

1 IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN
2 DIVISION OF THE NORTHERN DISTRICT OF CALIFORNIA.

3 First Division.

4
5
6 UNITED STATES OF AMERICA, :

7 vs. :

No. 6133.

8 JOSEPH L. BLEY, et al., :

9 Defendants. :

10
11
12 BILL OF EXCEPTIONS

13 ON BEHALF OF DEFENDANT JOSEPH L. BLEY.

14
15 Be it remembered: That heretofore the Grand Jury of the
16 United States, in and for the District Court of the United States,
17 Southern Division of the Northern District thereof, did ~~and~~ re-
18 turn into the above entitled Court its indictment against the
19 defendant, Joseph L. Bley, and thereafter the said Joseph L.
20 Bley appeared in said Court and having duly pleaded, as shown
21 by the record therein, and the cause being at issue the same
22 came on for trial before the Honorable WILLIAM C. VAN FLEET,
23 District Judge, and a jury duly empaneled, the United States
24 being represented by JOHN W. BRISTON, ESQ., United States Attorney,
25 and MRS. ANNETTE A. ADAMS, Assistant United States Attorney, and
26 the defendant, Joseph L. Bley, being represented by MESSRS.
27 SULLIVAN & SULLIVAN and THEODORE J. ROCKE, the following pro-
28 ceedings were had:
29
30

1 THE COURT: As to objections, Mr. Roche, in all accord
2 with the system that is established in the United States Courts
3 and for the benefit and information of the Court they must be
4 interposed; they cannot be understood to be made; you can make
5 an objection to a certain line of testimony and you need not
6 repeat that as to other items of evidence following within that
7 line, but as to objections arising as to any particular feature
8 of evidence it must be interposed; the mere suggestion might
9 frequently advise the Court of the impropriety of the evidence.

10 MR. ROCHE: The objection, may it please the Court, which
11 I desired to reserve to this entire line of examination was
12 the objection that up to the present time the corpus delicti
13 has not been established.

14 THE COURT: Objection overruled.

15 MR. ROCHE: We reserve an exception.

16 Ram Chandra said it was absolutely necessary for the perfect-
17 ion of the plans of this society of the Ghadr society in India,
18 that there should be men who should know exactly what to do and
19 they must understand at the same time that without money, men
20 and arms there could be no revolution and to get this money and
21 to get such men who would be able to carry on the project, the
22 men from here were induced to go, were told to go and start
23 certain societies there, or to co-operate with the societies
24 already in existence in India, and collect money and arms; to get
25 this money it was necessary to follow the same system that was
26 being followed by the societies already in existence in India,
27 that is, by political report or get command of such people as were
28 loyal to the British government and hold them for ransom; in that
29 way they could collect sufficient money to get arms and manufacture
30 explosives. Ram Chandra spoke in Hindustani; I could not say the

corpus delicti has not been established, and I desire, may it please the Court, separately in view of the fact that counsel representing the Government have permitted me to make such objections as I see fit, without the others joining in the objections, that the same objection shall be deemed to have been urged on behalf of the defendant Ram Chandra. Of course, if it please the Court, I realize that the order of proof is entirely in the discretion of the Court, and I also appreciate the fact that in these conspiracy cases it may often happen that it is necessary to permit a great deal of testimony to go in before the corpus delicti has been established, upon the promise of the District Attorney to hereafter to connect the evidence up; but we feel that in view of the peculiar character of this charge that no evidence ought to be permitted to go into the record at this time unless the corpus delicti is first established, and likewise unless the peculiar character of conspiracy charged in this indictment is first attempted to be established.

I would like to have it understood, so as to permit the trial to move rapidly. if the Court please, without the reiteration of objections that this entire line of testimony shall come in under the same objection and exception; and I would like also may it please your Honor, to reserve the right to move to strike out the testimony at the conclusion of the prosecution's case.

THE COURT: You do not need to reserve that right; that always exists, upon the ground, at any time, that it has not been connected up.

MR. ROCHE: That is true, your Honor, but I simply desire to have the record show that we ask leave at this time to reserve the right to make that motion.

SUKUMAR CHATTERJI

Called for the United States, sworn, testified as follows:

DIRECT EXAMINATION.

Arrived in San Francisco in 1913, where I remained until the beginning of 1915.

Residence, 1472 Golden Gate Avenue.

Met Har Dyal in 1914. I heard him make two or three addresses in Jefferson Hall early in 1914. I only had a slight acquaintance with him. I was not then a follower of the doctrines he advocated.

I met Ram Chandra the latter part of 1914 at the Yugantur Asram, signifying evolution. The name "Yugantur" was a newspaper started in India, and the aims and objects of the society in India were the suppression of British rule and the establishment of a republican form of government.

Certain pamphlets and literature were published at 436 Hill Street, where the paper called the "Ghadr" was written. It was published on Valencia Street.

When I first met Ram Chandra war had not broken out. The paper was published in Urdu and Gournuki, mostly.

In the latter part of 1914 I heard Ram Chandra make a speech on Valencia Street, merely relating to the suppression of British rule.

Q. Do you remember the substance of his references to India and the war situation at that time? A. It was merely to do with the suppression of the British rule.

Q. What did he say, -- not your conclusions, but what did he say?

MR. ROCHE. That is objected to, your Honor, as to all the defendants except Ram Chandra on the ground that it is immaterial, irrelevant and incompetent and hearsay as against each and all of the others; and upon the further ground that the

date, it was somewhere in the latter part of 1914 after the war had been declared. I heard other addresses but none of the same vein. I was a stranger in the audience. Ram Chandra consumed about an hour in this address. The audience consisted of about ten or twelve. No subscription was taken up that I remember.

~~and holding them for ransom. In this way they could collect sufficient money to get arms and manufacture explosives.~~

I first learned the inside workings of the Ghadr party from Hay Bab Khan, at the Sacramento fair in 1913. Between that time and the address of Ram Chandra had seen a copy of Secretary Bryan's report on British rule in India.

I was taken over to the lecture by Ram Chandra himself. He said nothing about the European war making the matter more opportune, or anything of that sort.

In January, 1915, I met Gupta. He was introduced to me near the Cliff House by a Bengali student from Harvard named Roy. He said he was going to Chicago. He wanted to know if I would do something for my country. He said that the people in Burma, Persia, Afghanistan, South Africa, Nepal and Siam, and other places, were all ready, and it was only necessary to supply the men, the means and the ammunition to carry on the work. He asked me if I would join the movement. He wanted to send me over to India to carry some money and letters in the name of a certain society in existence there, and to start some work in those parts of India where the movement was very little known, but I refused. Then he asked me if I could be willing to go to Siam, and I said yes. He told me to get myself ready and he would let me know as soon as he could, and then send me there.

He did not tell me what I was to do in Siam, excepting to say that people were already there and I was simply to go there to work under their orders.

(p. 66)

This conversation was at the Asram, in San Francisco.

Gupta wanted to know if I knew anything about chemistry, and asked me concerning my qualifications, both mental and physical; also whether I knew the use of arms.

1 He said that Bhupendra Nath Dutt, one of the Indian com-
2 mittees, had been sent to Europe, but said nothing about his plans.

3 After Gupta left I wrote him a letter or two, but re-
4 ceived no answer.

5 About March, 1915, Ram Chandra telephoned me to see him.
6 He said Gupta had sent him a message to get Chatterji ready. There
7 were two of us and he told us both, not knowing which one was re-
8 ferred to. I thereupon quit school and packed my things.

9 I then met the defendant J. N. Sunyal, who gave me a
10 letter from Gupta stating that Sunyal was Gupta's accredited agent,
11 and to hold myself under his orders. I was to receive from him
12 instructions and money necessary to proceed to Siam, where many
13 people had already gone and others were coming. Sunyal gave me
14 \$700 in American Express checks. I saw Sunyal a number of times
15 before I left. I sailed five or six days after receiving the money.

16 Sunyal gave me two letters of introduction - one for
17 Hassan Eada, alias Jodh Singh, and the other for George Paul Boehm.
18 Sunyal told me I was to go to Siam and proceed to the north of
19 Siam and north of Burma, through Shwegyan, in the northeast of
20 Bengal, and thence into Nepal. People were already in the western
21 part of India, in the northwestern frontier, near Persia and
22 Afghanistan, and also inside India, who were to simultaneously
23 start an insurrection. He told me that the society was in exis-
24 tence for a long time.

