram zamin. Attempts first made to trace him proved unsuccessful. He was eventually traced on 3rd August 1911 by the Ottapidaram Inspector and arrested. His house was searched, but nothing was seized. He was taken

to Tinnevely on 5th August 1911. Armugam (P.W. 6) happened to be on the Tinnevely Bridge railway station platform when the latter arrived by train and he identified him at once before Inspector Viraraghava Aiyar and myself as Bande Mataram Subramania Aiyar and as the man who took the oath at the Tenkasi meeting. The only other evidence against him was that of A. Armugam (P.W. 11), and it threw some doubt in the opinion of the Judges of the Special Bench on the identity of the 18th accused with the man who according to P.W. 6's evidence took the oath at Tenkasi. There was no other oral or documentary evidence against him.

This man, according to Armugam, was attached to ~~Sundaram~~ ^{Sundaram} office for some time in 1907. He is said to have accompanied Mr. G. Subramania Aiyar in his tours to Tuticorin when the latter delivered some lectures on the industrial regeneration of India in the Cosmopolitan Club at Tuticorin and one of which Armugam (P.W. 6) attended. Thirteenth accused went round with a box in which subscriptions were put.

40. Ramaswami Aiyar (P.W. 16), referred to in paragraph 15, is a native of Sundarapandiapuram about five miles from Tenkasi. On 22nd June 1911 his house was searched by Sub-Inspector Venkatagiri Sarma of Tenkasi station (P.W. 20). Nothing was seized. Ramaswami Aiyar was found absent. According to him he absconded as soon as he learnt on 19th June 1911 that Vanchi, one of his society, had committed the murder of Mr. Ashe. Tenkasi police were searching after him, but he had gone into the Travancore territory. The Tenkasi Police Inspector Ramachandra Aiyar had, however, arranged with the village magistrate of Sundarapandiapuram, Palvannam Aiyar (P.W. 17), to be on the look out for him and arrest him. Ramaswami Aiyar, after his wanderings in Travancore, returned to his village about the end of July. Village magistrate of Sundarapandiapuram arrested him on the morning of 1st August 1911, took him straight to Tenkasi and produced him before the Tenkasi Inspector Ramachandra Aiyar who, after questioning him and recording his statement, took him to Mr. Hamilton, who was then camping at Courtallam, and he too recorded his statement that very day (1st August 1911).

41. Ramaswami Aiyar was a gramophone performer and petty jewel merchant. According to him, about the beginning of August 1910 (8th August 1910), he was returning with Harihara Aiyar (7th accused) from Alleppey to perform ~~Araniavittam~~ ^{Araniavittam} in his native village Sundarapandiapuram. On their way at Quilon they met the 8th accused Bapu Pillai and Bapu Pillai then offered to purchase his gramophone for "his society". Ramaswami Aiyar did not then know what that society was, nor had he the curiosity to enquire of them (Bapu Pillai and Harihara Aiyar) about it. The bargain was struck and it was decided that Ramaswami Aiyar should make over the gramophone at Punalur. Ramaswami Aiyar and Harihara Aiyar (7th accused) went in advance to Punalur and spent a day or two in a small hut belonging to 8th accused Bapu Pillai. First accused, 2nd accused, 6th accused and absconding accused Madaswami Pillai were all assembled there. No sedition was then talked. But Ramaswami Aiyar was sent to fetch copies of the *India* which were in possession of 3rd accused at Tenkasi. He went there with Madaswami, met 3rd accused in his concubine's house, obtained from him several issues of the *India*, went back with them to Shenottah and handed them over to 7th accused. Ramaswami Aiyar then went on to his village. After the Araniavittam and Gayatri Japam were over, he visited Shenottah and attended two meetings held in the house of Dharmaraja Aiyar (the man who committed suicide). Accused 1, 2, 6, 7, 11 and 14 and Vanchi and Dharmaraja Aiyar attended both the meetings. Third accused Chidambaram Pillai and the absconding accused Madaswami Pillai attended the second meeting only. At these meetings 1st accused presided and lectured on the miserable economical state of India, winding up with the pressing necessity of exterminating the English. After the second meeting, 3rd accused and Madaswami returned to their villages. The rest of the party proceeded to Punalur where, after more exhortations from 1st accused, a third oath-taking meeting was held in a very similar style to those at Tenkasi and Tuticorin. Accused Nos 1, 2, 6, 7, 8, 9 and 14, Vanchi, Dharmaraja Aiyar and four others then took the oath. The party then dispersed and Ramaswami Aiyar went away to the West Coast on business of trade. In the month of January 1911, while returning to his house for Sankaranthi, he stopped in Dharmaraja Aiyar's house in Shenottah. Vanchi Aiyar was then absent having gone away on three months' leave. Dharmaraja Aiyar then told him that Vanchi and 2nd accused had gone to Pondicherry by 1st accused's orders and that Vanchi said to him that he would shoot Europeans on the way.

