

1915—B—No. 3190.

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION, LONDON.

Between BAL GANGADHAR TILAK *Plaintiff,*
AND
SIR VALENTINE CHIROL AND
MACMILLAN & COMPANY, LIMITED } .. *Defendants*

Record of the Proceedings
BEFORE THE COMMISSIONER
IN BOMBAY

POONA :

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1917

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EXPLANATIONS

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Defendant's Exhibits—These are marked by Arabic numbers only, thus **Ex. 1** upto **Ex. 443**.

Plaintiff's Exhibits—These are marked first with letters from **A** to **W** and afterwards with the letter **A** and an Arabic number, thus **A 1** to **A 139**.

Ms. p.—This indicates the page of the original manuscript copy of the notes of evidence taken by the Commissioner. It is added in the margin for convenience of reference to the original manuscripts.

N. B.—Up to *Ms. p. 32* the figure of the page indicates the *beginning* of the original manuscript page ; while after *Ms. p. 32*, it denotes the *end* of the original manuscript page.

Tilak vs. Chirol.

RECORD OF PROCEEDINGS

Before Mr. D. N. D. KHANDALAVALA,

THE COMMISSIONER IN BOMBAY.

11-30 A. M.

11th July 1917.

IN THE MATTER OF AN ACTION IN THE
HIGH COURT OF JUSTICE IN ENGLAND.

KING'S BENCH DIVISION.

1915 B. No. 3190.

Between—BAL GANGADHAR TILAK

AND

SIR VALENTINE CHIROL and

Messrs. MACMILLAN & Co. Ltd.

Messrs. KARANDIKAR, S. R. Bakle, B. V. Desai and B. G. Modak for the Plaintiff.

Mr. D. B. BINNING—for the 1st Defendant instructed by Messrs. Little & Co.

* Ms. p. 8.

Mr. Binning in the very beginning made an application that the public as well as the Press should* not be allowed when the examination of witnesses goes on. Mr. Karandikar for the Plaintiff opposed this application stating that this examination is as public as any other examination and that the public and the press should not be shut out.

It is the opinion of His Lordship the Chief Justice that the examination of witnesses is like that which is held in the Prothonotary's office, and therefore both the public and the press should be asked to leave the room.

Following this opinion I ordered no one to be present except the parties concerned, their counsel and pleaders and their agents immediately connected with this matter.

* Ms. p. 9.

Mr. Binning does not object to the presence of Mr. Kulkarni in the room as he is the clerk of the Plaintiff* and his presence is necessary.

Ex. No. 1.

Letter of request from the Lord Chief Justice of England dated 19th day of March 1917 put in by Mr. Binning.

Ex. No. 2.

Sealed and certified copy of the declaration of the Plaintiff that he is the publisher of a weekly journal in Marathi called the *Kesari* dated 22nd October 1887, put in.

Ex. No. 3.

Sealed and certified copy of another declaration by the Plaintiff put in dated 3rd July 1889.

Ex. No. 4.

Sealed and certified copy of another declaration by the Plaintiff that he is the publisher of a paper called the *Mahratta* put in, dated 3rd September 1891.

Ex. No. 5.

Copy of another declaration by the Plaintiff that he has ceased to be the publisher of the *Mahratta* and the *Kesari* dated 28th September 1897.*

* Ms. p. 4.

- Ex. No. 6.** Copy of a declaration by Mr. N. C. Kelkar that he is the printer and publisher of the *Mahratta* dated 20th September 1897.
- Mr. Binning asked for the files of the paper called *Kesari* for the years 1890 to 1908.
- The Plaintiff produces the files called for the years 1890 to 1908 but the files are not complete.
- Mr. Binning puts in columns. 1, 2 and 3 and translation of *Kesari* dated 16th of December 1890.
- Mr. Karandikar *objects*. As to the newspapers going in as exhibits he says they might be lost and the files may become incomplete and cause inconvenience.
- P. 2 Cols. 1, 2 and 3 marked and put in for identification with translation subject to the Plaintiff's objection.
- Mr. Binning undertakes to call the translator in all cases.
- Mr. Binning puts in *Kesari* columns. 1, 2 and 3 with the translation, dated 24th March * 1891.
- * *Ms. p. 5.*
- Ex. No. 7.** Mr. Binning at this stage put in his copy of the *Kesari*, and therefore Ex. XI now becomes Ex. No. 7. the translation of Ex. 7 put in.
- Ex. No. 8.** Mr. Binning puts in *Kesari* page 3 columns 1, 2 and 3 with the translation. 24th March 1891.
- Ex. No. 9.** *Kesari*, page 2 column 5 and page 3-column 1 with translation. 7th April 1891.
- Ex. No. 10.** *Kesari*, 1st December 1891 page 2 columns 1 and 2 with translation.
- Ex. No. 11.** *Kesari*, 24th of May 1892 page 2 columns 1, 2 and 3 with translation.
- Ex. No. 12.** *Kesari*, 10th January 1893 page 3 columns 2 and 3 with translation.
- Ex. No. 13.** *Kesari*, 14th June 1892 page 3 columns 2 and 3 with translation.
- Mr. Karandikar at this stage *objects* that the first defendant should not produce such documents for which no notice* was given. Mr. Karandikar *objects* to Ex. No. 9 dated 7th April 1891 as no particulars were given.
- * *Ms. p. 6.*
- Ex. No. 14.** *Kesari*, of 18th of July 1893 page 3 column 1 with translation.
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- Ex. No. 16.** *Kesari*, 22nd August 1893 page 2 column 2 Correspondence and Leader page 2 columns 3, 4 and 5.
- Mr. Karandikar *objects* to page 2 columns 3, 4 and 5, no particulars being given.
- Ex. No. 17.** *Kesari*, 29th August 1893 page 2 columns 3, 4 and 5.
- Ex. No. 18.** *Kesari*, 5th September 1893 page 3 columns 1 and 2.
- Ex. No. 19.** *Kesari*, 12th September 1893 page 2 columns 1, 2, 3 and 4 and also page 3 columns 2* and 5.
- * *Ms. p. 7.*
- Ex. No. 20.** *Kesari*, 19th September 1893, Leader page 2 columns 3, 4 and 5 and page 3 column 3, Editor's short note and page 3 also column 5 "Account of the riot of Bombay."
- Ex. No. 21.** *Kesari*, 26th September 1893 Leader page 2 columns 4, 5 and page 3 also "The Archer's Annual Greeting" page 2 columns 1 and 2.
- Ex. No. 22.** *Kesari*, 3rd October 1893 page 2 columns 1 and 2 Correspondence and Leader page 2 columns 3 and 4.
- Ex. No. 23.** *Kesari*, 10th October 1893 page 2 columns 4 and 5 "Reconciliation between Hindus and Musalmans," page 3 columns 1 and 2. "Stray notes."
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- Ex. No. 25.** *Kesari*, 31st October 1893 page 3 columns 1, 2 and 3.*
- * *Ms. p. 8.*

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- Ex. No. 27. *Kesari*, 28th November 1893 page 2, column 5. page 3, column 1. "Stray notes".
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- Ex. No. 29. *Kesari*, 26th December 1893 page 3 columns 2 and 3. Mr. Karandikar *objects* to page 3 columns 2 and 3 on the ground that no particulars were furnished.
- Ex. No. 30. *Kesari*, 9th January 1894 page 3, column 4. "Editor's stray notes."
- Ex. No. 31. *Kesari*, 6th February 1894 page 2 columns 1 and 2. "Gow-raksha Sabha."
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- * *Ms. p. 14.*
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- Ex. No. 83.** *Kesari*, 13th October 1896 page 2, column 5; page 3, column 1. Editor's short notes.
- Ex. No. 84.** *Kesari*, 10th November 1896 page 2, columns 3, 4 and 5; page 3. column 1. "Is this dotage" ?
- Ex. No. 85.** *Kesari*, 2nd February 1897 page 1, column 5. page 2, Column 1. "Zoolum" letter.
- Ex. No. 86.** *Kesari*, 16th February 1897 page 2, column 5. Page 3, column 3. Editor's short * notes.
* *Ms. p. 17.*
- Ex. No. 87.** *Kesari*, 6th April 1897 page 2, columns 3, 4 and 5. "Critical situation" Translation put in.
- Ex. No. 88.** *Kesari*, 6th April 1897 page 2, column 1 and 2 note at foot of page 4. Mr. Karandikar *objects* to note at foot of page 4.
- Ex. No. 89.** *Kesari*, 13th April 1897 page 2, column 2, also page 3. "Editor's short notes."
- Ex. No. 90.** *Kesari*, 20th of April 1897 page 2. column 2. "Letter of Ramdas" also page 2, column 5. Editor's notes.
- Ex. No. 91.** *Kesari*, 27th of April 1897 page 2, column 5 and page 3. Editor's notes.
- Ex. No. 92.** *Kesari*, 4th May 1897 page 2, column 3. Marathi letter also page 2, column 5 and page 3, column 1 Marathi *article.
* *Ms. p. 18.*
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- Ex. No. 94.** *Kesari*, 25th May 1897 page 3, columns 3, 4 and 5. "Vaidya's letters."
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- Ex. No. 96.** *Kesari*, 22nd June 1897. page 3, columns 3 and 4. Marathi Article.
- Ex. No. 97.** *Kesari*, 29th June 1897 page 2, columns 3 and 4. "Mr. Rand's murder."
- Ex. No. 98.** *Kesari*, 6th July 1897. page 2, Columns 4. "Government's Head" also page 3, columns 3 and 4. Editor's * notes. Mr. Karandiker *objects* to Ex. No. 98 going in as it is inadmissible and irrelevant.
* *Ms. p. 19.*
- Ex. No. 99.** *Kesari*, 13th July 1897 page 2, columns 3 and 4. "To rule is not to take revenge."
- Ex. No. 100.** *Kesari*, 17th August 1897 page 2, columns 3, 4 and 5, and page 3, column 1. "Sir Mancherji Bhownaggee" Mr. Karandikar *objects* to this Exhibit also.
- Ex. No. 101.** *Kesari*, 24th August 1897 page 2, columns 4 and 5, also page 3. column 2. "The Grand Festival of the deity Ganpati." Mr. Karandikar *objects* to this Exhibit also.
- Ex. No. 102.** *Kesari*, 31st August 1897 page 2. Letter from "Ra." Mr. Karandikar *objects* to this Exhibit also.
- Ex. No. 103.** *Kesari*, 23rd of November page 2, columns 4 and 5. Mr. Karandiker *objects* to this* Exhibit.
* *Ms. p. 20.*
- Ex. No. 104.** *Kesari*, 20th of August 1901 page 3, column 5. Letter.
- Ex. No. 105.** *Kesari*, 9th May 1905 page 5 columns 4 and 5. Letter. Mr. Karandikar says that he *objects* to all the issues of the *Kesari* going in as from the beginning as they are irrelevant and inadmissible; the grounds for the objection will be stated fully hereafter.

* Ms. p. 21.

*High Court, Bombay.

12th July 1917.

11-30 A. M.

Mr. Karandikar says that he *objects* to all those documents which Mr. Binning has endeavoured to put in because the Letter of Request says that upon the examination of witnesses documents produced are to be duly marked for identification, and nothing more. No witnesses have been called by the first Defendant; and therefore these documents cannot go in. At this stage he (Mr. Karandikar) does not know how those documents are made relevant and admissible. Mr. Binning says that all these exhibits that are put in are not really exhibits that are put in, they are merely marked for identification. He says that these are not exhibits in the case, but exhibits in commission. Mr. Karandikar further says that all these documents cannot be tendered here in commission without the examination of witnesses, for the words of the Letter of Request* must be strictly followed.

* Ms. p. 22.

Mr. Binning calls upon the Plaintiff to produce the notice of the 10th of July 1917 wherein the 1st Defendant calls upon the Plaintiff to produce all books, letters, copies of letters, newspapers and other writings in his custody, possession or power and particularly the issues of the *Kesari* and *Mahratta* newspapers from 1890 to 1908.

The first Defendant produces the said notice of the 10th day of July 1917.

Ex. No. 106.

This notice Mr. Binning puts in as an Exhibit.

Ex. No. 107.

Mr. Binning makes an offer to the Plaintiff in terms of the letter dated at 2-30 p. m. on the 11th day of July 1917 and puts the letter in as an Exhibit. Mr. Karandikar says that he will take some time to consider the offer and give his answer on Saturday next, the 14th day of July 1917.

Ex. No. 108.

Kesari, 16th of May 1905 page 4, columns 1, 2 and 3 "Shivaji's Birth day.*"

* Ms. p. 23.

Ex. No. 109.

Kesari, 20th June 1905, page 4, columns 1, 2 and 3; "Celebration". 20th June 1905, page 2, columns 2, 3, and 4, "Essay", page 5, columns 2 and 3. Editor's short notes.

Ex. No. 110.

Kesari, 15th August 1905, page 4, columns 4 and 5, page 5, column 1.

Ex. No. 111.

Kesari, 22nd August 1905, page 4, columns 3, 4 and 5, page 5 column 1, Leader "National Boycott."

Ex. No. 112.

Kesari, 29th August 1905, page 5, column 5, Local news. page 5, columns 2, 4 and 5 "Editor's short notes."

Ex. No. 113.

Kesari, 5th September 1905, page 4, columns 1, 2 and 3, "Bombay News Letter" page 4, columns 3, 4 and 5 "Boycott Expedient," page 5, column 4, "Editor's Notes." Mr. Karandikar says that as he has made a general *objection* to all these documents being put in, he doesn't specifically* *object* to each one of them merely to save time.

* Ms. p. 24.

Ex. No. 114.

Kesari, 12th September 1905, page 4, columns 1, 2, 3 and 4, "Ganpati Festival at Bombay" also page 2, column 4 "Sighs of one devoted to his country."

Ex. No. 115.

Kesari, 19th September 1905, page 4, columns 2 and 3, "Shri Ganpati Festival" page 4, columns 3, 4 and 5, Leader page 5, para 2 in columns 1 and 2, page 5, para 7, columns 3 and 4, page 7, columns 3 and 4 "Letter" page 5, columns 1, 2 and 3 "Editor's Short Notes," page 7, column 2 and 3, "Gajanan Festival," page 7, column 4, Editor's Short Notes, Mr. Karandikar *objects* to page 5, column 4 on the ground that this is not in the particulars.

- Ex. No. 116.** *Kesari*, 26th September 1905, page 4, column 5, page 5, column 1, Editorial notes, page 4, columns 3, 4 and 5* Leader.
* *Ms. p. 25.*
- Ex. No. 117.** *Kesari*, 3rd October 1905, page 4, columns 3, 4 and 5, "National Congress."
- Ex. No. 118.** *Kesari*, 10th October 1905, page 5, column 4, Local News, page 7, "Odes".
- Ex. No. 119.** *Kesari*, 17th October 1905, page 4, column 2, page 4, columns 3, 4 and 5. Leader.
- Ex. No. 120.** *Kesari*, 24th October 1905, page 4, column 1, "Lonawli Meeting," page 4, columns 2, 3 and 4 Leader part 2.
- Ex. No. 121.** *Kesari*, 7th November 1905, page 4, columns 2, 3, 4 and 5, page 5, columns 2, 3 and 4. Editor's Short Notes, page 5, column 5, Local News.
- Ex. No. 122.** *Kesari*, 28th November 1905, page 4, columns 2, 3 and 4, "Crisis is reached."
- Ex. No. 123.** *Kesari*, 12th December 1905, page 4, columns 4 and 5, page 5 column 1, Leader.*
* *Ms. p. 26.*
- Ex. No. 124.** *Kesari*, 23rd January 1906, page 2, column 3. "The Partition of Bengal," page 5, column 3. Editor's Notes, page 5, column 4, Local News, page 7, column 3, "Paisa Fund."
- Ex. No. 125.** *Kesari*, 30th January 1906, page 4, columns 2, 3 and 4, Leader.
- Ex. No. 126.** *Kesari*, 13th February 1906, page 5, columns 3 and 4, Editor's short notes.
- Ex. No. 127.** *Kesari*, 20th February 1906, page 4, column 5, page 5, column 1. "Editor's Items."
- Ex. No. 128.** *Kesari*, 6th March 1906, page 4, column 1, "Local."
- Ex. No. 129.** *Kesari*, 13th March 1906, page 4, columns 1 and 2, "Swadeshi movement," page 4, columns 4 and 5, Editor's notes.
- Ex. No. 130.** *Kesari*, 20th March 1906, page 2, columns 2, 3, 4 and 5: "Partition of Bengal," page 4, columns 2 and 3 Letter.
- Ex. No. 131.** *Kesari*, 27th March 1906, page 2, columns 2, 3 and 4. Swadeshi and non-alcoholic movement,* page 5, column 5. Local News, page 7, column 1. "Summaries".
* *Ms. p. 27.*
- Ex. No. 132.** *Kesari*, 10th April 1906, page 4, column 5, page 5, column 1, Editor's short notes.
- Ex. No. 133.** *Kesari*, 24th April 1906, page 4, columns 1, 2 and 3.
- Ex. No. 134.** *Kesari*, 1st May 1906, page 2, columns 2 and 3, "Swadeshi Temperance" page, columns 2 and 3, "Shivaji Festival."
- Ex. No. 135.** *Kesari*, 12th June 1906, page 4, columns 1, 2, 3 and 4, "Calcutta Shivaji Festival."
- Ex. No. 136.** *Kesari*, 14th August 1906, page 5, columns 3 and 4, "Items and Intelligence."
- Ex. No. 137.** *Kesari*, 28th August 1906, page 4, columns 1, 2 and 3, Bombay News Letter, page 5, columns 1 and 2, Short Notes by Editor.
- Ex. No. 138.** *Kesari*, 4th September 1906, page 5, column 3, Short Notes page 2, columns 2 and 3, "Ganpati Festival," page 4,* columns 1, 2 and 3, "Shri Ganpati Festival," page 5, columns 3 and 4 Editor's short notes, page 7, column 2, "Bande Mataram."
* *Ms. p. 28.*
- Ex. No. 139.** *Kesari*, 25th September 1906, page 2, columns 1, 2, 3 and 4, "Mr. Tilak's Lecture."
- Ex. No. 140.** *Kesari*, 2nd October 1906, page 4, column 1, "Bombay Letter."
- Ex. No. 141.** *Kesari*, 9th October 1906, page 4, column 4, Editor's Short Notes, page 5, column 1.
- Ex. No. 142.** *Kesari*, 16th October 1906, page 4, columns 2 and 3, Letter from Bombay, page 2, column 4, "Patriotic Tukaram," page 4, columns 3, 4 and 5, page 5, column 1. Leader page 7,

- columns 2 and 3, Letter. Mr. Karandikar *objects* to column 3 as it is not specified in the particulars.*
- * *Ms. p. 29.*
Ex. No. 143. *Kesari*, 30th of October 1906, page 4, columns 2, 3 and 4, "Industrial Exhibition."
- Ex. No. 144.** *Kesari*, 6th November 1906, page 4, columns 1 and 2.
- Ex. No. 145.** *Kesari*, 8th January 1907, page 4, column 1, "Occasional Notes," page 4, columns 4 and 5, page 5, columns 1 and 2, Leader.
- Ex. No. 146.** *Kesari*, 15th January 1907, page 2, columns 3 and 4, "Stray notes."
- Ex. No. 147.** *Kesari*, 22nd January 1907, page 2, column 1, Swadeshi non-alcohol.
- Ex. No. 148.** *Kesari*, 29th January 1907, page 4, columns 3, 4 and 5, page 5, column 1, Stray Notes.
- Ex. No. 149.** *Kesari*, 5th February 1907, page 4, columns 3, 4 and 5, Leader, page 7, column 4, "Poem," page 7, column 4, Brief News.* Mr. Karandikar *objects* to column 4 on page 7. No particulars furnished.
- * *Ms. p. 30.*
Ex. No. 150. *Kesari*, 12th February 1907, page 4, columns 3, 4 and 5, page 5, column 1, Leader page 7, column 3, "Hind."
- Ex. No. 151.** *Kesari*, 19th February 1907, page 4, column 2, "Ramdas Festival."
- Ex. No. 152.** *Kesari*, 26th February 1907, page 2, columns 4 and 5, "Thoughts."
- Ex. No. 153.** *Kesari*, 5th March 1907, page 4, columns 2, 3, 4 and 5, Leader page 5, column 1, Editor's notes.
- Ex. No. 154.** *Kesari*, 12th March 1907, page 4, column 5, Editor's short notes.
- Ex. No. 155.** *Kesari*, 19th March 1907 page 5, columns 3 and 4 Editor's short notes.
 Mr. Karandiker *objects* to page 5, columns 3 and 4 because these were not furnished to him in any of the London particulars.* These are now included in the particulars supplied by the Solicitors in Bombay of the first Defendant.
- * *Ms. p. 31.*
Ex. No. 156. *Kesari*, 26th March 1907 page 5, columns 2 and 3 Editor's short notes.
- Ex. No. 157.** *Kesari*, 9th April 1907 page 4, columns 2, 3 and 4 "Swarajya."
- Ex. No. 158.** *Kesari*, 16th April 1907 page 5, columns 4 paras 3 and 5. Short Notes and Local News.
 Mr. Karandiker *objects* to this issue because in the London particulars it is not specified. This issue is now given in the particulars furnished by the Bombay Solicitors of the 1st Defendant.
- Ex. No. 159.** *Kesari*, 30th April 1907 page 2, column 1, page 2, column 5. "Movements at Nasik" (Letter) page 4, column 4, page 5, column 1. Panjab Movement,* page 5, columns 2 and 3. Editor's short notes.
- * *Ms. p. 32.*
Ex. No. 160. *Kesari*, 7th May 1907 page 5, column 4. Local News.
- Ex. No. 161.** *Kesari*, 14th May 1907 page 5, column 3, Short Notes by the Editor.
- Ex. No. 162.** *Kesari*, 21st May 1907 page 4, columns 3, 4, and 5, Leader. Page 7 columns 2 and 3. "Activities at Nasik."
- Ex. No. 163.** *Kesari*, 28th May 1907 page 4, columns 2, 3, and 4, Leader.
- Ex. No. 164.** *Kesari*, 4th June 1907 page 5, columns 3 and 4 Editor's short notes.
- Ex. No. 165.** *Kesari*, 11th June 1907 page 5, columns 3 and 4 Editor's short notes.
 Mr. Karandiker *objects* to this issue going in on ground

- similar to Exhibits No. 155 and 158. (Not in particulars supplied in London.)*
- * Ms. p. 32.
Ex. No. 166. *Kesari*, 18th June 1907 page 4, columns 1, 2 and 3. Leader, page 5, columns 3 and 4. Editor's Short Notes, page 7, column 1. "Retrospect."
- Ex. No. 167. *Kesari*, 25th June 1907 page 4, column 5. Editor's Short Notes.
- Ex. No. 168. *Kesari*, 2nd July 1907 page 5, column 2. Short Notes of the Editor, page 7, columns 1, 2, 3 and 4. "Shivaji Festival."
- Ex. No. 169. *Kesari*, 9th July 1907 page 4, columns 1 to 4. Leader.
- Ex. No. 170. *Kesari*, 16th July 1907 page 4, columns 1, 2 and 3. Leader, page 5, column 4. Editorial Notes, page 7, columns 2 and 3. "Annual Report."
- Ex. No. 171. *Kesari*, 23rd July 1907 page 4, columns 2, 3 and 4. Leader. *
- * Ms. p. 33.
Ex. No. 172. *Kesari*, 30th July 1907 page 5, columns 2 and 3. Editor's Notes, page 4, columns 3, 4 and 5. "Extracts."
- Ex. No. 173. *Kesari*, 27th August 1907 page 5, columns 3 and 4. Editorial Notes Mr. Karandikar *objects* on grounds similar to Exhibits Nos. 155, 158, 165. (No particulars furnished).
- Ex. No. 174. *Kesari*, 17th September 1907 page 4, columns 2, 3 and 4. Leader.
- Ex. No. 175. *Kesari*, 24th September 1907 page 4, column 4. Editor's Notes. Mr. Karandikar *objects*. No particulars, page 7, columns 1, 2, 3 and 4.
- Ex. No. 176. *Kesari*, 1st October 1907 page 4, column 1. "Public Request."
- Ex. No. 177. *Kesari*, 15th October 1907 page 4, columns 3 and 4. Editorial Notes, page 4 columns 1, 2 and 3.*
- * Ms. p. 34.
Ex. No. 178. *Kesari*, 22nd October 1907 page 2, column 1. Short Editorial Notes.
- Ex. No. 179. *Kesari*, 12th November 1907 page 2, column 5. "Discontent", page 4, columns 2, 3 4 and 5.
- Ex. No. 180. *Kesari*, 19th November 1907 page 5, columns 4 and 5. "Letter."
- Ex. No. 181. *Kesari*, 26th November 1907 page 5, column 5. "Result of Appeal."
- Ex. No. 182. *Kesari*, 24th December 1907 page 5, column 5. "Letter from Bijapurker and Note."
- Ex. No. 183. *Kesari*, 31st December 1907 page 4, 5 and 8. "Portions of Leader marked in red pencil."
- Ex. No. 184. *Kesari*, 7th January 1908 page 2, column 1. "Swadeshi Movement."
- Ex. No. 185. *Kesari*, 14th January 1908 page 2, column 2. "Swadeshi Movement etc.," page 5, column 5. Local News.
- Ex. No. 186. *Kesari*, 28th January 1908 page 5, column 4. Editor's Short Notes,* page 5, column 5. Local News.
- * Ms. p. 35.
Ex. No. 187. *Kesari*, 4th February 1908 page 4, column 4. Editor's Short Notes, page 4, column 1. "The Kesari Paper."
- Ex. No. 188. *Kesari*, 11th February 1908 page 4, column 4. Editor's Short Notes, page 4, column 5, paras 5 and 6.
- Ex. No. 189. *Kesari*, 18th February 1908 page 7, column 3. "Nationalist's Daily Paper."
- Ex. No. 190. *Kesari*, 25th February 1908 page 4 column 1. Letter, page 5, column 2, para 7. Short Notes.
- Ex. No. 191. *Kesari*, 3rd march 1908 page 7, column 4. "Letter from Balvant."
- Ex. No. 192. *Kesari*, 10th March 1908 page 4 columns 2, 3 and 4. "The Paisa Fund."
- Ex. No. 193. *Kesari*, 24th March 1908 page 1, column 2. (National

- Publishing Co.) (advertisement,) and the 2nd of the Editorial Short Notes, 1 and 2 in page 5, column 2.*
- * *Ms. p. 36.*
Ex. No. 194. *Kesari*, 31st March 1908, page 5, columns 1 and 2, Editor's Short Notes.
- Ex. No. 195.** *Kesari*, 28th April 1908, page 2, column 5, page 5, column 3. An acknowledgement and Editorial Short Note.
- Ex. No. 196.** *Kesari*, 5th May 1908, page 4, column 5, page 5, column 1, Short Notes by the Editor.
- Ex. No. 197.** *Kesari*, 12th May 1908, page 4, columns 4 and 5, page 5, columns 1, 2, 3. Two Marathi articles. Mr. Karandikar *objects* to column 2, as no particulars were furnished at first by the London Solicitors of the 1st Defendant. Mr. Binning says that he has not got the issue of *Kesari* dated the 12th May and so he calls upon the Plaintiff to produce his issue from his file of the *Kesari*.* Mr. Karandikar produces the file in which the issue is and offers it to be marked for identification but to be returned. He has had no objection to a copy being taken and filed.
- * *Ms. p. 37.*
Ex. No. 198. *Kesari*, 19th May 1908, page 4, columns 4 and 5, page 5, column 1. "A Double Hint."
- Ex. No. 199.** *Kesari*, 26th May 1908, page 4, columns 3, 4 and 5, "Real meaning of Bomb.*"
- * *Ms. p. 38.*
Ex. No. 200. *Kesari*, 2nd June 1908, page 4, columns 3, 4 and 5. "Secret of Bomb."
- Ex. No. 201.** *Kesari*, 9th June 1908, page 4, columns 2, 3 and 4, Leader; page 5, columns 2 and 3.
- Ex. No. 202.** *Kesari*, 16th of June 1908, page 4, column 2, "Shri Shiva-ji's Coronation at Poona."
- Ex. No. 203.** *Kesari*, 30th June 1908, page 4, column 1. Letter from Bombay, page 5, column 5, para 10. Mr. Karandikar *objects* to this issue because Mr. Tilak, the Plaintiff was arrested on the 24th of June 1908. This is an additional ground of objection taken, by Mr. Karandikar.
- Ex. No. 204.** *Kesari*, 7th July 1908, page 2, column 1. "Beginning Mr. Joshi gave evidence." Mr. Karandikar *objects* on the ground stated above.*
- * *Ms. p. 39.*
Ex. No. 205. *Kesari*, 14th July 1908, page 5, column 1, Editorial Notes para 1. Mr. Karandikar *objects* on the same ground as stated above.
- Ex. No. 206.** *Kesari*, 28th July 1908, page 7, columns 4 and 5. "The case against Mr. Tilak" (Plaintiff).
- Ex. No. 207.** *Kesari*, 15th September 1908, page 4, column 3. "Tilak Defence Fund." Mr. Karandikar *objects* on similar grounds. Mr. Binning calls upon the Plaintiff to produce issue of the paper *Mahratta*. Mr. Karandikar produces it. Mr. Binning wishes to mark it for identification. Mr. Karandikar *objects* that this is not the proper time and place for producing and marking the issue of the *Mahratta* and that the issues of the *Mahratta* could not be exhibited as that would be* against the directions in the Letter of Request the same not having been produced upon such examination, i. e. upon any examination referred to in the Letter of Request. I am of opinion that these issues of the *Mahratta* should be exhibited and marked for identification here and they do not go beyond the words of the Letter of Request.
- * *Ms. p. 40.*
Ex. No. 208. *Mahratta*, 27th September 1891, page 5, column 3, "Another Murder Case."
- Ex. No. 209.** *Mahratta*, 22nd November 1891, page 4, column 1, "Another Murder Case."
- Ex. No. 210.** *Mahratta*, 24th January 1892, page 3, column 2, "Mogul Oppression Revived."

- Ex. No. 211. *Mahratta*, 6th March 1892, page 5, column 1, "Mr. Nickels' acquittal."
- Ex. No. 212. *Mahratta*, 3rd July 1892, page 2, column 3, "Stray jottings.*"
* *Ms. p. 41.*
- Ex. No. 213. *Mahratta*, 10th July 1892, page 4, column 3, "Editorial Notes."
- Ex. No. 214. *Mahratta*, 28th August 1892, page 4, column 2, "Editorial Notes."
- Ex. No. 215. *Mahratta*, 12th February 1893, page 3, column 3, "Mr. Telang's coup d'etat."
- Ex. No. 216. *Mahratta*, 20th August 1893, pages 3 and 4, "Bombay Riots."
- Ex. No. 217. *Mahratta*, 3rd December 1893, page 3, columns 1, 2 and 3, "Appeal to Government."
- Ex. No. 218. *Mahratta*, 31st December 1893, page 2, column 3, "Officials and Society," page 4, column 3, "Cow-Protection Society Boycotted."
- Ex. No. 219. *Mahratta*, 21st January 1894, page 6, column 3, page 7, columns 1, 2 and 3, "Government Resolutions on Riots."
- Ex. No. 220. *Mahratta*, 11th February 1894, page 3, column 1, "Renewal of Riots.*"
* *Ms. p. 42.*
- Ex. No. 221. *Mahratta*, 18th February 1894, page 1, columns 1 to 3, "Yeola Riots."
- Ex. No. 222. *Mahratta*, 25th February 1894, page 1, column 1, "Religious Riots."
- Ex. No. 223. *Mahratta* 4th March 1894, page 2, columns 1 and 2, "News and Notes."
- Ex. No. 224. *Mahratta*, 18th March 1894, pages 5, 6 and 7, "Riots at Yeola."
- Ex. No. 225. *Mahratta*, 15th April 1894, page 1, column 1, "Yeola Riots," page 3, column 3, "Barve and Government."
- Ex. No. 226. *Mahratta*, 22nd April 1894, page 4, columns 1, 2 and 3, "A New Danger."
- Ex. No. 227. *Mahratta*, 6th May 1894, page 5, column 3, "The Yeola Riots."
- Ex. No. 228. *Mahratta*, 20th May 1894, page 3, column 3, "Government of India's Despatch."
- Ex. No. 229. *Mahratta*, 19th August 1894, page 5, column 3 and page 6, "Cattle Preservation.*"
* *Ms. p. 43.*
- Ex. No. 230. *Mahratta*, 26th August 1894, page 5, column 3, page 6, columns 1 and 2, "Mischievous Memorial."
- Ex. No. 231. *Mahratta*, 9th September 1894, page 3, columns 1, 2 and 3, page 4, column 1, "*Mahratta* and Government of Bombay," Mr. Karandikar *objects* to page 4, column 1, No particulars furnished.
* *Ms. p. 44.* 5-30 P. M.*

18th July 1917.

11-30 A. M.

Mr. Karandikar says that he *objects* again to these documents going in on the same ground *viz.* that they are irrelevant and inadmissible.

- Ex. No. 232. *Mahratta*, 16th September 1894 pages 3 and 4. Leader. Mr. Karandikar *objects* to page 4. No particulars given.
- Ex. No. 233. *Mahratta*, 23rd September 1894 page 4 column 1. "Baladhun Murder Case."
- Ex. No. 234. *Mahratta*, 30th September 1894 page 3, columns 1, 2, and 3. "Termination of the Police Prosecution." (Produced by the 1st Defendant and put in).

- Ex. No. 235.** *Mahratta*, 7th October 1894 page 3. "Playing of Music," page 4, columns 2 and 3, page 5, column 1. "Out Heroding Herod." Mr. Binning says, that he gives notice to the Plaintiff that he intends to call Mr. N. C. Kelker* as a witness.
- * *Ms. p. 45.*
- Ex. No. 236.** *Mahratta*, 21st October 1894 page 3. "How History Repeats itself."
- Ex. No. 237.** *Mahratta*, 18th November 1894 page 6, column 1. "Lord Harris at Ahmedabad."
- Ex. No. 238.** *Mahratta*, 2nd December 1894 page 4, columns 2 and 3. "A Mahomedan knocking at the Doors of the House of Commons."
- Ex. No. 239.** *Mahratta*, 9th December 1894 page 6, column 3, and pages 7 and 8. "Representation to Government." Mr. Karandikar objects to page 6, column 3. No particulars furnished.
- Ex. No. 240.** *Mahratta*, 20th January 1895 page 4, column 2. Editorial Notes.
- Ex. No. 241.** *Mahratta*, 10th February 1895 page 3, columns 1 and 2. "Mr. Beatson Bell's case."
- Ex. No. 242.** *Mahratta*, 17th February 1895 page 1, column 2. "Answer of Government to the Sarvajnik Sabha."*
- * *Ms. p. 46.*
- Ex. No. 243.** *Mahratta*, 10th March 1895 page 6, column 1. "Shooting Passes to European Soldiers."
- Ex. No. 244.** *Mahratta*, 7th July 1895 page 4, columns 1, 2 and 3, page 5, column 1. "Partiality in Administering Music Rules."
- Ex. No. 245.** *Mahratta*, 14th July 1895 page 3, column 3, page 4, column 1. "Criminal Trials of Europeans."
- Ex. No. 246.** *Mahratta*, 21st July 1895 page 4, column 3, page 5, column 1. "Trials of Europeans and Natives," pages 3 and 4. "Sarvajnik Sabha."
- Ex. No. 247.** *Mahratta*, 4th August 1895 page 3, column 3. "Asansol Out-rage."
- Ex. No. 248.** *Mahratta*, 18th August 1895 page 5, columns 1 and 2. "A Girl of Fifteen Rescued from the Gallows.*"
- * *Ms. p. 47.*
- Ex. No. 249.** *Mahratta*, 8th September 1895 page 2, columns 1 and 2. "Night and Morning."
- Ex. No. 250.** *Mahratta*, 19th of January 1896 page 5, column 3. Editorial Notes. Mr. Karandikar objects. No Particulars.
- Ex. No. 251.** *Mahratta*, 9th February 1896 page 6, columns 1 and 2. Para heading "Assaults by Europeans."
- Ex. No. 252.** *Mahratta*, 16th February 1896 page 1. "Echoes of the Day."
- Ex. No. 253.** *Mahratta*, 23rd February 1896 page 1, column 3. Para beginning. "But alas".....
- Ex. No. 254.** *Mahratta*, 15th March 1896 page 3. Leader "Moplah Out-Break."
- Ex. No. 255.** *Mahratta*, 29th March 1896 page 1, column 3. Para beginning "What should we do".....
- * *Ms. p. 48.*
- Ex. No. 256.** *Mahratta*, 29th March 1896 page 1, and page 2, column 1.*
Mahratta, 19th April 1896 page 1, and page 2, column 1. "Notes on Present Activity," page 2, Column 1, objected to by Mr. Karandikar.
- Ex. No. 257.** *Mahratta*, 26th April 1896 page 1. "Notes on Present Activity" also page 2, and end of Notes, page 2 objected to by Mr. Karandikar.
- Ex. No. 258.** *Mahratta*, 3rd May 1896 page 1, columns 2 and 3, page 2, column 1. "Notes on the Present Activity."
- Ex. No. 259.** *Mahratta*, 17th May 1896 page 1. "Notes on the present Activity."
- Ex. No. 260.** *Mahratta*, 24th May 1896 page 5, column 3; page 6, column 1. "India's Grievances," page 5, columns 1 and 2. "The Colossus of Rhodes."