25 He said the German government would look after the arms
26 and ammunition. He said he would come to Siam later.

27 When I next saw Ram Chandra he wanted me to write some
28 articles for the paper to the effect that the Germans were our
29 friends and had started the war to liberate India, and that the
30 English were our enemies.

The day before sailing Ram Chandra gave me two type-written sheets of paper containing instructions supposed to come from Gupta, to carry out which I was to go to Siam. I destroyed them. They directed me to adopt the name of Prince Murari Lal. I was to use that name in the work over there. (p. 74)

I carried a letter from Ram Chandra to Amar Singh at Stockton. I used the prince's name at Stockton to induce people to go to India.

Out of the \$700 Sanyal bought my ticket, which was to Manila via Yokahama, Nagasaki and Kobe.

I know Darisi Chenchiah. I met him on board the ship before sailing.

I saw Johd Singh once at 436 Hill Street. Many people live and board there. He was introduced to me under the name of Hassan Zada, by Ram Chandra. I was introduced as a merchant from Brazil. I afterwards met him on the boat going to Manila and learned his name was Johd Singh.

Before sailing Ram Chandra said he had sent for a ticket for Chenchiah, but it was so late he might not get it, and for me to pay his fare. He was also looking for Hassan Zada, but could not find him. Chenchiah got a third class ticket and I made up the difference so that he could travel second class.

Chenchiah told me he was carrying a letter to the German consul in Java. I did not see the letter - only the envelope.

(The witness sailed on the "Tenyo Maru" for Manila May 22nd, 1915).

In Japan I got cards printed, using the name of Murari Lal.

I reached Manila June 19th, 1915. I first met Dhirendra Nath Sen, who came to the pier. I had seen him in San Francisco, before sailing. I went to the Savoy Hotel.

I met Boehm in front of the Oriental Hotel, where he was stopping. I gave him the letter of introduction I carried, which I

1 had received from Sanyal. This letter stated that Jodh Singh was
2 the leader of the party, and they should be careful in exposing
3 their plans to me, excepting those that were absolutely necessary.

4 By appointment I met Boehm that night in the park. The
5 parties who met at the appointment were Boehm, Sterneck, Sen, Jodh
6 Singh, Chenchiah and myself - six in all. Boehm said he had started
7 the week before I did, and that Sterneck had accompanied him.

8 I wanted to know what I was to do, and he told me to wait
9 and watch. That was the substance of the conversation.

10 The next day we met and Boehm said he was the man in
11 charge and would give us military training. He wanted us to sail
12 to Bangkok, Siam, and proceed from there through the jungles to Hapel
13 during which trip he would give us military training. I refused,
14 because I did not think it feasible.

15 He obtained from Chenchiah the letter he was carrying to
16 the German consul. Boehm afterwards said he had given it to the
17 German consul in Manila, and that it was opened and read. Boehm
18 said it had something to do with some ship that was coming with
19 arms and ammunition to Bangkok, to Java, and instructions were
20 given there for the landing of the ship. The arms were eventually
21 to be taken to Bangkok.

22 We met in Manila nearly every day.

23 In Manila Boehm gave me a book from which to study wire-
24 less telegraphy.

25 I met Dost Mohammed at Manila when I went to inquire
26 Bhagwan Singh, whose name I obtained from Sanyal. Dost Mohammed's
27 post office box in Manila was No. 777. I obtained that information
28 from him.

29 The pass word used was "The English are good and the
30 Germans bad," and the reply would be the reverse. I used it in
31 Siam. I obtained it from Dost Mohammed.

I also met in Manila Nripendra Chatterji, whom I had previously met in Ram Chandra's office. Johd Singh had some letters for him, and when I learned who he was I obtained them and in the presence of Johd Singh gave him the letters. One was a postal card from his home in India.

Chatterji told me that he had brought some letters from Ram Chandra in San Francisco. We persuaded him to turn them over to Boehm. Boehm afterwards said he gave the letters to the German consul at Manila.

Two days before I left Manila I met a German named Schlosser. He was introduced to me by Sterneck as vice consul at Manila. He gave me a letter to be delivered in Siam to the person who would present to me the same sign which was located on the outside of the sealed envelope.

When my boat reached Bangkok a Siamese showed me the sign and I gave him the letter.

Boehm's final plan was to go direct to Chittagong, India, and from thence to Nepal.

Boehm instructed Johd Singh, Chenchiah and myself to go to Siam, and I was to put myself under the orders of people there. Sanyal told me to report to Amar Singh. Boehm said he would charter a boat and go to Siam himself.

Boehm was refused money by the German consul at Manila and borrowed \$500 from Wehde, who was supposed to have come from Chicago. He told me he had asked the German consul to wire Mr. Jacobson at Chicago to send him some money, and Jacobson was to get the money from Washington.

We left Manila on May 28th. We reached Amoy July 1st. Before leaving Manila Johd Singh obtained three letters from the German consul, retaining one and giving one to Chenchiah and one to me. They were for the German consul at Amoy, and were delivered to him.

I met some Hindoos at Amoy and tried to persuade them to join the India expedition.

The German consul directed me to Fuki & Company, a Chinese firm. We were directed by this firm to a man whose name was Jodh Singh had, who gave us \$50 for expenses. Jodh Singh spoke to the man in German.

Chenchiah left Amoy first and Jodh Singh and I afterwards.

We then reached Swatow. Jodh Singh left immediately. Chenchiah and I remained a week, waiting for a vessel. There we called on Haroun & Company, cloth merchants from Bombay. While there I started to write a report to send to Sanyal or Boehm, or Gupta.

While at Swatow I met Gopal Singh, then under the name of Gokal Singh.

(I don't think the defendant Gopal Singh is the man. I never saw this man before or afterwards.)

He gave me a letter to be delivered to Pritam Singh, and told me he was going to Shanghai. He said he had been to Siam, and that they were all ready there; that quite a number of arms and ammunition had been landed and there was a good deal of movement going on; that the army on the frontier near Burma was ready to revolt. I subsequently destroyed this letter, when being arrested.

Chenchiah and I then went from Swatow to Bangkok, reaching there the latter part of July.

I saw Amar Singh at Pakho. I first went to the German consul at Bangkok to learn the whereabouts of Amar Singh. He sent me to a German named Ledris, living near Pakho, from whom I got the information. The consul gave me 20 ticals, which is about \$5 or \$7 for passage money to Pakho.

While at Bangkok I saw Indar Singh.

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While at Bangkok I saw Indur Singh.

I also saw Balwant Singh and Thakur Singh. They had come in the same boat with us from Ssatow.

Ledris would not give me Amar Singh's address until I made a replica of the sign that was on the letter that I had brought to Mr. Schlosser, in Siam. Then he gave me the address. He also told me that the arms that were to be landed at Bangkok had already been landed, and that the landing had been supervised by his friend who was with him, but whose name I did not get.

Amar Singh told me to bring over Chenchiah from Bangkok. He also explained to me that the soldiers on the Burma frontier were ready to revolt. He said that some other party was taking care of the arms and ammunition, which were all ready; that he had given about 4,000 ticals to the Ghadr Society which he wanted to get back from the German consul in Bangkok.

While at Pakho I met Shyam Singh, Amar Singh's messenger, who carried letters and provisions from Bangkok.

I tried to locate Johd Singh but could not, and after I was arrested found that he had been in Bangkok all the time.

When I left Pakho I brought two letters to Bangkok, one of which was to be delivered to the German consul there. I did not see their contents. I handed them to a man in the employ of Indur Singh.

I was arrested August 3rd, 1915.

Cross Examination

I have no idea of the date upon which I reached San Francisco. It was about a week or two before going to Clover-

1 date. I have no idea of these dates because I don't keep
2 track of dates at all, ever since I was arrested. I don't
3 like to keep track of dates, because I don't live comfortably
4 by dates.

5 (p. 121)

6 Since I was arrested I never keep track of dates or
7 anything at all. Am trying to keep my brain as vacant as
8 possible, because I can't live comfortably if I keep track of
9 dates. That is the only answer I can make.