42. The above is the gist of Ramaswami Aiyar's statement to Mr. Hamilton. Ramaswami Aiyar was produced before the Tenkasi Magistrate on 2nd August 1911 and taken to Tinnevely under remand to be produced before the District Magistrate. While at Tinnevely he gave more information to Mr. Hamilton. Mr. Hamilton applied to the District Magistrate for permission to record the additional information volunteered by Ramaswami, but the District Magistrate declined to give the permission applied for. At the preliminary enquiry for the first time Ramaswami Aiyar spoke of two meetings which took place in Shenottah in the month of Chithirai (April-May 1911) on successive evenings in the houses of the 11th and 12th accused. At the first of these two meetings an attempt was made to enlist a friend of 2nd accused (Sundaram Aiyar,

P.W. 25), whom he had brought with him from Kadayannallur for the purpose. Sundaram Aiyar, whose evidence was obtained by Inspector Ramachandra Aiyar so far back as 2nd July 1911 and whose statement under section 164, Criminal Procedure Code, was recorded under my orders on 18th July 1911 by the Tenkasi Sub-Magistrate, by his own account took fright and refused to join them saying he would think it over; at the actual meetings Vanchi is said to have taken the lead and to have addressed the others much as Nilakantam had done on the dual necessity of developing the resources of the country and driving out the English. Those present included accused Nos. 2, 3, 6, 7, 8, 11, 12 and 14 and Dharmaraja Aiyar. There was no oath taking at any of these meetings.

43. Ramaswami Aiyar continued to be under custody from the 1st to 17th August, when, under the orders of the District Magistrate, pardon was tendered to him by Mr. Tampoe on 17th July 1911 and he accepted it. As the preliminary enquiry commenced on 18th July 1911, no separate statement was recorded by a magistrate. When examined on 24th and 25th July 1911 by the committing magistrate, he spoke to all the meetings referred to above.

44. One Venkatarama Aiyar of Shencottah is referred to in paragraphs 15 and 35 above. His house was searched on 18th June 1911 as three of the letters seized in Vanchi Aiyar's house showed that he was a member of a society of which Vanchi, Dharmaraja and Harihara were also members and that they were very intimate. According to this witness he left his village Shencottah three or four days after his house was searched. Nobody searched for him. He went on cultivation business to a village near Puliangudi and returned to Shencottah about the 20th July 1911. He was then interviewed by Inspector Balakrishna Menon of the Criminal Investigation Department and taken to Tinnevely. There I recorded his statement on 24th and 25th July 1911. This statement disclosed the existence at Shencottah of a secret society of a seditious tendency called the Bharatha Matha Association. Accused Nos. 6, 7, 14, Vanchi and Dharmaraja Aiyar were members. P.W. 29 Venkatarama Aiyar was enlisted as a member in February 1910, he having taken the oath in the following terms: "I shall join the society. I shall treat the members who have already joined as friends and brothers and render them necessary help. I will not reveal the secrets which take place in the society. If I reveal, I shall be subject to such sin as to have killed Rishis and black cows." Venkatarama Aiyar took this oath first on a book (Ramayanam) and then again on a candle. They read newspapers from Pondicherry, held meetings and tea-parties. In March and April 1910 the Pondicherry papers *India*, *Suryodayam* and *Vijaya* were proscribed. There was then a collapse of the society. Venkatarama Aiyar was prevented by illness from attending the meetings held by 1st accused Nilakantam in July and August. But sometime after the middle of September he met accused Nos. 6 and 14, Vanchi and Dharmaraja Aiyar, in the house of the last named. Endeavours were then made to induce him to join new society and take a "blood oath," the object of the new society being indicated as the "boating and driving away of the English." Venkatarama Aiyar refused to join the new society, but for the sake of the old one promised to disclose nothing. His evidence was supported by letters written by him and found in Vanchi Aiyar's house search and was accepted in its entirety by the three learned Judges of the Special Bench as sufficient corroboration of the evidence of the approver Ramaswami Aiyar. Mr. Sankaran Nair, J., would not have convicted accused Nos. 6 and 14 had it not been for this man's evidence.