- Ex. No. 261.** *Mahratta*, 31st May 1896 page 3. "A libel on Young India."*
* *Ms. p. 49.*
- Ex. No. 262.** *Mahratta*, 23rd August 1896 page 6, column 1, para 2. "Mr. Justice Blennerhasset on the Morals of Native Girls."
- Ex. No. 263.** *Mahratta*, 13th September 1896 page 4 column 3, page 5, column 1. "Justice in the Mofussil." Mr. Karandikar *objects* to page 4, column 3.
- Ex. No. 264.** *Mahratta*, 1st November 1896 page 4, column 3. "Oppression by the Police" page 5, column 1. Mr. Karandikar *objects* to page 5 column 1.
- Ex. No. 265.** *Mahratta*, 15th November 1896 page 5, columns 1 and 2. "A Faddist on the War Path."
- Ex. No. 266.** *Mahratta*, 29th November 1896 page 4, columns 2 and 3. "Disgraceful Miscarriage of Justice." Mr. Karandikar *objects* to column 3.
- Ex. No. 267.** *Mahratta*, 31st January 1897 page 6 column 2. "Para regarding Bubonic Plague."*
* *Ms. p. 50.*
- Ex. No. 268.** *Mahratta*, 14th February 1897 page 5 columns 1 and 2. "Bubonic Plague."
- Ex. No. 269.** *Mahratta*, 21st February 1897 page 3 columns 1, 2 and 3. "The Three Prosecutions" page 4, columns 1, 2 and 3. "India During Queen's Reign."
- Ex. No. 270.** *Mahratta*, 28th February 1897 page 3, column 3, page 4, column 1. "Bombay Rules etc." page 6, columns 1 and 2. "European Politics."
- Ex. No. 271.** *Mahratta*, 14th March 1897 page 3, columns 1 and 2. "Plague Operations in Poona."
- Ex. No. 272.** *Mahratta*, 21st March 1897 page 1. "Government Resolution."
- Ex. No. 273.** *Mahratta*, 28th March 1897 page 3, columns 1, 2 and 3. "Plague Operations."
- Ex. No. 274.** *Mahratta*, 4th April 1897, page 4, columns 1, 2 and 3, "Plague Work in Poona."*
* *Ms. p. 51.*
- Ex. No. 275.** *Mahratta*, 11th April 1897, page 4, column 3. "Lord Sandhurst's visit to Poona."
- Ex. No. 276.** *Mahratta*, 18th April 1897, page 4, column 3, Editorial Note "When is this to cease?" page 5, columns 2 and 3. "Racial misunderstanding, Reign of Terror."
- Ex. No. 277.** *Mahratta*, 25th April 1897, page 3, column 3, page 4, columns 1 and 2. "An Appeal to Lord Sandhurst," page 6, columns 1, 2 and 3, Correspondence 'Vox populi'. Mr. Karandikar *objects*, page 6, column 3.
- Ex. No. 278.** *Mahratta*, 9th May 1897, page 4, columns 1, 2 and 3, "Plague and the Plague Measures."
- Ex. No. 279.** *Mahratta*, 23rd May 1897, page 1, columns 1, 2 and 3, "Free thoughts."
- Ex. No. 280.** *Mahratta*, 30th May 1897, page 3, columns 1, 2 and 3, "Teachings of the Plague," page 4, columns 1, 2 and 3. "The Arms Act for Baroda State, page 5, column 2. "Indian Princes in London."* Mr. Karandikar *objects* to column 2 on page 5.
* *Ms. p. 52.*
- Ex. No. 281.** *Mahratta*, 6th June 1897, page 6, columns 2 and 3, "G. V. D's Letter."
- Ex. No. 282.** *Mahratta*, 4th July 1897, page 3, columns 1 to 3. "Government Running Amock."
- Ex. No. 283.** *Mahratta*, 25th July 1897, page 6, column 2. "The Feather of Triumph in Government's Cap."
- Ex. No. 284.** *Mahratta*, 1st August 1897, page 6, column 3. "Professor Gokhale's Statement," page 3, columns 1, 2 and 3. "Reign of Terror in Poona," page 4, columns 2 and 3. "Storm and the Deluge." Mr. Karandikar says that he *objects* to the whole of

the above Extract No. 284, because the Plaintiff was arrested on the 26th of July 1897, also specifically objected to because page 4, column 2, not given in the particulars furnished to the Plaintiff.

- Ex. No. 285.** *Mahratta*, 8th of August 1897, page 5, columns 2 and 3, "Professor Gokhale's Apology", page 6, column 1. "An Apology Analysed." Mr. Karandikar *objects* to page 5, column 3 and page 6, column 1, as the Plaintiff was under arrest.
- Ex. No. 286.** *Mahratta*, 15th August 1897, pages 1; 2, 6 and 7. "Lord Sandhurst's Speech."
- Ex. No. 287.** *Mahratta*, 10th October 1897, page 4, column 3, page 5, column 1. Mr. Karandikar strongly *objects* to this Exhibit No. 287 because the 1st Defendant knows perfectly well that the Plaintiff ceased to be the editor of the *Mahratta* before that date viz. 10th October 1897, and that Mr. N. C. Kelkar was substituted in his place.* The 1st Defendant has already put in the declaration of Mr. Kelkar which is Exhibit No. 6 here dated 28th September 1897.
- * *Ms. p. 54.*
- Ex. No. 288.** *Mahratta*, 20th April 1902, page 183, columns 1 and 2. "The Seditious Student in Russia." Mr. Karandikar *objects* to this exhibit going in as well as all subsequent issues of the *Mahratta* for the reason stated above amongst other reasons viz. that it is not only irrelevant but inadmissible.
- Ex. No. 289.** *Mahratta*, 25th September 1904, page 455, columns 1 and 2. "The Educative value of Ganpati Utsav." Mr. Karandikar *objects* as stated above.
- Ex. No. 290.** *Mahratta*, 5th November 1905. Leader, pages 521, 522 and 523 "Vicious Circular." Mr. Karandikar *objects* to* page 521 on the additional ground that no particulars were furnished.
- * *Ms. p. 55.*
- Ex. No. 291.** *Mahratta*, 25th March 1906, page 134, column 2, page 135, columns 1 and 2. "School Master Abroad." "Mr. Karandikar *objects*."
- Ex. No. 292.** *Mahratta*, 15th April 1906, page 170, column 1. "Chinese Boycott" Mr. Karandikar *objects*."
- Ex. No. 293.** *Mahratta*, 2nd September 1906, page 413, "Terrorism in Russia" Mr. Karandikar *objects*."
- Ex. No. 294.** *Mahratta*, 10th June 1906, page 273, "Shri Tilak's Speech" Mr. Karandikar *objects*."
- Ex. No. 295.** *Mahratta*, 13th January 1907, page 19, "Mr. Tilak and the new party" also page 23 News and Notes. 3rd para, Mr. Karandikar *objects*."
- Ex. No. 296.** *Mahratta*, 3rd February 1907, pages 53 and 54 "Paranjpe on Western Education" Mr. Karandikar *objects*.*
- * *Ms. p. 56.*
- Ex. No. 297.** *Mahratta*, 17th February 1907, page 75, column 1, "Panjabi Case," para. Mr. Karandikar *objects*."
- Ex. No. 298.** *Mahratta*, 12th May 1907, page 219, column 2, foot of page and pages 220, 224 and 225. "Politics in Schools" Mr. Karandikar *objects*."
- Ex. No. 299.** *Mahratta*, 29th December 1907, page 601, column 2, and page 602, "Congress Week" also 606 beginning "Under these circumstance etc." Mr. Karandikar *objects*. Mr. Binning proposes to put in the issue of Paper called *Rashtra-mat*, Mr. Karandikar *objects*. Mr. Binning says that one of the reasons for putting in the paper is that Plaintiff was one of the Directors of a limited company that was* started with the object of publishing this paper and he wants to rely on the *Kesari* paper which says that the Plaintiff is the Director. Mr. Karandikar *objects* and says that among other reasons the Plaintiff was arrested on the 24th June 1908 and the
- * *Ms. p. 57.*

- first issue proposed to be put in is dated 2nd July 1908. He ceased to be the Director *ipso facto*.
- Ex. No. 300.** *Rashtramat*, 2nd July 1908, page 2, columns 4, 5 and 6. Mr. Karandikar wants to know from Mr. Binning whether he wants to call any witnesses to prove the issues of the paper *Rashtramat*. Mr. Binning declines to give any answer. Mr. Karandikar *objects* to the issues going in.
- Ex. No. 301.** *Rashtramat*, 7th July 1908, page 3, column 3. "Nasik Letter." *
* *Ms. p. 58.*
- Ex. No. 302.** *Rashtramat*, 9th of July 1908, page 2, columns 5 and 6, "Strength of National Party."
- Ex. No. 303.** *Rashtramat*, 23rd July 1908, page 3, columns 3, 4 and 5 "Tilak's Birth day."
- Ex. No. 304.** *Rashtramat*, 25th July 1908, page 2, columns 2 to 6, "Balvantrao Tilak."
- Ex. No. 305.** *Rashtramat*, 29th July 1908, page 2, columns 3, 4 and 5 "People's Party."
- Ex. No. 306.** *Rashtramat*, 11th August 1908, page 3, columns 5 and 6, "Letter from Nasik."
- Ex. No. 307.** *Rashtramat*, 19th August 1908, page 2, column 4, Report on the Samartha Vidyālaya, from "Considering that it is nowaccomplishing the cause of the Nation."
- Ex. No. 308.** *Rashtramat*, 20th August 1908, page 2; columns 3 and 4, "Growth of Samartha Vidyālaya." *
* *Ms. p. 59.*
- Ex. No. 309.** *Rashtramat*, 21st August 1908, page 2, column 2, "A book in Marathi containing the case."
- Ex. No. 310.** *Rashtramat*, 26th August 1908, page 2, columns 3, 4 and 5, "Voice of Shri Krishna." (Translation put in).
- Ex. No. 311.** *Rashtramat*, 28th August 1908, page 2, columns 2, 3 and 4, "Oh You Boys Samartha Vidyālaya."
- Ex. No. 312.** *Rashtramat*, 29th August 1908, page 2, columns 5 and 6, "Shri Gajanan Festival."
- Ex. No. 313.** *Rashtramat*, 5th September 1908 page 2, column 4. Editorial Note. (Translation put in).
- Ex. No. 314.** *Rashtramat*, 10th July 1909 page 2, column 4. Short Notes "Swarajya." Mr. Karandikar *objects* to all the above issues of *Rashtramat*, and further *objects* that no particulars were furnished of the issue.*
* *Ms. p. 60.*
(Translations of Ex. 300 to 314 are all put in).

Dashrat Balaji Rath called by Mr. Binning. Solemnly affirmed by me.

Mr. Karandikar says that full 14 days notice is not complete to-day under the order dated 28th of June 1917 but he waves his *objection* and allows Mr. Binning to go on with the witness's examination-in-chief at the request of Mr. Binning in this particular case. Mr. Binning says that the witness is a formal one. Mr. Karandikar says that he does not admit that he is a formal witness.

I am the record keeper of the Secretariat of the Government of Bombay.

I produce original letters from the Commissioner of Police one dated 12th August 1893 and another dated 9th September 1893.

The witness says that Government decline to allow the original letters to remain on record, but certified copies may be made and put in.*

- * *Ms. p. 61.*
Ex. No. 315.
Ex. No. 316.

Letter 12th August 1893.

Letter 9th September 1893.

Certified copies of the above letters put in as Exhibits Nos. 315, and 316.

Ex. No. 317
(Collectively) I produce the original Urdu Memorial August 1893 with five pamphlets and one leaflet attached to it.

The witness says that he is instructed by Government not to part with the Urdu Memorial and its annexures which are marked as Exhibit No. 317 collectively here.

Mr. Karandikar wants a true copy of the Urdu Memorial and its annexure and he says that a copy taken from a copy of the said Urdu Memorial would be unsatisfactory, and he further says that the Urdu Memorial and its annexures must remain here till the witness is cross-examined.

* Ms. p. 62.

I know the late Mr. Vincent, the* Police Commissioner's handwriting and the signatures on Exhibits Nos. 315 and 316 are his.

Mr. Karandikar cross-examines.

I have been in Bombay Secretariat for the last 28 years.

I have been the Record keeper for the last 4 years. I never saw the copy of the letter of the 12th of August 1893 Ex. No. 315.

Copy shown to the witness.

I do not see on the copy the pencil notes which appear on the original letter.

The pencil note is on the original and runs as follows.

"Please print at once and send 8 copies on foolscap as soon as possible to-day."

The pencil endorsement says 16th August but gives no year.

The endorsement bears only initial but no name. It is M. N. W.

* Ms. p. 63.

M. N. W. was Asst: Secretary.*

His full name is Mervanji Nasservanji Wadia

The endorsement and the initials are in his handwriting.

There is also pencil mark on the first page of the original.

It is figure (11) eleven opposite para one.

I don't know in whose handwriting this figure is.

There is no other pencil mark on the original.

There is also the pencil writing "Mr. V. writing after midnight."

Before the figure (11) there is "i. e."

I don't know in whose handwriting it is.

I first saw this document when I was served with a summons.

I was served on the 10th of July 1917.

The certified copy bears the date 11th of July 1917.

There is nothing on the copy to show when the copy was applied for.*

* Ms. p. 64.

It is not my business to know when a copy is applied for.

I do not know before I stepped here that a copy had been applied for by the 1st Deft.

Mr. Binning here *objects* to these questions being put to the witness in cross-examination as they are quite irrelevant to the present inquiry.

Mr. Jukes, the Deputy Secretary said that I should take the documents mentioned in the subpoena and show them to the Court, and to bring the documents back. That is all I was told.

Witness shown the letter of the 9th September 1893 Ex. No. 316.

This is a printed document.

Everything in it except Mr. Vincent's signature is printed.

There are some marks on this original.

- I do not find any marks on the certified copy of the exhibit.*
- * Ms. p. 65. The marks are.
 "Received from Poona with 24 spare copies." 15. 9. 1893.
 There is also the mark "Mr. E"
 There are other pencil marks "compilation 948 of 93."
 Opposite para 2 there is "no P.P. in J. D. on the subject"
 "P. P." means previous papers and "J. D." means Judicial Department.
 Opposite para 4 in pencil there are the words "Special Branch."
 Opposite para six "Not received in J. D."
 Opposite para thirteen "Vide registered number 6339"
 Opposite para fourteen "Vide translation in compilation 1432/93 *Pol."
 There is a red ink mark opposite para 29.
 "Chili Chors"
 Opposite para 30 in red pencil "Julias"
 Opposite para 60 in pencil "Ghatis".
 There is another mark against para 61 in blue pencil "?4"
 Against para 62 number "?5"
 Against para 67 in pencil "not received in J. D."
 Against para 73 in blue pencil "25000"
 No more pencil remarks.
 I saw this document and the other document viz. Ex Nos. 315 and 316 together.
- * Ms. p. 66.
- 5-30 P. M.*

11-30 A. M.
 14th July 1917.

Mr. Karandikar continues his cross-examination of the witness.

The original Urdu Memorial seen by the witness, as well as the certified copy.

There is no date on the certified copy Ex. No. 317 (collectively) to indicate when it was supplied to the 1st Deft.

In the original Memorial there is a blank and separate signature after that. There are separate signatures on separate sheets of paper.

After the close of the writing (Memorial) there are only nine signatures.

About one half sheet is blank after the nine signatures.

There are other pages on which there are separate signatures.

There are no headings on the top of the pages bearing these separate signatures.

* Ms. p. 68.

The original memorial has been paged by somebody.*

The number on the top of the first page is 397.

From 397 to 400 is the body of the Memorial. On the page viz. 400 there are the nine signatures, and some portion is left blank.

Page 401 is divided into two columns.

In the first column there are signatures; in the second column there are no signatures.

There are 22 signatures in the first column.

Page 402 is all blank. Both the columns.

On page 403 the right hand column bears signatures.

The left hand column is blank.

On pages 404 and 405 both the columns are full of signatures.

Pages 406 and 407 are blank. Both the columns are blank.

On pages 408 to 416 both the columns have signatures.

* Ms. p. 69.

On page 417 there are five signatures *.

Some of the signatures are in "Modi" characters. Others in Gujrati, Balbodh and also in Urdu.

In the certified copy also the signatures are in Modi, Balbodh, Gujarati and Urdu.

The copy doesn't show the blanks found in the original Memorial. Some signatures are shown in both the columns.

In the original Memorial in some places there are blanks with a line drawn and no signatures.

No line is required to a "Urdu" signature.

At the beginning of the signature there is a blank line.

As far as I know there is no Marathi or Gujrati translation attached to this Urdu Memorial.

In the Memorial there is no total given of the number of signatures.

I saw this Memorial on the 10th of July 1917 for the first time.

* Ms. p. 70.

I am the Record Keeper of all papers of the Judicial Department.*

There are some papers which are not with me since they are confidential.

This Memorial was in my custody.

Since the last four years this Memorial has been in my custody.

Whenever the record is required I am to produce it. This is what I mean by custody.

Before the 10th of July 1917 I was never asked by any one to produce this Memorial.

I have not been on leave for the last one year.

Mr. Robertson is my superior.

He is the Secretary in the Judicial Department.

I didn't receive any instructions from Mr. Robertson or Mr. Jukes with reference to this Memorial.

I took the Memorial out of the record when I received the subpoena (Ex. B.)

Ex. A.

Mr. Karandikar puts in the letter with its accompaniments of Mr. Robertson dated 6th July 1917.

* Ms. p. 71.

Mr. Binning *objects*. *

I do not know whether a copy of this Memorial is supplied to the 1st Deft.

Ex. A. shown to the witness.

The witness recognises Mr. Robertson's signature.

Mr. Karandikar wants the witness to read it loudly, Mr. Robertson's letter.

Mr. Binning *objects* and says it is not necessary to read the letter loudly as it means so much waste of time.

The 11th para of the accompaniment is read out by the witness.

It refers to the Memorial.

My subpoena says merely "Mahomedan Memorial and the attached pamphlets," undated 1894.

Ex. B.

The subpoena put in.

The Memorial was received probably in Aug. 1894 in the office.

Mr. Binning re-examines, the witness.

The Memorial has fallen into two parts owing to lapse of time. *

* Ms. p. 72.

As far as I know originally it was one document and bears consecutive numbers.

The numbers 397 to 418 refer to the pages of Government compilation for the year 1894.

Re-examination of the witness is closed.

At the special request of Mr. Binning the witness is recalled and the following question is put to him.

The Government Gazette of 1897 shown to the witness.

This copy of the Government Gazette is not kept in my record.

Mr. Karandikar objects to the exhibits Nos. 315, 316 and 317 going in.

DASHRATH BALAJEE RATH,
Head Record Keeper,
Judicial Department,
Secretariat, Bombay.

The signature of the witness was put by him in my presence after the evidence was read out to him by me and found to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner, 14-7-17.*

* Ms. p. 73.

Mr. Karandikar says that he has applied for certified copies of the Urdu Memorial with its annexures and the two orders of the late Mr. Vincent dated the 12th August 1893 and the 9th of September 1893. These are Exhibits Nos. 315 and 316. Mr. Karandikar wants that the originals of Exhibits viz. Nos. 315, 316 and 317 should remain in my possession in order to compare the certified copies with these originals.

Mr. Binning calls,

Stanislous Fredrick Rowe.

Sworn by me.

I am the Assistant Superintendent in the Judicial Department in the Government of Bombay.

Certified copy Ex. 315 shown to the witness.

I have compared the certified copy with the original. The copy is correct,* except the pencil marks.

* Ms. p. 74.

I recognize Mr. Juke's signature.

He is the Deputy Secretary to Government, Judicial Department.

I have found after examination that Exhibit No. 316 is a correct copy of the original. The marginal notes in pencil in the original are not in the certified copy.

Mr. Karandikar cross-examines the witness.

I note and draft cases.

I have been four years and a half in the Judicial Department.

I have heard the name of Mr. A. Montgomerie.

He was once upon a time Under Secretary to Government. It must be about the year 1915 or 1916.

I don't know whether Mr. Robertson has come to-day to this Court or Mr. Jukes.

I have not seen Mr. Montgomerie at all.

* Ms. p. 75.

No re-examination.*

S. ROWE,
Asst. Supdt. Judicial Department,
Secretariat, Bombay.

The evidence of the witness was read out to him by me and found to be correct. His signature was put by him in my presence.

DORAB N. D. KHANDALAVALA,
Commissioner.

Mr. Binning calls.

Hussam-oo-din Shakru Miya Sideekey.

Solemnly affirmed by me.

I am a translator in the Oriental Translator's Department.

The original Urdu Memorial and its certified copies Ex. No. 317 shown to the witness.

The certified copy (Ex. 317) of the Memorial is a true and correct copy of the original.

I left no blanks in the certified copy, but went straight on.*

* Ms. p. 76.

Ex. 318.

Mahratta containing Ex. No. 230 shown to the witness.

I compared this document (Ex. No. 318) with the Memorial Ex. No. 317 and found it to be a translation of the Memorial.

Mr. Binning asks Mr. Karandikar to admit that the translation in the *Mahratta* Ex. No. 230 is the translation of the Urdu Memorial.

Mr. Karandikar says that Ex. No. 230 is a reproduction from some other paper as stated in this Exhibit.

Mr. Karandikar puts in the terms of an agreement regarding Exhibits.

Witness says after luncheon, 3 p. m.

Substantially Ex. 318 is the same as the translation of the Memorial appearing in the *Mahratta* Ex. 230.

In para 4 of the *Mahratta*, the word "that" is used before "measure" in Ex. 318 the word is "the." Otherwise there* is no difference.

* Ms. p. 77.

Mr. Karandikar cross-examines.

I both copied and compared the original with the certified copy Ex. 317.

In copying I took about two hours.

Comparing didn't take long.

I copied it on one day, and on the next day I compared it with the original.

On some other day I compared it again. It must be after an interval of two days.

I can't say what date I last compared it.

About a month ago I last compared it with the original.

I was ordered to do this during my office hours by my official superiors. Mr. Sanjana gave me the order.

He is the 1st Asst. to the Oriental Translator.

I gave back the copy after comparing it to Mr. Sanjana. Returned it* with the original.

* Ms. p. 78.

This is the only copy I remember having made.

I didn't make this English translation Ex. No. 318.

I don't know who made it.

I saw it before I came here to give evidence.

I first saw it in my office.

Some days after I made the copies I saw this English translation Ex. 318. It was after I compared it the last time. I got the original Urdu Memorial from Mr. Sanjana, for the first time and that was when I was ordered to copy it.

During the time when I was copying and comparing it I was in office and drawing my pay.

Re-examination by Mr. Binning.

I do not know whether the 1st Defendant paid for the copying* and comparing of the original Urdu Memorial Ex. No. 318.*

* Ms. p. 79.

Translator in the office of the Oriental Translator to Government.

The evidence of the witness was read out to him by me and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Hari Ganesh Bapat, called by Mr. Binning.

Solemnly affirmed by me.

I am a translator in the Oriental Translator's Office.

I compared the original and copy Ex. 317. It is a correct copy. I examined only the Marathi signature and the Marathi all through the document.*

* Ms. p. 80.

There is no Marathi in the body of the Memorial but only the signatures.

I also examined the pamphlet. Some are complete copies and some are extracts. They are correct copies.

Cross-examined by Mr. Karandikar.

I have been 14 years in the Oriental Translator's office.

I don't know anything about the procedure as to copies

The head of the office gave me the extracts to compare.

Mr. Shaik is the Oriental Translator. He is the head of the Department.

I did the comparing work during office hours. I drew my pay during the time I compared the copy with the original. The copy bears my signature.

I don't know the exact date when I compared it. But it was about a month ago.*

* Ms. p. 81.

The original was with me for a day or two.

No re-examination.

HARI GANESH BAPAT.

Translator.

Oriental Translator's office.

The evidence of the witness was read out to him by me and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Peter Arnold.

I am a clerk in the *Times of India*.

I produce file of the *Times of India* 1895.

I produce the issue of the 15th of January 1895.

Mr. Binning wants to put in a letter in the issue signed by Mr. Suleman Abdul Wahed.*

* Ms. p. 82.

Mr. Karandikar objects because no notice was given regarding this document.

Mr. Karandikar's other objection is that this letter about to be put in is irrelevant and inadmissible.

Ex. No. 319.

The letter on page 3 of the *Times of India* (Newspaper).

Ex. No. 319A.

Examined copy of the above letter and put in.

I produce file of the *Times of India* for 1896.

I produce the issue of the 14th November 1896.

I produce the letter of V. G. Apte about the "Deccan Sabha" page 4, column 7.

Mr. Karandikar objects to this document.

* Ms. p. 83.

I have also examined the copy and found it to be correct.*

Ex. No. 320.

The letter in the *Times of India*.

Ex. No. 320A.

A copy of the said letter put in. Mr. Karandikar objects to the copy also.

I produce issue of the 19th of June 1897 page 4, column 4 Letter signed "Justice."

I have examined the copy and found it to be correct.

Mr. Karandikar *objects* to the letter in the issue as to the copy.

Ex. No. 321.
Ex. No. 321A.

Letter in the issue.

Copy of the letter put in.

The Editor instructed me to come here and produce the file. I received the subpoena. I have been in the office of the *Times of India* for the last seven years.

* *Ms. p. 84.*

Mr. Karandikar cross-examines.*

The subpoena which I received I left behind.

My subpoena asked me to produce only two issues, 14th November 1896; 15th January 1895.

Mr. Binning says that Mr. Karandikar must put the subpoena in as the witness is giving out the contents of the document.

Mr. Karandikar says that the subpoena is taken in hand to refresh the memory of the witness.

I got instructions later on for the third file, and so I brought this third file.

I haven't got the original letter. The office keeps them only for six months and then destroys them.

I never saw the originals of these documents.

I compared the copies with originals to-day and here in the court house.*

* *Ms. p. 85.*

I was instructed by my superiors to take the files, but not instructed to compare the copies with the originals appearing in the issue of the *Times of India*.

* I haven't brought the file for the year 1899.

I don't know whether the Editor received any letter from the Plaintiff to produce the file of 1899.

Mr. Bennett is one of our proprietors.

I don't know whether Mr. Bennett was the Editor in the year 1899.

The Newspaper shows Printed and Published for Bennett Coleman & Co. Proprietors.

Only yesterday I received instructions to put in the issue in the file of 1897.

On the 11th of July I received the subpoena for the two other issues of the *Times of India*.*

* *Ms. p. 86.*

Our present Editor is Dr. Stanley Reed.

Ex. No. 322.

Mr. Binning puts in the subpoena.

PETER ARNOLD,
Clerk, *Times of India*.

The evidence of the witness was read out by me to him and found to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.

Mr. Binning asks Mr. Karandikar whether he is prepared to admit that one Damodar Hari Chapekar is dead.

Mr. Karandikar says that he is not prepared to admit anything.

Mr. Binning calls **Sadhu Khandoo**.

Solemnly affirmed by me. And his evidence interpreted.

I am the head Warder Yeroda Central Jail.

I have been serving there for the last 20 years.

I knew a man called Damodar Hari Chapekar who came as a convict.

I actually saw Damodar Hari Chapekar hung.

It was on the 18th of April 1898 that he was hung.

From No. 3 Register I have ascertained that it was the 18th, 1898.*

* *Ms. p. 87.*

No cross-examination.

(Signature in Modi).

The evidence of the witness was read out and interpreted to him by me and found by him to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.

Mr. Binning calls.

Shivram Mahadev Paranjpe.

Solemnly affirmed by me.

I am about 50 years of age.

I am an M. A. of the Bombay University.

My native place is Mahad.

I have spent a great portion of my life in Poona.

I have been connected with Poona for about 30 years.

I am a Rig-Vedi Brahmin.

It is a very high caste.

I know Mr. Tilak, the Plaintiff.

I have known Mr. Tilak for about 25 or 30 years.*

I have taken an interest in politics since I started the Newspaper called *Kal*.

It may be about 1897 or 1898.

True Copy Declaration 14th March 1898 put in.

Before I started the paper I took no interest in politics.

At the time I started the paper I had no idea about the question of the Extremists' Party and who its leader was.

Q.—During the last 17 years who has been the leader of the Extremists' Party?

Mr. Karandikar objects to this question as it is a double question.

There may be an Extremists' Party in 1905 in the Bombay Presidency.

I might not give the name Extremists' Party. I might give it the name Swadeshi Party.*

There is no principal man as leader of the Swadeshi Party.

All those that work more are the principal men.

I can't give any names of any leaders.

I have heard the word Extremists' Party applied to what I call Swadeshi Party. I have heard the expression Moderate Party.

Q.—What is the difference between the Extremists or Swadeshi Party and the Moderate Party?

Mr. Karandikar objects to this question as it is the matter of opinion.

According to my opinion Moderates generally take up Social work, whereas the Extremists or the Swadeshi party take up Political work.

I was present at the Congress at Surat when a great disturbance took place.

Mr. Tilak, the Plaintiff was present.

There was a great dispute.

All people were taking part.*

Mr. Tilak was one of the principal persons.

Mr. Karandikar at this stage objected to the all questions put by Mr. Binning relating to the Congress.

On the other side the leaders were the President of the Congress and others. He was a Bengali gentleman. There was also the Hon'ble Mr. Peroshah M. Mehta.

The late Mr. Gokhale was present.

He was on the side of the president.

I can't say what the cause of the dispute was.

* Ms. p. 88.

Ex. No. 323.

* Ms. p. 89.

* Ms. p. 90.

I remember something.

The dispute was because the propositions of the Calcutta Congress were not included in the Surat Congress.

I have heard of the word Swarajya.

The propositions of Svadeshism were not put.

I started the *Kal* with my own funds.

I was a Professor in the Maharashtra College in Poona.

I left the College and moreover to earn* my living.

* Ms. p. 91.

I started the paper called *Kal*.

This was my first effort in journalism.

I can't remember whether I contributed in other papers.

I might have contributed in some papers.

The *Kesari* was the principal vernacular paper in Poona when I started the *Kal*.

My paper was a weekly paper and issued on Fridays.

I was not a regular reader of the *Kesari* before I started my own paper.

I was not a subscriber to any paper before I started my own paper.

I was not a free recipient of any weekly paper.

I didn't take any journalist's advice before* I started my paper.

5-30 P. M.*

* Ms. p. 92.

16th July 1917.

11-30 A. M.

The witness continues his examination-in-chief.

I was the editor of the *Kal* until I was arrested. It must be about the 8th of June 1908.

One P. B. Khare succeeded me as the editor of the paper.

I was on bail during the trial.

I was on bail until I was sentenced.

From the time I was arrested until I was convicted I didn't see my paper at all.

I appointed Mr. Khare the editor after I ceased to be the editor.

Ex. No. 324.

The Declaration of P. B. Khare as printer, publisher and editor of the *Kal* dated 16th July 1908 put in.

Mr. Khare had nothing to do with the paper before I was arrested.

* Ms. p. 93.

I didn't enquire whether Mr. Khare had anything to do with any other paper.*

I wanted an editor, he offered his services and so I employed him.

I conjectured that he had views similar to mine when he offered his services.

After I came out of prison the paper lasted for six or eight months.

I didn't take charge of the paper after I came out of prison.

Ex. No. 325.

Certified copy of charges, conviction and sentence relating to the witness put in.

Mr. Karandikar objects to the above Exhibit going in.

I was with him (Plaintiff) in Sardar Building in Bombay when he was arrested. I was living with him in the same building.

I was with the Plaintiff in the same room when he was arrested.

At that time I was on bail and under trial.

I was arrested in Poona.

* Ms. p. 94.

I can't say whether Mr. Tilak* came to Bombay before or after I was arrested.

I produce files of *Kal* which include the issue asked.

The last date of my file is 26th of March 1909.

These files are in my possession.

When I was in jail the files of the paper were lying in my house.

When I came out of prison the files were in my house in addition to other numbers of the paper.

After I came out of prison I kept up the files.

After I came out of prison I never saw Mr. Khare about the newspaper *Kal*.

I read nothing appearing in the *Kal* after I came out of prison.

While I was in prison my family took the profits of the paper.

When I came out I took the profits.

* Ms. p. 95.

While I was imprisoned Mr. Khare* was paid for carrying on the work of the paper. After I came out he was not paid.

He ceased to edit the paper after I came out of prison.

After I came out of prison another man edited the paper.

The name of the other man is Mr. Soman.

Mr. Khare had ceased to be the editor before I came out of prison.

I don't know why he ceased to be the editor.

Ex. No. 326.

Mr. Soman's declaration (True Copy) put in 19th of February 1909.

Mr. Karandikar *objects* to this Declaration Ex. No. 326.

I produce the issue of *Kal* dated 31st August 1906, page 3, columns 3 and 4. Extract beginning from "Ganpati Festival was celebrated with great eclat.".....down to "would remain alive".

Ex. No. 327.

* Ms. p. 96.

The whole article put in by Mr. Binning. Mr. Karandikar *objects*.*

Translation to be put in hereafter.

Mr. Karandikar says that he *objects* to all the issues of the *Kal* which Mr. Binning may put in hereafter.

Ex. No. 328.

I produce issue of the 5th of April 1897, page 5, columns 3 and 4, paras 3, 4 and 5. Editorial Notes.

Mr. Paranjpe (the witness) says that he will not part with this issue of the paper, but he will allow it to remain in Court for the purposes of having a copy made of it as well as a translation.

This is the only issue of the paper that I have got.

As far as I know I can't buy another issue of the paper of this date, viz., 5th of April 1897.

Translation to be put in subsequently.

I don't remember whether I published a number of articles in my paper on the Revolution in Russia.

* Ms. p. 97.

I refresh my memory by looking at the paper of 19th of April* 1907.

I did publish one or two articles in my paper on the Revolution in Russia.

In two issues, 5th and 19th of April I published one continued article on the Revolution in Russia.

[X] The article was a contribution coming from outside.

I produce the issue of the 10th of May 1907, page 5, column 5.

Ex. No. 329.

Editorial Notes on "Government Circular prohibiting teachers and students from taking part in politics."

- These notes are mine that means I wrote them.
Mr. Karandikar *objects* to the translation also.
- Ex. No. 330.** I produce issue of 7th of June 1907, page 5, a para in column 2.
Notes on the same Government Circular.
Translation also put in.
I produce issue of 12th July 1907.
- Ex. No. 331.** Two Extracts from Leading Article on page 4.
1st extract column 2.
2nd extract columns 5 and 6.
Translation put* in.
- * *Ms. p. 98.*
Ex. No. 332. The book "Antobiography of Joseph Mazinni and Politics" by V. D. Sawarkar dedicated to the witness and the Plaintiff.
This book put in (Translations of the dedication and two prefaces put in).
Mr. Binning relies on the following in the book,
1. The dedication.
2. Publisher's Preface.
3. Translator's Preface.
4. Certain translated extracts from the book itself.
Translated extracts put in.
Mr. Karandikar says that the book is totally irrelevant and should not go in.
Mr. Binning says that this book is relevant, but this is not the time and place for showing how it is relevant.
Mr. Karandikar further says that he *objects* on the ground that no particulars were furnished.
In Exhibit No. 331 this book Exhibit No. 332 is referred to.
- Ex. No. 333.** I produce issue of 4th October 1907. "Indians in Vancouver," page 4, columns 1, 2, 3, 4, * 5 and 6, Leader.
* *Ms. p. 99,*
- Ex. No. 334.** I produce issue of 25th October 1907, page 4, columns 1 to 5, Leader "Mr. Morley's Speech".
Translation put in.
Mr. Karandikar's *objection* is that only column 1 was given in the particulars, whereas Mr. Binning has put in columns 2, 3, 4, 5 and 6.
- Ex. No. 335.** I produce issue of (3rd of January) 1908.
Translation put in.
- Ex. No. 336.** I produce issue of 10th January 1908. Leading Article "The Moderates and the English" page 4.
Translation put in.
- Ex. No. 337.** I produce issue of 28th of February 1908 "Murder of the King of Portugal." Letter from a London Correspondent.
Q—Who is your London Correspondent?
A.—No name is given here.
Q.—Do you know who he was?
A.—No.
* *Ms. p. 100.*
I can't say now who had written the London letter.*
I haven't appointed any correspondent in London.
I can't remember now the names of any persons in London who wrote from there as correspondents.
- Ex. No. 338.** I produce issue of 20th of March 1908, page 5, columns 4, 5 and 6. Editor's stray thoughts. Translation put in.
- Ex. No. 339.** " " " 3rd of April 1908, page 2 beginning from column 4. "An Appeal to God."
Translation put in.
- Ex. No. 340.** " " " 8th of May 1908, page 3, column 2.
Editorial Notes.
Translation put in.

Ex. No. 341. 15th of May 1908 page 2, columns 4, 5 and 6 and page 3, columns 1 and 2. Leader.

Translation put in.

Ex. No. 342. 29th of May 1908 page 3, columns 1, 2 and 3.

Translation put in.

Ex. No. 343. 5th of June 1908 page 2, columns 3, 4, 5 and 6. "English the cause of Bombs."

Translation put in.

Ex. No. 344. 24th of July 1908 page 2, columns 3 and 6. "The Country's Misfortune." *
*Ms. p. 101.

Translation put in.

Mr. Karandikar *objects* on an additional ground that this article which is Ex. No. 344 appeared after the witness was convicted and ceased to be the editor of the paper *Kal*.

I produce this issue, but Mr. Khare appears as the publisher and printer.

The editor's name doesn't appear.

My name doesn't appear either.

Ex. No. 345. „ 31st July 1908 page 2, columns 5 to 6, page 3, columns 1 and 2. Editorial Notes.

Translation put in.

Mr. Karandikar *objects* to page 3, columns 1 and 2 on the additional ground that no particulars were given regarding the same.

Mr. Paranjpe, (the witness) says that his name doesn't appear in the above issue as the printer and the publisher of the paper.*

*Ms. p. 102.

I was never a Professor in the Fergusson College.

While I was in Poona I was on friendly terms with the Plaintiff but not on very friendly terms.

Sometimes we visited each other's houses.

Looking at Ex. No. 115 I can say that I must have visited Nasik in September 1905 for Ganesh Festival.

The Plaintiff was not present in Nasik on the occasion of the Ganesh Festival.

About 10 or 15 persons came to meet me on the station.