10 (p. 121)

11 I have been in the charge of guards ever since I
12 was arrested in 1915.

13 While in Chicago I was in the custody of Mr. Collins,
14 who is here in the courtroom now.

15 (p. 122)

16 I don't know the name of the German consul at
17 Bangkok. (p. 127)

18 I couldn't say that there is anyone in Bangkok who
19 goes under the official title of German consul.

20 I have never seen any of the white defendants before.
21 I never came in contact with any official or attache or employee
22 of the German consulate at San Francisco. I never saw the
23 German consul at Manila. (P. 128-130)

24 I don't know the name of the German consul at Amoy. (p.
25 131)

26 I have never seen any arms or ammunition in San
27 Francisco, and none of us carried any with us. (131)

28 I knew that the article which I was requested to
29 write was false and that it was to be disseminated among my
30 countrymen in California and elsewhere. I knew it was an
31 absolute lie. (132-3)

I never saw or called on the defendants Rodiek or Schroeder. (136-7)

The house in which I lived in San Francisco was a theosophical institution. I am still a member of the society. It treats of morality and truthfulness. Upon these subjects I discoursed. I engaged in discussions of that kind when writing the articles in the newspapers and going to Stockton under an assumed character. (137-8)

There are a number of societies spread all over the world, having for their object the establishment of a republican form of government in India. These societies existed for a long time before 1914. (135)

I never saw any telegram purporting to come from anybody in connection with these matters. (140)

I destroyed the letter that was given to me because I did not want to keep anything incriminating on me. (141)

Q I destroyed that letter here in San Francisco before starting for Manila, for the reasons stated (141) Just before my arrest I destroyed two sheets of paper. (141)

I did not destroy them before because I wanted to consult them from time to time. (142) I could have carried the contents in my mind, but if questioned as to what I was doing I would have them as evidence. (142)

I have not in my possession any letter, telegram, memorandum, document or writing of any kind relating to any of these activities. (143)

The narrative written by me at Seaton was written in

English, because that was how we ordinarily corresponded with each other. (143-4) I intended to mail it either to the very Nripendra Chatterji or Sanyal. (144) I intended to narrate most of my experiences that would be necessary for them and for their benefit. (145)

Defendants' Exhibit "A" was offered and read in evidence, and it is as follows:

(Here copy Defendants' Exhibit "A".)

The jobbery and kidnapping referred to by Ram Chandra was to take place in India. (149)

Gupta told me that the people who were already in Siam were willing to go to India. He did not refer to people in the United States. (150)

I wrote out a statement for Mr. Petrie after I was taken, December 4, regarding these matters to which I have testified, and some of which I testified to in Chicago some time ago. My statement was in writing. I wrote one statement and Mr. Petrie wrote one himself. He wrote the first one in my presence. I do not know where that statement is. I have never seen it since.

It is a fact that the answers that I gave at that time were in variance and inconsistent with the testimony I have given here. (166-167)

In other words, it is true that in these answers I deny various matters to which I have now testified. (167)

I positively denied to Mr. Petrie that I had come in contact with any German officials, or knew anything at all about any German activity.

I told Mr. Petrie that there was no German connec-

tion in San Francisco with me, or at any time up to the very minute of my arrest. These statements were not true. (168)

JODH SINGH

Called for the United States;

Affirmed:

I want to say a few words before I can testify in this case.

I have a few notes to which I want answers, and if the answers are satisfactory, then I will testify; otherwise not.

THE COURT: You cannot state them here.

THE COURT (Continuing) Let me see that paper, don't read it out. (190)

THE COURT: You ask "Is this a free country in whose court I have been brought today as a witness on behalf of the United States". Well, I don't doubt but what you know, as well as any of us, that this is a free country in the sense in which you ask the question.

The third question is: "If it is free, shall I be allowed to stay in this country as a free man after this case is over?" That is something that does not rest with this court. It is something that depends, I doubt not, solely upon yourself and the attitude of the government toward men who are under question as to their previous conduct.

The fourth question is: "Have I a right to have an attorney for me?" The United States Attorney or the court, either, at any time during the previous proceedings in this case would have told you instantaneously, and I don't doubt that you were told, you were entitled to an attorney when you were brought here for your plea.

MF14

MR. PRESTON: He has never been arraigned, your Honor; he has not entered any plea.

THE WITNESS: But I have been detained here as a prisoner; this card shows it.

MR. PRESTON: That is not a prisoner's card; that is a subpoena.

THE COURT: You have a perfect right to have an attorney if you wish one. So far as this last question is concerned, that is not anything with which you are concerned, whether your countrymen are to be allowed here while you are testifying here as a witness.

MR. PRESTON: Q. The whole question is, Do you want to testify in the case? If you don't, just say so.

A. No, sir, I don't want to testify. (191-192)

MR. PRESTON: I ask that he be arraigned. I appoint Mr. McGowan to represent him. (192)

JODH SINGH: I am ready to plead. I am guilty. (193)

(After a recess of about ten minutes the following proceedings were had:)

MR. MCGOWAN: If your Honor please, on behalf of the defendant Jodh Singh, who was called to the stand by the Government as a witness in this matter and to represent whom your Honor just appointed me, I desire at this time to make a motion upon his behalf for permission to withdraw the plea--

THE COURT: Let the matter go over until Saturday. (193)

United States Exhibit No.2 was offered and received in evidence, and is as follows:

(Here copy United States Exhibit 2)

United States Exhibit No. 3 was offered in evidence.

Called for MR. McGOWAN: We object to that, Mr. Preston; I don't think that is admissible at all. We object to it as immaterial, irrelevant and incompetent, no proper foundation laid, and no showing as a basis for the introduction of that in evidence. (199)

Ordered admitted for identification only.

Q. That did he tell you he signed?

A. Yes, Mr. McGowan. We object to the question, if your Honor please, upon the ground that it is immaterial, irrelevant and incompetent, upon the further ground that it is hearsay as to the defendant in this case, and as to each of the defendants upon the admitted ground that no proper foundation has been laid in this case up to the present time as to each of the defendants. The proper subject has not been established, as attempted to be established in previous questions, as to the instrument is concerned, the particular instrument under inquiry is it or not connected with the matters referred to in the question as to the defendant.

THE COURT: The objection is overruled.

MR. McGOWAN: May it be established, if your Honor please, aside for the purpose of preserving the record, that this exhibit of handwriting shall be subject to the usual question, making the exception, it being well understood, and we submit, only as to the objection that the signature is not the signature of the defendant.

KUMUD NATH MOOKERJEE

Called for the United States, sworn, testified as follows:

Direct Examination

I am an attorney at law at Bangkok. I am a Brahman.
I moved from Calcutta to Bangkok about 1912. (201-2)

I met Bholin Nath Chatterji in Bangkok before the war of 1914. He and Sailendra Nath Ghose came to Bangkok together.

Bholin Nath Chatterji I saw afterwards in Calcutta and brought a message to him from Bangkok.

Atma Ram approached me for the purpose of carrying a message. Shiv Dyal Kapur was with him. Atma Ram did the talking.

Q. What did he tell you he wanted?

MR. ROCHE: We object to the question, if your Honor please, upon the ground that it is immaterial, irrelevant and incompetent; upon the further ground that it is hearsay as to the defendants in this case, and as to each of the defendants; upon the additional ground that no proper foundation has been laid in this, that up to the present time at least no conspiracy has been shown, the corpus delicti has not been established, or attempted to be established; in addition thereto, so far as the indictment is concerned, the particular matter now under inquiry is in no way connected with the matters referred to or attempted to be described in this indictment.

THE COURT: The objection is overruled.

MR. ROCHE: May it be understood, if your Honor please, merely for the purpose of preserving the record, that this entire line of examination shall be subject to the same objection, ruling and exception, it being also understood,--

THE COURT: Only as to the objection that the conspiracy has not yet been established. (206)

1 MR. ROCHE: Yes, your Honor, and upon the ground that the
2 testimony is hearsay as against these defendants for that reason.
3 (206)

4 THE COURT: You will have to interpose that objection
5 because the testimony is now offered in connection with one of
6 the defendants, and of course if the jury find that the conspir-
7 acy is established, then any act of any of the defendants who
8 were concerned in that conspiracy is binding upon all.