45. Evidence about the handwriting of some of the accused and some witnesses was secured. Inspector Balakrishna Menon of the Criminal Investigation Department collected the evidence of Sri Kariyem Rama Aiyar of Shencottah (P.W. 49) to prove the Tamil handwriting of the assassin Vanchi Aiyar, and Subramania Aiyar (P.W. 43) to prove that of 6th accused, Padmanabha Aiyar (P.W. 44) to prove that of 12th accused and Venkateswara Aiyar (P.W. 51) to prove that of Dharmaraja Aiyar (the man who committed suicide). I secured the evidence of Venkatarama Aiyar (P.W. 29) to prove the handwriting of 7th and 10th accused and that of Kuthalingam Pillai of Shencottah (P.W. 63) to prove that of accused No. 11. Mr. M. S. Ramaswami Aiyar, Deputy Superintendent of Police, on special duty, obtained the evidence of Arunachalam Pillai (P.W. 45) to prove the handwriting of the absconding accused Madaswami Pillai, and Inspector Ramachandra Aiyar that of Karuppaswami Pillai of Kadayannallur to prove that of 2nd accused. Mr. George, Superintendent of Police, Travancore, examined Mr. Padmanabha Pillai, Forest Ranger, Punalur, and he proved the English handwriting of the assassin Vanchi Aiyar. Mr. T. Jey Singh examined Mr. Loganabha Mudaliyar of the Guardian Press, Madras, and he proved the English handwriting of the 1st accused.

46. Vanchi Aiyar was at the time of occurrence a forest guard of the Travancore State at Punalur. His service register was gone through by Mr. George, Superintendent of Police, Travancore. In January 1911 Vanchi Aiyar went on one month's leave and in February applied for an extension. Mr. Padmanabha Pillai, Forest Officer of Punalur, produced his leave application. The registered cover in which they were sent enclosed bore the date stamp of Pondicherry 3rd February 1911. Mr. Paupa Rao Nayudu, Deputy Superintendent of Police, Simla, was directed by the Deputy Inspector-General to make enquiries in Pondicherry and find out all about

226

assassin's movements there. He secured the evidence of one M. K. Srinivasa Aiyangar, Head Clerk of the British Post Office at Pondicherry (P.W. 4). He was shown the photo of the assassin. He identified him as the man whom he had seen in the house of V. V. S. Aiyar in Pondicherry and moving with him intimately in the month of April 1911 for about twenty days. This evidence connected Vauchi Aiyar (assassin) with the anarchist party at Pondicherry. This witness had also known Nilakantam (1st accused). He had often seen him in the company of the extremists in Pondicherry. He was sent for from Pondicherry and his statement recorded under section 164, Indian Penal Code, on 19th July 1911 by the District Magistrate of Tinnevely.

47. Tenkasi Inspector Ramachandra Aiyar collected the evidence of Sama Rao (P.W. 69) on 30th June 1911 and Sankaranarayana Pillai (P.W. 70), both of Tenkasi. The former spoke to him having met the assassin Vauchi Aiyar in the house of a relation of his (Vauchi Aiyar) at Tenkasi on the night of 12th June 1911, and to 3rd accused having come there and taken the assassin away. He saw them again the next day (13th June 1911) travelling in the train to Tinnevely. The latter is a jutka driver at Tenkasi. On 12th June 1911 3rd accused engaged his jutka for Courtallam and he drove with Vauchi Aiyar and another to Courtallam falls and back to Tenkasi. Third accused paid the jutka hire. I had the statements of these two recorded by the Tenkasi Magistrate Mr. Chandrasokara Aiyar on 5th July 1911. This Inspector further secured the evidence of Ramakrishna Pillai of Kadayannallur, Krishnapuram, which showed that he had seen 2nd accused whom he had known before in Pondicherry in August 1909.