Mr. Karandikar says that he *objects* to the evidence of the witness in this connection as irrelevant because Mr. Tilak was not present at Nasik during this Festival.

I have no reasons to suppose that what is stated in Ex. No. 115 regarding the appearance of a large crowd at the station to meet me to be incorrect, but I don't positively remember.*

*Ms. p. 103.

Mr. Karandikar says that at this stage Mr. Binning is endeavouring to cross-examine the witness.

Mr. Karandikar says that he *objects* to the witness's attention being drawn to only correspondence appearing in the *Kesari*.

I can't say whether the following is correct.

Lokamanya Paranjpe exclaimed. "This address which is received and the reception which is given I offer it at the feet of my best Guru Mr. Bal Gangadhar Tilak."

Q.—Is the above substantially the correct statement of what you said?

Mr. Karandikar says that firstly the question is leading and secondly it is absolutely irrelevant.

A.—I can't remember at this distance of time whether I said something to this effect.

Q.—Was the Plaintiff at that time your best Guru?

A.—I learnt under him at his school.*

*Ms. p. 104.

Question repeated by Mr. Binning.

A.—All along I have been respecting him.

I respect my father and mother more than the Plaintiff.

Outside my relatives I don't respect anyone more than the Plaintiff.

Some songs were sung at Nasik, but I don't remember whether they were by Mr. Darekar or others.

I don't know who the singers were.

I don't know any one called Darekar who composes verses.

"Mitra Mela" is a collection of boys coming together and singing songs.

Mitra Mela sang at Nasik.

I knew Vinayak and Ganesh Savarkar.

They were brothers.

I knew the youngest brother Narayan.

All three must have been present when I delivered a lecture in Nasik.

I stopped at Mr. Muthe's house.

One Pade had sent a letter to me asking me to go to Nasik.*

* Ms. p. 105.

His full name is Shankar Shastri Pade.

Mr. Karandikar says that this evidence is irrelevant and that I should not allow it to go in.

He asked me to refer to the pleadings in which only six points are specified. Mr. Karandikar mentioned some of the six and then Mr. Binning said that it was due to the moral influence of the Plaintiff that these incidents happened.

Mr. Karandikar read before me the plaint, the defence, the particulars, order for further and other particulars, further amended particulars and answers to interrogatories.

The gist of Mr. Karandikar's *objection* is that the Defendant shouldn't travel beyond the limits laid down in the particulars or the amended particulars supplied.

* Ms. p. 106.

Mr. Karandikar says that questions* to the witness regarding a meeting at Nasik in 1905 when the Plaintiff was not present are quite irrelevant and therefore shouldn't be allowed.

I didn't go to Nasik after 1905 except last year to attend the Conference.

I am quite sure that I didn't go on any other occasion.

Mr. Binning is referring to Ex. 178.

I don't know who that Paranjpe referred to in Ex. 178 is.

I don't think I delivered a series of lectures in Nasik in 1907.

Mr. Binning refers to Ex, No. 112, and shows it to the witness.

I remember the meeting at Poona 1905 referred to in Ex. No. 112.

I don't know who summoned it.

I made a speech there.

I can't say how I came to make a speech. .

* Ms. p. 107.

A para says that Ra. Savarkar was present. Most probably he must be Vinayak Savarkar.*

The word Swarajya has different meanings in different places.

Self-Government on Colonial lines is one of the meanings of the word Swaraja.

Self-Government under the aegis of the British Government is the other meaning.

Under the ægis means under the control of the British Government or supremacy of the British Government.

By British Government I mean British Parliament.

Mr. Karandikar *objects* to the previous question about Swarajya.

The particular question *objected* to was.

Q.—Does Swarajya mean absence of all British officials in India?

A.—There may be high officials like Lieut. Governors or Governors.

No hard and fast lines can be laid down.

The Plaintiff and I do not necessarily agree on political matters.

Q.—Do you in the main agree with the Plaintiff in political matters?

A.—I cannot bind myself.*

In some respects I consider since 1905 that India is in a state of slavery.

Q.—Do you consider that the member of the Indian Civil Service are oppressors or not?

A.—It will depend on individual cases. If an officer oppresses I'll call him an oppressor. If not I won't call him an oppressor.

Exhibit No. 290 read by Mr. Binning to the witness.

I don't remember anything referred to in Exhibit No. 290.

I remember attending many meetings where 2000 or or 2500 students attended in connection with Swadeshi.

There are two pleaders in Poona called Bhopatkar.

I don't know whether they both address the meetings.

I also know the editor of the paper called *Bhala* called Bhaskar Balvant Bhopatkar.

I don't remember whether I attended any meeting addressed by Bhopatkar in connection with the Ganpati Festival.

There were special Ganesh Festivals in 1907.

Exhibit No. 175 shown to the witness page 7.

I remember having delivered a lecture in Poona in the Reay Market presided over by Mr. Khadilkar on Wednesday 24th September 1907.

I don't remember whether I was present at the Plaintiff's lecture appearing in the same exhibit.

I am unable to say whether I was present on Tuesday at Mr. Tilak's lecture.

On these Ganpati Festivals many people lecture at different places and it is not possible to be present at one particular place.

I was present during most of the festival as the festival goes on for 10 days.

I may sometimes not be present.

I had taken a vow of Swadeshi and Boycott. I can't say on what particular occasion I took the vow*.

* Ms. p. 108.

* Ms. p. 109.

* Ms. p. 110.

17th July 1917.

11-30 A. M.

The witness is desirous of seeing Exhibits No. 115 and 178.

The Exhibits are shown.

The witness now says that after looking at both the above exhibits he wishes to correct himself and say that he might have gone to Nasik in the year 1907.

The two exhibits again shown to the witness.

I can't exactly say what meaning of the word Swarajya was discussed at that meeting at Nasik.

There is a redocore national flag.

I don't remember what my subject was at the meeting on which I spoke.

Bhagva colour was accepted because it was selected by Ramdas.

* Ms. p. 111.

Ramdas was the spiritual teacher of Shivaji.*

I don't remember whether I was present at the Conference of the Melas at the temple of Bhadra Kali.

I don't think I was present at the meeting at the theatre.

As far as I know Baba Saheb Khare was not connected with the Plaintiff by marriage.

Exhibit No. 118 shown to the witness.

I remember the occasion mentioned in Exhibit No. 118.

Witness reads the report.

What is stated is a fair description of what took place.

I don't know who Ra. Ra. Bhat is.

Exhibit No. 119 shown to the witness.

This refers to a meeting in Bombay at which the Plaintiff took the chair.

I remember the meeting referred to in Exhibit No. 119. I was present there.

I don't remember how I came to be there,—whether I came down from Poona.

Exhibit No. 128 shown to the witness.

* Ms. p. 112.

The exhibit gives a fairly correct* description of the meeting.

Patriotic thoughts mean thoughts about loving one's own country.

Mr. Khadilkar was the editor of the *Kesari*.

When the Plaintiff was in prison Mr. Khadilkar was the editor.

Mr. Kelkar is the present editor of the *Kesari*.

I don't know whether Khadilkar was connected with the *Mahratta* at any time.

The object of the Paisa Fund was to employ the fund for industrial purposes.

It was meant to produce articles which were not produced before in India.

I can mention glass-works which were helped by the Paisa Fund. There may be pottery works too, I am not sure.

The glass works are at Talegaon and started about 8 or 10 years ago.

* Ms. p. 113.

I don't think the Samarth Vidyalaya had anything to do with the glass-works.*

A balance sheet of the Paisa Fund has been published from year to year by the secretaries.

A. D. Kale and Baba Saheb Jog were the secretaries.

The fund does exist now.

As far as my knowledge goes the glass factory was not part of Samarth Vidyalaya (School).

I don't remember whether a book is published containing the Plaintiff's and my lectures and speeches.

I might remember if I were to see the book.

Exhibit No. 340 shown to the witness, and he is asked to read para 3.

I am not able to say what the false reports referred to were.

I draw attention to next sentence but one.

Mr. Karandikar *objects* to the question put by Mr. Binning because views of the witness have nothing whatever to do with the case.

* Ms. p. 114.

Mr. Karandikar further says that he *objects* to these irrelevant questions as they lengthen the trial very much,* and eventually the Plaintiff may be again called upon to give further security.

Q.—Were the popular Tilak and Shri Bala Saheb and Tatyasaheb Natu the chief leaders. ?

Mr. Karandikar *objects* to the question.

A.—I'll explain.

The meaning of what I have written is this (The witness refers to *his article*).

The police arrested them taking them to be the leaders.

I can't say whether the police were right in supposing them to be the leaders. From the results they appear to be wrong, because Tatyasaheb Natu and Bala Saheb Natu were let off afterwards.

(Reading 3rd para about the end of the Exhibit).

It was not correct that Government was obliged to release Mr. Tilak before the end of his term.

The Natu Brothers had been well-known in Poona for being rich, otherwise they are ordinary persons.

Both the Natu brothers are not well-known members of the orthodox party.

* Ms. p. 115.

Only Bala Saheb Natu was a well-known * member of the orthodox party.

Bala Saheb took some part in religious ex-communications. Tatyasaheb did not.

I was a student at the time when the agitation regarding the Age of Consent Bill took place.

I may be about 25 years old at that time.

I was a student at that time.

The orthodox party objected to the age being raised.

I can't give the names of the leaders who agreed with the reform movement.

Mr. Justice Ranade was on the side of the reformers in favour of the change.

Mr. Justice Telang may have been on the side of the change.

Prof. Bhandarkar must have been on the side of Mr. Justice Ranade.

I took no interest in this agitation.

The Plaintiff has and had a bungalow at Sinhagad Fort.

I might have visited the Plaintiff's bungalow at Shivgad.*

* Ms. p. 116.

I can't say whether I went to the bungalow. I have visited the fort.

Shivgad fort is Shivaji's fort.

There are some bungalows there.

There are less than 20 bungalows there.

Witness shown Ex. No. 344.

Mr. Karandikar *objects* to the witness looking at the Exhibit.

The article Ex. No. 344 appeared in the paper when I was in prison.

I haven't read the article since I came out of prison.

Mr. Karandikar *objects* to the witness's opinion with reference to the exhibit relating to the Plaintiff.

The witness is asked to read eight sentences from the words "Government ought to take.....down to Hindustan".

Q.—Do you agree with the discription of the Plaintiff in that article. ?

The witness reads out the Marathi at the suggestion of Mr. Karandikar.*

The translation is not yet proved.

Mr. Karandikar *objects* to the question.

A.—To me this seems to be an exaggerated description.

Q.—What are the exaggerations ?

Mr. Karandikar *objects* to the question.

A.—It cannot be described as the original cause of our Hind or Brahminical religion.

Kaka Joshi was the originator of Swadeshi and not the Plaintiff. Boycott came from Bengal and therefore the Plaintiff is not the originator of it.

If the words there mean that the Plaintiff is an intelligent man I have nothing to say.

I see no meaning in the sentence "Strength and wealth and army of us all."

I have nothing to say further.

I know Bhaskar Balvant Bhopatkar, * Superintendent of the Maharashtra Vidyalaya.

Mr. Binning will hereafter put in through the witness certain photographs and a book.

Mr. Karandikar cross-examines.

I began to learn English at the New English School.

It is the same school started by the Plaintiff, Mr. Agarkar, Mr. Vishnu Shastri, Mr. Nam Joshi. It is now managed by the Deccan Education Society.

The present society is a continuation of the Society started by the Plaintiff, Agarkar and others.

I learnt under these gentlemen and also Mr. Apte.

The Plaintiff was some time called Prof. Tilak, even after he ceased to have any connection with the institution.

Q.—For the English word Professor you often use the word Guru ?

A.—Yes.

I have respect for these gentlemen under whom I learnt.

I know Sir Ramkrishna Bhandarkar.*

I did know Mr. Justice Ranade.

I did know Prof. Jinsiwale.

I have read about Dr. Dadabhai Navroji.

I don't remember having seen him.

I didn't attend the Calcutta Congress, when he (Dr. Dadabhai Navroji) was the president.

Q.—Do you hold these names in respect ?

A.—Yes.

Q.—Can you name any of these persons for whom you have or had higher respect than you have for the Plaintiff ?

A.—Yes.

Q.—Mr. Vishnu Shastri Chiplunkar, Vamanrao Apte, Mr. Agarkar, Prof. Jinsiwale and Dr. Bhandarkar. All these except Dr. Bhandarkar are dead.

Q.—Is your respect for any of these gentlemen affected by difference of opinion which you had or have ?

A.—No.

Q.—Do you know that the Government Training College Ganpati Festival * did take place some years ago ?

A.—Yes.

This Government College is meant for training teachers.

* Ms. p. 120.

* Ms. p. 117.

* Ms. p. 118.

* Ms. p. 119.

There was a boarding house there for Training College students maintained by Government.

Q.—Was a Ganpati installed in the boarding house in the Training College?

A.—Yes.

There was an annual Ganpati festival and in this festival the Training College boys' procession took place.

I can't remember when it ceased.

But it may have ceased ten years ago.

In the annual festival at Poona there were processions on the last day.

I think that ten years ago the Training College procession joined the general procession in Poona.

The Ganpati Festival is as old as our religion.

Ganpati Festival lectures were not an old form.

* Ms. p. 121.

The old form is Hari Kirtan.*

This Hari Kirtan is standing with music and songs with sermons in prose during the interval.

I know a Puran.

This "Puran" is exposition of the Sanskrit passages into vernaculars while sitting.

To have Purans is an old form.

To a certain extent these Purans and Kirtans are still in existence.

I have delivered several lectures in Poona.

Q.—Do you know whether in the Poona procession any songs were sung in praise of the Plaintiff?

A.—No.

It is the practice in Poona lectures to have some one in the chair.

Q.—What is Swadeshi talked about when the students were present?

A.—Buying Swadeshi goods.

The Ganpati Festival lasts for 10 days from the 4th to the 14th of Bhadrapad.*

* Ms. p. 122.

If you include both days it would be eleven days.

It is on the eleventh day that the procession takes place.

At such meetings lecturers from outside attend and address the people.

People from Poona also go out to lecture on these occasions.

It was on some such occasion that I went out of Poona and visited Nasik for lectures during the Ganpati Festival.

Ganpati Festivals must have been held according to the old usage in Poona as well as outside.

Mr. Karandikar puts in extract from a book called "Decan Scenes" by Alexander M. Cantrell, page 12. He produces the book but declines to put it in.

* Ms. p. 123.

Mr. Binning *objects* that the extract shouldn't be put in. The book must be put in. He further *objects* that this* extract is irrelevant, and therefore inadmissible.

The date of the book is 1864.

The extract is found to be correct. Mr. Binning says that he has compared the two viz. the book and the extract. The two sentences are separated by one whole page of printed matter.

Ex. D.

The Exhibit put in by Mr. Karandikar.

Ex. E.

Extract from Bombay Gazetteer, Vol. 18, part 3, Poona, page 49 put in.

Mr. Binning *objects* to the extract of the Bombay Gazetteer being put in and also *objects* to the witness being asked to compare the extract with the original. He says that it is not the province of the witness to compare. Mr. Binning says that these extracts are not true copies. Mr. Karandikar says that these copies are going in subject to their being found to be the true copies

Ex. F.

* Ms. p. 124.

Marathi book by Narayan Vishnu* Joshi, 1868, extract pages 21, 22 and 75.

Translation put in.

Mr. Binning *objects* on the ground stated above.

Ex. G.

Marathi book *extract* part 1. Book is called "Poona City" by Sitaram Ramchandra Gaikwad, edition of 1886, page 76, line 6 onwards, heading *Ganesh Divankhana*.

Mr. Binning *objects* on the same ground.

I have compared Exhibits D and E with the originals and have found them to be correct.

With reference to Exhibits F and G there are some mistakes.

One sentence has been dropped in Exhibit F.

In Exhibit F, (the English translation) the bracket is wrongly put.

* Ms. p. 125.

In Exhibit G, there are two flaws one in vernacular, and one in the* translation. A dot is to be taken out.

In the English two words have changed places. (Corrections made).

Sirdar Griha is a hotel in Bombay.

Chiefs and various gentlemen board there.

The Maharashtra Vidyalaya of which Bhopatkar was the superintendent is quite separate from the Talegaon Vidyalaya.

The Talegaon Vidyalaya goes by the name of Samarth Vidyalaya.

In writing my notes, editorial columns or leaders or in any other contributions I never consulted the Plaintiff.

The Plaintiff never contributed to my paper.

He never sent anything for publication in my paper.

He never asked me to write on any particular subject.

* Ms. p. 126.

He never asked me to express only particular views in my paper.*

He never suggested me to write on any subject in my paper.

My paper *Kal* was not connected proprietarily with the *Kesari*.

I was the sole proprietor of the paper *Kal*.

My paper was never connected with the *Kesari* peculiarly.

There is no truth in the suggestion that my paper *Kal* was the Plaintiff's organ.

Q.—Did your paper *Kal* disseminate the same doctrine as the Plaintiff's with the same purpose and for the same object?

A.—No.

My paper was independent of *Kesari* or the Plaintiff.

There is no combination or conspiracy between my paper and the Plaintiff's.

* Ms. p. 127.

There was no manner of connection between *Kal* and *Kesari*.*

I was in jail after the Plaintiff's conviction and I never hailed him in 1908 as the national hero, who had been unjustly convicted.

After my arrest I had no control over my paper *Kal*.

The Plaintiff was my private friend then.

Dr. Bhandarkar's disciples called him a Guru.

Q.—Generally in public meeting persons other than his disciples sometimes called him *Guru*.

A.—They may call him a Guru.

I produced the files of my paper before some police officer.

It was at my house.

This was some months ago.

One Police Officer of Poona called Kokji.

When he came for my paper I asked for a receipt.

Q.—What did Kokji say to you ?

Mr. Binning *objects* unless Mr. Kokji is called.

* *Ms. p. 128.*

A.—Mr. Kokji asked for the files.*

I asked him why he wanted the files.

Q.—What did he say in reply ? Mr. Binning *objects*.

A.—He said that they were wanted for the Chirol case.

I said that if you ask for the files in your capacity as a police officer I'll part with them.

He was willing to sign a receipt as a police officer.

He signed a receipt and I have got it here.

Mr. Binning *objects* to the receipt.

The receipt is in Marathi.

The witness produces the receipt.

Ex. H.

The receipt put in with the translation.

This receipt was written by my clerk in my presence and signed by Kokji in my presence. Dated 1st June 1916.

I handed over the files to Kokji who took them away.

* *Ms. p. 129.*

The files that were taken away from me* were returned to me after five or six months. I don't exactly remember.

There were many meetings at the Ganpati Festival presided over by persons other than the Plaintiff. At such meetings I sometimes lectured.

Re-examination by Mr. Binning.

I never sent any contribution to the *Kesari*.

Mr. Shashtri Chiplunkar took some part in politics. He died more than 20 years ago.

Mr. Shastri was a teacher of history.

Mr. Apte died about 15 or 17 years ago.

I am a Sanskrit Scholar.

The Plaintiff is a Sanskrit teacher.

He also taught Mathematics.

Mr. Agarkar was a professor of History and philosophy. He died about 20 years ago.

* *Ms. p. 130.*

He wrote in the paper *Sudharak* and was its editor. He wrote in the *Kesari* too.*

Mr. Wamanrao Apte taught Sanskrit.

I don't know whether he took part in politics.

Mr. Jinsiwale died about 10 or 15 years ago.

He taught History and Sanskrit.

In the Deccan College Dr. Bhandarkar was my teacher.

In the New English School education was given in English.

I can't recollect whether I have written anything to show my respect for Dr. Bhandarkar. All the same I do respect him.

Q.—Which of the two Dr. Bhandarkar or Plaintiff would be the greater loss to the country ?

A.—We want both.

I can't compare the two persons,

How can I say which would be a greater loss.

Mr. N. C. Kelkar, Mr. Khadilkar, Mr. Pangarkar, Mr. Damle and others went out of Poona to lecture to whatever audience there was.

* Ms. p. 131.

I can't say whether the * audiences consisted largely of students.

Mr. Khare of Nasik came once or twice to Poona to lecture.

Mr. Gajanan Bhaskar Vaidya came from Bombay to Poona to lecture.

He is a teacher in Bombay.

Chintamanrao Vaidya from Kalyan came to lecture. He was the Chief Justice of Gwalior.

I can't exactly remember whether Bijapurkar came to lecture. Savarkar came to lecture, but I don't know whether at the Ganpati festival he came to lecture in Poona. He may have done so at Nasik.

The views of my paper may or may not coincide with those of the Plaintiff's paper.

I have already said I am not a constant reader of the Plaintiff's paper.

Q.—Have you ever seen a photographic print called "Rashtrapurush"?

Mr. Karandikar *objects*.

A.—I don't remember having seen it.

The photograph shown to the witness.

* Ms. p. 132.

A.—I have not seen it.*

Book containing the lectures of the Plaintiff and the witness shown to the witness.

The book is by one Valve.

I might have seen the book but I don't remember. I don't remember whether any authority was given by me to publish it.

Ex. No. 346.

The book put in with the translation.

Mr. Karandikar *objects*.

Pages 41 to 48 referred to.

I delivered the lecture appearing on pages 41 to 48.

Mr. Karandikar further *objects* to the witness saying anything regarding his own lectures. It has nothing to do with the Plaintiff.

Page 35 seen by the witness.

It contains his lecture.

I can't say whether it is a fair summary of what I said at Nasik.

Mr. Karandikar *objects* to the whole book or any part referred to by the witness.

Cross-examined by Mr. Karandikar.

* Ms. p. 133.

It is impossible for me to recollect,* the lectures now.

I cannot say that what is stated in the book is exactly what I said.

This book was never submitted to me for correction or approval, nor can I say whether the summary in this book is correct.

I have given a correct translation of the receipt passed by the Police Inspector Kokji.

SHIVRAM MAHADEO PARANJPE.

18th July 1917.

11-30 A. M.

Mr. Binning says that he doesn't want the above witness any more but on the 24th of July 1917 the question regarding

the original Exhibit to be put in will be argued before the Chamber Judge and if the witness likes he is entitled to come and say what he wants to say. The witness at present *objects* to his issues of the paper *Kal* being put in as exhibits.

* *Ms. p. 134.*

The evidence of the witness was* read out to him by me and found by him to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Ex. No. 347.

Mr. Binning puts in true copy of the Declaration 31st March 1905 of Bhasker Balvant Bhopatker, the editor of the paper called *Bhata*.

Ex. No. 348.

Mr. Karandikar *objects* to this Declaration going in.

Mr. Binning puts in a true copy of the Declaration dated 2nd October 1908 of Krishnaji Prabhaker Khadilkar as the printer and publisher of the *Mahratta*.

Mr. Karandikar *objects*.

Mr. Binning calls **Abajirao Govindarao**. Solemnly affirmed by me.

My name is Abajirao Govindrao.

I am a Police Patel.

Mr. Binning shows to the witness a Panchnama dated 15th January 1910.

* *Ms. p. 135.*

Mr. Karandikar strongly *objects* to this Panchnama and other papers.*

Mr. Karandikar says that he wants to know how the 1st Defendant came into possession of this Panchnama.

The evidence of the witness was interpreted by G. B. Mohile one of the interpreters of the High Court.

The Interpreter says that he has been sworn to translate correctly all matter that came before the High Court.

(I have sworn the interpreter to correctly interpret.

DORAB N. D. KHANDALAVALA.

Commissioner.)

I have seen the Panchnama.

The signature on the Panchnama is mine.

I was present when the Panchnama was made.

Mr. Karandikar *objects* to the fact of being present or otherwise.

It was read out to me before I signed it. I say that it is a correct statement of what took place.

Ex. No. 349.

Mr. Binning puts the Panchnama in.

* *Ms. p. 136.*

Ex. No. 350.

Mr. Karandikar again *objects* to this Panchnama going in.* Translation also put in.

An engraving shown to the witness and put in.

I believe this is the engraving referred to in the Panchnama.

Mr. Karandikar *objects* to the engraving and wishes to know how the 1st Defendant got possession of it or whether it is intended to examine a witness later to produce the engraving and papers etc.

Exs. 351-352.

Two pictures of the Plaintiff shown to the witness.

Both these pictures are referred to in the Panchnama and put in.

Ex. No. 353.

Marathi book shown to the witness.

This is the book referred to in the Panchnama.

Mr. Binning relies on the passages marked in the book and nothing more.

Mr. Binning says that these engravings, book and papers etc. are produced by the Criminal Investigation Department.

upon a subpoena issued by the 1st Defendant on the Deputy Inspector General of Police.

* Ms. p. 137.

Mr. Karandikar *objects* to the procedure* of the production and also *objects* that these documents are irrelevant.

Translation of the passages relied upon put in.

Mr. Karandikar *objects* to the translation.

No cross-examination.

Mr. Karandikar says that in the Bombay particulars only the Panchnama and pictures are specified, but now the 1st Defendant has put in another book which is put in here as exhibit No. 353. Mr. Karandikar *objects* on these above grounds and says that this book shouldn't go in. In the London particulars neither the Panchnama nor the pictures nor the book are specified.

Notice was given to the Plaintiff regarding the production of these documents on the 30th of June 1917 only.

(Signature in Modi)

The evidence of the witness was read out by me and translated by the Interpreter and found by the witness to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.*

* Ms. p. 138.

Mr. Binning calls.

Narhar Balkrishna Joshi,

Sworn by me.

I am a Chitpavan Brahamin.

I was born about 1859.

I was educated in Marathi in Ratnagiri and in English in Bombay.

I was educated in Robert Money School in Bombay.

I was an assistant master in the Elphinstone High School. After that I was in St. Xavier's School teaching Sanskrit.

I went to Rajkote next as a law lecturer and lecturer in political economy.

I started my own school at Rajkote.

I gave it up because I was much pressed by Mrs. Besant to join the Central Hindu College at Benares.

Mr. Karandikar *objects* to the fact of Mrs. Besant pressing him to give up his own school.

I went to Benares in the Central Hindu College as an assistant Professor,* of Sanskrit with only maintenance allowance.

I went there about 1904 and left about 1906, or 1907.

I next went to the Samartha Vidyalaya at Kolapore as a life member.

I had to do the work what other life members did. I did teaching work.

I knew Prof. Vishnu Govind Bijapurkar very well.

I met him at the Benares Congress,

He asked me to join the institution at Kolapore.

I have known Prof. Bijapurkar roughly speaking about 25 years.

At Kolapore I got maintenance allowance and nothing more.

It was the same with all the other life members.

The Samartha Vidyalaya at Kolapore had been going on for a year when I joined it.

My three sons accompanied me to Kolapore and they were also at Benares. I was a widower. The sons were pupils at Kolapore.*

* Ms. p. 140.

The object of the school at Kolapore was to give education on National lines.

There were about 100 pupils when I went there.

There were some students of the ages of 20 to 25. They were advanced students. They numbered about 10.

The other students ranged from 10 to 16.

These students from all parts of the Maharashtra.

In Maharashtra I include Poona, Satara, Sholapore, Belgaum, Dharwar, Ahmednagar, Nasik.

It means the whole Presidency except Sindh and Gujara-
rata.

Nagpore is a part of Maharashtra.

There were residential scholars.

The life-members also used to live with the students.

They were called teachers.

Prof. Bijapurkar and Mr. Desai, Mr. Karandikar, another Joshi and myself were the teachers.*

* Ms. p. 141.

I was connected with the Vidyalaya for one year and nine months.

Very soon after my arrival the Vidyalaya shifted to Miraj on account of Plague.

From Miraj we went to Talegaon. This was after two months.

When I went to Talegaon they had just begun a glass factory.

Ishwardas was the expert. But the factory belonged to the Paisa Fund.

Only one gentleman called Datopant Patwardhan joined the Vidyalaya when I was there.

I left the Vidyalaya because there were differences of opinion mostly in religious and social matters between myself and Professor Bijapurkar.

Q.—Shortly after you left did you dictate to your son the account of Vidyalaya and your reasons for leaving it?

Mr. Karandikar *objects*.

* Ms. p. 142.

A.—Yes.*

An Indian exercise book shown to the witness.

Mr. Karandikar *objects* to this book being seen by the witness and wishes to know how it came into the possession of the 1st Defendant.

The book contains what I dictated.

The book is in my son's handwriting.

After the book was written by my son at my dictation I sent it to my pupil Bhaskarao Jadhav who is the Chief Revenue Officer at Kolapore.

The ten senior students were given some special hours in particular subjects.

I dictated this book because several people asked me why I left the Vidyalaya at this juncture.

My eldest son had been at Professor Bijapurkar's house before I joined the Vidyalaya.

I used to stay with Professor Bijapurkar before I joined the Vidyalaya and that was in the year 1894-1895.

I left the Vidyalaya of my own accord.

* Ms. p. 143.

When I left I received a letter from Professor Bijapurkar.*

I don't now remember its contents.

I haven't got the letter with me here.

It is with me but in Kathiawad.

At the same time I sent him a letter.

I don't remember what I stated in the letter.

The witness is asked to look at the book.

Mr. Karandikar *objects* to the witness refreshing his memory by looking at the book regarding what he (the witness) wrote to Professor Bijapurkar.

Mr. Binning says that I have said so many times that this is not the place to argue points of evidence.

Mr. Karandikar *objects* to Mr. Binning pointing out a particular passage in the book.

(Looking at a passage.) I wrote to Professor Bijapurkar in answer to his letter stating my position.

* Ms. p. 144.

Q.—Referring to your book is it a fact it was taught in the Vidyalaya that the true love of the country consisted only in hating strangers*?

Mr. Karandikar *objects* to the question.

A.—No.

Q.—Was it taught in the Vidyalaya that strangers had no goodness in them and that this idea was instilled in the minds of students?

Mr. Karandikar *objects*.

A.—No. It was not so.

Q.—Was it taught in the Vidyalaya that the publication of false advertisements and handbills and throwing dust in the eyes of people are acts of service and love to the country?

Mr. Karandikar *objects*.

A.—No.

Q.—Was it your view when you left the Vidyalaya that the institution was properly or improperly conducted?

A.—To some extent it was improperly conducted.

* Ms. p. 145.

In social matters there was some sort of inequality. There were non-Brahmin* students.

There were good many occasions when these non-Brahmin students were differently treated. For instance in the matter of touch.

If these non-Brahmin boys touched water, it was considered by Brahmin boys to be polluted.

The other point was regarding the "Gandh" or caste mark.

Some songs were taught. Those songs I thought ought not to have been taught to boys of tender age.

These were religious songs but the contents applied to politics.

It is a fact that at the time I dictated this to my son. I can refresh my memory by saying that Professor Bijapurkar couldn't bear opposition in the management of the Vidyalaya.

The boys were made to learn some select pieces, selected by Professor Bijapurkar and Mr. Desai.

Q.—What is the effect of learning these pieces?

* Ms. p. 146.

Mr. Karandikar *objects*.*

A.—The effect of these pieces was that the boys should be self-reliant.

Q.—Refreshing your memory can you say that these passages created excited feeling?

A.—Yes.

Looking at the passage I say that these passages suggested that the boys should break the chains of slavery.

Some of the passages were prose. Mostly prose to begin with.

Prose passages do not create as much effect as poetical passages.

Patwardhan was engaged to teach music and singing.

He had a select store of poems.
 These poems were the poems of the extremists.
 What I dictated on that occasion was correct.
 Mr. Patwardhan was a poet himself.
 Some of his poetry was devotional and some of national character.*

* Ms. p. 147.

He gave lessons daily to all the boys in Bhupali songs.
 In one song the Goddess of Liberty was invoked.
 "Swatantrata" is the name of the Goddess.

Mr. Karandikar *objects* to the whole course of this examination and the incidents attempted to be brought out. It seems the whole book is being copied.

Only two or three lines of the song are quoted here, and not the whole song.

And those three lines are, "Calamity from the West has come to the East. Aryan Goddess of wealth dances before the low through fear. The owner presents shoes to the thief, for the sake of a piece (of bread)."

This refers to the old custom a servant presenting to the master shoes when the master goes out.*

* Ms. p. 148.

Q.—Who is the owner in this connection?

Mr. Karandikar *objects*.

A.—The owner does not mean any particular person.

I can not say who the owner or the thief is referred to.

This sentence has meaning when the poet applies it in a political sense as he may have done.

These Bhupali songs were of a very thrilling character.

They were sung in the morning, in the afternoon and at night but they had another name.

The deities propitiated were the Goddess of Swarajya or self-Government, the Goddess of Boycott, the Goddess of Swadesh, and National Education.

There is nothing about the Goddess of Mantra.

I call Mr. Patwardhan, Gayanacharya, music teacher.

* Ms. p. 149.

Cow's blood has been made use of in preparing sugar.*

There was a discussion with Patwardhan and Bijapurkar, I objected and then Mr. Patwardhan cited the Encyclopædia Britannia and it was further discussed that in preparing saffron they mixed with it cow's flesh.

The boys were made to learn speeches selected by Prof. Bijapurkar.

Mr. Desai was the Secretary of the Vidyalaya.

I don't remember his full name.

I think his full name is Rajaram Damodar Desai.

There was some training given in the Vidyalaya regarding some arts and hand-craft.

Very little education was given in biology, chemistry or botany and such other sciences.

It was not the case as professed that the special feature of Vidyalaya was to impart education in arts, handicrafts, trades and profession.

There was no politics taught.

Q.—Was greater time spent in teaching biology, chemistry etc. or in making speeches or singing songs.

* Ms. p. 150.

A.—To neither.*

I say refreshing my memory that about Rs. 1000 or Rs. 1500 had been spent in having weaving looms.

Refreshing my memory I say that not even two or four had acquired facility in weaving.

About 4 or 5 looms were purchased. They were not worked but lying neglected.

- There was no substantial amount of cloth grove at the Vidyalaya.
- Ex. No. 354.** Mr. Binning puts the book in and Mr. Karandikar objects.
Translation put in.
Mr. Karandikar objects.
- Ex. No. 355.** Circular regarding the Maharashtra Vidya Prasarak Mandal, put in with the translation.
The Samarth Vidyalaya was under the Society mentioned in Ex. No. 354.
The report of the Vidyalaya shown to the witness.
This report was published after I left.
The report put in with translation.
- Ex. No. 356.** Mr. Karandikar objects.*
* *Ms. p. 151.*
I know the *Kesari* and the *Kal*.
These papers were not read as texts in the Vidyalaya.
These papers were read along with other papers in the reading room.
Advanced students and life members were great readers of papers.
I am employed now in Kathiawad as a tutor to the Chief of Vadia.
Mr. Karandikar cross-examines.
I have known Mr. Tilak for 30 years.
I never spoke to Mr. Tilak about what is in my notes because Mr. Tilak never visited the (school) Vidyalaya and I had no occasion to speak to him.
I don't remember when I first saw a copy of Ex. No. 355.
This bears no date.
I think I had seen a copy of this Ex. No. 355.
I think I first saw this at Talegaon at the Vidyalaya.
I don't possess a copy of it.
I came to know Mr. Desai after coming to the Vidyalaya.*
* *Ms. p. 152.*
Mr. Patwardhan after he came to the Vidyalaya.
Mr. Joshi after he came to the Vidyalaya.
Mr. Karandikar too after he came to the Vidyalaya.
When the Vidyalaya went to Talegaon Prof. Bijapurkar and I were the only two persons in charge of the boys.
At Miraj too we two were in charge of the Vidyalaya.
Mr. Bijapurkar was an orthodox Hindu.
I was a bit of a reformer.
When he proposed to me at Benares to join the Vidyalaya I knew that he was an orthodox Hindu, but the knowledge was not so intimate.
And I hoped to get on with him.
The school was at Miraj for two months. I didn't discover anything to sever my connection.
Q.—Give me some idea of the course of tuition at the Vidyalaya.*
* *Ms. p. 153.*
Marathi, English, simple facts of Science, Geography, History Mathematics and about industry there was only carpentary and drawing.
During the two months a good deal of time was spent by the senior students in getting provisions etc. The senior students were helping younger students.
In the monthly Magazine *Vishva Vritta* they have given out the objects of the Vidyalaya.
The objects were explained at length. They are also stated in Ex. No. 355.
I read of it in the Central Hindu College.

I approved of the objects stated in the *Vishva Vritta* and joined the institution.

5-30 P. M.
18th July 1917.

11-30 A. M.
19th July 1917.

The witness's cross-examination is continued.
I was a Sub-Judge at Jamkhandi when I first made the friendship of Prof. Bijapurker.

This was after I passed my LL. B., examination.

In 1890 I passed the LL. B., examination.

Mr. Binning re-examines the witness.

Mr. Patwardhan joined at Talegaon.

Mr. Desai was there when we went to Talegaon.

I know the expression liberal Hindu.

I can call myself a liberal Hindu.

NARHAR B. JOSHI
Tutor to Vadia Prince, Kathiawar,
19th July 1917.

The evidence of this witness was read out by me and found by him to be correct.

DORAB N. D. KANDALAVALA.
Commissioner.*

* Ms. p. 155.

Ex. No. 357.

Mr. Binning puts in a certified true copy of a Notification of the Government of Bombay Judicial Department No. 3333 dated 14th of June 1910.

Ex. No. 358.

Mr. Binning puts in a copy of an extract from the Bombay Government Gazette page 850 June 16, 1910 Part 1 of the Gazettee.

Mr. Binning proposes to substitute a copy of the above exhibit.

Mr. Binning calls.

Govind Vithalrao Jadhav.

Solemnly affirmed by me.

I am a Sub-Judge at Rajapur in the Ratnagiri District. I know the Plaintiff by sight.

My native place is Mahad in the Colaba District.

For the last 20 years my home residence is Kolapore.

* Ms. p. 156.

I saw the Plaintiff at Kolapore in 1907 in the month of March.

I saw the Plaintiff in the Shivaji Theatre where he was delivering a lecture.

The lecture was about Kolapore Representative Assembly.