9 MR. ROCHE: We reserve an exception. (206)

10 Atma Ram told me in the presence of Kapur that he wanted
11 to tell some parties in Calcutta that the ship "Maverick" will
12 come to Calcutta on the 13th day of July, 1915. He wanted me
13 to go to Calcutta and tell these parties. He said he had come
14 from Calcutta, to Bangkok to inquire from the German Consul in
15 Bangkok about the approximate date when the ship was coming
16 with ammunition and rifles and when it is to reach Calcutta.
17 He told me he had found out from the German Consul when the
18 boat would be there. He was not certain about the particular
19 place near Calcutta that the boat was to touch, but the parties
20 in Calcutta were sure of the place. Atma Ram did not know. Cal-
21 cutta is 92 miles from the sea on a river. Atma Ram, in the
22 presence of Kapur said he could not take the message because he
23 was suspected in Bangkok and he was afraid he was followed by
24 some spy; that he could not go himself and I had to leave
25 to go to Calcutta, he wanted me to carry the message. I agreed to
26 carry it and was paid 2,200 ticals in order to facilitate my
27 trip. This money was paid by Kapur in Atma Ram's presence. I
28 signed a voucher for it.

29 I took the trip. The message I carried was that the
30 ship "Maverick" would arrive in Calcutta on July 13, and be ready

1 to take out the ammunition and rifles and carry them to their own
2 places, as previously arranged. (211-212)

3 I was given an address. I went there and saw Dr. Mook-
4 erjee. When I gained admittance, I found Bholin Nath Chatterji
5 there and gave him the message. (212)

6 I was taken to Martin by Bholin Nath Chatterji twotimes
7 in the house. The first day he did not speak much of any im-
8 portance; the second day he wanted me to go to Batavia on my
9 way back to Bangkok. They told me they had the idea of bring-
10 ing emancipation into India, something of that kind they told me.
11 The first time they asked me to go over to Batavia and carry
12 some message to Mr. Helfferich there. The rifles, the 50,000
13 which he has promised are not required in Bengal, that Bengal
14 requires only 15,000, the balance must be sent to Karnahi and
15 some near Pondicherry, and the number of cartridges that he has
16 promised to send is not sufficient; he must send more cartridges.
17 It had been arranged for 500 rifles and they wanted 1500 rifles.
18 Martin told me this. I was to tell Helfferich this. Martin
19 said to tell Helfferich that the money that was promised to be
20 sent had to be sent soon because they were very much in need of
21 money, about 3,000 rupees-- 3 lacs of rupees they would call it
22 in our country, that would be 300,000 rupees, about one hundred
23 thousand dollars. He told me to say they had been promised that.
24 I was to tell Helfferich to send it very soon as it would be need
25 presently. I wanted to know what they wanted to do with this
26 money because they told me that they were to give it to Indian
27 soldiers for two months' pay in advance and they would join them
28 in the revolution. I mean the British troops-- the native troops.
29 They said there is a systematic plan in these things-- that in
30 Bengal alone there are 10,000 volunteers to do this work and in

1 45 districts in Bengal in each district there is a certain chief-
2 man to look after things and these volunteers are not known among
3 themselves because they have seen in certain cases that these
4 people, when they are arrested and taken to the police, admit
5 everything, and their plans are all out. There are six principal
6 chiefs and whatever is done, is done in a council by these six
7 chiefs. They told me that they kept the knowledge from one set
8 of recruits that there were others engaged, because if they were
9 to be arrested they would be likely to give it away. At that
10 time Martin told me about the arrangement in Bengal, he told
11 me that there were people also in other parts of India, in Bombay,
12 in Madras, Karachi, and in all these places there were peoples
13 who are waiting for the revolution to start. Martin was a chief.
14 Chatterji told me Martin was a chief. B. N. Chatterji paid my
15 fare, 4,000 rupees. Just as the train was leaving Chatterji
16 came to the train and told me to carry a letter to Helfferich.
17 I subsequently learned what was in the letter, when it was opened
18 by Helfferich in my presence. He told me the same thing I told
19 you before about the money and the ammunition. Helfferich read
20 the letter in my presence. The first day at Helfferich's there were
21 two or three people there besides himself. He told me to come on
22 the second day. I went over the second day and I was introduced
23 to a man who was called the German consul, a young man with red
24 hair. He wanted me to show the places on the map. Martin told
25 me that there will be five ships coming to India besides the
26 "Maverick", to land simultaneously at five points in India. I sub-
27 sequently learned that they were to arrive at five points the
28 25th day of December. I learned the points at which they were to
29 land from a slip of paper Chatterji gave me when I was leaving Cal-
30 cutta. On the second day when I was at Helfferich's house, the

1 German Consul came there and some two or three people; they
2 brought a big map and wanted me to point out the five places. I
3 pointed them out. The first place is near Balasore near Bengal;
4 the second place was near Madras; another is near Orissa but
5 that is near Balasore; the other is on the Malaba coast near
6 Bombay. The fourth is Karachi and one is near the Sandwich
7 Island-- that is about the middle of Bengal. I took the slip of
8 paper which Chatterji gave me, to Helfferich. I had a letter to Hel
9 fferich. The arrangement was made previously but the place was
10 not finally settled. After the settlement they all agreed on
11 those places-- those five places. Chatterji told me it had been
12 agreed upon by the other people. Helfferich told me that the
13 letter mentioned about the arms and about the money and subse-
14 quently the latitude and longitude of those five places mentioned.
15 The five places where the ships were to come simultaneously were
16 in the letter too, also the latitude and longitude of those places,
17 according to Helfferich. Helfferich told me the letter was also
18 about the money that they wanted. I showed them the places where
19 the ships were to land and they said among themselves, yes, that
20 is what they thought before, it is all right now, and about the
21 money they said, that they had written to Shanghai or Bangkok, that
22 that is their chief office, there, and as soon as they hear they
23 will let me know about the money when it is sent. There was
24 another man by the name of Seelam there and he was to arrange
25 about all these things. I think Helfferich told me about Shanghai
26 and Bangkok. He told me these things were reported to Shanghai
27 and they were expecting a report there soon. I mean that the
28 contents of this letter had been reported to Shanghai. They had
29 sent some information through Bangkok to Shanghai. It was said
30 that Shanghai is the place where they were to get permission to

business for them to wait any longer, and I posted them the paper.

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MR. PRESTON: Q. They were waiting for the "Maverick" forward the money. I was not to carry the money back but they wanted me to attend their meeting, I did not know why. Subsequently they requested me to go back with the money. When I reached Calcutta Martin told me to see a man by the name of Silam. I was not given anybody else's name except Silam and Helfferich. Martin wanted me to tell Helfferich that they needed 500 Germans, trained in Military Science, and that they were to come in those five ships, and Helfferich was to see that they did come. Martin told me his part of the message for Helfferich was that, there would be some people ready to receive the vessels at all these five points, as soon as they advanced forward they would be met by other people; they would increase in numbers. I saw Silam in Batavia in an Indian shop. Silam is an Indian from Kashmiri. I stayed in Batavia two months. Sometimes Helfferich paid me for my upkeep while I was there. He told me he would pay the expenses and I could stay for some more time. I do not know what he wanted me to stay for, but his actual idea was to send me back to Calcutta. At Pinang I saw a newspaper article about the "Maverick" which I posted to Calcutta to Dr. Mookerjee.

MR. PRESTON: Q. What was your purpose in mailing this copy of this newspaper to Dr. Mookerjee at the Banitola address in Calcutta?

MR. ROCHE: That is objected to, may it please your Honor, as immaterial, irrelevant and incompetent, and calling for the undisclosed purpose or object of the witness.

THE COURT: He has a right to disclose it now. If he was in the conspiracy what he did and his purpose in doing it is perfectly proper.

MR. ROCHE: Exception.

A. They were waiting for the ship. I saw in the paper that it was

1
2 useless for them to wait any longer, and I posted them the paper.

