

1 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT FOR
2 THE NORTHERN DISTRICT OF CALIFORNIA, FIRST DIVISION.
3

4 UNITED STATES OF AMERICA)

5 vs.)

No. 6133.

6 FRANZ BOFF, et al.)
7 -----)

8 PETITION OF TARAKNATH DAS
9 FOR RETURN OF PROPERTY UNLAWFULLY SEIZED.

10 Now comes TARAKNATH DAS, one of the defendants
11 in said cause and states that he is a citizen of California
12 and a resident of San Francisco, California, and that he re-
13 sides in Number 44 Portola Street in said City;

14 That on the 18th day of March, 1917, while said
15 Taraknath Das was absent certain officers of the United States
16 Government working for the United States District Attorney for
17 the Northern District of California and for the United States
18 Marshal of the same District, whose names are to this defendant
19 unknown, unlawfully and without a warrant for the arrest of
20 this defendant and without a search warrant authorizing the
21 search of said premises, and without warrant or authority so
22 to do entered the room of this defendant in the premises above
23 described without leave or permission from him and seized cer-
24 tain books, letters and papers hereinafter described, in said
25 room and this in violation of Section 19 Article I
26 of the Constitution of California and of the 4th and 5th Amend-
27 ments to the Constitution of the United States;

28 That the District Attorney, Marshal and Clerk
29 of the United States Court for the Northern District of Calif-
30 ornia took the above described property so seized into their
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1 possession and that thereafter and while the said property
2 of this defendant was in their possession they obtained a
3 search warrant from Honorable Francis Krull, United States
4 Commissioner for the Northern District of California directed
5 to James B. Holohan, United States Marshal for the Northern
6 District of California directing him to search the premises
7 Number 44 Portola Street in the City and County of San Fran-
8 cisco for property described in said search warrant which said
9 property was then in the possession of the said United States
10 District Attorney, United States Marshal and United States
11 Clerk and thereafter and on the 19th day of March, 1918, the
12 said Deputies and Agents of said United States District Attor-
13 ney, United States Marshal and United States Clerk took with
14 them to Number 44 Portola Street, San Francisco the property
15 seized by them as aforesaid on the 18th day of March, 1918, and
16 in the room of this defendant at No. 44 Portola Street, San
17 Francisco, turned over to and delivered to I. W. Grover, Deputy
18 United States Marshal who then had in his possession the search
19 warrant obtained on the same day and hereinabove described, all
20 the property seized by said agents of said United States Dis-
21 trict Attorney and United States Marshal on the 18th day of
22 March, 1918 as aforesaid and described in Exhibit A attached to
23 and made a part of this petition;

24 That the District Attorney, Marshal and Clerk of
25 the United States Court for the Northern District of California
26 have retained in their possession all the above described prop-
27 erty so seized and have failed and refused to return to this de-
28 fendant any thereof;

29 That said property is being unlawfully and im-

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properly held by said District Attorney, Marshal and Clerk
in violation of defendant's rights under the Constitution of
the United States and of the State of California;

That said District Attorney purposes to use
said books, papers, letters, etc., described in Exhibit A
hereunto annexed at the trial of the above entitled cause,
and that by reason thereof and of the facts above set forth
defendant's rights under the Constitution of the United States
and of the Constitution of the State of California and under
the Amendments to the Constitution of the United States have
been and will be violated unless the Court order the return
prayed for;

WHEREFORE, defendant prays that said District
Attorney, Marshal and Clerk be notified and that the Court
direct and order said District Attorney, Marshal and Clerk
to return said property to said defendant.

Dated: March 23, 1918.

Louis Baile
Attorney for defendant Taraknath Das.

STATE OF CALIFORNIA,)
City and County of San Francisco,) ss.

Taraknath Das, one of the defendants in the above
entitled proceeding, being first duly sworn deposes and says
that he has read the foregoing petition and knows the contents
thereof; that the same is true of his own knowledge except as to
those matters which are therein stated on his information or be-
lief, and as to those matters that he believes it to be true.

Taraknath Das

Subscribed and sworn to before me
this 23rd day of March, 1918.

J. T. [Signature]
Notary Public in and for the City
and County of San Francisco, -3-
State of California.

Exhibit 8

San Francisco, Calif., March 19, 1916.

Property taken from the room of Taraknath Das,
at Portola St., San Francisco:

1. Piece of paper probably part of the wrapping of book addressed Mr. E. Miter etc.
2. Holograph writing in unknown hand from Rash Behari Bose, Pres. Indian Nat. Party.
3. Typed empty envelope addressed Dr. Robert Seidel at his address, Zurich.
4. Two letters dated November 16th and February 22, -signed Abdul.
5. Letter in Bengali dated Jan. 7, -from Corballis, Oregon.
6. One piece paper with addresses.
7. Card with address Tokyo Shiba.
8. One envelope and letter dated October 7.
9. One envelope and letter dated October 13.
10. One letter dated Sept. 25, -from Lucille Dansenn.
11. Sheets blank paper with printed headings, -mked Indian Nat. Party.
12. Sheets blank paper marked Indian Nat. Party.
13. Blank envelopes with printed heading with Dip correspondence.
14. Letter from Indian Nat. Party - to the working men and soldiers, etc., of Russia Dated Tagore Castle, Calcutta, December 12, 1917.
15. Three copies of Constitution of India Home Rule League.
16. Sheet of paper with Tarak's hand writing and with stamp of Indian Nat. Party.
17. Tarak's note book.
18. Envelope addressed to Ram Chandra.
19. Letter from Prof. Pote to Tarak.
20. Article typewritten by Tarak on Japanese and Siberian situation.
21. Article typewritten by Tarak on World Peace for India.
22. List of names and addresses of Ambassadors.

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- 23. Copy of magazine written by W. W. Pearson.
- 24. Bill for typewriter dated December 8, 1916.
- 25. One loose leaf book with addresses.
- 26. Receipt from Criterion House.
- 27. One pamp. called "Young India".
- 28. One typewritten letter to Viscount Ishi.
- 29. One letter written in Gurmukhi.
- 30. Two printing plates.
- 31. Sample sheets of large quantity paper, -marked X.

I. W. GROVER,
Deputy U. S. Marshal.

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