In 1906 some people of Kolapore thought of having a Representative body to advise His Highness in administrative matters, but Kolapore Durbar did not like this and so some people held a meeting somewhat on the lines of the Congress and they called it the Assembly of the Representatives of the people.

The meeting at the Shivaji Theatre was not one of those meetings.

That was a meeting specially arranged to hear the Plaintiff.

The subject of the meeting was not announced beforehand.

Q.—Did you write a letter to the paper *Vidya Vilas* the next day?

Mr. Karandikar *objects*.

* *Ms. p. 157.*

A.—Yes.*

Witness shown a copy of the *Vidya Vilas* of 12th March 1907.

This contains a copy of my letter.

In the leaflet the subject was not announced.

Leaflets were published and they were handed about.

The Representative Assembly was the subject of the Plaintiff's lecture.

Q.—Who were the persons who wanted the Representative Assembly at Kolhapur?

A.—The Brahmins.

The Plaintiff was in favour of the Representative Assembly.

The British Rule was described as foreign and as they are foreigners we do not want them. This is what Mr. Tilak said.

At this meeting about three-fourths of the audience were school boys.

Q.—Looking at the letter in the paper tell us what the Plaintiff said regarding the conduct of British officers as between Hindus and Mahomedans?*

* *Ms. p. 158,*

A.—The British Officers are creating quarrels between Hindus and Mahomedans because they do not want the Congress.

In the same way the Kolapore Durbar is creating quarrels between the Mahrattas and Brahmins, because the Kolapore Durbar didn't want the Representative Assembly.

This is what Mr. Tilak said.

Ex. XI.

(Marked for identification only).

Mr. Binning wishes to have this copy of the paper *Vidya Vilas* marked for identification and to be returned.

Mr. Karandikar *objects*.

There was one magazine called *Vishva Vritta* published at Kolapore and Prof. Bijapurker was its editor.

Mr. Karandikar cross-examines.

In 1908 I entered Government service.

* *Ms. p. 159.*

I was a clerk in the Court then at Thana of the 1st Class Sub Judge. It* was in June 1908.

I passed my LL. B. Examination before that.

I filled my law terms in the Bombay Government Law School from January 1902 to December 1903.

I didn't appear for my LL. B. Examination in 1904.

Between 1904 and 1907 I was between Kolapore and Bombay.

I was not trying for a service in Kolapore State between that time.

Since 1908 I have been reading the *Kesari* casually, but not regularly.

I was never a subscriber to the *Kesari*, not even before I joined service.

Between 1904 and 1907 I must have read the *Kesari* whenever I got an opportunity, as for instance when I saw it in a library or elsewhere, e. g. with a friend.

I can't give the name of any friend at whose house I read the *Kesari*.

* *Ms. p. 160.*

Mostly I might have read in a library.*

I am sure I can't give a single name just now.

At Thana too I read the paper at my friend's, sometimes in Bombay too.

I may have read it at Kolapore at my friend's. I can't say positively.

It's a matter of long ago.

By my friends I mean persons whom I visited at times. There were my friends called Kadams and one Savant.

I can't remember any more names. Mr. Lathe, Rao Bahadur Dongre are the names I remember.

Mr. Nitve and Mr. Pedneker.

Mr. Binning *objects* that all these names should not be given as they are quite irrelevant.

I used to go to the house of the manager of *Vidya Vilas*, whose surname is Gokhale.

I can't give any more names just now.

* *Ms. p. 161.*

Even if I am given an hour more I* don't know whether I'll be able to recollect any more names.

I can't say that I read the *Kesari* at the house of any one of these names whose names I have given.

My brother is in service in Kolapore. His name is Bhaskerao Vithalrao Jadhav. At present he is acting as Chief Revenue Officer.

He has been in the service of Kolapore State since 1895.

I have been living with my brother at Kolapore for the last 20 years, but not continuously.

My elder brother has maintained me and paid my school and college expenses.

I don't say that Bhaskerao, my elder brother is anti-Brahmin.

I am not anti-Brahmin. Certainly not.

I do not think I ever read the *Kesari* at my brother's house at Kolapore.

I have never seriously considered the question of politics.

* *Ms. p. 162.*

I attended the Bombay Congress in 1904 or 1905* as a visitor when I was in Bombay.

On no other occasion I attended the Congress.

I didn't attend any Provincial Conference in Bombay or outside either as a visitor or as a delegate.

Q.—Did you attend any meeting arranged by the Congress organisations or committees?

A.—I think not.

I think I may have written one or two articles.

It was in the paper called *Maharatta Din Bandhu*.

These articles may be less than ten in number.

I don't wish to minimise the number. It may be 10 articles. I don't know what you mean by articles on public questions.

Mostly my articles were in the *Din Bandhu*.

I wrote two or three letters in a Madras paper called *Native States*.

* *Ms. p. 163.*

I wrote under a pseudonym "Maratha".*

In the *Din Bandhu* no name was given by me.

Din Bandhu was not an anti-Brahmin paper.

This paper is not in existence.

This paper is dead about 10 years ago.

My letters in the *Native States* were replies to a correspondent T. A. K. who supported the Loka Pratinidhi Sabha. This is the same Loka Pratinidhi Sabha I mentioned above that means the Representative Assembly.

These letters were about the meeting at Kolapore in connection with the Representative Assembly. The meeting was held outside Kolapore in Shahupuri.

As soon as the letter of T. A. K appeared I replied. In a month or two all this occurred.

I didn't show my letters to anyone before I sent them, not even to my brother.

When I saw Mr. Tilak at the meeting I had my views regarding the Loka Pratinidhi Sabha.

I have heard Mr. Tilak's name for a very long time.

* Ms. p. 164.

I can't say whether I know Mr. Tilak's views.*

I had heard of his views and read some of his articles before I attended the meeting.

Q.—Give us your view of Mr. Tilak's views at that time?

A.—On what point? In social matters I think he was against reforms. As far as political matters went, my impression is that Mr. Tilak was anti-Government.

Unless you mention other points I can't say what I thought of Mr. Tilak's other views.

I attended the meeting out of curiosity. I wanted to know on what subject he was going to talk.

Q.—Did any of your friends attend that meeting?

A.—Some may have attended. I can't give any names.

I was not taking down notes when I attended the meeting.

* Ms. p. 165.

I can't say whether I saw Mr. Gokhale, the editor before I sent the letter.*

I can't say whether I sent the letter by my servant. It was not sent by post. I am positive about it.

I didn't sign this letter with my own name.

I didn't think it necessary,

I thought it right to write because some mischief was being done.

I have never written on this subject except in the Madras paper.

I was about 25 years old when I sent the letter to the Madras paper.

The paper is handed to the witness.

Ex. XI.

I saw the paper with my letter in it. It was immediately after this publication.

I saw the accounts of the meeting published in the paper independently of my letter.

Q.—Did the report substantially agree with what you heard?

Mr. Binning *objects*.

* Ms. p. 166.

A.—This is a short summary. It does not contain all the points and the force of the lecture.*

I think I had heard Mr. Tilak once in Poona before.

In my letter I have stated that the ideal advocated by Mr. Tilak in his paper *Kesari* was Self-Government on Colonial lines.

This is what I noticed in the *Kesari* and that was what was wanted as appearing from the *Kesari*.

I know that there were faction at Kolapore between the Brahamins and the Marathas.

I have not taken any part, but I side with the Marathas.

I think some Marathas did attend the Loc Pratinidhi Sabha.

I did go to the meeting, but did not oppose as I was a spectator.

The persons present called themselves Pratinidhis that means Representatives.

The proceedings of the Sabha were published in the Kolapore newspapers.

I don't remember how long before the Loka Pratinidhi Sabha was held before the lecture of Mr. Tilak.

* Ms. p. 167.

Q.—Was the ideal of this Sabha the same as that of the Congress held in Bombay* ?

Mr. Binning *objects*.

A.—I can't say what the ideal of the Congress in Bombay was, but the ideal of the Loka Pratinidhi Sabha was the same as the Congress ideal.

I derived this from what I read and what I heard.

The factions between the Marathas and the Brahmins existed before I attended the meeting of the Sabha.

Q.—Do you know what the attitude of the Mahomedans was to the Congress before the year 1914 ?

Mr. Binning *objects*.

Before 1914 some were opposed to the Congress and some were in favour.

XI.

Witness shown the paper and his letter in it.

I can't remember what Mr. Tilak said with reference to the Mahomedan attitude towards the Congress.

My letter contains nothing about it.

I don't remember whether Mr. Tilak said at that meeting that the Maratha attitude towards the Loka Pratinidhi Sabha was the same as that of the Mahomedans towards the Congress.

* Ms. p. 168.

Mr. Binning *objects*.*

In my letter I pointed out inconsistencies with the object of getting an explanation.

Q.—What inconsistencies did you find in the Mahomedan attitude towards the Congress ?

A.—I found none.

From this letter I can say that Mr. Tilak has compared the methods of the British Government and the Kolapore Durbar with reference to Mahomedan attitude towards the Congress and the Maratha attitude towards the Loka Pratinidhi Sabha.

I don't know whether Mr. Tilak wanted Swarajya both in British India as well as in Kolapore State.

Q.—You say in your letter however well disposed they may be we don't want them simply because they are foreigners ?

Q.—Did Mr. Tilak say this ?

A.—Yes.

Q.—And did he not add that if that were the impression of some then why should there be a dispute between the subjects of Russia and the Russian ruler who are of the same * race.

* Ms. p. 169.

A.—I have no recollection.

Witness shown page 3, column 2, of the same paper.

Mr. Binning *objects* to the witness referring to any part of the paper except his letter.

Being shown this column 2 on page 3 the witness said, Mr. Tilak in all probability may have said this.

From the paper report Mr. Tilak probably said that in China, Afghanistan, Persia and Japan the King and his subjects are of the same race yet the subjects demanded rights.

Q.—Did he not add at the same meeting that however inconvenient and difficult it may be for the British subject to approach the King it was easy for the subject of the Kolapore State to approach the Ruler ?

A.—From the report it appears that Mr. Tilak did say this.

Q.—Did he not further say at the same meeting the Anglo-Indian papers attacked the Congress in the beginning?

Mr. Binning *objects*.

* *Ms. p. 170.*

A.—From the report it appears that he may * have said so.

Q.—On looking at the paper did he not say that the ideal of the Sabha originated in a Chitpavan Brahmin?

Mr. Binning *objects*.

A.—Mr. Tilak might have said that the Editor of the *Bombay Times* had said that a Chitpavan had brought the idea of the Sabha at Kolapore.

Looking at the report in the same paper Mr. Tilak might have said that it was a Chitpavan newspaper that did its best to save the prestige of the Kolapore State.

Looking at the paper the lecture was given on the 10th of March 1907.

My letter and the report of the meeting appear in the issue of the 12th of March 1907.

Mr. Binning re-examines.

When I said the ideal of the Congress and the Loka Sabha, were the same I meant that they were to run on the same lines.

The ideal of the Congress is Swarajya.

* *Ms. p. 171.*

I gather this from newspapers.*

GOVIND VITHALRAO JADHAV, B. A., LL. B.

Sub-Judge, Rajapur, (Ratnagiri District).

The evidence of the witness was read out to him by me and found by him to be correct.

DORAB N. D. KHANDALAVALA,

Commissioner.

Ex. No. 359.

Agreement between the parties as to the record etc. put in. It is signed by their representatives.

Mahadev Ganesh Dongre.

Solemnly affirmed by me.

Called by Mr. Binning.

I am a B. Sc. and L. C. E. of the Bombay University and also a Rao Bahadur.

My native place is Koporoli in Colaba District.

* *Ms. p. 172.*

I am in the service of the Kolapore State. I joined service in August 1900.*

I am an educational inspector and registrar of co-operative societies at Kolapore.

I was born in about 1873 or 1874.

I was educated at the Thana High School, Wilson College, Bombay and the College of Science in Poona.

After my education I was acting lecturer in Physics in the Engineering College and the Deccan College.

I was in Wilson College in 1890 and first term of 1891.

In those days I used to see the *Kesari* at my private residence. I used to read the *Kesari*.

I didn't subscribe to it.

Mr. Khare with whom I lived might have subscribed to it.

In 1890 the Age of Consent Bill was being discussed.

* *Ms. p. 173.*

The question was one of raising the age of consent. By age of consent I mean the age at which a girl * could consent to have co-habitation with her husband or any man.

The suggestion of the bill was to raise the age.

There were articles in the *Kesari* about this which I read.

Q.—Was this matter talked about amongst the students?

A.—Yes.

I knew only Mr. Tilak's name in those days as the editor of the *Kesari*.

Mr. Tilak was against the proposal.

Mr. Tilak's name was well-known amongst students in those days.

Q.—What was the view of the majority of students regarding the *Kesari's* policy on this matter?

Mr. Karandikar objects.

A.—The view of the majority of Hindu students whom I knew was that Government should not interfere.

* Ms. p. 174.

So far as I know Mr. Tilak was very popular amongst Hindu students and his paper *Kesari* was very popular.*

I went to Poona in December 1891.

In addition to the College of Science there were in Poona the Deccan College and the Fergusson College.

The Deccan Education Society controlled the Fergusson College.

Almost all the members of it were the natives of India.

When I was in Poona learning at the College of Science I lived in Shanvar Peth.

There were some students living round about Shanvar Peth.

Amongst the students of the College of Science *Kesari* articles were discussed.

Someone brought the *Kesari* to the drawing hall. I don't know who brought the *Kesari* there.

At first we had a small club, afterwards I fed at eating places.

* Ms. p. 175.

These eating houses were frequented by students from High Schools and Fergusson College, New English School of the Deccan Education Society,* and the Poona Native Institution (School) and Mr. Tilak's Law Class.

At these eating houses general matters were discussed.

All subjects, political, social were discussed.

Q.—At that time was there a good feeling between the Hindus and Mahomedans?

Mr. Karandikar objects.

A.—There was no bad feeling in 1892 so far as I know.

In 1893 there was some bad feeling.

Q.—That was a matter that was discussed amongst the students at the eating houses?

Mr. Karandikar objects.

A.—Yes.

I was at that time acquainted with the *Kesari's* views on the subject.

This ill-feeling came into prominence especially after the Bombay riots.

I can't say whether there was any ill-feeling noticeable before the Bombay riots.

* Ms. p. 176.

Most of the students that I met in the eating houses were Brahmins.*

In 1896 I went to live near the Kirkee Agricultural quarters that is near the boat club.

Besides the *Kesari*, the students read *Sudharak*, *Dnyan Prakash* sometimes *Indu Prakash*.

When I went to Poona first I approved of Mr. Tilak's views.

I was then his admirer.

The Ganpati Festival is a very old institution.

Upto 1894 the Ganpati Festival lasted only 2 to 5 days. On the 5th day the idol (Ganpati) was taken for immersion.

There was no organised procession. Each family took his own idol. They may on such occasion meet together in the street.

Q.—Did the Ganpati Festival upto 1894 resemble the Mohoram Festival?

Mr. Karandikar *objects*.

A.—No. I don't think so.

* *Ms. p. 177.*

At Poona Hindus upto 1894 took part in the Mohoram procession.*

In Poona a good many Hindus took part in this procession.

Q.—After 1894 did as many Hindu or any Hindus take part in the Mohoram procession?

A.—In the procession of 1894 there were very few Hindus.

In 1894 the Ganpati festival assumed a new form. I am speaking of Poona only. That's where I was.

The new form was almost an exact copy of the Mohoram festival.

There was a Ganpati festival in 1894.

In Mohorams public Taboots were made, so in this Ganpati festival public Ganpatis were made.

Like the Mohoram festival the Ganpati festival lasted for ten days.

So far as I know there were no public Ganpatis previous to 1894.

* *Ms. p. 178.*

In 1894 there was a big organised procession. As far as I know such* a thing had not been known before.

It was on the 10th day or the last day the procession took place.

It was in the afternoon.

Previously too the Ganpatis used to be immersed in the afternoon.

Q.—What is a Ganpati?

A.—“Ganpati” is a popular Hindu deity with the head of an elephant.

I don't know whether in 1894 there were any subscriptions for the Ganpati festival.

There were Melas at the Ganpati procession in 1894.

The Melas played music, sang songs and also danced.

So far as I know previous to 1894 there were Melas at Mohoram festivals.

A “Mela” literally means a gathering.

In connection with a procession it means a band of boys or young men playing music, dancing and singing.

* *Ms. p. 179.*

I heard songs at the procession of 1894.*

I accompanied the procession some distance.

Q.—Can you give the subjects of any songs you heard?

A.—At the procession these songs contained exhortations to Hindus to observe their religion, and not to lose their religion by taking part in the Mohoram festival.

There were also songs in praise of Shivaji.

I don't remember any other song in praise of any particular person at the procession.

Q.—Do you remember having heard songs in praise of people anywhere else?

Mr. Karandikar *objects*.

A.—I heard such songs at Vinchoorkar's Vada in Sada-shiv Peth.

Mr. Tilak lived there and there was a public Ganpati.

The Ganpati was in the quadrangle of the Vada.

* Ms. p. 180.

I heard songs in praise of Shivaji and Mr. Tilak.*

I saw Mr. Tilak at that time in the Ganpati gathering at night in Vinchoorkar's Vada.

It was before the Ganpati had been immersed.

It was on some night. I can't give the exact day.

In 1894 I visited twice at night and on both occasions there were gatherings.

It was a very crowded gathering.

These meetings were in Vinchoorkar's Vada and the Ganpati was Tilak's Ganpati.

The next year there was a festival and a procession similar to the festival and procession of 1894.

At Mohoram festival there were boys and men who fenced.

Q.—Were there boys and young men at the Ganpati festival who fenced?

Mr. Karandikar *objects*.

A.—Yes. They fenced and played with legim.

* Ms. p. 181.

In 1895 I was in Poona during the Ganpati festival. In 1896, 1897, 1898, I can't say I was present,* at the Ganpati festival in Poona.

I knew Bala Saheb Natu and Tatyasaheb Natu.

I saw Bala Saheb in the procession in 1894.

He was with Mr. Tilak.

He was a well-known man in Poona.

He was supposed to be very wealthy.

He was considered to be influential.

I have seen boys at Poona used lathies and being taught to ride.

I saw once or twice Tatyasaheb Natu teaching boys how to ride and teach single stick fencing, and also fencing with foil.

This was on Hasbnis ground in Sanvar peth.

Q.—Did you ever hear of any reference to the Ganpati festival relating to the Hindu Social Reform Party?

Mr. Karandikar *objects*.

* Ms. p. 182.

A.—Yes. I heard at Mr. Tilak's Ganpati this reference being made.*

The Social Reformers were denounced in verses.

The late Mr. Justice Ranade the late Mr. Gokhale and Mr. Chandavarkar were denounced.

Q.—Besides the Social Reformer was anybody else denounced?

Mr. Karandikar *objects*.

A.—Yes. The British Government and the Mahomedans.

Q.—How were these songs received?

Mr. Karandikar *objects*.

A.—They were cheered.

Q.—What kind of denunciation was there, was it mild, weak or strong?

Mr. Karandikar *objects*.

A.—I should say these denunciations were very strong.

There were a good many boys at these meetings. There were school and College students and also young men.

I stayed for a couple of hours at the meeting. I left at about 12 mid-night.*

* Ms. p. 183.

On the two occasions on which I was present the meeting was going on when I left.

That was in 1894. In 1895 I might have gone once or twice.

I am positive that I went twice in 1894 and once in 1895. I may have gone there more.

With the new form of Ganpati Festival I did not sympathise.

20th July 1917.

11-30 A. M.

In 1895, the Congress was held in Poona.

In the same year the Social Conference was held in Poona.

Mr. Surendranath Bannerji was the President of the Congress.

I was the only special volunteer waiting upon the President.

I was appointed by the Hon'ble Mr. Gokhale and Mr. Gadgil, the co-secretaries to wait upon the President.

* Ms. p. 184.

There was a discussion as to where the Social Conference should be held and I* was present at the discussion.

The discussion was at the President's bungalow.

The President was on one side and Mr. Tilak and Date on the other side, in this discussion.

It was about the use of the Congress Pandal for the Social Conference.

Q.—Did Mr. Date and Mr. Tilak want it to be used or not?

Mr. Karandikar *objects*.

A.—They didn't want to be used for that purpose.

There was nobody representing the other side.

Subsequently the Pandal was used.

This discussion probably took place on the morning of the day preceding the Congress.

This was the talk of the town.

Mr. Karandikar *objects*.

I have no personal knowledge of any particular occasion when this discussion took place; except the one I specified.

* Ms. p. 185.

Previous to 1895 I had not attended the Congress.*

I know the Gowrakshan Sabha.

It is a cow protection Society.

I don't know whether there were any meetings of the Sabha, but I used to see collection boxes of the Society in temples in Poona and Thana.

This was in the year 1893 and 1894.

There is a Native Public Library at Kolapore. It is opposite to the High School and the College.

It is used by the Kolapore public.

The *Kesari* was taken in the Library.

I went to Kolapore in 1900.

Previous to 1900 I didn't go to Kolapore.

I used the library.

The *Kesari* reached the library on Wednesdays. It was much read.

Q.—Whether the library was more crowded or less crowded on Wednesdays?

Mr. Karandikar *objects*.

A.—Whenever I attended I found that it was more crowded on Wednesdays.

I went to the library always.

I was there for an hour or so.

* Ms. p. 186.

I was Professor of Science in Rajaram* College at Kolapore when I went there.

Prof. Bijapurkar was one of my colleagues.

He was the Professor of Sanskrit.

Q.—From your knowledge of Prof. Bijapurkar what was his attitude towards Mr. Tilak and his views?

Mr. Karandikar *objects*.

A.—He was the staunch adherent of Mr. Tilak.

I remembered the Preliminary Examination of the High School at Rajaram College.

Q.—Was there any trouble about it?

Mr. Karandikar *objects*.

A.—Some students of the Matric Class were being examined.

They rebelled against the High School authority.

Q.—Why?

Objected to

A.—Because they were not supplied with Swadeshi paper books to answer questions.

* Ms. p. 187.

Some of them tore the foreign made* books, and scattered the pieces about and left the examination Hall and collected in small groups round about.

The Principal expostulated. He was not successful.

His name was Mr. Lucy.

Q.—Was Prof. Bijapurkar there?

Mr. Karandikar *objects*.

A.—He came from the 1st floor afterwards.

He appeared to be on the side of the students.

Rao Bahadur is a personal title conferred by the Government of India.

Mr. Karandikar *cross-examines*.

I was made a Rao Bahadur on the 1st of January 1913.

I don't know whether it is a distinction conferred for some services rendered.

Ms. p. 188.

I can't say whether I have rendered any services to the Government of India.*

Q.—What's your opinion?

Have you deserved this title?

Mr. Binning *objects*.

A.—Yes. Certainly.

I was very good educational officer to deserve this title. So I think.

I have encouraged the education of backward classes including the untouchables.

I have tried my best to educate the masses with regard to political questions.

I don't think I have done anything more.

My sphere of action in these matters was generally restricted to Kolapore State.

I have tried to educate the masses by giving lectures and supplying them with small pamphlets for books in Marathi containing what I thought sound political views.

I don't remember any other particulars.

Q.—What books did you include amongst those you distributed?

* Ms. p. 189.

A.—I have compiled Lord Sydenham's* speeches in English. Some were translated subsequently in Marathi.

Almost all his speeches were compiled.
I translated about a dozen of his speeches.
I did this in my private capacity.
There was State assistance received by me in this publication.

Patronage was given by the Durbar.

I received money from the Durbar as price of books sold to the State.

I can't say how many I sold to the State.

I can't say whether I sold more Marathi or English books to the State.

My impression is that I sold more English than Marathi copies to the State.

I may have sold about 100 copies to the State costing Rs. 3/8 each.

* *Ms. p. 190.* The Marathi translation followed the English within six months. It was immediately after the English.*

I didn't sell Marathi copies to the State.

The Marathi copies were sold for one or two annas.

They were booklets containing 50 or 60 pages.

Q.—Which of Lord Sydenham's speeches you selected for your Marathi translation.

Mr. Binning *objects*.

A.—I think they were in order. I can't say without looking at the work.

I didn't dedicate the English collection to any one, nor the Marathi.

I first published one big book in English containing about 700 pages, then from time to time I published booklets in Marathi.

I first applied for His Excellency's permission.

Then I collected materials when His Excellency was here. It was the last year of His Excellency's tenure of office.

* *Ms. p. 191.* I published His Excellency's speeches because I thought them to be very good.*

Probably His Excellency left India in 1913 or 1914, and I published the work immediately after he left.

It was the next month after he left.

I published the book after I was made a Rao Bahadur.

I don't say that I was made a Rao Bahadur because I published the speeches nor because I published the same in Marathi.

I also published Sir Richard Lamb's speeches and Mr. Claud Hill's speeches.

I published these speeches after I was made a Rao Bahadur.

I published the 1st Defendant's Marathi version of the book called "Indian unrest" before 1st January 1913 and before I became a Rao Bahadur.

I also include this translation as one of the steps to educate the masses in political matters.

I also published the history of the Vedokta struggle.

* *Ms. p. 192.* The title of the book is Sidhanta Vijaya* and the genealogical tree of the Bhonsle family.

I don't remember anything else that I published to educate masses.

Nothing except the three above mentioned I published before 1st January 1913.

For none of these by itself I think I deserve the title of Rao Bahadur.

I didn't publish any work on education.

I have not written any book on history of the Kolapore State.

I have not written any school book.

I know Professor Lathe. His name is A. B. Lathe. I am not sure of his full name.

I know that he wrote a small school book on history.

Mr. Binning *objects*.

I wrote no book on the education of the backward classes.

* *Ms. p. 193.* I can't say definitely when I ceased to publish Lord Sydenham's speeches probably by the end of 1914.*

From 1900 to 1914 I was a Professor of Science.

I commenced to translate "The Indian Unrest" in July 1911 and finished in November 1911 and I published it in November of the same year.

To this translation I wrote a "Preface".

Immediately after finishing the translation I wrote the Preface.

I published the translation at Kolapore at the Jainendra Press.

I don't know who owns it now.

Mr. Nitve was the manager of the Press when I published this translation.

I published 2000 copies of this translation.

The price of each book was Rs. 2/8.

This book was patronized by the Kolapore State.

I don't know whether the original was patronized by the Kolapore State.

About 250 or 300 copies were purchased by the State of my translation.

* *Ms. p. 194.* The Kagal (Senior) State also patronized it. It purchased about 50 copies and by some Maratha Sirdars.*

Probably Kagal (Junior) State also bought some copies.

There may be others I don't remember.

Some copies may have been purchased by the Baroda State.

I am not sure.

The patronage I got from the Kolapore Durbar and other Chiefs and friends at Kolapore was enough to cover my expenses.

I hardly made any profit out of this translation.

More than 1000 copies remained unsold. They are with me at Kolapore.

I heard of this suit being filed in Oct. or Nov. 1915.

I had not learnt before this that a suit was going to be filed. Someone told me that this suit was filed. I don't know his name. I have sold no copies after I heard of this suit.

* *Ms. p. 195.* There were no further orders for the translation.

If there be any order now I would still sell.*

Witness shown his own translation.

This book appears to be mine, but unless I go through it I won't say it is mine.

Ex. I.

Mr. Karandikar puts the book in.

1st Defendant's book "Indian Unrest" shown to the witness.

This looks like the copy of the book I translated.

I borrowed a copy of the book to translate it from Mr. Lathe.

I myself didn't obtain permission from the 1st Defendant to translate the book either in writing or orally.

Most probably Prof. Lathe obtained permission.

Mr. Binning *objects*.

He didn't obtain permission for me.

He himself told me that he had obtained permission for translation.

Mr. Binning *objects*.

* *Ms. p. 196.*

Q.—Who asked Prof. Lathe about any permission? Mr. Binning *objects* to this * question and to all similar questions?

A.—I wanted to translate the book. He knew it because we were friends.

We were not very particular about permission.

By "we" I mean Prof. Lathe and myself.

I thought that if I translated the book first, and applied for permission afterwards it would not be refused.

Preface to the translation shown.

Prof. Lathe assisted me in translating the 1st Defendant's book.

Q.—What do you mean by assisting?

Mr. Binning *objects* that what Prof. Lathe did is irrelevant and secondly that Mr. Karandikar says that the witness may be the Defendant in a case hereafter.

A.—I was responsible for the whole translation.

There was only one edition of my translation.

* *Ms. p. 197.*

Some copies were published in two parts.*

The 1st part contained 12 chapters.

The 2nd part contained the rest of the book.

Ex. "I" looks to be the first part of the book.

The witness says that the book is only the 1st part of the whole translation.

I say that the preface therein is mine.

Every word in the translation is chosen by me. I am responsible for the whole translation.

The English preface in the translation was written by Prof. Lathe. The Marathi was supplied by me. Yes. I consider myself responsible for the English preface.

What I signed under the preface means "I alone....."

It refers to myself alone.

* *Ms. p. 198.*

I used the plural as a matter of habit.*

Page 14 of the translation referred to. Last three lines on page 14 and top line of page 15 read by the witness.

What is stated there may represent facts correctly or incorrectly.

This statement may not be literally true.

My answer is it may or may not be correct. I can't say definitely.

I am not doubting anything.

I'll explain. Permission was obtained by Mr. Lathe himself and I consider it quite immaterial to have permission for myself and therefore I have said that the 1st Defendant has granted me permission.

In my preface I have not mentioned the name of Prof. Lathe.

I didn't think it worth while to mention this fact of the name in the preface.

* *Ms. p. 199.*

The word in vernacular means "my own" though the word appears* in plural.

Even after translation and before publication I never obtained permission from the 1st Defendant.

Page 3 of the preface shown to the witness, line 3.

"The translator had opportunity of having talks on different subjects with the 1st Defendant; and the translator told what he knew."

This is correct.

I was never an informant of the 1st Defendant.

When the 1st Defendant came to Kolapore about 1908 or 1909 I had an interview.

I knew it only after the 1st Defendant arrived.

I called on the 1st Defendant. He did not send for me. I was alone. No one accompanied me.

I was told by the Dewan of Kolapore to call upon the 1st Defendant.

His name is Rao Bahadur Subnis.

* Ms. p. 200.

I went and sent in my card to the 1st Defendant. I had no note of introduction.*

I don't know whether I was on my official visit.

The interview might be of about an hour or so.

I took no notes with me. I did not write out any information.

The 1st Defendant did not take down any notes of the information supplied by me.

The topic of discussion was as regards education at Kolapore, some social matters and about the hostel or the depressed classes. There might be other matters about which I have no definite recollection. Mostly these matters referred to Kolapore.

This was before the 1st Defendant published his book.

Something may have been said at that interview about Mr. Tilak, but I don't remember.

* Ms. p. 201.

The next interview took place last year after the suit.*

I don't quite remember having spoken to the 1st Defendant about Mr. Tilak before he published his book.

I don't remember having said anything to the 1st Defendant regarding the Ganpati Festival about which I gave evidence yesterday.

I may have said something regarding the Ganpati Festival to the 1st Defendant.

I may have told the 1st Defendant about the Ganpati Festival similar to what I said yesterday in my examination-in-chief.

The second interview with the 1st Defendant took place at Kolapore in January or February 1916.

I didn't tell him about my translation of his book. He may have known it.

I had written to the 1st Defendant after the publication about my translation most probably. I sent a copy to him.

At the 2nd interview the conversation was as regards this case.

* Ms. p. 202.

It might have lasted about an hour.*

I told him that I was willing to give evidence.

He asked me to tell about the parts of the book. Whether I knew about the Ganpati Festival, Shivaji Movement, National Education, Cow-Protection Societies, Swadeshism and might be some other matters.

Page 40 of the 1st Defendants' book referred to by the witness.

7th Line from the bottom.

I don't know who the Hindu gentleman referred to in the book is. I am not the man.

I don't know who the Brahmin mentioned is.

I am not a Brahmin.

The attention of the witness is called to his translation.

Q.—If I were to ask you to translate “ Mr. Chirol is here ” how would you translate it in Marathi.

* Ms. p. 203.

A.—“ Chirol Saheb yethe ahayeth ”.*

If I am asked to translate “ Mr. Tilak is here ” I would translate “ Tilak yethe ahayeth ”.

“ Ahayeth ” is honorific.

I would make a difference in translation of “ Mr. Tilak is here ” and “ Tilak is here ”.

In case when “ Mr. Tilak is used I would say “ ahayeth ”.

Without the “ Mr. ” I would say “ ahayeh ”.

In my own case I have put the honorific title.

Witness shown page 4, 12th line from the bottom.

Q.—Your preface shows that you had two interviews; is it true or not.

A.—I am not quite sure.

I am not sure what I myself wrote in the preface.

* Ms. p. 204.

As far as I can recollect I had no other interview except the 1st* interview mentioned above.

Is it true that the preface was written in July 1911?

The preface was written after the completion of the first part.

I didn't add any other preface after the whole work was completed.

Witness referred to the translation page 14.

Pecuniary assistance alluded to on page 14 refers to the whole book.

Witness shown page 3.

I can't say that Mr. Chirol had interviews with heads of caste and other leaders at Kolapore.

That's what I was told. I was not present.

It is not true I was introduced to Mr. Chirol through the Shri Shahu Social Club.

* Ms. p. 205.

I was never present when Mr. Chirol was introduced to several people through the Shahu Social Club.*

I do not say on page 3 that at that time I was introduced to Mr. Chirol through the Shahu Social Club.

I was not present at the Social Gathering at all.

I refer to the visit of Mr. Chirol at Kolapore.

I think I am consistent in what I have written.

You may say that it is bad Marathi. The words “at that time” come immediately after the word “meeting”.

This book appears to be the full edition. It looks like mine.

Book shown to the witness.

English preface shown.

The preface has the words “By the Translators”.

This is a misprint.

This preface was written by Mr. Lathe.

* Ms. p. 206.

Mr. Lathe might have interviewed the 1st Defendant.*

But he was not the translator with me.

I told the 1st Defendant about the Vedokt controversy in Kolapore.

Mr. Binning objects.

I also gave him previous history about Vedokt controversy.

I might have said something about particular Chitpavan Brahmins. Not against the class as such.

I mentioned the names of forefather of Natu's. Balaji Pant Natu.

I might have said about Chintamanrao Sanglikar.

I might have said about Marathi Brahmins.

I might have said about Nana Farnavis. There might be other names.

I might have said that Chitpavan Brahmins injured the Kolapore State. I might have mentioned names.

* Ms. p. 207.

I named Madhavrao Barve as one who injured the administration of Kolapur State.*

Q—Did you say anything about Prabhus?

Mr. Binning *objects*.

A.—I may have as they were involved in the Vedokt controversy.

The Brahmins opposed the Prabhus.

The Prabhus were in favour of the Vedokt.

The Brahmins opposed it.

I never said anything about the Prabhus regarding the administration of the State.

I never said that Brahmins were largely employed during the administration of Chitpavan Karbhari.

Mr. Binning *objects* to all these questions in connection with the Vedokt controversy.

I mean that the old Kolapore administration was injured by Barve and his underlings.

Q.—In what respect the Chitpavan Brahmins injured?

* Ms. p. 208.

A.—I gave no particulars.*

I said that the Karbhari employed some Chitpavan Brahmins.

There are two Dewans at present.

The Dewan who sent me to the 1st Defendant is a permanent Dewan.

He is not related to me.

He is my casteman.

I know one Vinayak Pandurang Gupte.

He is in the Kolapore State service as an Excise Commissioner.

Balvantrao Phadnis was the Abkari Inspector.

I know M. K. Kanekar, the Municipal Secretary.

There are many Karkhanis in Kolapore.

I know only one Karkhanis.

He is acting Assistant Dewan.

There are many Chitnises.

Also I know a Chitnis.

He is a Municipal servant.

There is also a Chitnis who is a Prabhu who is an auditor in the Dewan's office.

* Ms. p. 209.

I know one Gupte who is an assistant engineer.*

There is a veterinary doctor who is a Prabhu.

There is a man I know called Gajanan Subnis.

I don't know whether he is in service.

I know Vithal R. Chitnis, a Sub-Registrar.

I know a Pradhan an Aval Karkun.

Mr. Binning *objects* to all these names.

I know Mr. Raje, but I don't know what post he enjoys.

I know the present Shankaracharya of the Karvir Mutt.

I don't know whether the Mutt has a Private Secretary.

The Dewan Subnis has got sons.

I don't know whether any of them are employed as State servants.

The eldest is a B. A. LL. B., and is practising as a pleader in Kolapore.

The second one is doing some business. I am not sure.

* Ms. p. 210.

I have heard that the present Dewan has been given the Patelship* of Ghadinglaj.

I don't know whether it is of Ghadinglaj.

All these names are Prabhu names except the Shankaracharya.

All these officers are holding appointments during the Dewanship of the present Dewan. Some might have been appointed during his regime, some might have been promoted by him during his regime.

I have rendered some assistance to the 1st Defendant in the matter of evidence in this case.

Since March 1916 I have been rendering him assistance. For seven or eight months off and on.

I visited only Bombay while rendering assistance and no other place.

I didn't render any assistance in Poona.

I rendered assistance by reading the files of *Kesari* from 1900 until 1907.

* *Ms. p. 211.*

For some days I was reading them in the Oriental Translator's office, and in the office of Messrs. Little and Co.*

When I was reading those files in the Oriental Translator's office at Secretariat it was in Bombay.

I drew my pay from the Kolapore Durbar when I was rendering assistance to the 1st Defendant.

There was no one else of the Kolapore State with me.

Mr. Lathe did not assist me in connection with this case.

I know one Mr. Deshmukh who is a Rao Bahadur. He is the relation of Subnis of Kolapore.

I know Balkrishna who is the son-in-law of the Rao Bahadur who is the Dewan of Kolapore.

Mr. Lathe, Balkrishna, Deshmukh and Subnis were not all reading papers.

I have heard of Mr. Montgomerie.

Mr. Bowen of Little and Co. supplied me with the files of the *Kesari*.