3 MR. PRESTON: Q. They were waiting for the "Maverick"?

4 A. Yes, sir.

5 Q. This article related to the "Maverick"? A. Yes, sir.

6 Q. And you thought the "Maverick" was never coming? A. No.

7 Q. And that they ought to know it? A. Yes.

8 Q. And you sent them this paper to show them that? A. Yes.

9 MR. PRESTON: We have what is supposed to be the actual
10 paper, but there is, of course, no way of proving that.

11 THE COURT: Unless he can identify it.

12 MR. PRESTON: I don't think he can. He says he sent the
13 whole paper. This is the article taken from the paper, itself,
14 on the 7th day of September, 1915, at some place in Calcutta. I
15 have no way of identifying the particular slip other than that.

16 MR. MOORE: You say on the 7th day of September, Mr. Preston?

17 MR. PRESTON: This article was found on the 7th day of September;
18 that was following its publication.

19 MR. MOORE: I thought you were referring to the date of the
20 paper.

21 MR. PRESTON: Oh, no; the paper is dated the 31st of July.

22 MR. ROCHE: Do you want to introduce that in evidence, Mr.
23 Preston?

24 MR. PRESTON: Yes, I do. I want to offer and read it. I
25 offer this in evidence, if your Honor please, and ask permission
26 to read it.

27 MR. ROCHE: We object to it, may it please your Honor, upon
28 the ground it is immaterial, irrelevant and incompetent; upon
29 the further ground that the statements contained in that paper
30 are hearsay as against all of the defendants.

THE COURT: He has identified this as the paper?

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2 MR. PRESTON: He has identified this as the paper that he
3 sent.

4 MR. SCHLESINGER: We specifically object to the statements
5 in the newspaper article as in nowise binding on the defendant
6 Hart. They are wholly incompetent for any purpose.

7 THE COURT: The objection is overruled.

8 MR. ROCHE: We take an exception; and I desire also to ob-
9 ject to any part of the article being read except that portion of
10 the article indicating the whereabouts or location of the "Maver-
11 ick."

12 THE COURT: The entire article may be read precisely as a
13 letter might have been read.

14 (The article reads as follows:)

15 "MYSTERIOUS STEAMER. QUERER TALES FROM JAVA. DUTCH GOVERN-
16 MENT TAKES CHARGE OF CARGO.

17 "A 'Sumatra Post' cable from Java of 27 July says: The mys-
18 terious American ship 'Maverick' is still lying outside Tandjong
19 Priok, Batavia Harbour, and is under Government observation. The
20 wildest rumours are current in Batavia. It is said that the ship,
21 discharged arms at Tjilatjap, which statement is roundly contra-
22 dicted on good authority. Another paper states that the ship,
23 although flying the American flag, has a German captain and a crew
24 of Germans who affirm themselves to be naturalised Americans. This
25 however they cannot prove by documentary evidence.

26 "The cargo is said to consist of 10,000 to 15,000 rifles and a
27 number of guns, 4,000 cases of ammunition, a submarine in parts and
28 a wireless station installation.

29 "A Warning from America. The Government has been warned from
30 America. Careful examination regarding the destination of the cargo
is being made, but everything is kept very secret.

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2 *Attention is directed to the number of German owned tea
3 plantations round the bays in the neighbourhood of Batavia.

4 *The same paper in a cable of the 28th July states that the
5 steamer has not moved. Outside territorial waters a British war-
6 ship is in waiting.

7 *Another rumour is current to the effect that the American
8 Government has warned the local Government that a second ship
9 is on the way from America with a suspicious cargo.

10 *It is further said that it is the intention of the Maverick's
11 officers and crew to alter the interned German merchantmen into
12 Auxiliary cruisers with the arms brought from America and to start
13 a campaign in conjunction with the submarine.

14 *The Captain of the Maverick has been missing for some days.

15 *A cable of the 29th says that the mysterious ship is still
16 the chief topic of comment.

17 *Another Strange Ship. According to the Batavia 'Nieuwsblad'
18 another ship was said to be expected at Pulau Merak, which it is sug-
19 gested proposed to take over the cargo from the Maverick, where
20 the submarine would be assembled. This ship did not arrive, where-
21 upon the Maverick jettisoned 21 Quick firing guns, 50,000 revolvers
22 in beer barrels, 21 guns and 30,000 rifles. Afterwards the Maverick
23 was taken to Tanjong Pagar by a Dutch warship, where the high pres-
24 sure cylinder was removed from the engine.

25 *The captain has reappeared, but where he has been in the
26 meantime is unknown.

27 *The Secretary of the Royal Dutch Oil Co. states that the
28 Maverick belonged to the Standard Oil Co., but this particular trip
29 was made for another charterer. In normal circumstances she would
30 return to America in ballast. It was offered for sale to the Royal
Dutch Coy., but the bargain had not yet been closed.

"It is absolutely certain that the boat had cargo on board and also visited the Sandwich Islands, Government officials are very reticent as to the cargo and place of discharge. The Maverick is now empty. It is an old boat of 1,100 tons.

"A positive statement is made that the ship was compelled some days ago, outside Price Harbour, to discharge its cargo, which the Government have taken charge of."

(The document was here marked "United States Exhibit 4.")

Upon my return from the interior where I had been looking at some relics, Helfferich told me that Martin had come. (239) I went over to the hotel and saw both Martin and Payne. They were surprised to see me there. I told them I had been waiting at the request of Helfferich who had not as yet been able to arrange for the money. (240-1)

Martin said he had already seen Helfferich. He wanted me to take the money to India, stating that a Chinaman would go with me in whose name the draft representing the money would be taken. He spoke of 300,000 rupees. He said if I went he would tell me on the day of my departure the names of the persons I would have to see at Calcutta. (241) I wanted some time to consider if I would go, and in a few days told him I would not go. (242)

I left Batavia for Singapore in October, 1915. At Singapore I was taken into custody. (243) The official told me he had taken into custody a Chinaman who had money and documents

1 MR. ROCHE: Yes, your Honor, and upon the ground that
2 the testimony is hearsay as against these defendants for that
3 reason. (206)

4 THE COURT: You will have to interpose that objection
5 because the testimony is now offered in connection with one of
6 the defendants, and of course if the jury find that the conspir-
7 acy is established, then any act of any of the defendants who
8 were concerned in that conspiracy is binding upon all.

9 MR. ROCHE: We reserve an exception. (206)
10 I also met Shiv Dyal Kapur. I met him with Atma Ram.
11 (203-4)

12 Bohlin Nath Chatterji worked for six or eight months
13 in Bangkok as superintendent of pipe laying. Upon an occasion
14 when Shiv Dyal Kapur was with me, Atma Ram approached me and asked
15 me to take a message to some parties in Calcutta, that the ship
16 MAVERICK will come to Calcutta on July 13, 1915. (204-6)

17 He said he had come to inquire from the German Consul
18 in Bangkok about the approximate date when the MAVERICK was
19 coming with ammunition and rifles and when it would reach Cal-
20 cutta. He said he had obtained the information from the Consul.
21 (207)

22 He was not certain about the place, but he said the
23 parties in Calcutta were sure of the place. (207)

24 Calcutta is inland 92 miles on the Hoogli River. (208)
25 He did not go himself because he feared being followed by a spy.
26 (208)

27 I agreed to go and was paid by Shiv Dyal Kapur in
28 Atma Ram's presence, 2,200 ticals.

29 Receipt signed by Mookerjee, dated June 17, 1915, show-
30 ing receipt of 2,200 ticals from Kapur, read in evidence. (211)

31 I took the trip. The message I carried was that the

1 ship MAVERICK would arrive in Calcutta on July 13, and be ready
2 to take out the ammunition and rifles and carry them to their own
3 places, as previously arranged. (211-212)

4 I was given an address. I went there and saw Dr.
5 Mookerjee. When I gained admittance, I found Bholin Nath
6 Chatterji there and gave him the message. (212)

7 B. N. Chatterji met me later in the day and took me
8 out to a suburb of Calcutta, called Khiderpore, to an unoccupied
9 house. There I met Martin (Mahendra Nath Roy) and Charles Payne.
10 (213-14)

11 On this occasion I told them I could not join their
12 party but was glad I had been of some use to them. (215) They
13 told me they had the idea of bringing emancipation into India.
14 (216)

15 They asked me to go over to Batavia and carry a mes-
16 sage to Mr. Helfferich that there were 50,000 rifles which he
17 had promised, were not required in Bengal; that only 15,000 were
18 required there and the balance must be sent to Karnohi and some
19 near Pondicherry, and also to send more cartridges. That they
20 were to send 500 rounds per rifle, but they wanted 1500 rounds.
21 (218-19)

22 He also requested me to tell him that the 300,000
23 rupees (3 lacs of rupees) that were promised had to be sent soon
24 because they were much in the need of money. This was equivalent
25 to \$100,000. (219) They told me they wanted this money to
26 give to the Indian soldiers for two months' pay in advance, for
27 which they would join in the revolution in India. (220)

28 They said they had arranged to do these things for a
29 long time. That there was a systematic plan. That in Bengal alone
30 there were 45 districts and 10,000 volunteers. In each district
31 there was a chief, and that these volunteers are not known among

themselves so that if arrested, the plan could not be revealed.