48. There is one more incident which needs mention in connection with this case, and that is the suicide of one Venkateswara Aiyar, a Criminal Court Vakil practising in Punalur. On 5th August 1911 Mr. George had information that this vakil knew something in connection with this conspiracy. He sent word to him with a view to examine him and record his statement. The vakil, without appearing before Mr. George, committed suicide by cutting his throat with a knife. While he had consciousness he wrote on a piece of paper in the presence of Mr. Raman Tampi, Sub-Magistrate of Punalur (P.W. 59), and Mr. Nilakantam Pillai, Sub-Assistant Surgeon in charge of the Punalur (P.W. 62) Hospital, that he attended the meeting just as others did and that he too should be taken as a witness. The evidence about this incident was let in to prove the existence of a conspiracy in Punalur.

49. Mr. Johnson, Assistant Superintendent of Police, Tuticorin, was for a time engaged in searching for the absconding accused Madaswami Pillai. As he could not be found, proclamation and distress warrants were applied for and his moveables and immoveables were attached. He is still absconding.

50. Towards the end of June 1911 Mr. Cardozo went to Ootacamund, with the evidence collected till then, to place all facts before Government and take orders. The Government then directed action to be taken under section 121-A, Indian Penal Code, and empowered on 8th July 1911 Mr. P. B. Thomas, Deputy Inspector-General of Police, under section 116, Criminal Procedure Code, to prefer a complaint under section 121-A, Indian Penal Code, against the accused specified in the order. It further directed the trial of the accused under the provisions of the Indian Criminal Law Amendment Act XIV of 1908. Under the orders of the Deputy Inspector-General of Police I put in a complaint before the District Magistrate, but this was considered by the counsels engaged for the prosecution irregular. A fresh complaint was therefore preferred by the Deputy Inspector-General himself on 1st August 1911 against all the accused except the 14th and another on 5th August 1911 against the 14th accused only. On 18th August 1911 I laid two charge sheets before the Sub-Divisional first-class Magistrate, Tinnevely, Mr. Tampoe, one under sections 302 and 109, Indian Penal Code, against all the accused and Madaswami (absconding accused) and the other under sections 302 and 114, Indian Penal Code, against 2nd accused Sankarakrishnan only. The preliminary enquiry commenced on the very day on which the charge sheets were submitted, viz., 18th August 1911 and concluded on 30th August 1911 when all the accused were committed to take their trial before the High Court of Madras. The investigation and committal lasted until the end of August, during practically the whole of which period Mr. P. B. Thomas remained in supervision of it at Tinnevely. I have in the body of this report referred in the appropriate places to the work done by each Gazetted officer, as well as that done by the subordinate police officers—Criminal Investigation Department and District.

51. The trial in the High Court commenced on 11th September 1911 and came to a close on 2nd February 1912 after 80 sittings. I attended the High Court during the whole period instructing the counsels and preparing such notes as were required by them. How far I was useful to them Mr. Napier, the Government Pleader, has reported. As regards my work from the earliest stage of the case till its termination, the Deputy Inspector-General has submitted his report.

52. Judgment was delivered by the Special Bench on 15th February 1912. There were three counts of indictment. The first one was under section 121-A, Indian Penal Code, against all the accused, the second one under sections 302, 109 and 111 Indian Penal Code, against all the accused, and the third under sections 302 and 114, Indian Penal Code, against 2nd accused Sankar Krishnan only. 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 Sankaran Nair convicted accused 1, 2, 6 and 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 Nilakantam was sentenced to seven years' rigorous imprisonment, 2nd accused Sankar Krishna Aiyar to four years' rigorous imprisonment, 7th accused Harihara Aiyar to three years' rigorous imprisonment, 3rd accused Chidambaram Pillai to two years' rigorous imprisonment, and the remaining accused—4th Muttukumaraswami Pillai, 5th Suppiah Pillai, 6th Jagannatha Aiyangar, 8th Bapu Pillai and 14th Pichumani Aiyar *alias* Venkatachalam Aiyar—to one year's rigorous imprisonment each in Special Bench Case No. 1 of 1911. The third count was withdrawn by the Government Pleader and 2nd accused was discharged.