* *Ms. p. 212.*

The Oriental Translator allowed me to sit in the office in the Secretariat.*

I was not reading for more than four days in the Oriental Translator's office.

I was reading the *Kesari* right through even the advertisements.

I made notes as I went on reading.

They may be at Kolapore.

I made notes because Mr. Bowen asked me.

Mr. Binning objects.

I made notes of Swadeshi, Shivaji, Swarajya, Anti-British Propaganda etc.

Anti-British Propaganda is a general term. It includes adverse criticisms of Government's Policy.

I was trying to find out what was against the Government.

I didn't try to find out anything against the views in "Indian Unrest" from the *Kesari*.

* *Ms. p. 213.*

It was not my purpose to find out that sort of literature*.

I was helping the 1st Defendant in this case under instructions from Little and Co.

I didn't feel that I was in the same boat as the 1st Defendant.

I can't say that by publishing the translation I have defamed the Plaintiff. I may have technically defamed him. I can't say.

Q.—Should this book be found defamatory, your translation would also be defamatory.

Mr. Binning *objects*.

A.—I don't know.

I have never seen Mr. Montgomerie.

When I was working here off and on I was doing so under the authority of the Dewan.

I merely noted down main points in particular articles in the *Kesari*.

I made notes of the articles.

* *Ms. p. 214.*

I made a synopsis of what I thought important.*

Shown a pamphlet to the witness.

Ex. J.

This is not the geneology prepared by me.

Pamphlet put in.

Mr. Binning *objects*.

I have never seen this pamphlet before. I only see it now for the first time.

I have never heard of such a pamphlet drawn up before.

Page 23 of the pamphlet shown to the witness, and the "Indian Unrest" page 69.

Mr. Binning *objects* to any questions relating to page 69.

The statements in the two books above referred to are the same.

I never told the 1st Defendant that there were such photographs as mentioned there.

* *Ms. p. 215.*

Page 127 of the translation shown. Mr. Binning *objects*.*

My translation is slightly different from the original at page 69.

There is some difference in phraseology. There is one additional idea as the words are different.

The additional idea refers to military dress.

Mr. Binning *objects* to the word "military".

Marathi page 77 and English page 41 line 3 shown.

I must admit that my translation is rather free.

I say my translation is sometimes overdrawn.

"Ananivt" would mean "most improper."

There is no such word in the English at page 41. I am free in my translation.

Page 44 English "Indian Unrest".

* *Ms. p. 216.*

Page 83 line 8 Marathi translation.*

The words in my translation are additions.

Wayward boys, Mendicants, cooks, water-men and vagabonds.

For these there are no corresponding words in the original. My picture is somewhat overdrawn.

My admiration for Mr. Tilak was gradually shaken.

It disappeared after the Poona Congress of 1895.

When we began to attack the Mahomedans my admiration received its first check.

I have still some admiration for his learning.

11-30 A. M.

21st July 1917.

I have got copies of my translation at Kolapore.

* *Ms. p. 217.*

The whole or full edition is shown to the witness.*

Prof. Mahadev Ganesh Dongre is mentioned on the title page only as the publisher of the book.

Also on the next page Prof. Mahadev Ganesh Dongre is mentioned as the publisher in English.

Table of contents shown.

In the table of contents I find the word "Translators."

Page 1 referred to.

In the English preface it is "By the Translators." It is in plural.

Page 2 referred, lines 9 and 10.

"Translators also have the privilege."

Page 1 referred to.

In the English preface there is again "The Translators deem it....."

Page 5 line 24.

"The book we trust will dispel etc."

Same page line 8.

"We have serious doubts etc."

Page 7, line 21.

"In conclusion we have to acknowledge."

Same page.

"Enabled us to undertake etc."

"We have also to thank."

Page 8, line 2.

"Mr. Chirol's permission has placed us under an obligation which we etc."

Marathi preface shown.

Table of Contents.

Also plural is used. It is honorific.

It is again in the plural in the Table of Contents, towards the end.

Marathi Preface Headings.

It is in the plural.

Page 594 (Marathi), line 19.

It is in the plural. It means "We....."

Page 594, line 14.

Referred to a letter.

I wrote the letter mentioned therein to the 1st Defendant.

I didn't write the English preface.*

I can't say that in English "they" is used when speaking of a third person.

In all these places I have used "we" in the honorific.

If I had written the English preface I wouldn't have used the plural.

I say that Mr. Tilak and Mr. Date tried to persuade Mr. Surendranath Bannerji the President not to lend the Congress Pandal to the Social Conference and he declined but subsequently the Social Conference was held in the Pandal.

I object to the word "decline."

The President said that it was not his duty to interpose in the matter.

I was present at the Congress at Poona of 1895 for the first two days.

I was selected a special volunteer two or three days before the President came.

There were other volunteers, but no other *special* volunteer at the President's bungalow.

The bungalow was just opposite the Jewish* Synagogue in Poona.

I don't remember what time of the day the President arrived.

I can't give the date or the day on which the President arrived.

I didn't go to the station to receive him.

* Ms. p. 218.

* Ms. p. 219.

* Ms. p. 220.

I was not present when he arrived at the bungalow.

I think on the same day I was asked to attend by Mr. Gadgil.

I don't know the exact date or time when I was asked to go to the bungalow.

When I went to the President's bungalow there were two volunteers there.

I don't know how long they stayed.

This discussion regarding the Pandal took place probably on the next day because I was present.

It was in the morning at about 9 the interview took place.

* Ms. p. 221.

I can't give the exact time.*

I was about 8 or 10 feet from the people who were discussing.

The two volunteers were behind me.

I can't say whether I was inside the hall or on the verandah.

They were talking in the hall.

About the year 1895 I must have been reading such Newspapers as the *Kesari*, *Dnyan Prakash* and *Sudharak*.

I don't know whether the question of holding the Social Conference in the Congress Pandal was decided before this discussion to which I am referring.

Extracts from the *Sudharak* produced. Date 2nd December 1895, page 2, column 1.

Shown to the witness.

I have now read this.

Ex. K.

Mr. Karandikar put the extract in.

Mr. Binning *objects*.

That refers to the Social Conference alluded to here by me.

The signatories therein are the Hon'ble Mr. Gokhale and Mr. Gadgil.

* Ms. p. 222.

And Mr. Gadgil appointed me a special volunteer.*

Witness's attention is called to the *Sudharak* of 9th December, 1895 page 2, column 3. Produced by the Plaintiff.

From this extract I find that another Pandal was erected on the Fergusson College grounds.

It refers to the Social Conference.

The date mentioned is 29th December 1895, for the Conference.

The place is quite different from the place where the Congress Pandal was erected.

The extract put in (Translated).

Ex. L.

Mr. Binning *objects* and says that if the other side admit the correctness of his translations, he will admit the correctness of the other side's translations.

The attention of the witness is called to an English article of the 16th December 1895 in the *Sudharak*.

Ex. M.

The English article put in.

True copy to be put in.

* Ms. p. 223.

Mr. Binning *objects*.*

Issue of the 23rd of December, 1895 of the same paper *Sudharak* page 3, column 2 shown to the witness.

Mr. Binning *objects*.

It says that the Social Conference was to be held in a separate pandal.

Ex. N.

True translation put in

Mr. Binning *objects*.

Witness shown the issue of the 31st of December 1895 of the *Sudharak*.

Ex. O.

Mr. Binning *objects*.

Translation put in.

The other day my impression was that the Social Conference was held in the Congress Pandal but now I say looking at these extracts that it was held in a separate Pandal.

That impression is wrong.

I still say that the discussion above referred to did take place.*

* *Ms. p. 224.*

I have mentioned the fact of this discussion to others before I stepped in here to give my evidence.

I was not examined by any officer of the Kolapore State or an officer of the British Government regarding this discussion.

I didn't volunteer this statement about the discussion to any British officer, and I don't remember having volunteered it to any officer of the Kolapore State.

I may have mentioned this to the 1st Defendant I am not sure.

Probably the paper *Sudharak* was in favour of the reform party in connection with the Age of Consent Bill.

Dnyan Prakash was another, but I don't remember.

Q.—Was it not Mr. Tilak's view that there should not be legislative interference in social customs?

A.—Not exactly so. My impression is that Mr. Tilak objected on the ground* that the British Government were interfering with the Hindu religion.

* *Ms. p. 225.*

It was a socio-religious question.

I might be about 16 or 17 years old then.

This was in Bombay. It was about 1890. I was in the Previous class.

It was in the eating houses that this discussion about the bill used to take place.

I first lived in Girgaon, and then in Zaoba's Wadi, both are in Girgaon.

I removed to Poona in December 1891.

I passed my Matriculation examination in 1889.

My parents were orthodox in their views.

They were at Pen in 1891.

My father didn't read the *Kesari*.

Mr. Binning *objects*.

He read no papers at all.

I used to read the *Kesari* in the room of my friend with whom I was living. Probably he was a subscriber to the *Kesari*.

* *Ms. p. 226.*

At first I lived in Poona in Bhou Sonar's house in Sanwar Peth.*

In my family at Pen the Ganesh Chaturtti festival is held.

My father used to get only Rs. 8 per month.

Our festival lasted two days. On the second day the image was immersed.

Some families take the image of Ganpati for five days.

I know the Anant Chaturdashi Day. It is on the 10th or the 11th day from the installation of the Ganpati.

I don't know whether in some families the festival is kept till the 10th day.

In Kolapore now there are public Ganpati Festivals. The Ganpati Festival lasts for 10 days.

Ever since I went to Kolapore it has been so.

There are public processions in Kolapore on the Anant Chaturdashi Day.

There is a Palace Ganpati. But I don't know that it is taken in procession after 10th day.

* Ms. p. 227.

There were processions of various people.*

Some Brahmins, some Marathas and some may be Prabhus including the untouchables.

In the procession there was music.

I have no knowledge of Miraj and Sangli during the Festival time, and therefore I don't know anything about the procession time.

There would be gymnastic feats in the processions at Kolapore.

Legim is also practised in the processions.

There are good many native Gymnasia at Kolapore.

There may be about 50 Gymnasia more or less in Kolapore.

Some may be managed by Mahomedans and some by Marathas.

In the Ganpati processions I did not see Mahomedans performing any gymnastic feats.

The Maharaja at Kolapore encourages Indian wrestling.

* Ms. p. 228.

In 1891 when I shifted to Poona, I don't know of any subjects discussed unless I am reminded of them.*

In 1892 to 1897 I was in the Science College in Poona.

Q.—Did you attend any public meeting in December 1892?

A.—I do not remember.

Q.—Did you know which were the houses of Sirdars and big people at Poona in 1892?

A.—The Sanglikar's, Purandhare's, Natu's and Athavle's.

I can give any number.

I didn't go to any of these houses in 1892 during the Ganpati Festival.

I don't know any family which kept the Ganpati till the 10th day in the year 1892.

I don't know that the Purandhare's Ganpati marched out on the 11th day.

I can't say whether any of the Ganpatis of the Sirdars went out on the 10th day.

* Ms. p. 229.

Q.—Give us the name of the people whose Ganpati Festival you observed?*

My householder's, Bhaoo Sonar's.

He is not a Sirdar.

Ramchandra Sakharam Gupte. He is my caste-man.

It is very difficult to give names. I don't recollect now.

I never saw Sirdar's Ganpati and I didn't visit their houses.

In Bombay before I left for Poona I didn't see any Ganpati procession start on the 10th day.

I didn't see any procession except the Ganpati procession of any other deity.

In 1891 I was not in Bombay for the Ganpati Festival.

In 1890 I was in Bombay.

I didn't take part in the Ganpati Festival in 1891.

In my younger days, before I went to College I saw Ganpati in my family.

I might have seen after.

Since I went to College I never worshipped the Ganpati.

* Ms. p. 230.

1-30* P. M.

11-30 A. M.

23rd July 1917.

The cross-examination of the witness continued.

During the Festival in 1893 I did not attend any aristocratic family in Poona.

Nor in 1894.

Ganpati festival lasted for 10 days like the Moharam Festival.

Ex. P.

I stick to this statement of mine.

Mr. Karandikar puts in a copy of an extract from the Directory of the *Times of India* of 1895, page 76.

Mr. Binning *objects*.

I have seen the extract shown to me.

I see also an account of the Ganpati Festival given in this Directory.

I don't know whether it is correct.

* *Ms. p. 231.*

To the best of my knowledge the Ganpati Festival before 1894 did not last for 10 days. *

I have not made any enquiries whether the Ganpati Festival lasted for 10 days.

Ex. Q.

Mr. Karandikar puts in the *Times of India* Directory Calendar of 1885 at page 75 and shown to the witness.

Mr. Binning *objects*.

The same extract appears.

Having seen this I still persist in my answer.

I have read no literature on Hindu Festival nor on the Ganpati Festival.

Mr. Karandikar shown an extract from "Utsava Prakash" to the witness. The title of the book is Utsava Prakash. Q.—This book treats of some Hindu festivals.

Mr. Binning *objects*.

A.—Yes.

The book is published in 1874.

Mr. Binning *objects*.

The author purports to be Krishna Shastri Rajvade.

Now looking at the book I find it refers to the Ganpati Festival.

* *Ms. p. 232.*

Mr. Binning *objects*.*

The extract is not the same as the two lines in this book.

Mr. Binning *objects*.

There is a very small mistake.

The extract altered and shown to the witness.

Now it is correct.

Ex. R.

The extract put in.

Mr. Binning *objects*. He says that the whole book should be put in.

Mr. Karandikar produces the "Bombay Gazetteer Vol. 7 Baroda '1883,' page 525.

Mr. Binning *objects*.

Ex. S.

Extract beginning with "when in Bhadrabad in the presence of the Maharaja" put in.

Copy supplied.

I now say having looked at these books that the Ganpati Festival was observed in some families for 10 days.

* *Ms. p. 233.*

I don't know whether the date of the Social Conference was 29th December 1895*.

Mr. Binning says that I don't dispute that the Social Conference didn't sit in the Congress Pandal in 1895.

I don't know the exact date of the Congress sitting in 1895.

I don't know when the Social Conference sat, whether after the last day of the Congress.

Witness shown the full edition of his Marathi translation page 198.

Reference to Lajpatrai shown.

I see this reference.

Witness shown the 1st Defendant's book, "Indian Unrest" page 110.

I see the corresponding reference.

Page 112, shown.

Here too there is a reference to Lajpatrai.

In the Marathi book this reference appears on pages 197 and 198.

In the English there is no " Mr. " before Lajpatrai.

While translating it in Marathi I have used the plural.

* Ms. p. 234.

In translating the word " adds " I have used the plural.*

Most probably I never used the plural in connection with Mr. Tilak in my translation.

Whenever there is no " Mr. " in the 1st Defendant's book I have used the singular.

Wherever there is " Mr. " in the 1st Defendant's book I have used the plural.

English book (1st Defendant's) page 51, shown to the witness.

I see " Mr. " before Bipin Chandra Pal.

Translation of the witness page 95, shown to the witness.

I have used the singular in the case of Bipin Chandra Pal.

It is not because I have not respect for Mr. Tilak that I used the singular.

English book shown page 40, 10th line from the bottom.

The is no " Mr. " before the word Mahadev Govind Rande.

The translation shown page 77.

* Ms. p. 235.

In my translation I have used the plural.*

I have no special explanation of varying uses of singular and plural.

Q.—Would you like to take time to see in your book to find out a single instance in which you have used the plural in connection with the Plaintiff.

A.—I have no desire to do so.

Q.—Have you lost respect for Mr. Tilak?

A.—I am not prepared to say.

Comment was made in the newspapers about my not using the plural in my translation regarding the Plaintiff.

I gave no reply to these comment appearing in the paper, I didn't ask anyone to give a reply to this.

Translation pages 594 and 595 shown to the witness.

* Ms. p. 236.

Having looked at this translation I say that I did offer an explanation to the public.*

Q.—Whether the explanation is correct.

A.—Correct or incorrect, it is another matter.

I have seen the files of the *Kesari* from 1900 to 1907 or 1908, Issue of 17th February 1903 page 5, column 2, shown to the witness (translation furnished to the 1st Defendant).

Q.—This paragraph deals with an assault made by the 1st Defendant on an Indian doctor and the first Defendant apologised. Mr. Binning objects, saying that the contents of the document is being asked and that it is both irrelevant and inadmissible.

Ex. T.

This is an editorial note.

I never brought this para to the notice of any one.

Translation page 1 Marathi preface shown to the witness.

* Ms. p. 237.

I have compared the 1st Defendant to Bhishma.*

Q.—What do you know of Bhishma?

Mr. Binning *objects*.

A.—He was a celibate and a relative of the Pandavas. He was a great general. In the Mahabharat he was one of the most venerable persons.

Q.—Except in war he never laid hands on any one.

A.—I don't know that.

I have called the 1st Defendant a Mahatma.

Mahatma is a high-souled man.

Q.—You call a man who lays a hand on some one and apologises a Mahatman?

A.—I don't know.

I didn't know of this assault incident.

* Ms. p. 238.

There is a Satya Shodhak Samaj in Kolapore.*

When I went there 1900 I didn't know whether this Samaj was in existence. It didn't exist when I was in Kolapore.

I was one of the officers till 1914.

I styled myself as the Chief Executive Officer of the Samaj.

It was a private institution.

Mr. Vithal Biroji Done was its Secretary.

Mr. Lathe was probably its Vice-President.

Mr. B. V. Jadev was the President.

There was also a Social club at Kolapore and I was one of its Secretaries.

I don't remember who the President was.

Rao Bahadur Subnis may have been the President.

Mr. Binnjng *objects* to all questions on the Vedokt controversy.

The Vedokt controversy arose after I went to Kolapore.

One Rajoupadhya was the head priest of His Highness.

He was not in favour of the Vedokt.*

* Ms. p. 239.

Q.—His estate yielding an annual income of Rs. 25,000 or more was either attached or resumed?

A.—I can't say how much the estate was worth, but as a matter of fact it was resumed.

He was a Brahmin.

This matter regarding the attachment of his property was much discussed in Kolapore. I don't know whether it was discussed outside.

The Plaintiff to the best of my knowledge was opposed to the Vedokt.

I can't say whether the Plaintiff was opposed in all points.

Unless I refresh my memory I can't say whether the Plaintiff extended the Vedokt to the Maharaja or to other Marathas as well.

I should like to know more about the Plaintiff's attitude before answering this question.

* Ms. p. 240.

I have no personal knowledge that Bala Maharaj was adopted by * Tai Maharaj at Kolapore but I have heard about this adoption.

I have heard that this adoption was supported by the Kolapore Durbar.

Mr. Tilak was fighting against Bala Maharaj.

Notwithstanding the Privy Council ruling the estate at Kolapore is still in possession of Bala Maharaj.

The witness adds. I don't know what the Privy Council ruling has got to do with the Kolapure State.

Q.—During the existence of the Vedokt controversy and the Tai Maharaj case. The pamphlet Ex. J. was published.

A.—I don't know whether it was published during the time of the controversy.

1st Defendant's book shown chapter 5, page 64. Title "Poona and Kolapore."

Marathi translation page 3, shown to the witness. Preface seen.

I say that nobody can say that all the information collected by the 1st Defendant is perfectly true.

* *Ms. p. 241.* I can't say that the remark in the translation applies to what is contained* in the 1st Defendant's book chapter 5 "Poona and Kolapore."

I have not tried to verify facts stated in chapter 5. 1st Defendant's book page 69 shown (last para).

I have seen some photographs about which mention is made on page 69 of the 1st Defendant's book.

My impression is that the persons I saw in the photos had military dress.

I have seen three or four photos of this description.

I first saw these photos about seven or eight years ago.

I can't say whether it was before the 1st Defendant's first visit to Kolapore.

I don't remember having mentioned any such photos to the 1st Defendant.

I can't say when I last saw such a photo.

* *Ms. p. 242.* I can't say whether before or after this case was launched.*

These photos were shown to me.

I can't say who showed them to me.

I didn't ask for these photos.

I don't remember having made any use of seeing such photos.

I didn't use this information in checking this para in my translation.

I don't remember whether I saw these photos in one place or in several places.

I can't say whether I saw these photos on one occasion or on several occasions.

Pages 69 and 70 of the 1st Defendant's book shown to the witness.

Translation 126, 127 shown.

The translation overdraws the number of men in the photos who were subsequently convicted.

The English says "some of them."

My translations says "many."

I can't say how many persons found in the photos were convicted.

* *Ms. p. 243.* There was no motive to put the word "many." It might have been* a mistake.

I can't say how many of the photos that I saw contained men in martial dress without seeing the photos.

The photos were simply shown to me.

I then went home.

They were not in my possession.

I don't know what became of them.

I returned the photos to the person who showed them to me.

I don't remember having spoken to anyone about these photos.

Q.—Did you mean to say that you saw the photos only once and never again?

A.—I can't say that.

Those that showed the photos were my acquaintances, and they were from Kolapore.

Probably they were shown to me by Brahmins.

* *Ms. p. 244.*

Q.—Is he a Brahmin who usually sees you.*

A.—I am not sure of that. But if the person at the back of my mind is a Brahmin he sees me often.

I am thinking of Mr. Mahiskar.

Mr. Mahiskar is the Sub-Inspector of Police at Kolapore.

I last saw Mr. Mahiskar yesterday.

Q.—Is he a witness in the case.

Mr. Binning *objects*.

A.—I don't know. I am not sure.

I can't say when Mr. Mahiskar may have shown these photos.

I see Mr. Mahiskar at present in Panhalla Lodge in Bombay.

I am not staying there.

I had been there.

I saw Mr. Tembulkar, Mr. Bhaskarao Jadav, Mr. Dilver and their servants at that house Panhalla Lodge.

Q.—Don't you know whether all these persons are all witnesses in this case?

* *Ms. p. 245.*

Mr. Binning at this state interrupted* the proceedings and said within the hearing of the witness that he does not know whether he will call these persons as witnesses or not.

I don't know how long Mr. Mahiskar has been in the Kolapore State.

He has been a Sub-Inspector for not less than five or six years.

I can't say that I recognised any one in those photos as my acquaintances.

I have no personal knowledge of any of these men in the photos being convicted.

Some persons in one of the photos were my acquaintances and they were convicted.

This is with reference to only one photo. My previous answers with reference to other photos stand as they are.

I remember Prof. Bijapurkar and Mr. G. B. Modak and no more.

* *Ms. p. 246.*

Probably three were in the photo whom I know.*

When I say three, I include Prof. Bijapurkar and Mr. Modak.

The witness says that it is a hard case for him as he has only a faint recollection of the photos.

I don't remember who was the third person in the photo.

I have seen photos in which Mr. Tilak appears.

I am not sure whether Mr. Tilak is third man with reference to the three persons mentioned by me.

The photos were not framed.

The photos were not taken in anybody's house.

I didn't enquire where these photos were taken.

Since my last interview at Kolapore with 1st Defendant. I have not inquired about these photos.

I am not sure whether Mr. Mahisker showed me the photos in which I recognised my three acquaintances.*

* *Ms. p. 247.*

I don't remember if I knew before I was shown the photos that these three persons were convicted.

I can't say whether I saw that photos again.

I remember this particular photo because my acquaintances were in it.

I can't say that the Plaintiff was known to me before I saw the photo.

Mr. Karandikar shows witness 1st Defendant's book, page 65.

It is not a fact that there has long been a great rivalry in Kolapore between the Brahmins and Prabhus.

The sentence does not refer to Kolapore.

The 1st Defendant is not wrong in his statement in his book at page 65.

In Kolapore there was no rivalry between the Brahmins and the Prabhus.

There was no rivalry at all at Kolapore before Rao Bahadur * Subais became the Divan.

This is as far as I know.

Page 66 of the book of 1st Defendant shown to the witness.

I know something personally about what is stated on that page 66 top line (4).

Q.—What do you know about this personally ?

Mr. Binning *objects*.

Mr. Karandikar says to the witness that if he is not disposed to answer the question he need not answer it.

A.—The Brahmins wanted to lower the social status of the present Maharaja.

The Prabhus were siding with the Maharaja's in not allowing the Brahmins to lower the Maharaja's status.

I don't particularise Kolapore Brahmins, but include Brahmins outside as well.*

I have been photographed in groups.

I have been photographed in groups three or four times.

I had no hands in arranging groups.

I may or may not have enquired about the character of each of the persons with whom I was photographed.

I have never cared to enquire about the characters of persons with whom I was photographed.

I was twice photographed with the Kayasth Social Club, and conference at Dadar and at Thana.

I was photographed with my family.

I was never photographed with the staff and students of the college.

Translation (Ex.I) shown.

Witness asked to look at page 2 preface lines 6, 7, 8, 9, and 10.

What is stated there is not in the 1st Defendant's book.*

All this I have put from my own knowledge of the 1st Defendant.

I have said therein that the 1st Defendant has travelled all over the world especially in Asia, made long journeys, and not depending upon others he met persons of various opinions and various positions in life and has discussed every question pros and cons, and has collected immense information.

Q.—Will you kindly give us the idea of various persons having various opinions who were seen by him ?

A.—Moderates, Extremists, Orthodox, Social Reformers, Mahamedans, Hindus, Parsees, Gujratis, Marvaris, the untouchables, the Sikhs, the Gurkhas, and the Jats and Pathans and many others.

Mr. Binning *objects*.

* Ms. p. 248.

* Ms. p. 249.

* Ms. p. 250.

* Ms. p. 251.

I can't give any names of orthodox* persons he met. I don't know their names at all.

I don't belong to the orthodox party.

I don't know the names of any Extremists that the 1st Defendant saw.

My friends had told me that the 1st Defendant had seen the members of the Extremists party.

I cannot give the names of these friends.

But I am sure that they are my friends.

Some of my friends are alive, some may be dead.

Q.—Have you no kindly feelings towards your departed friends?

Objected to.

A.—I decline to answer this question.

Mr. Lathe. Mr. B. V. Jadev. Mr. G. K. Gadgil, Barrister-at-Law, Mr. T. V. Gupte of Poona and some others may have told me.*

* Ms. p. 252.

Mr. Lathe is the same as Prof. Lathe.

This is the same gentleman who wrote the English preface to my translation.

The late Mr. Barve was the Karbhari of Kolapore State and was a Chitpavan Brahmin.

Q.—What is your view, did he do disservice or service to the State?

Objected to.

A.—He did disservice.

All questions regarding Mr. Barve *objected to.*

He was reported to have put down the Maratha Sirdars including the Maharaja.

Mr. Tilak is a Chitpavan Brahmin.

Prof. Agarkar was a Chitpavan Brahmin.

I have heard that both of them were convicted of defamation,* because they exposed Mr. Barve's disservice.

* Ms. p. 253.

Objected to.

I can't say that I told the 1st Defendant that Prof. Agarkar and Mr. Tilak exposed Mr. Barve.

I am not prepared to point out anything which Mr. Tilak said against the Maharaja (except) with regard to the Vedokt.

My impression is that Mr. Tilak was in favour of extending the Vedokt to the lineal descendants of Shivaji.

I can't say that I told the 1st Defendant about this. Page 23 of Exhibit "J" shown to the witness (about the middle of the page).

It refers to some photographs and the majority of culprits therein.

Q.—Do you mean by "many" "majority"?

A.—"Many" as opposed to few.

* Ms. p. 254.

Those that are convicted are many* and those that are not convicted are few.

I never heard of any accusation against Brahmins of tarring King Edward's statue.

Objected to.

I have heard that somebody tarred King Edward's statue.

Mr. Binning *objects* to all questions about the tarring of King Edward's statue.

I don't know that some peoples' houses were searched in consequence of this.

I was not examined by a C. I. D. Officer, but I was met by one.

This officer is called Page and he is a Rao Bahadur.
We discussed general topics.

Page 69 of the English book referred to. Marathi page 125, 126.

* *Ms. p. 255.* Though it is "Bir" in English in Marathi I have put down as "Bid".*

This Bid is in the Nizam's territory.

There is another Bid near Kolapore.

I do not wish to suggest that the Bid referred to in the translation as well as in the English is the one near Kolapore.

I do not know whether it refers to the Bid in the Kolapore State or in the Nizam's territory.

I do not know of any individual at "Bid" who called himself a patriot and proclaimed himself a Rajah.

I do not know of any such event referred to in the following lines.

"Collected a sufficient number of armed followers to require a military force to suppress the "Rebellion".

* *Ms. p. 256.* I had been at Kolapore and if these circumstances happened* I would have known of them.

In 1893 I was never present at any lecture in Poona.

The Native year begins with "Chaitra" generally March or April.

The 15th of Chaitra is the birth day of monkey God "Maroti".

His birth day is celebrated in many places.

I would not call the celebration a Festival.

Sometimes a palanquin is taken out in procession through the streets.

In Poona there is a monkey God called Dulia Maroti.

Mr. Binning *objects* to questions relating to the monkey God.

I have heard that on this occasion of the palanquin procession of Dulia Maroti, the Mahomedan obstructed.

It may be 1893 or 1894.

In 1894 there was a Vithoba palanquin procession at Poona.

* *Ms. p. 257.* It was about July.*

I do not know that on this occasion the Mahomedan attitude was threatening but I have read about this in some papers.

In the month of August 1894 there was the Nagoba procession (snake God) at Poona.

In some papers I read that the mahomedan attitude was threatening.

I can't say that the Moharam came after these three festivals.

I saw the Mahomedan festival in 1894 (Moharam).

In that year less Hindus joined. I say comparatively very few Hindus joined the Moharam festival.

There was no disturbance.

Then came off the Ganpati Festival of 1894.

Q.—Is it not a fact that in consequence of the Mahomedan attitude with reference to these previous instances a committee was formed sometime before to think* out what to do?

* *Ms. p. 258.*

A.—I have read something in the papers about this.

When I refer to papers I mean papers of those times.

I recollect the *Kesari*, and I got my information from this paper.

I can't include any other paper.

I didn't see the *Dnyan Prakash* so often as the *Kesari*.

I don't remember having read anything about this in the *Dnyan Prakash*.

I read of the Bombay Riots in the papers. I was in Poona.

I can't specify any papers.

It may be the *Kesari*, *Dnyan Prakash* or the *Sudharak*.

These were Poona papers.

As a rule I couldn't get in those days English papers.

I can't say I read in the *Times of India* about these riots.

* Ms. p. 259.

Q.—What were the views of the *Dnyan Prakash** about the riots?

Objected to.

A.—I cannot say, nor can I say what the causes of the riots were.

Q.—What were the views of the *Kesari* with regard to the riots?

Objected to.

A.—As far as I recollect, the *Kesari* was of opinion that the riots were due to the partiality shown by Government officials to Mahomedans, or something to this effect.

I remember this because the *Kesari* was widely discussed and it was discussed in our clubs and hotels.

I don't remember any opposite views of any other paper in Poona.

I can't say that *Dnyan Prakash* was of the same view as the *Kesari* at that time.*

* Ms. p. 260.

Ex. U.

Plaintiff produces the *Dnyan Prakash* dated 28th August 1893, page 2, column 1 and part 2 of 3.

Mr. Binning objects.

This article takes the same view as the *Kesari*.

* Ms. p. 261.

*5—30 P. M.

11—30 A. M.

24th July 1917.

Cross-examination of the witness continued.

Dnyan Prakash, issue of 21st August 1893 page 2, columns 1 and 2.

Shown to the witness.

Mr. Binning objects.

Translation to be put in.

Ex. V.

This article is almost the same as the article shown to me yesterday. I mean the *Dnyan Prakash* article Ex. V. (This is put in).

Q.—Do you know the view of the *Dnyan Prakash* as to why there was an organised procession in 1894?

Objected to.

Ex. W.

Issue of 30th August 1894 of the *Dnyan Prakash* page 2, column 1 and 2, in Marathi, and column 4, editorial note in English put in.

* Ms. p. 262.

Mr. Binning objects.*

Translation of the Marathi put in.

Witness reads with the Marathi article and the English editorial note. He said that he would take some time to go through the whole.

This article explains why a joint public procession was necessary and gives the new form under the old form and complains about the conduct of the Poona police.

The police said it was a new form but we (the paper) say, that it was an old form, and the only new form was that it was collectively done.

I was present at the procession of Ganpati in 1894 in Poona.

I can't say that people from the surrounding villages flocked to see the procession.

I followed the procession a furlong.

* *Ms. p. 263.*

I don't know that Tatya Saheb* Natu was a rider. I have not seen him ride.

I saw Tatya Saheb Natu teach people to ride.

I was a mere spectator. I did not take part in riding.

This was previous to the installation of Ganpati of 1894.

It was only a few days previous.

Q.—What do you mean by few days?

A.—I mean about a week or ten days.

On that occasion I was there about 10 minutes.

He was giving instructions to one pupil to ride.

This is the one occasion and there was another occasion about the same time.

This was after an interval of two or three days. I am not sure about the time.

On the second occasion I merely looked in and went away.

Not even a minute I stayed.

* *Ms. p. 264.*

I saw exactly the same thing as I saw on the first occasion.*

On the first occasion I had a talk with the spectators standing about the gate.

I don't say it was a regular school as you suggest.

Beyond these two instances I have no personal knowledge of Tatya Saheb Natu giving instructions in riding to persons.

The Hasabnis property had no building on it.

The gate was open and I went in.

I took no one's permission to go in.

Any one could go in and look.

In length this place must be about 200 feet and about 100 feet broad.

My idea is that Mr. Tilak was living in a portion of the house in Vinchurkar's Wada, and this portion was rented by him.

I don't know whether the ground on which the meeting was held in Vinchurkar's Wada was rented by Mr. Tilak.

* *Ms. p. 265.*

I am giving evidence about the * incidents in Vinchurkar's Wada from impression as well as recollection.

There was no regular meeting. It was a meeting of melas.

There was no chairman etc. in the Wada.

So far as I know there was no chairman.

I did not see him elected, if there was a chairman.

There was no lecturer.

There was already a crowd when I went there.

I did not go to the front. There was crowd. I did not force my way to the front rank.

I heard mela songs on the occasion. There was music too.

I think there was a harmonium.

I heard all the songs on the first occasion.

I was standing all this while.

I cannot particularise any that I heard.

Q.—Can you reproduce a single instance from a song?

A.—I can't.

I do not sing scientifically.

* *Ms. p. 266.*

I can sing ordinarily. *

I went away before the crowd broke up because I was tired standing.

My impression is that on that occasion I saw Mr. Tilak.

I was not personally acquainted with Mr. Tilak before that.

On that occasion of the Ganpati festival, the melas sang similarly before other Ganpati.

This might be the seventh or eighth night after the installation of the Ganpati.

The next occasion was the following night, or the night after that.

On the second night the melas were different, otherwise everything was the same.

I cannot particularise any sentence from the songs heard by me on this occasion also.

I never kept a regular diary.

* *Ms. p. 267.*

I have nothing to show that I was present on these occasions in Vinchurker's Wada. *

I am now giving evidence after 23 years from recollection only.

I did not visit the Male Training College in Poona in 1893, 1894 and 1895 or its boarding house.

There was a New English School boarding house about that time.

I did not visit this boarding house during the Ganpati Festival.

In 1895 I saw the Ganpati procession in Poona.

This year's procession was on a grander scale.

There was some trouble about the melas during this year's procession.

I don't remember any particular incident regarding the Ganpati Festival, during the year 1895.

I did not see any mela trouble, but I merely heard about it.

I don't remember whether any other subjects other than those mentioned by me in my examination-in-chief discussed by students in 1893. *

* *Ms. p. 268.*

The subjects discussed were in the College, the chumery and in the eating houses.

The students in the eating houses talked on any subject they chose.

There were various subjects discussed as well as the Bombay riots.

I am not a Brahmin. I was in the same room with the Brahmin students but did not sit in the same row.

Some Brahmin students sat with me. I went to several eating houses. Those I went to were common for all castes.

I heard that Mr. Tilak started the New English School and the Deocan Education Society.

Some "Tasalmat" or advance of money was made to me by the Kolapore State.

I have been receiving it for the last 17 years, and I can't say how much.

* *Ms. p. 269.*

Mr. Binning re-examines, in general, but reserves his right to re-examine particularly on all* the documents put in by the Plaintiff some copies and translation of which have not yet been supplied to him.

I have given a proof of my examination-in-chief to Mr. Bowen, the Solicitor for the 1st Defendant.

In 1895 the *Sudharak* and the *Kesari* were opposed to each other in their views and opinions.

In 1893, there were in Poona the *Kesari*, the *Dnyan Prakash* and *Sudharak* and a paper edited by one Gondhlekar.

The largest of all these papers was the *Kesari*.

Before 1894 I saw many Ganpati family processions, but I don't know the names of the families.

For some reasons I may still admire Mr. Tilak, but for some other reasons I may not.

Ms. p. 270.

Since the Divan Rao Bahadur Subnis came in the Brahmins have lost* their appointments and Prabhus have come in. The Prabhus have succeeded in breaking the monopoly which the Brahmins wanted.

I don't know who the editor of *Dnyan Prakash* was in 1893, 1894 or 1895.

The paper is still in existence.

There were many spectators when one of the Natus taught fencing and riding.

The witness is called again for his re-examination tomorrow 25th July 1915.

Mr. Binning does not re-examine the above witness any more.

M. G. DONGRE,

Educational Inspector, Kolapore State, &c. &c.

(The evidence of Mr. Dongre was read out and found by him to be correct).

DORAB N. D. KHANDALAWALA,

Commissioner.