(220) Also that there were 6 principal chiefs, and whatever was done was agreed upon in council by these chiefs. He also told me there were people in other parts of India waiting for the revolution to start. (221)

Chatterji told me Martin was the Chief, and Payne an aide-de-camp. (222)

I was in Calcutta about June, 1915, leaving there the beginning of July 1915. While there, B. N. Chatterji paid my fare, 400 rupees.

Upon leaving for Batavia, Chatterji handed me a letter for Helfferich. It was opened in my presence and explained about the money and ammunition. (223)

There are two Helfferichs. I called there and was told to return the next day. Upon my second visit I met a man; he was called the German Consul. He told me there would be 5 ships coming to India, besides the Maverick, which would arrive simultaneously at 5 points. The date of arrival was December 25, 1915. (224-5)

Upon leaving Calcutta, Chatterji gave me a slip containing these places. On this visit I pointed out to the German Consul and two or three other people, these places on the map. (225)

Places: (a) near Balasore; near Bengal.
(b) near Madras.
(c) on the Malaba Coast near Bombay.
(d) Karachi.
(e) Sandwip Island. (225)

They communicated the contents of the letter to Shanghai or Bangkok. There was a man named Silam there who was to arrange about these things. (227-8)

Before leaving Calcutta, Martin told me to see a man named Silam when at Batavia. Martin also told me to tell Helfferich he wanted 500 Germans trained in military science, and that they should come in those ships. (229) Also that there would be

1 people ready to receive the ships at the five points, and as they
2 advanced forward they would be met by others. (229)

3 I met Silam in a shop conducted by an Indian named
4 Chattermul. (230)

5 I remained in Batavia about two months. Mr. Helfferich
6 paid my expenses. While at Pinang on my way to Batavia, I saw a
7 newspaper article concerning the Maverick, which I mailed to Dr.
8 Hookerjee at Calcutta. (230)

9 I saw it was useless to wait for the Maverick any
10 longer and I mailed the paper. (232)

11 United States Exhibit No. 4 "Gazette and Straits
12 Chronicle", dated July 31, 1915, shows that the Maverick was ly-
13 ing outside at Batavia Harbor under government observation. (236)

14 I saw the Maverick while I was at Batavia.

15 Upon my return from the interior where I had been look-
16 ing at some relics, Helfferich told me that Martin had come. (239)
17 I went over to the hotel and saw both Martin and Payne. They
18 were surprised to see me there. I told them I had been waiting
19 at the request of Helfferich who had not as yet been able to ar-
20 range for the money. (240-1)

21 Martin said he had already seen Helfferich. He wanted
22 me to take the money to India, stating that a Chinaman would go
23 with me in whose name the draft representing the money would be
24 taken. He spoke of 300,000 rupees. He said if I went he would
25 tell me on the day of my departure the names of the persons I
26 would have to see at Calcutta. (241) I wanted some time to con-
27 sider if I would go, and in a few days told him I would not go.
28 (242)

29 I left Batavia for Singapore in October, 1915. At
30 Singapore I was taken into custody. (243) The official told me
31 he had taken into custody a Chinaman who had money and documents

W.W.A.F.

with him. That he stated he was taking the money to India. (243-4)

Cross-Examination

I have no letter, paper, telegram, order or entry relating to any of the matters to which I have testified. (249)
Some letters were taken from me at Singapore; I don't know to what they related. (250)

I saw no arms, ammunition or submarines or soldiers on the Maverick. (251) I never came in contact with a man who assumed to be a soldier, or who was carrying arms. (251) Persons can't purchase firearms in India without a Government permit.

In substance I denied all of these matters to which I have testified in making my first statement. (255-6) My first statement was made to General Rideout and General Kathavala.

I have never rendered any services on behalf of the British Government or done any work of any kind for it. (257)
Since October 1916 I have been given an allowance by the British Government for to pay for my necessities. (258) I have been given sometimes \$30 a month and other times \$50. (259) The clothes I wear are purchased by the British Government.

Since my arrival in San Francisco I have seen the statement which I made in India. The statements made by the witnesses are in charge of Mr. Kathavala, who came over to this country with me. (261) I was not required to testify at any of the other trials over in the Orient, or in Chicago. (262) I was requested to come here to testify in a place in America but I was not told the place. I did not try to find out. (264)

I left Singapore for the United States in May, 1917. (263½) I didn't know until now that the indictments here were not returned until July 7th last. (265)

I know that a person conspiring against the Government

of India was guilty of treason and punishable by death. (266)

My case has been settled. No charge has ever been made against me nor was I ever put on trial. (266) I was first told that my case was disposed of after I made my second statement; about a month or two afterwards. (267) I have been in charge of officers ever since I left Singapore. (268) I have never at any time been out except while in the custody of an officer. (270)

Before taking the stand I had not been informed that I was a defendant in this case and had been indicted. (271) I have never received any communication of any kind from a German or American defendant. I do not know any of them. (273-4)

I was never in a revolutionary society before meeting Atma Ram. (276) I think he took me into his confidence because I was a Bengali. (276)

NYA

SHIV DIAL KAPUR

1 Called for the United States; sworn, testified as follows:

2 Direct Examination:

3 For more than 12 years before 1915 I was working in the
4 customs at Shanghai. I was tally clerk in a steamship company. (286)

5 I am 36 years of age.

6 We had a Gurudwara, a Hindu temple, in Siam. It is often
7 used as a place of residence by Hindus. (287)

8 I many times saw the Ghadr while I was in Shanghai. I
9 saw it at my customs office and also at the temple. (288) There
10 are more than 3000 Hindus in Shanghai, and everybody got it. (288)

11 I paid Kishan Chand \$36 once and \$1 a month while I was
12 in Shanghai. (290)

13 I did not join the revolutionary party until after I saw
14 the paper and gave a subscription. (291) I subscribed for the
15 paper in 1914. It was before the war started. (291)

16 I remember a meeting at Shanghai at which Nagel, Mueller
17 and others were present. There were white people there and 5 or 6
18 Chinese. (292) One Chinaman's name was Chow and the other was
19 Kwang. I saw a Chinaman named Sung in Bangkok later. Nagel I think
20 is a Hindu. (292) I think I saw Santook Singh there too. I after-
21 wards saw Santook Singh in Bangkok and know he was the same man I
22 saw in Shanghai. (293)

23 At that time I saw many unemployed Hindus who were living
24 at the temple. (294)

25 The house was rented for the Hindus from America in
26 Frenchtown, Shanghai. It was there the meeting was held. (296) The
27 keeper of the temple refused to give permission to the Hindus of
28 America to live at the temple, so they rented this house at
29 Frenchtown. (297)

31

1 Mr. Mueller in his speech said- now is the time for the
2 Indians to take their swords and go against the British for having
3 done so and so. The speech was translated by G. Kumar. (301) Mueller
4 spoke in the English language. (301)

5 The white people were introduced by Kumar. He said "one
6 is a commander, another is a general" and so on. (301) The pledge
7 was taken at the time by the Hindus. It was "Don't give the secret
8 out, and don't drink until we have freed our country." (302)

9 It was agreed that each should give a month's pay. (302)
10 This was required of those who wanted to join the republican party.

11 The following officers were elected: Nagel, President;
12 Kishen Chand, Secretary; Mueller, Treasurer; Atma Ram, record-
13 keeper; and I was elected to keep the postoffice box. (303) The box
14 number was either 250 or 350.