53. The petitions filed under section 26 of the Letters Patent on behalf of accused 2, 3, 4, 5, 6, 7, 8 and 14 to revise the order passed by the majority of the Judges in the above Special Bench Case No. 1 of 1911, on questions of law relating to the admissibility of the statements made by the two approvers to Inspector Viragghava Aiyar, etc., were dismissed by a Full Bench of five Judges on the 17th April 1912.

CONFIDENTIAL.

Proof for approval
only, 21/9/12
246

JUDICIAL DEPARTMENT.
NOTES CONNECTED WITH G.O. No. 1471, JUDICIAL, DATED
16TH SEPTEMBER 1912.

[**SUBJECT.**—*Report on the history of the Ashe murder case by Deputy Superintendent T. Venkoba Rao.*]

<i>Previous papers :</i>			
G.O. 1112-13,	Judicial,	8th July	1911.
" 1127-4.	" 11th	" "	"
" 1135	" 12th	" "	"
" 1206	" 27th	" "	"
" 1289-90	" 10th August	" "	"
" 1304	" 14th	" "	"
" 1418	" 7th September	" "	"
" 474-75	" 23rd March	1912.	
" 1220	" 31st July	" "	

From the Inspector-General of Police, No. 29 (Confid.) M., dated 15th August 1912.
Under Secretary—

Submitted.

2. With reference to paragraph 2 of the Inspector-General's letter, it is submitted that a revised copy of G.O. No. 1220, Judicial, dated 31st July 1912, is being issued including his name.

C.H.S.—4-9-12.

S.D.—9-9-12.

Chief Secretary—

S. H. SLATER—10-9-12.

Honourable Member—

For perusal. In the revised G.O. No. 1220, Judicial, dated 31st July 1912, Deputy Superintendent T. Venkoba Rao's good work is acknowledged. No action seems to be needed on the current file. The narrative of the Tinnevely case may be useful for reference.

A. G. CARDEW—11-9-12.

H. A. S[TUART]—12-9-12.

May be recorded.

A.G.C.—13-9-12.

Under Secretary—

Draft order is submitted.

C.H.S.—14-9-12.

S.D.—14-9-12.

S.H.S.—16-9-12.

[G.O. No. 1471, Judicial, dated 16th September 1912.]

Press
Shukla

CC &
24/9/12

Judicial Dept

(Ct. 3725A). From the J.G. Police No 29 / Conf. M. of

15. 8. 1912.

Report on the history of the Ashe Murder Case
By Supt. T. Venkoba Rao

For U.S.

Submitted.

CC
 4/9/12

MA
 4/9/12

~~Two copies of~~ ^{Opp 34 35} ~~the order~~
~~has been organized and on~~
~~separate order~~

2. With reference to para. 2 of
 Igo's letter, it is submitted that
 a revised copy of G.O. No.
 1220, dated 31st July 1912,
 is being issued including
 his name. (Please see linked
 file).

S.D.
 9-9-12

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C.D.

HM,

For perusal. In the revised G.O. 1220
 d. 31. 7. 12 by Supt. T. Venkoba Rao's good
 work is acknowledged. No action seems to
 be needed on the C.F. The narrative of the

Linked file

This newly case may be useful for reference.

AGJ 11.9.12



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May be recorded.
AGJ 12.9.12

For US

Draft Order is submitted.

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Ashe Murder Case

Judicial DEPARTMENT.

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000-6-3-12.

READ

Recording Report on the
history of the Ashe Murder Case by
By Supdt. I. Venkoba Rao.

279

(Ct. 3725A). From the I. G. Police, No 29. Conf. M.
15.8

ORDER No 1471, dated 16/9 / 1912

~~24/11/12~~
P.S.

Recorded.

C.D.
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Copy to the I. G. Police ✓

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