- Ex. No. 360.** Charge against Padhye and Prasade. Dated 3rd of April 1907, Put in by Mr. Binning. Mr. Karandikar *objects* to this charge going in and whatever is contended in the Exhibit.
- Ex. No. 361.** The Finding and sentence 6th June 1907.
* *Ms. p. 271.* Mr. Karandikar *objects*. *
- Ex. No. 362.** Magisterial Case No. 7. Charge 12th April 1907. Three accused. Mr. Karandikar *objects*.
- Ex. No. 363.** Finding and sentence dated 22nd April 1907. Mr. Karandikar *objects*.
- Ex. No. 364.** Magistrate's charge. Sessions Case No. 9 of 1909. Recorded 19-1-1909. Mr. Karandikar *objects*.
- Ex. No. 365.** Judgment in the above case including the finding and sentence 28th of January 1909. Mr. Karandikar *objects*.
- Ex. No. 366.** Magistrate's charge. Sessions case 10 of 1909. Mr. Karandikar *objects*.
- Ex. No. 367.** Judgment including the finding and the sentence. Mr. Karandikar *objects*.
- Ex. No. 368.** Charge, Sessions Case 13 of 1909, 9th February 1909.
* *Ms. p. 272.* *
- Ex. No. 369.** Mr. Karandikar *objects*. Judgment dated 15th February 1909. Mr. Karandikar *objects*. Certified copies of the above Exhibits put in and not the original documents.

11-30 A. M.
25th July 1917.

- Ex. No. 370. Sessions Case No. 1 of 1909.
Kolapore.
Magistrate's charge.
Vinayak Joshi Bijapurkar and other.
Mr. Karandikar *objects*.
- Ex. No. 371. Judgment, finding and sentence in the above.
Mr. Karandikar *objects*.
- Ex. No. 372. Declaration of Prof. Bijapurkar under the Press Act dated 21st March 1906.
Mr. Karandikar *objects*.
In Sessions Cases Nos. 10 and 13 of 1909 Mr. Binning says that he has got the findings of the* appeal Court.
- * Ms. p. 273.
Ex. No. 373. Copy of *Vishva Vritta* of March 1908 put in by Mr. Binning, with the translation of an essay on forcibleness of "Vedic prayers."
Mr. Karandikar *objects*.
- Ex. No. 374. Sessions Case No. 4 of 1911. Certified copy of Magistrate's charge, 21st January 1911.
Mr. Karandikar *objects*.
- Ex. No. 375. Judgment, finding and sentence, 31st March 1911.
Mr. Karandikar *objects*.
Mr. Binning calls Yeshvant Krishna Dilvar to prove the signatures on the true copies of the above Exhibits that are put in, and that they have been produced from the Record of the Kolapore State.
Mr. Karandikar *objects* on the ground that 14 days notice is not* given to him as he wishes to cross-examine.
Mr. Binning calls.
Dattatraya Atmaram Prasade. Sworn by me.
Interprted by Mr. G. B. Mohite, High Court Interpreter who has already been sworn.
I am a Vaishia by caste.
I am 28 years old.
I have been living all my life in Kolapore.
I live in Shukerwar Peth.
I have seen Mr. Tilak at Kolapore.
I saw him at a lecture at Chowpala's Mala.
Mala means an open space.
This must be in 1905.
I saw him once again.
I saw him on the occasion of the Pansupari party at Godbole's house.
This was a day or two after the first occasion when I saw him.
- * Ms. p. 274.
I was a student in 1905 in the Rajaram * High School.
I was a member of the Shivaji Club at that time.
It was also called Belapore Swami's Club.
Q.—Were you ever photographed with the members of the club.
Mr. Karandikar *objects*.
A.—Yes. I was.
It was at Khasbag in Kolapore.
I don't remember when I was photographed.
This was before I became a member of the Club.
Photograph shown to the witness.
Mr. Karandikar *objects* to the photo being shown to the witness.
I recognise this photo.
I am in it.

I am No. 2 from the left (sitting), as you look at the photo.

The others in the photo are members of the Shivaji Club.

This is the photo taken in the Khashbag which I mentioned above.

* Ms. p. 276.

Ex. No. 376.

Photo put in.

Mr. Karandikar objects.

Looking at the back row first person on the left hand is Goolavni.

His full name is Vaman Gopal Goolavni.

I don't know who the man next to him is.

I know the names of other two.

One is Vinayak Murke Bhaviker. He was a student then.

The other or the last man in the back row is one Joshi.

I don't know what Joshi was doing then.

The first person in the second row standing from the left is Shanker Joshi. I don't know the next man's name.

The next to him is Bhau Saheb Ghatge.

Next to him is Hanmantrao Murki Bhaviker.

The last man is Damodar Hari Joshi.

Damodar Joshi was not doing any business.

He was a mendicant.

On the ground (sitting) first to the left is Ramchandra Balvant Prasade. He was a student.

He was my cousin.

I don't know the name of the man next to me.

The last man sitting is Hanamant Shete. He was a student.

Q.—Were you accused along with Damodar Joshi and Goolavani in the Magistrate's Court at Kolapore?

Objected to.

A.—Yes.

Bhau Saheb Ghatge, Hanmantrao and Damodar Joshi were the leaders of the Club when I joined it.

Most of the members of the Club were young.

Q.—What were the objects of the club as you understood?

Objected to.

A.—It was to celebrate the Shivaji and Ganpati Festivals.

Q.—Anything else?

Objected to.

A.—And to go to foreign countries to learn technical arts.

Q.—Anything else?

A.—Nothing else.

There was a subscription to the Club. It was 4 annas a month.

The money used to be spent on the Shivaji Festival.

I don't know how money was to be got to send members to foreign countries to learn the arts.

There were about 60 to 70 members of the Club.

There used to be 10 or 15 members meeting every day.

We used to meet on the upper story of Damodar Joshi's house.

After meeting in his house we used to go to the Panch Ganga river.

* Ms. p. 279.

We used to play "attyapattya" and "Dand Patta".

Q.—Can you tell me whether W. M. Padhye was a member of the Club?

Objected to.

A.—He was. W.M. stand for Wasudeo Moreshwar.

D. M. Padhye was also a member. D. M. stand for Dattatraya Moreshwar.

There was one member called Kher. I don't know his full name.

There was one Dattu Dhopade.

There was also one Dharmadhikari. I don't know his full name.

There was one Balkrishna Jog.

All these people I have mentioned were active members of the club.

Another photograph shown.

Mr. Karandikar *objects* to the photo being shown to the witness.

In this photo I see the two Padhyes I have mentioned.

* *Ms. p. 280.*

* The one is third from the left and the other second from the right in the back row.

I recognise Kher in this photo.

He is fourth from the left in the back row.

I see Dhopadhe in the back row. He is the third man from Kher towards the right.

I am next to Kher.

Dharmadhikari is in the photo.

He is between Dhopadhe and Padhye.

I see Mr. Tilak in the middle.

Vinayakrao Godbole is on his left.

It was in this man's house that I saw Mr. Tilak on the second occasion.

I see Godbole's son in the photo.

He is sitting below Mr. Tilak.

I also recognise Jog. He is sitting on the right hand corner with a cap.

I recognise Mr. Tilak in the middle of the photo.

* *Ms. p. 281.*

There is a garland of flowers round Mr. Tilak's neck.

This was taken on the terrace of Mr. Godbole's house.

I was present when Mr. Tilak arrived in Godbole's house.

There were some students and some grown-up people.

Ex. No. 377.

The photo put in with the inscription at the top.

Mr. Karandikar *objects*.

The people said when Mr. Tilak came "Jey, Jey Kar".

Some people prostrated themselves at his feet.

Then he was garlanded.

At first "Pan supari" was distributed.

This photo was taken by Signapurker.

He was a State photographer and is dead.

I know his son Narayan.

The incription on the photo reads "The Hon'ble Mr. Bal Gangadhar Tilak".

I see Narayan the son of the photographer in Court.

* *Ms. p. 282.*

These were the papers in the club. I mean newspapers.

Kesari, Kal, Karmanuk.

I don't remember any others.

I used to read these papers.

Mr. Binning says that he does not put in what is written in pencil on the back of the photo. He does not rely upon this writing at all.

I remember having read articles in the *Kesari* relating to Shivaji. I celebrated the Shivaji Festival.

The club celebrated this Festival.

The readers of the *Kesari* encouraged me to celebrate the Shivaji Festival.

"Dand Patta" is exercise with a shield and a stick.

Two persons are necessary in this play or exercise.

Attya pattya is a play where water is poured in a line and then we have to divide persons in two groups and go from square to another.

* Ms. p. 283.

Q.—Were Lathis used in your* exercise? *Objected to.*

A.—Yes.

Lathi is a long stick of the size of a man and is to be held in both the hands.

The object of the Lathi is to defend oneself against several people.

The Shivaji Festival was celebrated for three days.

The birth of Shivaji used to be celebrated on the 1st day.

Shivaji's photo was placed in our club room or in the theatre.

It used to be garlanded.

On the second day games of wrestling, Dand Patta, Bothati used to take place.

All this was arranged by the members of the club. They didn't take part in these games.

On the third day the song of the murder of Afzalkhan was sung and Shivaji's "Poovada".

This was at night of the third day.

* Ms. p. 284.

There was a lecture at* the Chowpala Mala. Prof. Bijapurkar was in the chair.

I was present.

I don't remember what Mr. Tilak said but he lectured on "Swadeshi".

The charge against Goolavni, Damu Joshi and myself was of theft.

It was from the house of one Rajne.

Mr. Karandikar *objects* to the questions regarding the thefts.

We didn't commit theft.

I don't know who committed the theft.

Q.—Did you commit any thefts at all?

Objected to

A.—I am quite sure I did not.

But all the same I was convicted.

My house was searched by the police.

Mr. Karandikar *objects* to the question.

Some money was found in his house.

A.—I don't now remember how much.

Q.—Was it over a thousand rupees or under a thousand.

* Ms. p. 285.

Mr. Karandikar *objects** to all questions regarding the search.

A.—The amount was over a thousand rupees.

I don't know there was a theft.

my club did celebrate the Ganpati Festival.

Mr. Karandikar cross-examines.

Exs. Nos. 376 and 377 (photos) asked to be compared.

In Ex. No. 377 I find two persons who also appear in Ex. No. 376.

These two are myself and my cousin.

He is younger than myself.

My cousin is No. 1 on the left, standing in the last row.

Mr. Binning *objects* to the witness being cross-examined in Marathi. (Cross-examination continued in English).

Q.—Where is your cousin in the photo in which Mr. Tilak doesn't appear.

Mr. Binning *objects*.

A.—The first man sitting to the left.

* Ms. p. 286.

The second photo (Ex. No. 377) was taken one year after Ex. No. 376 taken.*

The one in which Mr. Tilak does not appear was taken first one year before Ex. No. 377 was taken.

Ex. No. 376 was taken about 1904 or 1905.

This photo Ex. No. 376 was taken when I was not a member of the Belapore Swami's Club.

I don't know who the members of the club were when I was not a member.

I knew Damoder Joshi at the time only when the photo Ex. No. 376 was taken.

Damoder Joshi is a resident of Kolapore.

He lives in the Gulley of Rajupadhye.

I knew Damoder and he called me, and so I was photographed.

My cousin and I stayed and so we went together.

I don't remember who took Ex. No. 376.

I don't know whether the photo was taken at my desire.

I didn't pay for the taking of the photo.*

I didn't take a copy of this photo Ex. No. 376.

I have seen this photo since it was taken, and before it was seen by me to-day.

I was questioned on this point before I came here to give evidence.

I was questioned by Mr. Bowen.

I can't say whether this actual photo Ex. No. 376 or another copy.

Copies Exs. Nos. 376 and 377 were the only photos shown to me by Mr. Bowen.

Ex. No. 377 is shown to the witness.

I can't say whether Ex. No. 377 or another copy was shown to me by Mr. Bowen.

I came to know Bhau Saheb Ghatge recently. He is a land owner. I don't know whether* he is an "Inamadar."

He is a Maratha.

I don't know whether the man to the right of Ghatge is a Maratha or a Brahmin.

The charge of theft was made against me two or three years after this photo Ex. No. 376 was taken.

When I was photographed with Mr. Tilak in Ex. 377 there had not been a charge of theft against me.

I continued to be a student until I was charged.

Ex. No. 377 shown to the witness.

No. 1 standing to the extreme left in the top line is my cousin.

My cousins' age may be 13 or 14 at that time.

I don't know this next man.

I haven't seen him since the photo was taken.

Mr. Binning objects to the same names being asked over again.

* Ms. p. 289.

I don't know the age of the third man* Vasudev Padhye.

I don't know the age of the fourth man.

I was then 14 years of age.

I don't know the next man.

The next after that is Dattu Dhapade.

I don't know his age.

The next after what is Dharmadikari.

I don't know his age.

I don't find Dharmadhikari in Ex. No. 376.

Next to Dattu Dhapade is Padhye. His age is 14.

I don't know the man next to Padhye.

I was invited to Godbole's house by Godbole's son.
Mr. Tilak don't know me before or after that time.
The one sitting to the left of Mr. Tilak is the owner of
the house. His name is Godbole.*

* Ms. p. 290.

He had invited Mr. Tilak to a Pan Supari party.
Godbole was a rich man. He was a contractor. He is
now dead.

I don't know whether he was a leading man, but he was
a rich man.

He was one of the big men of Kolapore.

Athavle is one in the photo who is in the Political
Agent's office. He is third from the right to Jog.

I don't know my other men in the photo who are in the
State service or in the Political Agent's office.

I don't know the gentlemen on the right hand of Mr.
Tilak.

I don't know the gentleman (No. 1) on the right of the
middle line.

* Ms. p. 291.

The gentleman must have arrived with Mr. Tilak.*

Then Mr. Godbole, then Mr. Tilak then the last man and
I don't know him.

I don't know whether this last man came with Mr. Tilak.

When Mr. Tilak visited Kolapore the only photo I know
having been taken is the one Ex. No. 377.

I am aware of only one lecture on Swadeshi delivered by
Mr. Tilak on this occasion.

I didn't contribute towards the expenses of this photo
Ex 377.

Atta-Patta, Dan-Patta and Lathi are commonly played
by people in Kolapore.

In Kolapore the name and memory of Shivaji is held
much in esteem and reverence.

Of late the birth-day is not celebrated on a grand scale.

The annual ceremony is celebrated by the State like the
Shrad.*

* Ms. p. 292.

My house is close to Mr. Godbole's.

I don't usually go to his house. I go there sometimes.

Mr. Binning re-examines.

Since the photo was taken Mr. Tilak doesn't know me.

There were many people when Godbole's son came to
call me.

I was then at my place.

I may go to Godbole's place about two or three times a
year.

D. A. PRASADE.

The evidence of this witness was read to him and found
by him to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Mr. Binning calls.

Narayan Krishna Singnapurker.

Sworn by me, and Interpreted by Mr. Mohile, High Court
Interpreter.

My father was Krishnaji Waman Singnapurker.

He was a photographer at Kolapore.

Ex. No. 377 shown to the witness.

I produce the negative of this photograph.

Ex. No. 378.

Negative put in.

I found this in my father's house amongst other
negatives.

My father died about nine or ten years ago.

I found the negative about three or four months ago.
 The police found out the negative in my house.
 I found this in my father's box.
 This box was in existence in my father's time.
 The negatives in the box must have been taken by my
 father.

* Ms. p. 294.

Mr. Karandikar *objects* to these questions.*

Mr. Karandikar cross-examines.

I appeared in Court in pursuance to a subpoena served
 on me. I haven't got the subpoena.

Mr. Fernandez of Kolapore told me to take these two
 negatives with me.

He sent these negatives to me.

Mr. Fernandez is the Chief Police Officer in the Kolapore
 State.

I showed these negatives to Mr. Fernandez.

One is put in in examination-in-chief.

And the other is the one shown to me.

In the two negatives there aren't the same number of
 people.

In the other negative there are less number of people.

Ex. A 1.

Mr. Karandikar puts in other negative.

Mr. Binning asks leave to put a question or two to the
 witness.

The Kolapore State police found the negatives in my
 house.

* Ms. p. 295.

They found these negatives in a* cupboard.

I do not mean the cupboard the same as the box.

The box was in the cupboard.

The cupboard hadn't a key.

There were many other negatives.

The police took these two negatives away.

Mr. Fernandez sent them back to me.

I didn't receive the subpoena at Kolapore, but I was told
 that it had been sent to Kolapore.

Mr. Karandikar further cross-examines.

The second negative too must have been taken by my
 father as the first.

Mr. Binning re-examines.

I am 21 years old.

I had a brother, but he is dead.

(signature in Marathi)

NARAYAN KRISHNA SINGNAPURKER.

The evidence of the witness was read out and interpreted
 and found by him to be correct.

DORAB N. D. KHANDALAVALA.

* Ms. p. 296.

Commissioner.*

Mr. Binning calls.

Vishnu Sakaram.

Sworn by me and interpreted by Mr. Mohile.

I am the Assistant Chief Police officer in the Kolapore
 State.

I have been living in Kolapore for the last 30 years.

In 1906 I was a Sub-Inspector in the Kolapore City.

Before 1906 I was on duty in the districts.

Very often I had to go to Kolapore city for my work.

I was the investigating officer in case No. 11 of 1906
 along with Sagoona Mane.

I was also investigating officer in case No. 7 of 1907
 along with Mane.

Mr. Karandikar *objects* to the above questions.

* *Ms. p. 297.*

Also in case No. 9 of 1909.

Mr. Karandikar *objects*.*

Ex. No. 377 shown to the witness.

The photo was in the record of the Kolapore police.

I brought this photograph to Bombay.

I recognise Vasudev Padhye and Prasade in this photo.

I saw Mr. Tilak at Kolapore in Chowfala Mala near Risala when he had gone for a lecture.

I was present at the lecture to listen to it.

Q.—Did you go there of your own accord or were you sent there by some one?

A.—I was on special duty and so I went there.

I produce another copy of Ex. No. 377 in two pieces.

Ex. No. 379.

Mr. Binning puts in the photo but not the pencil writings behind it.

* *Ms. p. 298.*

I found this in the shop of one Kher who sells photos.*

I was present when Ex. No. 377 was found in the house of Vasudev Padhye.

This is the same Vasudev Padhye who was accused in case No. 4 of 1906.

Mr. Karandikar cross-examines.

This Ex. 379 bears some pencil writing.

The witness reads it.

This photo relates to the time when Mr. Tilak came in 1905. This contains photos of Padhye and Prasade who were subsequently convicted. This photo was found at the shop of Kher on 2-8-06.

This is in my handwriting.

2-8-6 means 2nd August 1906.

I didn't put in date on the day I discovered the photo.

* *Ms. p. 299.*

I put the date subsequently.*

I mean that this photo was found on that date.

I looked for the photo on the 2nd of August 1906.

Both Padhye and Prasade were convicted subsequent to 2nd August 1906.

I keep a diary.

My diaries are not here.

I am sure that this date is in my diary showing that this photo was found on that date.

The case against Padhye was going on at that time.

I say the same with regard to Prasade.

In 1905 I attended only one lecture of Mr. Tilak at Kolapore.

On the left hand side of Mr. Tilak is seen sitting in the photo one Mr. Godbole.

* *Ms. p. 300.*

Mr. Godbole was a respectable man and a contractor in Kolapore.*

He is dead.

On the left hand side of Godbole is Bhao Saheb Bhate.

He was a pleader at Belgaum. I don't know whether he was well-known.

I didn't see him as a pleader at Kolapore but sometimes he came there.

I don't remember whether he was the President at Mr. Tilak's lecture.

It might be Vinayek Godbole may have been the President.

I am not sure.

At that time Mr. Tilak was in Kolapore in connection with Tai Maharaj case.

Mr. Binning re-examines.

The lecture was not in connection with the Tai Maharaj's case.

Q.—What was the lecture about?

Mr. Karandikar *objects*.

* *Ms. p. 301.*

Mr. Binning says that he put the question because* Mr. Karandikar put the question to the witness that Mr. Tilak went to Kolapore in connection with the Tai Maharaj's case.

The lecture was in connection with the use of Swadeshi goods.

Mr. Godbole is a Chitpavan Brahmin. Mr. Bhate is a Brahmin but I don't know his sub-caste.

5-30 P. M.

(Signature in Modi).

VISHNU SAKHARAM TEMBULKER.

The evidence of the witness was read out and interpreted and found by him to be correct.

DORAB N. D. KHANDALAVALA,

Commissioner

11-30 A. M.

26th July 1917.

Mr. Binning calls.

Balvant Vaman Mhaiskar.

Sworn by me and his evidence was interpreted by the High Court Interpreter Mr. Mohile.

I am 40 years old.

I am a Sub-Inspector in the Kolapore city.

I joined the Kolapore State Police in 1903.

I first came to live in the Kolapore city in 1885 or 1886.

I was a student then.

I left school in 1894, 1895.

I came to know of the Shivaji club at Kolapore in 1898 or about 1899.

I was unemployed then.

I visited this club.

I went there about five or six times.

* *Ms. p. 303.*

The club was at Rangkalvesh.*

There used to be 10 or 15 persons when I went there.

I used to see Chintaman Karandiker, Vaman Apte, Bal-krishna Hardiker, Bhau Saheb Ghatge.

Ex. No. 376 shown to the witness Mr. Karandiker *objects* to this.

I recognise in the photo Bhaoo Saheb Ghatge, Hanmant Annaji Murki Bhaviker, Chitnis, Dattoo Prasade, Damodar Hari Joshi.

Bhao Saheb Ghate, Murki Bhaviker used to be seen at the Shivaji club when I visited it.

Q.—Was Bhaoo Saheb Ghatge celebrated for anything?

A.—He was well known for the game he played which are called Dan Patta.

Some of the members of the club were students from school, and some were students who had just left school.*

* *Ms. p. 304.*

* *Ms. p. 305*
blank.

I remember the Shivaji Festival at Kolapore in 1898 and 1899.

They were celebrated in the Shivaji theatre.

I was present.

Q.—What happened?

Mr. Karandikar *objects* to only evidence to what occurred there at the theatre.

A.—Bhajan, Puran, and lectures given, there Povadas used to be sung.

The Povadas was about the Queen of Jahansi.

Q.—What was about the Queen of Jahansi?

Mr. Karandikar *objects*.

A.—There was a reference to the mutiny.

Q.—Who gave lecture?

Objected to.

* *Ms. p. 306 A.*

* *Ms. p. 307
blank.*

Phadke Vakil and others.*

I knew Prof. Bijapurkar in those days.

Q.—Was Prof. Bijapurker present on this occasion of the Festival?

Mr. Karandikar *objects*.

A.—Sometimes he was present.

Q.—Did he take any part in the Festival.

Objected to.

A.—He used to deliver lectures.

Ex. No. 377 shown to the witness.

I recognise in it Mr. Phadke and he is sitting in front of Mr. Tilak.

Mr. Karandikar *objects* to the question.

I don't remember what the lecture was about.

I remember the Ganpati Festival of 1896 at Kolapore.

Before 1896 there were no Ganpati Festivals in Kolapore

Before 1896 there were no general Festivals.*

In 1906 the Festival was general.

In 1896 there were processions.

These were public processions and not family processions.

I hadn't seen such public processions before 1896.

At these processions Melas used to be taken out forming part of the Festival.

Pad songs used to be sung by the Melas.

Q.—What was the subject of the *Pad* songs?

Mr. Karandikar *objects*.

A.—This was in connection with religion, some about reforms, and that sort. For Reforms the witness used the word Sudharna.

Reforms as regards living in European style etc.

Q.—Were the songs in favour of having an European style or against European style?

Objected to.

A. They were against European style.*

I first saw Mr. Tilak in Kolapore in 1901.

I again saw him in 1905, towards the end of that year.

One or two lectures were given by him and I was present at one lecture only.

This was in Chowpala's Mala.

There were between 1500 to 2000 people.

There must be 500 to 600 students there.

Q.—Did you investigate a case of a theft of ornaments of Dhondubai Latker?

Objected to.

A.—Yes.

Q.—Who were charged in that case?

Objected to.

A.—Dattu Prasade and Vasudev Padhye.

Prasade and Padhye are the same people I recognised in the photo.

* *Ms. p. 310.*

Q.—Did you investigate case No. 10 of 1909.*

MR. Karandikar *objects*.

A.—I did not.

Q.—Did you find any placards?

Objected to.

A.—I did find a placard in the Native General Library.

Mr. Karandikar *objects* to all questions relating to placards whatever has happened behind the back of the Plaintiff the Plaintiff is not responsible.

Placards shown to the witness. It is the original. Mr. Karandikar wants to know how the 1st Defendant got possession of this placard.

Mr. Karandikar *objects* to the witness seeing it and the placard going in as an Exhibit and any question connected therewith.

This is the placard found by me.

The placard put in.

I know Ganesh B. Modak.*

A photo with the names covered up shown to the witness.

MR. Karandikar *objects*.

I recognise Modak in this photo.

He is standing in the last row on the right hand looking the photo.

Prof. Bijapurker is also there sitting in the middle of lower line.

I also see Mr. Tilak in the middle line.

I don't know who is on Mr. Tilak's left. I don't know who on his right.

I don't know the small boys seen in it.

I know Shrenivas B. Sir Desai. He is standing in the last row.

I think I must have seen it.

I think I attached this photo in Modak's house.

I took search in Modak's house.

Mr. Binning puts in the photo* without the names written on it.

I don't remember whether I found this copy or a similar but I did find one a photo similar to this.

I know the magazine *Vishva Vritta* Prof. Bijapurker started it.

Q.—When did he start it?

Objected to.

Q.—Did he start it when he was a professor in the Rajaram College or when he ceased to be a Professor in the College?

Objected to.

A.—He started it after he ceased to be a professor.

Ex. No. 373 shown to the witness.

Q.—Is that a copy of the *Vishva Vritta*?

Mr. Karandikar *objects*.

A.—This is a copy of the *Vishva Vritta*.*

I knew a society in Kolapore called the Ganesh Bhakta Mandal.

It was started in 1897 or 1898.

Q.—Did this society after 1905 do anything in the Ganesh Festival?

Objected to.

*A.—They used to invite Melas from different places and distribute prizes.

Q.—Did they do anything else? *Objected to.*

A.—I don't remember.

Mr. Karandikar cross-examines.

Ex. No. 380.

* Ms. p. 311.

* Ms. p. 312.

Ex. No. 381.

* Ms. p. 313.

I came to Bombay on the 10th of this month.

I have put up in Bombay at Panhalla Lodge, Kolapore State's Bungalow.

Some students had already arrived there from Kolapore before I arrived.

* *Ms. p. 314.* There was also Jadev, there. His full name is Bhasker Vithalrao Jadev.*

At present he is the Chief Revenue Officer. He was a Sessions Judge.

I don't know whether he is a witness in this case.

I don't remember having seen anybody else in the Panhalla Lodge.

Tembulkar arrived with me. He is the Assistant Chief Police Officer.

Mr. Fernandez is the Chief Police Officer at Kolapore.

I saw him before I left Kolapore for Bombay.

I don't know whether any negative were taken possession of from the house of a deceased photographer.

I was examined before I came here to give evidence.

Mr. Bowen examined me in his office in Bombay, several days ago.

* *Ms. p. 315.* This was about five or six months ago.*

There was Mr. Jadev with me from Kolapore when Mr. Bowen examined me.

The same Mr. Jadev Sessions Judge.

He did not come with me from Kolapore.

Mr. Fernandez asked me to go to Bombay at that time.

During the time I was in Bombay I was drawing my pay and also got travelling allowance from the Kolapore State.

At that time Mr. Jadev introduced me to Mr. Bowen.

Mr. Jadev did not go back to Kolapore on that occasion with me.

My statement was reduced to writing.

I signed the writing containing my statement.

I didn't keep any notes of what I stated then.

I keep a diary.

* *Ms. p. 316.* I didn't write my diary during my stay in Bombay.*

Before Mr. Bowen examined me Mr. Fernandez had examined in Kolapore.

Mr. Fernandez took down my statement and I signed it.

I was not told why I was being examined by him.

I was examined by Mr. Fernandez at Kolapore.

It was two or three months before I saw Mr. Bowen.

I had no impression when Mr. Fernandez examined me that my evidence was wanted for this case.

I am a Police Officer of some standing.

I had no clear idea as to why Mr. Fernandez examined me.

At that time nothing struck me as to why I was being examined.

* *Ms. p. 317.* I don't know whether any others like myself were examined by Mr. Fernandez.*

In that day's diary I did not make a note that Mr. Fernandez examined me.

I make a note when I go to give evidence in the Sessions Court, that's all.

I do not make any notes in my diary if I am examined in connection with my duty by Mr. Fernandez.

I will not be able to give the date on which he examined me.

I saw the 1st Defendant at Kolapore once when he had been to see Ambabai's temple.

I was a Sub-Inspector at Kolapore.

I can't say exactly when the 1st Defendant came to Kolapore It may be about three or four years ago.

* Ms. p. 318.

No one examined me before I was examined by Mr. Fernandez. I don't know the Sahu Social Club at Kolapore.*

I think I have heard the name of the Sahu Social Club.

I don't know where the club is.

I know nothing about the club.

I never had a talk with Mr. Jadev about this club.

I don't know whether the 1st Defendant visited this club.

I know the Sahu Cricket Club, the Rajaramian Club, Deval Club and the Clerk's Club.

I had been to the Deval Club only once.

I never performed the duties of the C. I. D. (Criminal Investigation Department).

These four Clubs do not celebrate the Ganpati Festival.

Members of these Clubs told me that they do not celebrate the Ganpati Festival.

I don't know who is the President of the Sahu Cricket Club.

* Ms. p. 319.

I know Jayvant Deshpande and others who are members of the Sahu Cricket club. *

No Ganpati Festival is held in the Palace, but Navratri Festival is held.

In the Palace Ganpati is installed.

It is on the Ganesh Chaturthi's day and the image is taken out some days after for immersion.

When it is taken out there is a procession, just as it is done on Fridays.

On this occasion one elephant, some horses and a palanquin is taken out in procession just as on Fridays.

I can't say on what day the Ganpati is taken out for immersion.

It is during day time. It is in the afternoon.

I am not required to make any special arrangement as it is on the Mohoram Festival.

* Ms. p. 320.

I make only ordinary arrangements.*

Since 1896 I have been seeing the installation of the Ganpati and the procession.

And yet I can't say how many days after the installation of the Ganpati it is taken out for immersion.

I have also visited the Palace before 1896.

Ganpati was installed before 1896.

Before 1896 it used to be taken out for immersion as it was done after 1896.

I was at Kolapore but I didn't see the Procession before 1896 on such a big scale.

Whenever I saw the Palace procession it has always been of the same description.

There are nearly (75) Gymnasia in Kolapore.

Generally they belong to Marathas. Some are Mahomedan Gymnasia.

* Ms. p. 321.

Since the time I have been a Foujdar I have been seeing these Gymnasia. *

I don't know when these were started.

I can't say whether they are of old standing.

I have made no enquiries about them.

In these Gymnasia wrestling is taught.

I have seen Dan Patta played at Kolapore; but not in Gymnasia.

I have seen Dan Patta in the Taboot processions; and generally in the Ganpati processions.

Also in marriage processions of the Marathas.

There are good many Sirdars, and Jehagirdars in Kolapore.

On the 4th Ganpati is installed in their houses as well.

And their Ganpatis are also taken out for immersion.

Some Ganpatis are taken to the river and others to

* Ms. p. 322.

Rangkala (tank).*

I instal a Gapati in my house.

I am a Chitpavan Brahmin.

In my younger days, I went to the Shivaji Club five or six times.

Those officers who appointed me may or may not have known that I visited the Shivaji Club five or six times.

They must have known from the statement taken by Mr. Fernandez.

And I am still retained in service.

I did not know the objects of the Shivaji Club when I visited it.

I was not a student then.

I visited it five or six times in 1898 and 1899.

I had friends there and so I went to the club.

* Ms. p. 323.

My friends were Chintaman Karandiker, Lele, Hardiker and others.*

I had both friends and acquaintances at the Club.

I went there merely to pass time.

Whenever I went there I did not discover anything objectionable.

In Kolapore Shivaji's name and memory are held in high esteem and reverence.

His Highness has erected a temple at Kolapore in memory of Shivaji.

It was about three or four years ago.

Worship is performed every day at the temple.

On the birth-day of Shivaji a chariot is taken out in procession from the temple to the Palace.

It is not a holiday but procession is taken out similar to the procession in memory of the other ancestors of His Highness.

* Ms. p. 324.

I have not observed that schools or colleges are closed on that day.*

On the last Shivaji birth-day procession holiday may have been given to schools and colleges and the offices may have been closed. I am not prepared to contradict to what you say if you say that there was a Public Holiday.

Ex. A 2.

Vidya Vilas published at Kolapore (paper) put in dated 27th April 1917.

Mr. Binning objects.

After reading the paper I now say that there was a public holiday, and all the schools and colleges and offices were closed.

Whenever I went to the Shivaji Club I found members talking and playing.

I know that there are Shivaji lockets.

Anybody who likes it wears it.

I don't know of any officers wearing it.

The Sirdars were ordered to wear these lockets at the marriage ceremony.

* Ms. p. 325.

I have seen many Sirdars wearing these lockets on the marriage* ceremony of the younger Prince.

That was last month.

I know Satya Shodhak Samaj.

It has been in existence for four or five years.

Mr. Binning *objects* to all questions relating to the Satya Shodhak Samaj.

B. V. Jadhav, Dongre, and some others are its members.

Prof. Lathe was its member.

I don't know whether there are any Brahmins who are members.

I don't know whether they hold meetings.

B. V. Jadev joins the Palace Ganpati procession.

I don't know whether any Purans read in the Palace. They may have been read.

I have heard Poovadas sung at Kolapore at theatres.

Q.—When you say Poovadas, you mean historical ?

* Ms. p. 326.

A.—Yes.*

And the name of that theatre is Shivaji theatre.

I hear Bhajan sung quite close to my house.

There is nothing unusual in Bhajans.

I have heard the Poovada at the Shivaji theatre of the Queen of Jahansi.

I say that it is the same song about which I said in my examination-in-chief.

There is in a temple a bust of Sivaji at Kolapore.

There is a temple near the Town Hall built by the State, which contains the bust of Shivaji.

I have seen Phadke at Kolapore before I came here. I have not seen him in Bombay.

In 1898 and 1899 during the occasion of the Shivaji Festival Mr. Tilak was not at Kolapore.

* Ms. p. 327.

Prof. Bijapurker was employed in the Rajaram College in 1898, 1899, 1900.*

He was there upto 1905.

When I said "Sudharana" it was social reform that I meant.

It was in 1908 that I found that placard Ex. No. 380.

It was in July.

It was after the conviction of Mr. Tilak in 1908.

The placard shown to the witness.

Mr. Karandikar says that he corss-examines the witness on the supposition that the placard goes in as evidence.

The first four words are in English.

They are.

"Take vengeance for Tilak."

These words and the three Marathi words appear in different ink.

The rest of the document is in black.

There is nothing in the Marathi for the words "Take-vengeance for Tilak."

I was not in the police service in 1901 when Mr. Tilak came.

I was in Kolapore doing nothing then.

* Ms. p. 328.

I know of one Pan Supari ceremony in 1901 in honour of Mr. Tilak.*

It was a private ceremony.

It was in the house of Dattupant Pendarker.

He was then a Sub-Inspector of Police.

He is dead.

In 1905 I was a Police Officer.

I kept no diary of Mr. Tilak's movement in 1905.
On the left of Mr. Tilak is Mr. Godbole in Ex. No. 377.
He was a merchant at Kolapore and a respectable gentleman.

One on the right hand side is Mr. Vinayak Dandekar.
He was a respectable and learned Puranik.
I don't know the man on the left of Godbole.
There is Godbole's son sitting below Tilak.
I don't know who that little child is.
Godbole's son's name is Sripatrao.

* Ms. p. 329.

He is alive. I saw him at Kolapore before I came here.*
I don't know whether Godbole's brother is there.
The son of Godbole lives at Kolapore in the house of his father.

I know Athavale who is in the Political Agent's Office.
He is in the photo.

I don't know the gentleman No. 1. to the left in the photo.
I may have seen Bhaoo Saheb Bhate.

On one occasion I mean the time of the lecture I was shadowing Mr. Tilak. The rest of the time I was not.

I know the incident of tarring King Edward's Statue.

Some houses may have been searched I don't remember.
Mr. Page of the C. I. D. was there.

I know Mr. Page met Rao Bahadur Dongre during the investigation.

Mr. Binning re-examines.

* Ms. p. 330.

The Maharaja is the direct descendant of Shivaji.*

Just as the procession of the Ganpati is taken out so the images of the foot print of the ancestor of the Maharaja is taken out every Friday.

I don't remember whether the Maharaja's Ganpati takes part in the public processions from 1896 but I think it does not.

I did not become member of the Shivaji Club because later on the boys committed theft.

Q.—Were you asked to become a member ?

Mr. Karandikar *objects*.

A.—One person asked me to become a member.

Q.—What thefts you are referring to.

Objected to

* Ms. p. 331.

A.—I refer to theft committed* by Karandikar, Ramkrishna, and Damu Sonar.

Bhajan is reciting of songs called Abhangs by Tukaram.

Q.—Are these songs harmless or dangerous ?

Objected to.

A.—They are quite harmless.

Dattu Pendharker died in 1901 and until his death he was a Sub-Inspector.

B. V. MHAISKAR.

S. I. Police, Kolapore City.

The evidence of the witness was read over by me and interpreted by Mr. Mohile and found by him to be correct.

DORAB N. D. KHANDALAVALA.

* Ms. p. 332.

*Commissioner.**

Mr. Binning calls

Yesvant Krishnaji Dilver.

Solemnly affirmed by me.

Mr. Binning says that this morning a Chamber order was obtained from the Judge who said that if there were no Kolapore witnesses in Bombay he was at liberty to call and examine Mr. Dilver.

Mr. Binning says that at present he has no other Kolapore witnesses in Bombay.

I am 45 years old.

I am a clerk of the Court of the Chief Judge at Kolapore.

The civil and criminal records are in the charge of Rao Bahadur V. B. Gokhale, Sir Nyayadish Judge.

Ex. No. 360 shown to the witness.

* Ms. p. 363.

I see on it the signature of Mr. Gokhale and there is also the seal of the Court, I also recognise the signature of Mr. Shirgaonker, he is in charge Divan.

Mr. Karandiker objects to all the documents going in as they are both irrelevant and inadmissible and he also objects to the mode of proof.