15 After that meeting I saw Nagel and Mueller 3 or 4 times.
16 This meeting was in Dec. 1914. (304)

17 In the postoffice box I received the Ghadr from San
18 Francisco and one or two letters. (304)

19 They would come about twice a month. (305) The post-
20 office box was in Mueller's name.

21 I left Shanghai for Bangkok to join the Republican party.
22 I said I was sick and furnished my employer a doctor's certificate
23 which was produced by Mueller. (306) (305)

24 I was told by them to go to Bangkok and to meet these
25 people who are working in Bangkok from Shanghai. (306)

26 Before leaving, I was given a letter. It was given to me
27 by Mueller (the witness then said it was given him by Nagel, and then
28 by Kishen Chand). (307) The letter was not addressed. It only had
29 "O S" on the cover. They told me to deliver it to Atma Ram, or
30 Santook Singh. (308) Mr. Nagel furnished me with the ticket to
31 go. Mueller and Nagel furnished me with seven sovereigns. (309)

1 They said- when you arrive at Bangkok you will get some
2 money there for the purpose of living with the Republican party. (309)

3 They said that I would be away from Shanghai for one
4 week on that trip. (309)

5 On the trip I met Ajaib Singh. I first stopped at Swatow
6 and there met a shopkeep named Haroun. (309) The day I left
7 Swatow I met Gopal Singh, who came to the hotel to see me. He
8 traveled with me to Bangkok. (310) He said he came from San Fran-
9 cisco and was going to Bangkok to take some information there to
10 Sangtok Singh. (310-311)

11 He said he was going to take the information from Swatow.
12 (311)
13 He did not say he was carrying information from San Francisco. (311)
14 He said he was sent by Bhagwan Singh. Ajaib Singh heard the con-
15 versation. (312)

16 When I went to Bangkok I first went to the Gurimara where
17 I met Atma Ram. (312) He took ^{Gopal} Hoja Singh and me to his home.
18 At his home, Atma Ram introduced me to Sangtok Singh. (313)

19 The defendant Santook Singh here I think is the man that
20 was at Atma Ram's house. (313)

21 I went by the name of Shiv Dyal. Kapur is my family name.
22 I told him I was Shiv Dyal and afterwards he asked me if Kapur was
23 with us and I said "I am Kapur myself". (314)

24 I delivered the letter to Santook Singh. Subsequently
25 I met a man named Fitzohs at the Bangkok German Club, to whom a
26 letter was delivered by Santook Singh in my presence. (314) He
27 took the letter and went into another room. I never saw it after-
28 wards. (314-315). I saw the envelope torn up by the same gentle-
29 man. The letter was taken to the German Club the same day I arrived.
30 (315)

31 On the day of my arrival, Santook Singh brought a box to

1 Atma Ram's house by rickshaw; it was four feet long by two and one
 2 half feet square (316). He told me it contained some digging
 3 tools and rope. He also brought some five or six bottles of quinine
 4 and medicine (316). The next day the box was gone and Atma Ram
 5 told me it had been shipped to Pakho (317). I saw that box again
 6 at Paknanpoh station. In traveling to Pakho from Bangkok you reach
 7 that station first (317). It was on the railroad platform with a
 8 bag containing some pistols (317-318).

9 I had no pistol at the time; two or three days afterwards
 10 one was given me by Santook Singh (318).

11 At Bangkok Santook Singh furnished me with a Siamese out-
 12 fit (319). Gopal Singh was also there; he is now in the courtroom
 13 (320). Atma Ram asked me to take a walk. This was in the
 14 presence of Santook Singh and Gopal Singh. It was then I went to
 15 the German Club located on the Surawongse road (320-31). I did not
 16 know I was going to the club. When we reached the house Santook
 17 Singh told me "Come on and have a drink". An Indian watchman was at
 18 the gate, to whom Santook Singh bowed (321).

19 Fitzchs telephoned and in fifteen minutes Mr. Sinnaker
 20 arrived. Fitzchs delivered a letter to him (322). Sinnaker said
 21 he had received a telegram from Shanghai about me and if we wanted
 22 some money he could give it to us. (322)

23 Santook Singh said we wanted four thousand ticals. Six
 24 of seven days later Fitzchs gave us the money.

25 Sinnaker told me that he wanted me to go to Yunnan in
 26 China where there was some military advice waiting for some people.
 27 (323)
 28 He asked me whether some pistols had arrived and Santook Singh said
 29 yes. I refused to go to Yunnan. Santook Singh then said he had a
 30 party to go there and that I would stay. (324) Santook Singh said
 31 Hagen Khan would go. (324)

I returned to Atma Ram's house and remained there three
 days (324-5).

Santook Singh, Gopal Singh, Ajaib Singh and I then left for Pakho. We reached there in two days (325). We went there to see some men working there on the railroad. I did not meet them. (325-6)

A little out of Pakho I was introduced to a European man by Santook Singh who said he was waiting to train some Indians. He said he saw nothing to do and was tired waiting (326). At Pakho I talked to nobody about revolutionary matters (327).

Santook Singh was living there and there were some other some other Indians there too. In his house there were Ringhin Dos, Swan Singh and a man named Madrassi. (327-8) At Bangkok I was introduced to Sohan Lal Patrick by Santook Singh. (328). Gopal Singh was with me (328)

On our way back I saw a woman near the box at Paknanpoh. Santook Singh told me she was employed by the republicans; that articles from Bangkok would be sent to me and that she would send them to Pakho. Afterward Atma Ram told me he paid her ten ticals and sixty ticals to a woman in Bangkok. (329)

Santook Singh and I stayed at a home in Paknanpoh arranged by her. (329) The four of us stayed there (330). Santook told me she helped him with that box. (330)

On our way back to Bangkok we stopped one hour at Danchir station. Santook Singh told me that our men were working in the jungles near there digging tunnels to keep ammunition. I think the place was in Chendrai further away from Pakho. (330) He told me that the tool in the box were for that purpose. (331) Nothing was said that there were no arms and ammunition stored in that place (331). Upon my return at the German Club, Binneker gave me four thousand ticals. They were given by him to Fitchsund Atma Ram handed them to me. (331). I left Santook Singh at Danchir. He told me to go back to Bangkok and get the money. That he had two

OTHER STATES BEING 5 OFFERS AND RECEIVED IN ADVANCE.

parties ready, one going to Yunnan, another to Burma, and another to India, and that he might have need for the money to send it quickly from Bangkok. (331-2) I left Ajaib Singh with Santook Singh. Gopal Singh returned with me (322).

The day after we obtained the money, Atma Ram and I went to Hookerjee's house. He was to go to India when the money was ready (322-3). At his request the money was changed into smaller sums and the next day we paid him 2200 ticals. (333)

Atma Ram told him he was to go to India to take some information to the Bengal Society about arms coming on a certain steamer, from Manila and the United States. (333) He also wanted him to take certain letters but Hookerjee refused, stating that he had the contents in his grip. (334) We took a receipt for the 2,200 ticals. (334)

I sent 72 sovereigns and 400 ticals to Santook Singh by Atma Ram. I obtained a receipt for the money, also a receipt signed by a man named Harohan. (334-5)

U. S. Exhibit 5, Receipt signed by Santook Singh for 1552 ticals, dated _____. (335-6) The receipt signed by Harohan for the 72 sovereigns and 380 ticals is dated June 20, 1915. (336)

The entries in the book shown me are in my handwriting. I made the entry regarding the receipt of the 7,000 ticals on the day upon which I received the money. (336) The 4,000 ticals were received June 15, 1915, and the 3,000 ticals July 11, 1915. (337)

Out of this money I paid Hookerjee 2,200 ticals; Santook Singh 72 sovereigns; 450 ticals; Gopal Singh 250 ticals; Atma Ram 20 ticals; and Chet Ram 20 ticals. (337)

The handwriting that you now show me in this book is a code. I obtained it from Santook Singh. The paper shown me with the code on was received from him. (337-8)

1 UNITED STATES EXHIBIT 6 offered and received in evidence.

2 Purports to be a paper containing code letters and figures,
3 some in Indian characters and some in English.

4 Explanation of code is shown on page 339.

5 The page in the book on which are written numbers
6 and words is also a code (340)

7 (Witness given these numbers and words) (340-1)

8 These entries are in the handwriting of Santook
9 Singh. (341) The meaning of these characters was explained
10 to me by him. (341)

11 The loose pages upon which appear certain items of
12 merchandise are in my handwriting. I expected to receive some
13 arms and I intended to buy this merchandise so as to send the
14 arms north to Pakho with them. If an examination was made
15 they would look like merchandise. (341-2)

16 In communicating with my companions by means of the
17 code above referred to, I was simply to use the numbers. (342)

18 UNITED STATES EXHIBIT 7 offered and received in evidence. It
19 is a book in which entries were made by the witness.

20 Fitcher and Ginneker told me the arms I intended to
21 send with the merchandise were coming from the United States
22 and Manila. They were to be sent to Santook Singh at Pakho.