I also recognise the last signature.

It is that of F. Wodehouse.

He is the Political Agent of Southern Maharatta States and Resident at Kolapore.

I see Ex. No. 361 and it bears the same signatures.

The same with regard to Ex. Nos. 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373. No. 373 is produced from the criminal records kept by Mr. Gokhale.

I recognised the initials of "C. A. K." They are the initials of C. A. Kincaid.

* Ms. p. 334.

B. V. J. are the initials of the District Magistrate B. V. Jadev,*

No. 374 has similar signatures as No. 372.

I also identify the signatures and the seals of Ex. No. 375.

Ex. No. 376 shown to the witness.

It is produced from Mr. Gokhale's criminal record.

I know the initials at the feet D. D. S.... They are those of D. D. Sontake's.

The placard Ex. No. 380 shown.

This was in the possession of Mr. Gokhale in the record of cases. It was Ex. No. 50 in the Kolapore case.

There are the initials of Mr. Kincaid. "C. A. K." I recognise them.

Appeals Nos. 18 and 20 of 1910.

Dated 27th June 1910.

Ex. No. 381A.

True copies put in.

Mr. Karandikar objects to the documents going in and to the mode of proof.

* Ms. p. 335.

It bears the seal of His Highness' Court and signed by P. R. Patel.* Also signed by Col. Wodehouse and bears his seal.

Mr. Karandikar objects.

Mr. Karandiker cross-examines.

I don't know how the Exhibits which are parts of the Kolapore record came into the 1st Defendant's hand.

The actual record-keeper is one Anandrao Mojnidar.

He has been record-keeper for two or three months.

Before him the man's name was Datvadker.

I don't know whether these are the signatures of Mojnidar and Datvadker, on these documents.

None of these documents have passed through my hands I mean Exs. 380 down to 381.

None of these signatures identified were made in my presence or seals made in my presence.

* Ms. p. 336.

I received Subpoena to appear in* this Court.

I am a servant of the Kolapore State.

I received the Subpoena in Bombay.

It was on the 18th of this month.

I came to Bombay occasionally.

I had been here last month.

I have been here before the case commenced on the 11th July 1917.

I don't think I have been daily attending the Court since the 11th of July.

Q.—How many days since the 11th of July you have been absent from Court?

A.—I can't say.

I see these Exhibits for the first time.

I came to know when the Subpoena was served that my evidence was wanted.

Ms. p. 337.

I was not examined by any one before I came to give evidence.*

I didn't tell any one before I got the Subpoena that I could identify the signatures on these Exhibits.

When in Bombay I have been in State service and not on leave.

The witness says the following by way of an explanation.

The cases from which the copies under the signature of the Chief Judge are taken are still in the Chief Judges record.

Y. K. DILVER.

Clerk of the Court,

Kolhapore.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA,

Commissioner.*

* *Ms. p. 338.*

11-30 A. M.

27th July 1917.

Mr. Binning calls.

Mahadeo Babaji Savant.

Solemnly affirmed by me.

I am acting Head Clerk to the Court of Crown.

I attend here upon a Subpoena to the Clerk of the Crown.

I attend here under instructions.

I produce from the records of the Clerk of the Crown Special Bench Case No. 1 of 1910.

I produce the original.

Mr. Karandikar *objects* to all papers in connection with Case No. 1 of 1910, going in, also their certified copies.

Sealed and certified copy of the original put in. Certified copies of the charges dated 2nd Feb. 1910 including the charges formed by the Clerk of the Court put in.

Ex. No. 382.

Ex. No. 383.

* *Ms. p. 339.*

Conviction and sentence (certified copy) put in dated 29th March 1910.*

Statement of Anant Laxman Kanhere produced in Marathi exhibited in the Special Bench Case No 1 of 1910.

Mr. Karandikar strongly *objects* to this document going in. It is both irrelevant and inadmissible.

Ex. No. 384.

Certified copy put in and translation.

The witness says that he has no instruction to part with the original Documents.

Mr. Karandikar says that the originals should be kept in my possession as we may have to refer to them in course of his cross-examination of this and other witnesses.

Copy of the Marathi in Ex. No. 384 is certified by the acting Clerk of the Crown.

Cross examined by Mr. Karandikar.

I have brought the whole record of the Special Bench Case.

* *Ms. p. 340.*

In this whole record is included the record of the Magistrates Court too.*

The record that I have brought contains no Police papers relating to investigation.

There are no confessions in this record.

These are the statements of all the accused before the committing Magistrate.

The confessions of the accused and all the Exhibits are returned to the police in charge of the case.

They are returned by the Clerk of Crown's office on 29th of March 1910 to Mr. Deshpande Police Inspector, C. I. D.

Those Exhibits that were returned to the Police have not come back to our office except in some of the subsequent Special Bench Cases. They were again returned to the Police.

* *Ms. p. 341.*

I haven't got the record of the subsequent cases here. I must look at it to find out when they were finally returned.*

The acting Clerk of the Crown didn't tell me specifically to bring back the original.

My inference from the correspondence between Messrs. Little and Co. : and the Clerk of the Crown is that these originals are not to be kept in Court but to be brought back with me.

There are some pages noted in the Rojnama of the Magistrate which are not in the record.

Those are the confessions.

Ex. Nos. 113, and 115, 117, 119, 121, 123, 125 before the committing Magistrate are not here in the record.

No. 113 is the confession of Anant Luxman Kanhere. It is not here. (of accused No. 1).

No. 115 is the confession of Krishnaji Gopal Karve. It is not here. (of accused No. 2).

* *Ms. p. 342.*

No. 117 is the confession of Vinayek Narayen Deshpande. It is not here. (of accused No. 3).*

No. 119 is the confession of Shanker Ramchandra Soman. It is not here. (of accused No. 4).

No. 121 is the confession of Vaman Narayan Joshi. It is not here. (of accused No. 5).

No. 123 is the confession of Ganesh Babaji Vaidya. It is not here. (of accused No. 6).

No. 125 is the confession of Dattatraya Pandurang Joshi. It is not here. (Accused No. 7.)

In the Subpoena I was asked to produce the whole record.

This is the only record in our possession. There are other miscellaneous papers.

Mr. Tilak had many times taken inspection of our record.

* *Ms. p. 343.*

I haven't got the confessions with me. They are not in our office.*

Mr. Binning re-examines.

The original Marathi statement of accused No. 1 has not been returned to the Police. It was Ex. L. in the Special Bench case.

I have a list of the Exhibits which were returned to the Police.

Ex. No. 384 of this case, the original Marathi statement of accused No. 1, and it is Ex. L. of the Special Bench Case has never been returned to the Police.

Mr. Karandikar sees the list of Exhibits of the Special Bench Case which were returned to the Police.

I made a mistake when I said that all the Exhibits were returned.

I have not received any subpoena from the Plaintiff to produce my documents.

I recognize the initials of the Deputy Clerk of the Crown Mr. Conway on Ex. L.

* Ms. p. 344.

Mr. Karandikar cross-examines.*

I saw the first page of the list of Exhibits returned to the Police.

Mr. Binning calls upon Mr. Karandikar to put the list in.

Mr. Karandikar refuses to put it in.

Exs. 112, and 113 are in this list. They are not returned.

Ex. 112 is the same as Ex. 384 in this case.

Mr. Binning *objects* to further cross-examination except on the list of Exhibits.

The file is paged without reference to the missing Exhibits, because these were kept separate.

I can't say exactly when this file was paged.

* Ms. p. 345.

It must have been some days after the papers were received from the Magistrate.*

Witness is shown the docket (page outside) to Ex. 384.

It was written by me in October 1915.

No copy of this docket is attached to the certified copy Ex. 384.

Ex. No. 385.

Mr. Binning puts in the list of Exhibits returned to the police.

In the list those marked with a cipher are those kept with us.

M. B. SAWANT.

Ag. Head Clerk to the Clerk of the Crown.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA.

* Ms. p. 346.

Commissioner.*

Moreshwar Ramchandra Godbole.

Solemnly affirmed by me.

I am a master in St. George's School at Nasik.

In 1910 I was a clerk to the Court of the Magistrate Mr. Montgomerie.

Ex. No. 384 shown to the witness.

Ex. No. 384 is in my handwriting.

It bears the signature of Anant Luxman Kanhere.

Mr. Karandikar *objects*.

Kanhere put the signature in my presence.

Mr. Montgomerie was also present when the statement was taken down ?

Q.—Did the Magistrate also write when the statement was being taken down ?

Mr. Karandikar *objects*.

A.—He was typing the statement.

* Ms. p. 347.

Taking it in English.*

This statement Ex. No. 384 is also typed by Mr. Montgomerie.

This was taken down in Court.

This was taken down in two days.

Each sheet is initialled by Mr. Montgomerie.

Mr. Karandikar says that if the first Deft. is going to call Mr. Montgomerie, he is not going to cross-examine the witness.

Mr. Binning says that he does not wish to call Mr. Montgomerie on behalf of the 1st Defendant here.

Mr. Karandikar cross-examines.

Q.—The very first question in the statement refers to a previous statement by the accused Kanhere.

Mr. Binning *objects*.

A.—It does refer.

* *Ms. p. 348.*

I must have seen the earlier statement of the accused.* I was the Shirestadar who wrote the Rojnama (diary) of the Magistrate's Court.

The earlier or previous statement was noted in the diary as a confession. It is Ex. 113.

Q.—Do you find Ex. No. 113 in this file?

Mr. Binning *objects* as the clerk of the Clerk of the Crown said it was not there.

A.—No, it is not there.

I didn't know the accused Kanhere personally.

On looking at the file I find that I did record the statements of the accused Karve and Deshpande.

Their previous statements are also not in this file.

I don't know who recorded the previous statements of Kanhere, Karve and Deshpande.

These three previous statements were produced in Court and were shown to the three respective deponents.

* *Ms. p. 349.*

I saw Mr. Montgomerie last 1910.*

Mr. Binning re-examines.

Kanhere made this statement Ex. No. 384 as an accused person.

Mr. Binning says that his statement that Mr. Montgomerie is not going to be called applies only to the enquiry before the Commissioner and it does not refer to what might take place in London.

N. R. GODBOLE,
Hd. Master,
St. George's School,
Nasik.

The evidence of the witness was read out to him and found by him to be correct.

DORAB N. D. KHANDALAWALA,
*Commissioner.**

* *Ms. p. 350.*

Mr. Binning calls
Gangaram Mahadu Savant.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

I am a Jamadar in the Thana jail.

Ex. No. 386.

I produce the Prison Register page containing the record of Kanhere.

Mr. Karandikar says that Jailer is subpoenaed and not this witness and he hasn't fourteen days' notice of this witness and so the witness relating to anything more than the mere production shouldn't be recorded.

Mr. Binning says that he takes the risk of the evidence being struck out in the London Court.

I am not allowed to leave this Register in the Court.

I know Kanhere, accused No. 1.

* *Ms. p. 351.*

I was present when he was hanged.*

No Cross-examination.

(Signed in Marathi)

CANGARAM MAHADU SAVANT.

The evidence of the witness was read out and interpreted to him and found to be correct.

DOBAB N. D. KHANDALAVALA.

Commissioner.

Mr. Binning recalls the clerk of the Clerk of the Crown. Pencil endorsement on Ex. No. 384 shown.

This endorsement relates to the translator's office dated 27th Nov. 1916.

I produce records of case No. 2 of 1897. Queen Vs. Bal Gangadhar Tilak and Keshav Mahadev Bal.

* Ms. p. 352.

Ex. No. 387.

I produce the charges framed by the Clerk of the Crown* The charges put in also copy certified by Mr. Campbell who was Clerk of the Crown.

The original is also marked, and returned at the request of the witness.

Ex. No. 388.

I produce the conviction and sentence of 14th Sept. 1897 and a certified copy of the same certified by Mr. Campbell.

The original of the conviction and sentence returned as stated above.

I produce Cases Nos. 16 and 17 of July 1908 against the Plaintiff.

I produce the charges framed by the Clerk of the Crown. Dated 13th July 1908.

Ex. No. 389.

I produce certified copy from the office of the Clerk of the Crown.

* Ms. p. 353.

This is put in, original returned.*

I produce charges in Case No. 17 of 1908, against the Plaintiff dated 13th July 1908. Put in.

Ex. No. 390.

I also produce certified copy of the charges by Mr. Campbell. Put in.

I produce conviction and sentence in Case 16 of 1908 22nd July 1908.

Ex. No. 391.

I produce a copy certified by the Clerk of the Crown Mr. Campbell. Put in.

I produce conviction and sentence in case 17 of 1908. 22nd July 1908.

Ex. No. 392.

I produce a certified copy of the above by the Clerk of the Crown. Put in.

I produce Ex. K. in case 16 of 1908.

Mr. Karandikar objects.

Ex. No. 393.

I produce a certified copy of the Clerk of the Crown. Put in.

* Ms. p. 354.

Mr. Karandikar objects.*

I produce the Plaintiff's petition with annextures.

Petition to the High Court.

Dated 7th Aug. 1908 and annexture F. part of F. only put in beginning from "His Lordship" to the "accused."

Ex. No. 394.

Certified copy of part of the annextures F. put in. It is certified by Mr. Campbell.

I recognise Ex. No. 325 certified by the Clerk of the Crown. It bears the seal of the High Court.

Mr. Karandikar objects to the document as well as to the method of proving it.

I produce Special Bench Cases. Nos. 2, 3 and 4.

* Ms. p. 355.

Mr. Karandikar objects to the production of any papers connected with the above cases 2, 3 and 4.*

I produce charges framed by the Special Magistrate 18th May 1910.

- Ex. No. 395.** I produce a certified copy of the extracts from the charge-certified by Mr. Tayabji, Ag. Clerk of the Crown. Put in.
Mr. Karandikar *objects*.
I produce the joint charges of the Clerk of the Crown in Special Bench Cases 2, 3 and 4 of 1910.
- Ex. No. 396.** I produce a certified copy of the above charges, certified by Mr. Campbell, Clerk of the Crown. Put in.
Mr. Karandikar *objects*.
I produce the judgment in these three cases of the Special Bench.
Mr. Karandikar *objects*.
- Ex. No. 397.** I produce a certified copy by Mr. Campbell, Clerk of the Crown. Put in.
*** Ms. p. 356.** Mr. Karandikar *objects*.
I produce file of the case 5 of 1906 against Bhasker Balvant Bhopatker,
I produce the charges framed by the Chief Presidency Magistrate. dated 17th January 1905.
Mr. Karandikar *objects*.
- Ex. No. 398.** I produce a certified copy of the charges, certified by Mr. Tyabji, Ag. Clerk of the Crown, Put in.
Mr. Karandikar *objects*.
- Ex. No. 399.** I produce a certificate signed by Mr. Tyabji Ag. Clerk of the Crown regarding the sentence and conviction of Bhasker Balvant Bhopatkar. Put in.
Mr. Karandikar *objects*.
I produce Ex. B. in Bhopatker's case which is an issue of the Bhala dated 11th Oct. 1905.
Mr. Karandikar *objects*.
- Ex. No. 400.** I produce a copy of the translation of the above. Put in.
Mr. Karandikar *objects*.
*** Ms. p. 357.** All the certified copies put in,* bear the High Court seal. The witness says that all the originals are to be returned.
Mr. Binning says that he does not agree to the originals going back.
Mr. Karandikar cross-examines.
Except the confessions and some other exhibits, papers all the papers in cases 2, 3 and 4 of the Special Bench are present here.
The confessions and other papers were all returned to Mr. Deshpande Inspector of C. I. D.
Ex. No. 344 in Special Bench Cases 2, 3 and 4 has been returned.
Ex. No. 359 in this case was put in as an exhibit in Special Bench cases 2, 3 and 4.
*** Ms. p. 358.** This Extract was returned on 17th March* 1911.
Ex. 353 in this case was A. 173 in the Special Bench Case. A. 170, A. 171, are two photos of Mr. Tilak in the Special Bench Case.
A. 168 is a picture of "Bal, Lal and Pal".
All these exhibits were returned to Mr. G. K. Deshpande on the 17th of March 1911.
No re-examination.

M. B. SAWANT,
Ag. Head Clerk to the Clerk
of the Crown.

The evidence was read out and found by the witness to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.*

* Ms. p. 359.

Peter Sullivan called.

Mr. Binning.

I am a Superintendent of the Criminal Investigation Department.

I am at present on special duty under the Registration Ordinance.

In June 1908 I searched, the office, press and residence of Mr. Tilak in Poona under a search warrent of the Chief Presidency Magistrate, at Bombay.

A Panch was formed. There were five witnesses these including Mr. Kelkar who is now assisting Mr. Tilak.

Ex. No. 393 shown to the witness.

Mr. Karandikar *objects* to the witness seeing this exhibit, I found this exhibit in the writing table, right hand top drawer of Mr. Tilak.*

* *Ms. p. 360.*

Ex. No. 393A.

A photograph of Ex. 393 shown to the witness. Put in.

Mr. Karandikar *objects*.

Mr. Kelkar told me whose hand-writing was on this exhibit relating to the two books.

It was as he told me in Mr. Tilak's handwriting.

I am positive about this.

Mr. Kelkar initialled this exhibit. I don't see the initials now.

In the sessions case of 1908 against Mr. Tilak these initials were quite clear.

I knew Ganesh Balvant Modak.

He was the Manager of the Vartman Agency and the *Rashtramat* paper.

In 1909 he was prosecuted.

In the investigation the office of the *Rashtramat* was searched.

* *Ms. p. 361.*

Mr. Karandikar *objects* to any question* put to the witness in connection with Modak.

The Magazine called *Swarajya* was found there.

It was a magazine we were looking for at that time.

A copy of the *Swarajya* shown to the witness.

We found many such copies when we made a search.

I can't now remember whether the magazines found were printed in England or here.

Ex. No. 401.

The copy of the of *Swarajya* put in.

Mr. Karandikar *objects*.

I was present when Mr. Modak was prosecuted.

Mr. Karandikar *objects*.

I know the signature of the present Ag. Chief Presidency Magistrate.

Ex. No. 402.

Certified copy of the conviction of Modak put in.

* *Ms. p. 362.*

Mr. Karandikar *objects*.*

I don't think I was in Court during the hearing of Modak's Revision Application.

Ex. No. 403.

Order of the High Court in Revision. Certified copy put in.

Mr. Karandikar *objects*.

The father of the present Commissioner was the Police Commissioner when I joined the service. He left India in 1898 or 1899.

Q.—Is it generally understood amongst the police force that he is dead?

Objected to.

A.—Yes.

Mr. Karandikar cross-examines.

I was examined by Mr. Tilak in 1908.

* *Ms. p. 363.*

I was then Crown's witness.

I then said that Mr. Kelker identified* Mr. Tilak's hand writing. I said this in the Lower Court as well.

So far as I remember the drawer in which Ex. 393 was found was not locked.

I was present when Mr. Justice Davar charged the Jury in the case against Mr. Tilak.

I don't remember whether His Lordship then said when charging the Jury "to my mind, it is not a piece of evidence which ought to affect your minds."

I was searching for the magazine called "*Swarajya*" similar to the one put in here.

So far as I remember Mr. Tilak had nothing to do with the search I made in the office of Modak.

* *Ms. p. 364.*

The copy shown Ex. No. 401 is published in June 1909.*

I don't remember the exact date of the search.

I must refer to the panchanama. I haven't got it here.

It must be in 1909.

I can't remember the particular month.

* It was after Mr. Tilak was transported in 1908.

I found the copies of *Swarajya* similar to the one put in as an exhibit.

After the late Mr. Vincent left India I received no communications from him.

I don't remember when I first learnt of this suit that was filed by the Plaintiff against the 1st Defendant.

Q.—Is this Criminal Investigation Department constituted under any law or act of the Government of India or the Government of Bombay?

Objected to by Mr. Binning.

* *Ms. p. 365.*

A.—I don't know.*

Q.—Do you think it is the duty of the members of the C. I. D. to help private individuals in their suits?

Mr. Binning *objects.*

Mr. Binning said to the witness "I advise the witness not to answer the question."

A.—I decline to answer the question.

Subsequent answer.

I don't think it is the duty of the members of the C. I. D. to help private individuals.

I am not aware of any officers of the C. I. D. interfering in this case.

In the City Bombay Mr. Griffiths is the head of the C. I. D.

In the Presidency Mr. Guider.

I have not seen any witnesses from Nasik in connection with this case.

Mr. Binning re-examines.

* *Ms. p. 366.*

I appear here on a subpoena.*

11-30 A. M.

28th July 1917.

If the assistance of the Government is sanctioned then the officers of the C. I. D. would naturally carry out the Government's orders.

Mr. Karandikar cross-examines.

I know Mr. Montgomerie.

I don't think I have seen him since the trial at the High Court.

I have received no orders from Government to render assistances contemplated in my answer, above.

P. SULLIVAN L.

Supdt. of Police C. I. D. Bombay.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Ex. No. 404. By consent a copy of the Judge's order relating to the
* *Ms. p. 367.* 14 day's notice put in by Mr. Binning.*

11-30 A. M.

28th July 1917.

Ex. No. 405. Certified copy of the charges in Case against Damodar Hari Chapeker put in by Mr. Binning.

Mr. Karandikar *objects.*

Ex. No. 406. Certified copy of the Findings and sentence of case No. 3 of 1898 Poona put in.

Mr. Karandikar *objects.*

Ex. No. 407. Certified copy of the confirmation order of the High Court 2nd March 1898 put in.

Mr. Karandikar *objects.**

* *Ms. p. 368.*

Ex. No. 408. Put in subject to the production of the original and proof a certified copy of Damoder Hari Chapeker's confession. Mr. Karandikar strongly *objects* to this document.

Mr. Binning calls. **Ramchandra Narayan Joshi.**

Solemnly affirmed by me and the evidence interpreted by the High Court Interpreter Mr. Mohile.

I see the Pandharpore photograph Ex. No. 381.

I took the photo in a Vada at Pandharpore.

Pandharpore is in the Sholapore District.

I had gone there to see the exhibition and the temple on the occasion of the Ekadashi in 1906.

* *Ms. p. 369.* One Gadgil asked me to take this photo. I mean young Mr.* Gadgil Barrister-at-law.

I can recognise in the photo M. Tilak. Dr. Deshmukh, Mr. C. V. Vaidya, and Bapu Desai and Modak and Prof. Bija-poreker.

Some of the people in the photo paid me for copies supplied by me.

I got paid by them.

I gave some copies to Sir Desai.

I don't remember having given others any free copies.

I don't remember to whom I supplied copies on payment

Mr. Karandikar cross-examines.

I went to Pandharpore during the Kartiki Ekadasi Festival.

I was there for three or four days.

There were thousands of people assembled there during the Festival.

There was an Industrial Exhibition there.

* *Ms. p. 370.*

I don't remember whether the Chief* of Miraj was there as the President of the Exhibition.

I took many photos at that time of the people and the Temple also and the processions.

I had given some photos to Mr. Guider and some are with me.

Three other photos produced by the witness.

Ex. A3.

I took the group A 3 the same day but immediately after I took Ex. No. 381. (put in by Mr. Karandikar).

I also took the photo in which there is a crowd by the river.

Ex. A 4.

I took the photo of the crowd when Mr. Tilak was lecturing. Put in.

Ex. A 5.

I took the photo when there was the procession of the Vithoba car. (Put in).

I don't remember on what day it was.

* *Ms. p. 371.*

Many people came to the Exhibition I can't * say whether they were delegates.

I didn't attend the opening ceremony of the Exhibition.

About 500 or 700 people had assembled for the Exhibition.

There are printed names on Ex. A3 supplied by Mr. Gadgil.

I am now a Drawing Master in the Poona High School.

I don't know whether I went to the Delegate's quarters to take the two groups.

I was taken to a Vada and I went there.

I don't know the name of the Vada.

When the first group Ex. No. 381 was taken the other people in A3. were not present.

With the exception of A4. I have shown all the photos to Mr. Guider in December last.

He had sent a man for the photos.

* *Ms. p. 372.*

At first he had sent for me and I saw him and then I sent to him the photos.*

I didn't give any statement to Mr. Guider.

I have destroyed these negatives because they were of no use.

The negative of Ex. A4 broke.

The negative of Ex. A5 is with Mr. Guider.

I gave it to Mr. Guider.

Re-examined by Mr. Binning

The same year I took the photos. I destroyed the negatives.

R. N. JOSHI.

Drawing Master, Poona High School.

The evidence of the witness was read out and interpreted and found by him to be correct.

DORAB N. D. KHANDALAVALA,

*Commissioner.**

* *Ms. p. 373.*

Mr. Binning calls.

Ganesh Balvant Vaidya.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

I was tried in the High Court at Bombay on the trial of the accused in connection with the murder of Mr. Jackson at Nasik.

I was tried along with others.

I was sentenced for transportation for life.

I was subsequently pardoned.

I was a convict when I gave my evidence in the Conspiracy case.

I was living at Nasik before I was tried.

I knew one Gopal Govind Dharap.

He was one of the accused in the Nasik case.

Dharap was my friend.*

* *Ms. p. 374.*

Q.—Did you belong to any Society?

Objected to.

A.—Yes.

Mr. Karandikar *objects* to all questions connected with this Society.

Dharap told me something and therefore I became a member of the Society.

Q.—Did you understand what he told you ?

Objected to.

A.—I did understand and I agreed to what he said.

Before I joined the Society I hadn't made any declaration.

There was no particular name given to the Society.

It was not a Society open to the public.

If a man was to be taken into the Society I could tell him about it otherwise not.

I knew at that time in Nasik a man called Shanker Ramchandera Soman.*

* *Ms. p. 375.*

I had dealings with Soman in connection with this Society.

Q.—What did Soman do ?

Objected to.

A.—I have stated in my statement I don't now remember what it is.

I think Soman gave me an oath.

Mr. Karandikar *objects to* whatever passed between the witness and Soman.

The oath was that a secret society had been established, and what efforts were to be made ?

Q.—The efforts of what ?

Objected to.

A.—For getting Swaraj.

I and other members of the Society did something to get the Swarajya.

Objected to.

We collected some materials for making bombs.

At that time I didn't know Ganesh D. Savarker.*

* *Ms. p. 376.*

Q.—When did you come to know him ?

Objected to.

A.—I never knew him.

I knew Parshotam Luxman Dandekar.

He was an accused in the case in which I gave evidence.

Before my case I received a gold neck ornament.

I converted it into money.

I sold it through my brother and got money.

I gave some money to Dandekar and some was spent for this purpose.

For purchasing materials, pistol and other things.

I knew Rangnath Chintaman Ambrekar.

He was an accused in the case I gave evidence.

I got something from him.

Q.—What did you receive from him ?

*Objected to.**

* *Ms. p. 377.*

I received from him a pair of gold wristlets.

As stated above I gave them to my brother and they were sold.

My brother's name is Shanker Balvant Vaidya.

I got to know Ambrekar through Soman.

Mr. Karandikar *objects to* all these incidents because the Plaintiff never knew anything about them.

The moneys were used for purchasing materials. Some moneys were given to Soman and his friend to purchase materials.

Some moneys were used by me for going to different places.

I also got another necklets from Dandekar.

I made similar use of this necklet.*

* *Ms. p. 378.*

I went to Bombay, Aurangabad, Khanapur, Poona and other places.

At Aurangabad I met Kanhare.

I had a conversation with him.

Q.—What did you say to him ?

Objected to.

A.—I told him that there was a Secret society at Nasik.

Q.—Why did you go to Aurangabad and other places ?

A.—I went to these places to purchase instruments.

Kanhare told me something.

Mr. Karandikar *objects.*

He told me about the Society at Aurangabad.

Kanhare came to Nasik after I saw him at Aurangabad.

When I went to Poona I came to know one Chandorker.

He is called Bhrmagiri Boa.

* *Ms. p. 379.*

He was an accused in the case in which* I gave evidence.

Q.—Was there a Society at Poona similar to the one at Nasik ?

Objected to.

A.—Yes.

The Society at Nasik was not the same as the Mitra Mela society.

I did not know the Mitra Mela Society.

Mr. Karandikar cross-examines.

Q.—As a matter of fact Mr. Tilak knew nothing of your Society ?

A.—He did not.

This necklet matter was in 1909, and also the wristlet matter was in 1909.

I went to Aurangabad and Poona in 1909.

My talk with Soman, Dandeker, Kanhere and others was in 1909.

* *Ms. p. 380.*

Mr. Tilak had nothing whatever to do with anything* including the journeys, the interviews and purchases of material etc.

I was 17 years old in 1909.

I am in Government Service in the Military Accounts Department at Poona.

I get Rs. 40 per month as my salary.

I have been in service for seven months. I am employed temporarily.

Mr. Guider hasn't seen me.

Nor any other Police Officer.

No. re-examination.

GANESH BALVANT VAIDYA.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA,
*Commissioner.**

* *Ms. p. 381.*

11—30 A. M.
30th July 1917.

Mr. Binning asks

Ramchandra Appaji Ballal.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile High Court Interpreter,

I am a Police Inspector in the Malegaon Circle, Nasik District.

I was formerly Sub-Inspector at Nasik.

I knew Ganesh Savarkar,

I searched his house on two occasions.

It was in 1908 that I first searched his house.

I was present.

Mr. Favel Inspector from Bombay made the search on that occasion.

A Panch Nama was made.

I signed it.

The Panch Nama shown to the witness.

* Ms. p. 382.

Mr. Karandikar *objects*.*

Mr. Binning says that the Panch Nama is produced by the C. I. D. to him in the Court with the other documents.

Yes, it is the Panch Nama. It bears my signature.

Mr. Karandikar *objects* to this document and to further evidence as to what was discussed.

The Panch Nama was correct when I signed it.

Refreshing my memory by the Panch Nama I say that one note book and a letter received by Ezzo Myee were found.

Mr. Binning says that he doesn't want the witness to go through the list of all the articles found.

I say that an address to Mr. Tilak was found.

* Ms. p. 383.

I also found a book containing the lectures by Tilak and Paranjpe.*

I don't now remember what the book was like.

I also found a Poovada on the death of Afzul Khan.

A small Marathi pamphlet shown to the witness.

I think this must be the book.

I don't find any signatures of the Panch on it.

I also found 175 copies of Joseph Mazenni's life by Vinayak Savarker similar to Ex. 332.

I also found an advertisement to Mazinni's book.

Mr. Karandikar *objects* to any paper, book, article etc. about which the witness gives evidence.

* Ms. p. 384.

Advertisement shown to the witness, a similar advertisement to the one shown to me now was also found.*

Ex. No. 409.

Advertisement with the translation put in.

Mr. Karandikar *objects*.

I also found Lagoo Abhinav Bharat Mala, Books 20 in all.

A book shown.

The books found were similar to one shown to me here.

Ex. No. 410.

The book with the translation put in.

Mr. Karandikar *objects*.

I also found book No. 7 of the same Abhinav Bharat Mala Book shown.

The book found was similar to one now shown to me.

Mr. Karandikar *objects*.

Ex. No. 411.

The book with the translation put in.

* Ms. p. 385.

Mr. Karandikar *objects*.*

Ex. No. 412.

The Panch Nama dated 13th of June 1908 put in with the translation.

Mr. Karandikar *objects*.

I subsequently arrested Ganesh Savarkar on 28th February 1909, in another matter not in the matter of these books.

I subsequently searched his house in 1909.

* Ms. p. 386.

A Panch Nama was made.*

Mr. Binning says that he will try and get the original Panch Nama and put in. subsequently with the translation and recall the witness.

Mr Karandikar does not cross-examine the witness, but if he is recalled then he will.

Signed in Modi.
RAMCHANDRA APPAJI,
Police Inspector,
District Nasik.

The evidence of the witness was read out and interpreted and found by him to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.

Mr. Karandikar says that he would like to see the address to Mr. Tilak referred to in the Panch Nama, and since the 1st Defendant, has been getting documents from the C. I. D. he calls upon Mr.* Binning to produce it.

* Ms. p. 387.

Mr. Binning says that he subpoenaed the C. I. D. to produce certain documents and Mr. Karandikar is at liberty to do the same and get the document he wants.

Mr. Karandikar says that since the Panch Nama is put in he wants complete information.

Ex. No. 413.

Mr. Binning puts a certified copy along with translation of the charges against Ganesh Savarker Sessions Case No. 9 of 1909.

Mr. Karandikar objects.

Ex. No. 414.

Certified copy of the judgment and sentence in the same case dated 8th of June 1909.

* Ms. p. 388.

Ex. No. 415.

Mr. Karandikar objects.*

Certified copy of the Judgment of the Appeal Court in the same case put in.

Mr. Karandikar objects.

Mr. Binning calls **Bhaskar Mahadeo**.

Solemnly affirmed by me and the evidence interpreted by the High Court Interpreter Mr. Mohile.

I am a Sub-Inspector at Chandwad in the Nasik District. In 1906 I was a head constable in Nasik City.

I was present at a meeting when an address was given to Mr. Tilak at the Vijayanand theatre.

Vithal Dattatraya Head Constable was with me.

* Ms. p. 389.

His surname is Pitker. He is dead.*

Pitker and I made a joint report of the meeting.

I find my signature at the end. The report shown to the witness. The date of the report is 12th of July 1906.

The report is in the handwriting of Pitker.

I read it over before it was signed by me.

The account stated therein is correct.

Both of us attended the meeting and both of us took notes. We compared the notes, and Pitker prepared the report, I was present when he wrote it.

Mr. Karandikar wants to know whether Mr. Tilak was there at the meeting.

* Ms. p. 390.

Mr. Binning says that Mr. Tilak was not there.*

Mr. Tilak was not present at the meeting.

Mr. Karandikar objects to everything connected with that meeting.

Vishvanath Gangadhar Ketkar was the first speaker.

Mr. Daji Vishnu Ketkar was called to the chair.

After Daji V. Ketkar was made the president a song was sung called Swatentrya or Independence Palna, (Cradle of liberty or independence) by Vartak and Joshi, both of the Mitra Mela.

Then a speech was made by Narayan Damodar Savarker.

Q.—Refreshing your memory can you say that the-

speaker compared the inhabitants of India to slaves roused from sleep.

Mr. Karandikar *objects*.

* *Ms. p. 391.*

A.—Yes.*

Narayan Savarkar gave Mr. Tilak the title of "Pra bhū"

Q.—What do you understand by the word Prabhu ?

Mr. Karandikar *objects*.

A.—The Lord.

Narayan Shivram Barve was the next speaker.

Then came Anant Waman Barve.

Then came Sitaram Bhasker Joshi.

Q.—Did Messrs. Barve and Joshi compare Mr. Tilak to the Sun and the star of India.

Mr. Karandikar *objects*.

A.—Yes.

Q.—Did you hear after that a speech of Mr. Tilak on the phonograph.

Mr. Karandikar *objects*.

* *Ms. p. 392.*

A.—Yes.*

Then thanks were given to the President. There was music.

A Pad was sung by the boys of the Mitra Mela in honour of Mr. Tilak.

Mr. Tilak's photo was there and red powder and flowers were placed on it.

I don't remember the size of the photo.

There were about seven or eight hundred people present.

There were exclamations of 'Tilak Maharaj—Ki Jey,' and 'Shivaji Maharaj—Ki Jey'.

Ex. No. 416.

The Report with the translation put in.

Mr. Karandikar *objects* and says that this report is not specified in the particulars supplied to the Plaintiff.

Mr. Karandikar cross-examines.

* *Ms. p. 393.*

At this time Mr. Tilak was not in Nasik at all.*

There were no other persons besides those mentioned by me.

Witness looks at the report.

Mr. Patanker Vakil and Nizamudin Saheb also spoke.

There may have been other speakers whose names I have not given in the report.

I saw Mr. Ketker the Chairman.

He must be 45 or 50 at that time.

Mr. Patanker is a pleader who pleads in the Sessions Court. He is a B. A. LL. B.

He is the Vice-President of the District Local Board.

Nizamudin belongs to a respectable Mahomedan family.

He was old then. I believe he is dead now. He must be about 55 or 60 then.

* *Ms. p. 394.*

I don't know whether he was a member of the Municipality or the Local Board.*

I don't know whether Mr. V. G. Ketker is the President of the Municipality.

He is there a pleader.

The occasion was the celebration of Mr. Tilak's birth-day.

Mr. Tilak was absent from Nasik.

I don't see the address.

I was near the phonograph. I don't remember how far.

The phonograph probably went on for 5 or 10 minutes.

I don't remember who worked the phonograph

I didn't take down the exact words of the phonograph

in my note book, but I took the substance only.

I have now recollection as what specifically took place at the meeting except from the report.

Without the report I couldn't have told the Court what took place there.*

* Ms. p. 395.

Mr. Binning re-examines.

Nizamudin was a Jagirdar.

Q.—Was he a peaceful Jagirdar ?

Mr. Karandikar *objects*.

A.—He belonged to the Extremists' Party.

He was an agitator.

(Signed in modi)

BHASKER MAHADEV.

The evidence of the witness was read out and interpreted and found by him to be correct.

DORAB N. D. KANDALAVALA.

Commissioner.

Mr. Binning calls

Sitaramsing Narayansing.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile, High Court Interpreter.

* Ms. p. 396.

I am a Sub-Inspector of Police Nasik District.*

In May 1908 I was head constable in the Nasik City.

In May of that year I attended the meeting in the compound of the Temple of Kopaleshwar.

I went there of my own accord.

As far as Mr. Binning knows Mr. Tilak was not president at that meeting.

Mr. Karandikar *objects* to any incident connected with this meeting about which the witness is giving evidence.

I made a report of what took place at the meeting.

Mr. Karandikar *objects* to the report being shown to the witness.

Without looking at the report I can't give details of this meeting

The report shown to the witness.

This is my report.

* Ms. p. 397.

I made it after the meeting was over from memory.*

I made it an hour after the meeting was over and I presented it the next day.

What is stated in the report is correct as to the incidents of the meeting.

There were some boys at the meeting. The oldest of the boys was Narayen Savarkar. He was 18 years old.