23 (343) The arms were coming through this woman at Bangkok, if they
24 were small lots; if large lots, I would send them myself. (343)

25 This woman had a messenger boy with whom arrangements
26 had been made at Atma Ram before I arrived at Bangkok. He would
27 carry messages between Ginneker, Fitcher, and myself. (344)

28 This boy would come each day to Atma Ram's house during
29 the time that I was there. (345)

30 I was introduced to the woman by Atma Ram. In the event
31 of danger I was to go to her house and she was to hide me. (345)

The book now shown me is mine and the entries are in my handwriting. They were made while I was in Bangkok. The entry "Schneider arrive 1st August at Anjer-Java" means a vessel is coming the first of August. That information was obtained from Fitcha. It did not refer to the MAVERICK, about which I know nothing. (346)

UNITED STATES EXHIBIT 8 offered and received in evidence.

MR. PRESTON: There is some cornstarch on the front page of this book, and the rest of the book is blank.

At Pakho I saw Sohan Lal Patick doing some practical work with powder. (347)

The paper now shown me is a memorandum in my handwriting. It represents inquiries that I was to make of one of my companions. I was asked to make them by Atma Ram. (351)

Explanation of inquiries and statements on paper, made by witness. (351-3)

UNITED STATES EXHIBIT 9, which is the document just referred to above.

The paper now shown me was given to me by a Chinese named Sung whom I met at the meeting at Shanghai. (353) He was in a Chinese hotel at Bangkok. He was on his way to India. He told me to keep the paper and that when the man was going to India, to Bangkok, to give it to him so that the Bengal people would know that a steamer flying that flag would have the arms. (354)

UNITED STATES EXHIBIT 10 offered and received in evidence.

It is a flag; the flag referred to in the foregoing testimony.

At the time he gave me the flag he gave me another paper which had already been written. The papers were to be given to the Bengal party by the man who went to India. (357-8)

The flag was to be displayed by the steamer during the day

1 time, that arrived with arms. At night she was to display
2 three white lights. (358) If she arrived safely they were
3 to wire Bangkok "Chicken work were undemanded." (359)

4 U. S. EXHIBIT 11 - paper referred to by witness.

5 The words "Arrived August 10th" meant the steamer was
6 expected at that time. (359)

7 Q. What was this vessel supposed to bring in the way
8 of arms and ammunition? (359)

9 MR. ROCHE: We object to that, if your Honor please,
10 on the ground that it calls for the conclusion of the witness;
11 on the further ground that it is immaterial, irrelevant and
12 incompetent, and no proper foundation has been laid in this, that
13 no evidence has been introduced showing or tending to show that
14 if any vessel was expected at Calcutta or to land in Bengal, it
15 has not been shown that that vessel was to start from or be sent
16 from the United States.

17 THE COURT: Mr. Preston, the question is open to the
18 first objection, it does call for a conclusion. Ask him if
19 anything was said.

20 MR. PRESTON: That is what I mean, of course, your
21 Honor.

22 THE COURT: As to the other features of the objection,
23 the objection is overruled.

24 MR. ROCHE: We note an exception.

25 First Sennaker, and afterwards a Chinaman, told me
26 they expected 5000 pistols by that steamer. The name of the
27 vessel was not told me. (360-1)

28 Hookerjee had taken the message about 14,000 rifles
29 and the Chinaman came over to say 3,000 pistols were coming
30 and to send another man to tell that (361) The man with this
31 information was to be sent to Bengal. (363) Some of these

MS 9

1 pistols were to go to Bangkok for Pakho. (363)

2 Three letters and a ring were offered to Mookerjee
3 when he was leaving, but he refused to take them. Santokh
4 Singh had written the letters. If the vessel arrived they were
5 to wire "brother arrived safely." (364-5)

6 If the ship did not arrive they were to wire
7 "Mother wired sick." The vessel at night was to carry a green
8 lamp. (365)

9 Santokh Singh wanted some money to buy a wagon
10 on which to put the arms and a lighter. Upon this information
11 I obtained 3000 ticals from Ginneker. The 2200 ticals signed by
12 Charan and the 72 Sovereigns, 450 ticals were taken out of the
13 4,000 ticals; the 1552 ticals given to Santokh Singh were taken
14 out of the 3,000 ticals. (366)

15 Atma Ram told me Santokh wanted the 72 sovereigns and
16 450 ticals to go to the Yunan party and the Burma party. (367)

17 I gave Gopal Singh 250 ticals at the request of
18 Santokh, who told me that at Pakho, Gopal Singh was going to
19 Manila. He went to Manila to tell Bhagwan Singh to come to
20 Bangkok at once. (368) He wanted him to collect some money
21 from some Indian shopkeepers who had collected it and couldn't
22 turn it over to me. Santokh did not say what this money was
23 to be used for. (368)

24 Gopal Singh was a messenger to carry messages and in-
25 formation. (369)

26 Santokh Singh furnished me with a pistol and 25 rounds
27 of ammunition. He had two or three pistols at the time. One
28 was offered to Gopal Singh, who refused it. (370)

29 Santokh Singh told me the leaders of this party were:
30 Santokh Singh, Sohan Lal, Bhagwan Singh and Atma Ram. (370)

31 He said Atma Ram came from Shanghai, Santokh from

America, Sohan Lal from Manila and Bhagwan Singh from the United States. (370)

I arrived in Bangkok on June 3 and was arrested August first. (371) Atma Ram told me he had been in India working for the Revolution. (372)

I met Jodh Singh at Bangkok under the name of Hassan Zado. He was in Sinnaker's office. (372) He said nothing about the coming of military commanders. (372) He said nothing about the arrival of arms and ammunition from any place. (373)

The letter now shown me was in the possession of Santokh Singh who said it came from Jodh Singh. He said it was from Ram Chandra at the Aeram. It was sent to Bhagwan Singh. (373-4)

UNITED STATES EXHIBIT 12 was offered and admitted in evidence.

(Copy United States Exhibit 12)

U. S. Exhibit 12 consists of said letter and translation. The letter is dated May 16th. (375-6)

Nothing was said by Santokh as to whether educated commanders or Indians were coming from Manila. (376)

Jodh Singh told me he had been to the consulate at Bangkok. (377)

The military advisor near Pakho told me he had 25 pistols. (377)

Fitzche told me he paid this woman and boy who acted as messenger.

Santokh Singh did not tell me whether any arms had been placed in the tunnels, or the number of men working on the tunnels. (378)

The following men were assisting in the revolution; Santokh Singh, Atma Ram, Sohan Lal, Hassan Khan, Jodh Singh,

Hindu Singh and Ajaib Singh; also Fitch and Binneker; also
Mul Chan. (380)

I don't think Thakar Singh or Balwant Singh were in
the revolution. (380)

Bhagwan Singh wrote to Nagel at Shanghai to send some
man to India to inform the revolutionists not to give trouble
to the brothers, which letter, with his own letter, Nagel
sent to Santokh Singh, who spoke to me about it. (382-3) Atm
Ran was sent to Punjab to bring this message about the 5,000
pistols coming on the boat. (383)

of 1915 until I left Shanghai. (383)

The Revolutionary party referred to by me had for its
object the establishment of a republic form of government in
India. I knew it existed for a number of years in India. It
was not until it had captured in other parts of the world
as far back as 1911 I had read a newspaper article
called "Indian Revolution" written by Sir R. C. Seligman.
Based on a newspaper called the "Hindu Review", which was
published in India. (383)

I remember that the Hindu Review was changed to the
Hindu Review and was a very good paper. It was a
very good paper and was very well known in India.
I remember that it was very well known in India.
I remember that it was very well known in India.

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