He made a speech.

I correctly reported the substance of that speech.

Ex. No. 417.

Mr. Binning puts the report with the translation in.

Mr. Karandikar *objects*.

This is the same Savarkar who was the accused in the Special Bench Case High Court, Bombay.

Mr. Karandikar cross-examines.

Last line on last page of the report is more or less torn away and so I can't read it.

* Ms. p. 398.

I can make an attempt to read it. All the words are not there.*

I don't keep a copy of such a report when I send it on.

The report is in my handwriting.

I was not in Nasik in 1908 all through.

In 1908 I was at Nasik for six months.

I mean the first six months.

In 1907 I was at Nasik for the whole year.

In 1906 I was for some time in Nasik and other places too.

I may have been at Nasik in 1906 during the Ganpati Festival, but I was not actually present at the Festival.

I was on duty at Panchvati Police Station. I am not quite sure.

One Ali Mahomed was present during the Ganpati Festival. He was on duty there as Sub-Inspector.

* Ms. p. 399.

I don't remember who also was present.*

I don't remember having made a report in connection with the Ganpati Festival during that year.

I remember that Mr. Tilak was at Nasik in 1906 during the Ganpati Festival.

I was not on duty. I didn't make any report regarding the movements of Mr. Tilak during that time.

I know one Amar Sing.

He is my nephew.

I don't know what he does at present. I don't know where he is now.

He was in Nasik in 1906 during the Ganpati Festival.

Yes, he was a Police constable.

I don't know whether he made any report.

* Ms. p. 400.

I don't remember whether there was any other Police Inspector in 1906 during the Ganapati Festival.*

There may be two. I don't remember the names.

I don't remember the caste of the other Sub Inspector.

My immediate superior was one Ali Mahomed.

I was examined in the case in which Vinayek Savarker was one of the accused in the High Court trial.

I can't say whether Amar Sing was also examined at that time.

No re-examination by Mr. Binning.

S. S. N. SINGH,

The evidence of the witness was read out and interpreted and found by him to be correct.

* Ms. p. 401.

DORAB N. D. KHANDALAVALA,*

Commissioner.

Mr. Binning calls.

Kashinath Shamrao Pathak.

I am a Sub Inspector of police Nasik District.

I searched the house at Nasik of one Sakaram Rangunath Kashikar while I was a head constable.

He was an accused person in the Special Bench Case in the High Court.

I was present when Panch Nama was made by the Sub-Inspector.

I was present when the search was made.

I didn't sign the Panch Nama.

The Sub-Inspector of Igatpuri signed it.

I was present when the Panch Nama was written by the clerk of the Sub-Inspector.

I know the contents of it.

* Ms. p. 402.

It correctly states what took place at the search.*

Without looking at the Panch Nama I can't say what was found. I know some books and photos were found.

I have put numbers to those documents found.

A document shown to the witness.

Mr. Karandikar objects to the document being shown to the witness.

The document bears the number put by me. It is number 11. Mr. Karandikar *objects* to this piece of evidence against Plaintiff.

The document was found in the house of Kashikar at this search.

Ex. No. 418.

The document put in with the translation.

Mr. Karandikar *objects*.

This book also bears my number 39. It was found in the search.

Ex. No. 419.

The book with the translation put in. *

* Ms. p. 403.

Another book shown.

This book also bears 42 made by me. It was found in the house of Kashikar.

Ex. No. 420.

Book put in. (Translation to be put in subsequently).

Mr. Karandikar *objects*.

Another book shown.

It also bears the number 40 put on by me. It was found in the search in Kashikar's house.

Ex. No. 421.

This book is put in with the translation. Mr. Karandikar *objects*.

Igatpuri is in the Nasik District.

It is about 28 miles from Nasik.

Mr. Karandikar cross-examines.

My evidence was taken in the Special Bench Cases.

I don't remember whether I said in my evidence in the Special Bench Case anything regarding the numbers put on these documents. *

* Ms. p. 404.

I know one Amar Singh.

I was in Nasik in 1906.

I don't remember whether Mr. Tilak was in Nasik in 1906 during the Ganpati Festival.

I don't know where Amar Singh was during that time. I was at the head quarters. They are outside the city but within the city limits.

I was at Nasik in 1906 during the Ganpati Festival.

I was a clerk in the head quarters lines.

I was in the Office of the Sub-Inspector at head quarters.

In the beginning of 1906 there was a Mahomedan who was a Sub-Inspector, then came a Telangi as a Sub-Inspector.

The Mahomedan was not Ali Mahomed.

Ali Mahomed was in the city of Nasik at that time.

* Ms. p. 405.

In 1906 I was not present at any lecture at Nasik. *

Mr. Binning re-examines.

I produced these documents that are put in now in the Special Bench Case in the High Court.

K. S. PATHAK.

Sub-Inspector.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.

All these documents says Mr. Binning were handed to him by the C. I. D.

Mr. Karandikar says that he *objects* to the C. I. D. supplying the documents and handing them to Mr. Binning in the Commissioner's room.

Some member of the C. I. D. has supplied Mr. Binning with these documents whose name Mr. Binning doesn't know.

Mr. Karandikar wants to know who is the person who supplies these documents.

Mr. Karandikar wants to know to whom the subpoena was issued.

* *Ms. p. 406.*

Mr. Binning hands in the subpoena at the demand of Mr. Karandikar and from it is found that* Mr. Guider is the person who is subpoenaed.

Ex. No. 422.

The subpoena put in.

Mr. Karandikar says that this is somewhat like a subterfuge to deprive him of an opportunity of cross-examining Mr. Guider by not calling him as a witness and obtaining the papers from somebody whose name is not disclosed.

He further says that he very much likes to know whether Mr. Binning is going to call Mr. Guider as a witness.

Mr. Binning says that he gives no reply as Mr. Karandikar is not justified in putting this question.

Mr. Binning calls.

Balvant Vishnu Parchure.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

* *Ms. p. 407.*

I am a Kokanasth Brahmin.

I knew one Shanker Pandurang Mahajan.*

He first met me 15 or 16 years ago at Dapoli.

I was a student then. He was a teacher in the same school.

I didn't know him well at Dapoli.

Afterwards I knew him well in Bombay about six years ago.

I was then a bookseller in Bombay.

I am still a book-seller.

I was living in Goregaonker's Building then.

He was also living in a chawl which is two chawls away from mine in Goregaonker's Buildings.

He is dead. I saw him lying dead.

No cross-examination.

No re-examination.

(Signed in Modi),

BALVANT VISHNU PARACHURE.

The evidence of the witness was read out and interpreted to him and found to be correct.

DORAB N. D. KHANDALAVALA,

*Commissioner.**

* *Ms. p. 408.*

Mr. Binning calls.

Bhaskerrao Vithojirao Jadev.

I am the Chief Revenue Officer at Kolapore since December last.

I was prior to that Additional Sessions Judge.

In 1909 I was District Magistrate.

I was District Magistrate from 1906 to 1910.

I am by caste a Mahratta.

I know the expression Maharashtra as Geographical description.

Maharashtra means the country occupied by the Mahrattas. Kolapore is in Maharashtra; so are Poona, Nasik. Nagpore I think is not in Maharashtra.

I have translated certain documents for this case.

Maharathi is my native tongue.

* *Ms. p. 409.*

Exs. 360, 361, 362 and 363 shown with the translations to the witness.*

These translations are made by me and are correct.

Ex. No. 372 shown to the witness.

This is my translation and it is quite correct.

Ex No. 380 shown to the witness.

I have translated this document.
 The translation is correct.
 Ex. No. 373 shown to the witness.
 I have initialled the book Ex. No. 373.
 This was put in as an exhibit in a case before me.
 Case No. 1 of 1909.

No. 10 of 1909 was before me.
 Vishnu Bijapurkar and Vaman Malhar Joshi were the
 accused.

I committed the accused for trial.
 It is the Sessions Case No. 32 of 1909.

* Ms. p. 410.

I can't remember the names of the accused in the Placard
 Case.*

Ex. No. 380 shown to the witness.

Mr. Karandikar objects.

On Ex. 380 is my signature.

The Placard was put in in my case.

I am not quite sure whether I committed this case.

I think the Placard paper was placed before me on 1st
 September 1908.

Q.—Under what circumstances?

Objected to.

A.—It was placed before in the course of the Magisterial
 investigation.

Ex. No. 366 shown to the witness.

Looking at No. 366 I remember that I committed the
 the accused in the Placard case.

Ex. No. 364 shown to the witness.

I committed the accused in this case in Ex. No. 364.

* Ms. p. 411.

Ex. No. 376 shown (photo*)

I recognise Damodar Joshi in it.

He is the same man who was the accused in the Placard
 Case.

I knew Prof. Vishnu Govind Bijapurkar.

He was the Professor of Sanskrit at the Rajaram College
 at Kolapore.

He was an influential man at the Rajaram College.

Subsequently he became editor of the *Vishva Vritta*.

11--30 A. M.

31st July 1917.

Mr. B. V. Jadhav's examination-in-chief continues.

I have made a translation of a letter to the Editor in
 Ex. XI.

The translation is correct.

Ex. No. 381 shown to the witness.

* Ms. p. 412.

I recognise in it Prof. Bijapurkar and Sir desai and
 Modak.* Sirdesai was a Secretary of the Kolapore Municipi-
 pality.

He was Secretary to various Municipalities and he was
 Secretary to Pandharpore Municipality in 1909.

Subsequently he joined the *Rashtramata*.

I had only heard about this. I don't know personally
 about it.

The word *Rashtramata* means opinion of the Nation.

Certified copy of Declaration of Sirdesai put in, dated
 24th of May 1909.

Mr. Karandikar objects.

Kolapore is 190 miles by rail from Poona and 144 miles
 by road.

Mr. Karandikar cross-examines:

I was never a subscriber to the *Rashtramata*.

* Ms. p. 410. I have noticed the distance between Kolapore and Poona

as many a time I have walked along the road.*

I first translated Ex. XI in September last.

Mr. Bowen asked me to translate it.

He asked me at his office in Bombay.

I went to see him at his office and there he told me about it.

I went to see him because he had written to me to come.

I think it was the first time he wrote to me to come and see him.

I knew that he was 1st Defendant's Solicitor and therefore I knew why he wanted me.

I knew before this that he was the 1st Defendant's solicitor. Some months before I saw him ;, I knew that he was 1st Defendant's solicitor.

I don't remember how I came to know that Mr. Bowen was the 1st Defendant's solicitor.

* Ms. p. 411. I can't say how many papers he asked me to translate when I saw him.*

I can't say how many papers I translated in September 1916. Roughly speaking I translated five or six.

Mr. Bowen supplied of the originals to me to translate but XI, I had it with me and I got it from Kolapore.

I translated the papers put in yesterday, generally the Kolapore case papers.

I made translations from certified copies supplied to me by Mr. Bowen.

I translated the papers some at Panhalla Lodge and some at Kolapore.

I asked the permission of the Maharaja to go to Bombay to see Mr. Bowen.

During the time I was away I drew my pay and the travelling allowance from the Kolapore State.

* Ms. p. 415. I introduced one Kolapore State Officer* to Mr. Bowen in 1916. I can't give the exact month.

I can't say whether it was before or after I was asked to translate the papers.

I have seen Mr. Bowen many times in his office in Bombay.

I took one or two trips from Kolapore to see Mr. Bowen in Bombay.

The longest time I spent was about a week in Bombay.

I had to attend to other business besides seeing Mr. Bowen.

I have rendered assistance to the 1st Defendant, in translating documents and in introducing an officer of the State.

I don't remember without being asked what other assistance I rendered.

I don't remember rendering any other assistance to the 1st Defendant.

* Ms. p. 416. I took XI to Bombay because I came to know that it was a material paper to the 1st Defendant's case.*

That's the only paper I took from Kolapore to Bombay as the material paper to the 1st Defendant's Case.

From what my brother told and after reading the letter in the paper I thought it was material to the 1st Defendant's case.

I do read the *Vidya Vilas* paper.

I am a subscriber to it.

I saw XI as soon as it was published.

XI shown to the witness.

I read the account of Mr. Tilak's lecture in this paper.

My brother was then residing with me.

I did not draw my brother's attention to the account of the lecture in the paper.

I didn't know at that time that my brother had written that letter XI but I knew it subsequently.

I got to know only last year that my brother had written that letter.

* Ms. p. 417.

I may have known it before but I had forgotten about it.*

I was not reminded last year if I had heard about it.

I think I am a Social Reformer.

Mr. Binning *objects* to all questions relating to the Vedokt.

I did not care and do not care for the Vedokt.

I did take some interest in the controversy regarding the Vedokt.

I was against the monopoly of the Brahamins.

I was in favour of the extension of the Vedokt to all human beings including Mahomedans and Christians if they cared to adopt it.

I have never known a Mahomedan who wanted the Vedokt extended to him.

To my knowledge no Christian has cared for it.

I knew that the Maharattas of Kolapore wanted the Vedokt extended to them*

* Ms. p. 418.

I can't say exactly when I first came to know about this suit.

It must be very soon after the suit was filed.

The 1st Defendant had come to Kolapore after the filing of the suit.

I saw him at Kolapore as I was asked by the Divan, Rao Bahadur Sabnis to see him.

I knew that Rao Bahadur Dongre saw the 1st Defendant on that occasion of his visit to Kolapore. I was not there at that time.

When I saw him (1st Defendant) during this visit I did not supply him with information.

The 1st Defendant asked me to help him.

I said I would.

I had seen the paras put in in the plaint. (Statement of claim) and so I knew what help was wanted.

I think the 1st Defendant showed them to me. I can't be positive.

I think Mr. Dongre showed me.

* Ms. p. 419

I am sure about this.*

I am not sure about the 1st Defendant showing the statement of claim to me. I know Mr. Dongre did.

When the Divan asked me to see the 1st Defendant, I didn't know the purpose of the visit.

I was already aware that a suit had been filed by the Plaintiff against the 1st Defendant on statements contained in his book and I thought I could help him.

I had seen the 1st Defendant before this occasion in Kolapore when he visited the Sahu Social Club.

The 1st Defendant may have visited Kolapore even thrice.

I am quite sure I visited him twice but I am not sure about his three visits to Kolapore.

* Ms. p. 420.

My first visit was prior to the visit after the suit.
The assistance that I have been rendering* to the 1st Defendant is not by the sanction of the Divan but of my own accord.

But the Divan is aware of it.

When I have been assisting the 1st Defendant I have been drawing my pay and travelling allowance but I have been doing other work as well.

I didn't know before Mr. Dongre translated the 1st Defendant's book that he was going to translate it.

I never had any conversation with Mr. Dongre regarding the 1st Defendant's book before he took up the work of the translation.

I had a talk regarding this book with Mr. Dongre when he had translated some chapters.

Before Mr. Dongre translated the book I knew that Mr. Lathe had obtained permission to translate it. And I had a talk with Prof. Lathe.

Mr. Dongre translated 1st Defendant's book.

* Ms. p. 421.

I read some portions of the Maharatti Preface after the translation was out.*

I don't remember having told Mr. Dongre that the 1st Defendant had seen members of the Extremists' Party but I have heard that the 1st Defendant had seen persons of all shades of opinion.

I didn't hear this from the 1st Defendant.

But the 1st Defendant had asked me to collect people of all shades of opinion of Kolapore at the Sahu Social Club.

This took me a few hours.

I did send invitations to people to come to the Club.

I was then the Chairman of the Managing Committee.

The Club doesn't consist of members of various shades of opinion.

Many had kept themselves aloof from the Club.

* Ms. p. 422.

The invitations were to see the 1st Defendant the same evening.*

In my presence the 1st Defendant spoke to many people at the Club.

The 1st Defendant was there for considerably over an hour.

Mr. Dongre was not among them.

He was not in Kolapore at that time.

I don't know where he was.

I don't remember whether Rao Bahadur Subnis the Divan was there.

The Divan was then not an office-bearer of the Club.

I arranged this meeting at the request of the 1st Defendant.

I know Prof. Lathe.

He is the same as Mr. Lathe.

He was at the Club gathering.

It was arranged at the Jain Hostel Chaturbai's Hall.

I knew so many Joshis.

Q.—How many Joshis do you know?

A.—About half a dozen.

Vaman Malhar Joshi.

Narayan Malhar Joshi.

* Ms. p. 423.

I know Mr. Joshi of Amraoti.*

Narhar Balkrishna Joshi.

Vamanrao Bhargao Joshi.

I knew late Ganesh Vencatt Joshi.

N. B. Joshi sent me a pamphlet.

Mr. Binning *objects* to all questions relating to the pamphlet.

Now it is an exhibit in the case.

Mr. Binning now withdraws the objection.

I know that it is an exhibit in the case because it was shown to me by Mr. Bowen.

I saw it probably in September 1916 in the office of Mr. Bowen when I visited him.

Q.—Do you know how the pamphlet got in the possession of Mr. Bowen.

A.—I have heard about this.

Mr. Binning *objects* to what the witness has heard.

* *Ms p. 424.*

I heard that Mr. Lathe gave it to him.*

I didn't know that Mr. Lathe was giving it to Mr. Bowen.

I gave the pamphlet to Mr. Lathe because he was a friend of mine and he was interested in the account of the Samartha Vidyalaya.

Prof. Lathe is a Jain.

I don't know whether he has put any of his boys in the Samartha Vidyalaya.

Mr. Binning *objects* to further questions about Mr. Lathe.

To my knowledge Mr. Lathe was not a supporter of the Samartha Vidyalaya.

I don't remember when I gave the pamphlet to Mr. Lathe.

It might be about 1910 or 1911 or even before say 1909.

My first visit to the 1st Defendant was before the filing of this suit.

* *Ms. p. 425.*

I can't say whether it was before the 1st Defendant's book was published.*

At my first visit I didn't gather that the 1st Defendant was going to write a book.

At that time I knew that the 1st Defendant was connected with the London Times.

He may have published his book after my first interview.

I sometimes read the London Times.

It is taken by the Kolapore Library.

The 1st Defendant's letters were re-published in the Times of India, and I read them. This is my impression.

I can't say whether I read these letters subsequent to my first interview with the 1st Defendant.

These letters were subsequently reproduced in a book form as "Indian Unrest".

I have read some portions of it.

* *Ms. p. 426.*

I saw the 1st Defendant for the first time before I read this book.*

I didn't read the whole book through.

I read chapter V "Poona and Kolapore".

I can't say how many chapters I read.

When I read these portions it didn't strike me that they tallied with the information supplied by me.

At my first visit I didn't give him any information.

At the Gathering at the Jain Hostel there was a talk on various subjects.

I don't remember any particular topics that were discussed.

Mr. Binning *objects* to questions relating to the rivalry of the Prabhus and Brahmins.

As far as I know there was no rivalry between the Prabhus and Brahmins.

There is no rivalry between the Prabhus and Brahmins at Kolapore.

* Ms. p. 427.

P. 65 of the 1st Defendant's book shown to the* witness, Mr. Binning *objects* to any portion being questioned upon except those that are specified in the pleadings.

The 1st Defendant says that there is a great rivalry between the Prabhus and the Brahmins.

It is under Chapter "Poona and Kolapore"

I noticed this passage when I read this chapter.

I know nothing about the pamphlet called the "Troubles of the Maharajas of Kolapore."

Mr. Binning *objects*.

I know a pleader at Kolapore called Phadke.

There were two such Phadkes one recently died. He died about 5 or 6 months ago.

I last saw the other Phadke about three weeks ago.

I don't know whether he was in Bombay.

* Ms. p. 428.

I have heard about Shripad Vinayek Godbole. I don't know him personally.*

I have seen his father in his life time.

He was a respectable man in Kolapore.

Ex. No. 377 shown to the witness.

Yes he is sitting to the left of Mr. Tilak in the photo.

I don't know Bhau Saheb Bhate.

A photo shown to the witness.

I see Prof. Bijapurker to the extreme right hand of the photo.

I can't say that in the middle there is Principal Candy.

I recognise in this photo the Chief of Miraj, and Ichalkaranji, and Panditrao the retired Chief Judge, Mr. Gokhale the present Chief Judge. I see, Mr. Agashe, the Karbhari of Miraj.

* Ms. p. 429.

Ex. A. 6.

Possibly the gentleman in the middle is Mr. Adair.

The Photo looks like the photo of the Rajaram College.*

The photo put in by Mr. Karandiker.

Another photo shown.

The central figure in it looks like Mr. Candy.

Mr. Candy has started a Sirdar's School at Kolapore.

On his left there one who looks like G. B. Modak.

The same man as in the other photos Ex. No. 381.

Ex. A. 7.

Mr. Karandiker puts in the photo shown to the witness.

Mr. Binning *objects*.

Gwalior or Tanjore will not be Maharashtra, nor Mysore By Maharashtra I mean places inhabited by the Maharatta race.

* Ms. p. 430.

In the Maharatta race I do not include the Maharashtra Brahmins.*

The name Maharashtra was first given to that part of the country which was then ruled by the Maharatta race.

Now it is limited geographically.

Ex. XI and the translation shown to the witness.

In the second line in the original "Lo" stands for "Lok-manya."

At the end of the letter the full expression appears.

In the first place "Lo" I have translated as "Beloved of the people."

In the second place "Idol of the people."

I think it is one and the same.

"Lok" means people and "Manya" means respected or beloved.

Mr. N. B. Joshi is a tutor to the Kumar of Vadia in Kathiawar.*

I saw him in Bombay.

Previously I had seen him at Vadia. I went there to see him in Sept. 1916.

I went to Vadia again.

This was about two or three weeks ago on the occasion I got him here as a witness in this case and he has been examined.

I can't say whether he has been served with a Subpoena. Mr. Binning re-examines.

About this Gathering at the Jain Hostel people of various shades of opinion were invited. There were outsiders too.

I mean by other business when I was in Bombay to see Mr. Bowan I mean the State business.

I was not in Bombay last week.

B. V. JADHAV.

Chief Revenue Officer Kolhapur State.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner*.

* Ms. p. 432.

Mr. Binning calls.

Mr. Suleman Abdul Wahed.

Solemnly affirmed by me.

I am a partner in Messrs. Latha Ebrahim & Co.

I have been Sheriff of Bombay.

I have lived both in Poona as well as in Bombay.

I remember something about the riots in Bombay in 1893.

There was some activity amongst the members of the Cow Protection Society.

I don't know the names of the members.

There is a religious obligation during Bakri Ieed time for a Mahomedan to kill a goat, a cow or a camel.

A cow or camel for seven men and a goat for one man.

The Mahomedans were against the members of the Cow Protection Society.

* Ms. p. 433.

Mahomedans have no music in their Mosques.*

According to our religion there must be no music in the Mosque nor music should be allowed to pass by the Mosque.

In the Hindu temples there is music every day.

There was some dispute not a great deal about the music in processions near the Mosque.

I was a member of the Sarvajnik Sabha in Poona.

Ex. No. 239 shown to the witness.

I didn't see this Memorial in *Maharatta* of the 9th of December 1894.

I heard about it.

I then wrote to the *Times of India* about it.

I didn't see Mr. Gokhale's reply in the *Times of India*, but he personally saw me.

If my letter says that I received a letter it must be correct.

* Ms. p. 434.

After the correspondence in the *'Times of India'* I resigned from the Sarvajnik Sabha.

Mr. Karandikar cross-examines.

I resigned the seat in 1893-or 1894. I am not quite sure. I think I wrote to the Sarvajinik Sabha when I resigned. I have no recollection now and have nothing to show when I resigned.

My name was on the Managing Committee of the Sabha. I can't say how many years I was on the Managing Committee.

I was about a year or two on the Managing Committee.

I can't say whether the members of the Managing Committee were elected or nominated.

* Ms. p. 435.

My father was elected by one Mr. Joshi a Vakil. His name was Ganesh Vasudev Joshi.*

After my father's death they appointed me a member of the Sarvajinik Sabha.

They asked me and I said "yes."

My father died in 1873.

I was appointed six months or a year after my father's death.

During the period of 20 years that I was in the Sabha I attended one or two meetings.

I didn't attend any sittings of the Managing Committee.

The Memorial regarding which I wrote to the *Times of India*, was a Memorial of the Managing Committee.

When I said "the late Mr. Gokhale I meant the late Hon'ble Mr. Gokhale."

He was then the Honorary Secretary of the Sarvajinik Sabha.

Ex. A. 8.

* Ms. p. 436.

Maharatta dated 20th January 1895, page 6, columns 1 and 2 put in by* Mr. Karandikar. Letter by Mr. G. K. Gokhale.

A true copy of this is put in.

The witness reads it.

I received this letter and took it to Kazi Sahaboodin's and read it with him.

In some parts of the country Cow Protection Societies are of great standing. They were in existence long before 1893 or 1894.

I am not a Molvi.

I am a Sunni Mahomedan and a Merchant.

I can't give any information regarding the Sarvajinik Sabha about its organization, constitution or the work in 1893 or 1894.

I think in Lord Harris' time I was one of the deputations that waited upon him.

* Ms. p. 437.

Beyond that I took no interest in the working of the Sabha.*

Prior to 1893 I don't remember noticing any trouble regarding music near Mosques nor any trouble prior to 1893 on account of the pre-existing Cow Protection Society.

If Government had appointed a board to settle the dispute I should have been willing to act on it.

Mr. Binning re-examines.

I think it is correctly stated in my letter in the *Times of India* that I was the only Mahomedan member on the Committee of the Sarvajinik Sabha.

H. SULHEMAN ABDOOL WAHED.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.*

* Ms. p. 438.

Mr. Binning calls.

Ragunath Venkatesh Gosavi.

Solemnly affirmed by me, and the evidence interpreted by Mr. Mohile.

I am a Deshastha Brahamin, and I am a Muktiar (pleader) practising at Malegaon in the Nasik District.

I have a joint "inam" with my father worth Rs. 500-600 a year.

Before I went to Malegaon I was a resident of Nasik.

I knew the Mitra Mela at Nasik.

I was one of its founders.

It was started in 1903.

The names of other original members were Vinayak Damodar and Ganesh Damodar Savarkar, Sakaram Dadaji Gore, Vishnu Mahadev Bhatt, Govind Darekar.

Govind Darekar was a poet.*

His other name is Aba.

There may be one or two more members, but I can't remember.

There was another brother of Savarkar.

His name is Narayan.

He joined the Mitra Mela in 1905 or 1906.

Vinayak Savarkar was known as Tatyia.

Ganesh Savarkar was known as Baba.

Narayan was called Bal, because he was the youngest.

I think Vinayak and Bhatt were degree holders.

I knew a man called Dhanapa Valve.

Q.—Was he a member of the Mitra Mela?

A.—Yes.

He joined subsequently, in 1905 or 1906.

I know a man called Vishnu Ganesh Kelkar.*

He was a member of the Mitra Mila. He joined subsequently.

Damodar Mahadev Chandratre was also a member.

He joined subsequently.

I gave evidence in the special Bench Case in the High Court.

Damodar Mahadev Chandratre, Sakaram Dadaji Gore, Vishnu Ganesh Kelkar were the accused.

V. M. Bhatt and V. and N. Savarkar were also the accused in the case.

Q.—When the Mitra Mela was first started what was its object?

A.—Religious and Industrial development.

The original objects remained, but other objects came in subsequently.

Q.—What other objects were subsequently added?

A.—Getting rid of annoyance caused by Government relating to taxes.*

Q.—How is this annoyance to be got rid of.

A.—By recourse to resistance if Government declined to listen to persons proposing constitutional changes.

By resistance I mean collecting arms.

The arms were to be paid for.

Money were to be got by raising subscriptions.

The Society held meetings.

Since 1906 some people were bringing forward propositions.

The changes were complete in 1908.

I knew Vinayak Savarkar left for England in 1906.

The changes began before he left for England.

* Ms. p. 439.

* Ms. p. 440.

* Ms. p. 441.

At the Society's meetings lectures were given and books were read.

* *Ms. p. 442.*

Different members presided at different meetings.*

A member would read on any subject he liked.

Q.—What did Vinayak Savarkar do?

Objected to.

A.—He used to read the life of Mazzanni.

It was in English. But he used to translate it.

Generally there used to be one lecturer.

Various members lectured at different times.

Vinayak Savarkar was one of the lecturers.

Q.—What were the subjects?

Objected to.

A.—Mostly on subjects as to how India would get liberty or independence.

* *Ms. p. 443.*

There used to be discussion for getting arms.*

Q.—Was it suggested from when they might be got.

Objected to.

A.—From France and the Nizam's Dominions.

1st August 1917.

11-30 A. M.

By consent of the parties all printed copies of the *Maharatta* which appeared in the printed books and which have been and may be put in to be treated as originals. The Parties agree to dispense with the originals at the trial.

In cases where only the extracts of the exhibits are printed the 1st Defendant will supply the full exhibit and such would be treated as originals.

* *Ms. p. 444.*

This agreement is without prejudice to the contention* or right of the parties regarding the admissibility of the exhibits.

The witness's examination-in-chief continues.

After 1906 a gymnasium was opened to learn wrestling, Dand-Patta, Malkhamb (climbing up a Pole) and Lathi.

They read other books besides Mazzanni's Life.

Amongst religious books Das Bodh was read.

The writer of it was Ramdas. He was a saint.

He was the teacher of Shivaji.

Other book read was the life of Vasudev Balvant Phadke.

This Phadke was a rebel, during the regime of British Government.

* *Ms. p. 445.*

He was against the British Government.*

Q.—In 1906 did the Society divide itself up?

A.—Yes. There used to be three divisions.

The lowest division was No. 3.

They were to sing songs at the Ganpati Festival.

Division No. 2 was to impart and receive physical training.

Division No. 1 was to fix the manner in which things were to be done and make Divisions 2 and 3 to act.

To prepare the minds of people and to take step to prevent oppression by Government.

For the most part I was in Division No. 1. I also went to the 3rd Division being an original member.

Before belonging to No. 3 we had to take the oath as follows "Remembering my parents and my tutelary deity

* Ms. p. 446.

for the elevation of my country and for independence and liberty I shall try as much as possible".*

Mr. Karandikar *objects*.

There was a Shivaji Library in Nasik founded in 1903 or 1904.

It was a public Library. I was its Secretary for some time. I attended it.

Yes two or four persons from the Mitra Mela were subscribers.

The Library took the *Kesari*, the *Kal*, and the *Vihari* and I used to read them.

Q.—In 1906 when the change began was Mr. Tilak's name well-known amongst the members of the Mitra Mela.

A.—I can't say whether all the members knew his name or not.

I saw Mr. Tilak at Nasik in 1906 during the Ganpati Festival.

The Mitra Mela sang songs.

I think some of these songs were printed and sold in Nasik.*

* Ms. p. 447.

Most of them were composed by Darekar.

Q.—Where they sung in the presence of Mr. Tilak or not?

A.—Some were sung in the presence of Mr. Tilak.

Mr. Karandikar says that he *objects* to the presence of a person who produces some documents which are put in through the witness and takes him to be a Police Officer.

Mr. Binning says that he is not anxious to keep him in the rooms and asks the man to go out.

A book shown to the witness.

Q.—Did that book contain songs that were sung during the Ganpati Festival in 1906 at Nasik.

Objected to.

A.—I did not hear any of these songs sung at the Ganpati Festival in 1906.*

* Ms. p. 448.

I have not heard these songs.

I remember some songs which were Povada of Sinvgad, some songs about Ganpati. One was a Bhopali song. It is sung in the morning. It was about the Goddess of Liberty and Independence. I don't remember any more.

Ex. No. 421 shown to the witness.

I recognise this book.

Looking at this book I recognise one song No. 7. It was sung.

It is the prayer of the deity Ganesh to free the land of the Aryas.

Mr. Karandikar here *objects* that Mr. Binning's questions are too general. If Mr. Tilak is present then he would be able to formulate his objections. If not then the questions are irrelevant and inadmissible.

* Ms. p. 449.

This was sung at the Ganpati Festival.*

I see in this book a song relating to Mr. Tilak as the uncrowned King.

Mr. Karandikar *objects*.

Q.—Was it sung?

A.—I don't remember whether it was sung.

It was composed by Dareker. It was sold at Nasik.

Q.—Did the members of the Mitra Mela buy these songs.

Objected to.

A.—Some members did.

It has a picture of Shivaji on the first page.

A book shown to the witness.

Mr. Karandikar *objects*.

I don't recognise the poems in this book. I never saw it before.

Ex. No. 419 shown to the witness.

I have seen this book.

* Ms. p. 450.

The Mitra Mela did sing these songs.*

But I can't say on what occasions.

These are two songs.

I remember Mr. Paranjpe coming to Nasik in 1905 during the Ganpati Festival.

Q.—When Mr. Tilak came to Nasik what mark of respects was shown to him.

A.—Some people held Pan Supari ceremonies. They had reverence for him.

Q.—Did the people prostrate themselves?

A.—There was such a terrible crowd there that there was no room for people to prostrate themselves before him.

Mr. Karandikar *objects*, to anything connected with Mr. Paranjpe's visit to Nasik in 1905.

The Mitra Mela received Mr. Paranjpe when he came to Nasik.

There used to be 10 or 20 Ganpatis in the town at Nasik.

Before 1905 there was a Mitra Mela Ganpati.

Paranjpe was invited by some members of the Mitra

* Ms. p. 451.

Mela and some* merchants from the town.

Mr. Tilak did not stay for more than 2 or 3 days at Nasik in 1906 during the Ganpati Festival.

Ex. No. 410 shown to the witness.

These songs were sung by the Mitra Mela during the Ganpati Festival in 1906.

These were composed by Dareker.

He used to write out and mutter and I used to see him then.

The book was on sale at Nasik.

I can't say on what particular occasions particular songs were sung.

Q.—Can't you now say whether Mr. Tilak was present on any occasion when any particular song was sung?

Objected to.

No I can't say.

Mr. Karandiker cross-examines.

* Ms. p. 452.

In 1906 the Mitra Mela at Nasik invited* Mr. Tilak for a Pan Supari Party.

I was present on the occasion.

Some of the members of the Mitra Mela spoke on that occasion.

Mr. Tilak replied to them.

Q.—Did Mr. Tilak warn them on that occasion?

A.—He admonished them.

Q.—He told them to work constitutionally and legally?

A.—Yes. He did.

Extract from Hindu Panch 29th Aug. 1906 shown to the witness by Mr. Karandikar.

Mr. Binning *objects*.

Ex. A. 9.

Mr. Karandiker puts in a copy of the extract with the translation.

Mr. Binning *objects*.

Q.—Does the account refer to the Pan Supari Meeting?

* Ms. p. 453.

A.—Yes.*

This correctly represents what occurred on that occasion.

The public was not allowed. The meeting was limited to the members of the Mitra Mela.

Q.—When the meeting was not open to the public it was a secret meeting?

A.—Yes.

Q.—Was there a Policeman present as a detective or a spy?

A.—There was one person present. We didn't know who he was. But subsequently we came to know that he was a Policeman and his name was Amar Singh.

I was a witness in the Nasik case and in the same case Amar Singh was a witness too.

There were numerous Pan Suparis given to Mr. Tilak at Nasik on that occasion.

* Ms. p. 454.

He delivered many lectures in different places.*

One of the lectures was at a Mahomedan Darga.

There were other papers in the Library like the *Venkateshwar Samachar*, *Dnyan Prakash*, *Indu Prakash*, *Sudharak* was not there.

Except for the Pan Supari meeting Mr. Tilak never visited the Mitra Mela and had nothing whatever to do with the movements or objects of the Mitra Mela.

Mr. Binning re-examines.

I knew that the man present at that meeting was Amar Singh.

I didn't know at that time that he was a Policeman.

I can't say whether he was a Policeman at that time.

* Ms. p. 455.

He began to put on the Police Uniform after 1908 openly*

I don't know when he joined the Police Force.

Ex. A 9 shown to the witness.

The extract is only a part of the letter which fills seven columns.

I can't remember things exactly but I remember some of the things.

There was besides a Pan Supari distribution of something more than what the extract says took place.

This is only a portion of what took place.

This extract does not contain all the speeches,

R. V. GOSAVI.

The evidence of the witness was read out and found by him to be correct.

* Ms. p. 456.

DORAB N.D. KHANDALAVALA.

Commissioner.*

Mr. Binning calls.

Gopal Trimbak Gole.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

I am a dealer in rice and live at Nasik.

There was another man living in the same house called Raghunath Chintaman Ambdeker.

This was nine years ago.

While he was living in my house a theft was committed of a pair of gold bracelets.

Mr. Karandikar cross-examines.

The theft was committed in the portion of the house occupied by me.

The gold bracelets were my property.

This happened in December 1908.

* Ms. p. 457.

Before I came here I was questioned about this matter by some one in April last.*

I was questioned by the D. S. P. (District Superintendent of Police) in his office at Nasik.

My statement was not taken down in writing.

I was summoned. I havn't got the summons. I have thrown the summons away.

This summons was issued under sec. 160 of the Criminal Procedure Code.

There were there three summoned like me one Dandekar, Joshi and myself.

It was Purshotam Luxman Dandekar and Sadashiv Joshi who is a witness in this case.

Mr. Binning re-examines.

I have got the gold bracelets back.

I gave evidence in the High Court in the Nasik Conspiracy Case.

What I have stated here is true.

* Ms. p. 458.

No pressure has been brought upon me.*

I gave similiar evidence to this examination-in-chief of mine in the Nasik Conspiracy case.

I have not told anyone before to-day that the summons had printed on it the words "S. 160 of the Criminal Procedure Code."

I got the summons on the 1st.

I was examined on the 2nd and I threw it away on the 3rd.

No one asked me to throw the summons away.

GOPAL TRIMBAK GOLE.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA.

* Ms. p. 459.

Commissioner.*

Mr. Binning calls.

Sadashiv Ganesh Joshi.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

I am an agent to the Oriental Life Assurance Co. Ltd. in Nasik.

In 1909 I had a nephew called Purshotam Luxman Dandekar.

In 1909 I and Dandekar were living in the same house at Nasik in Aitwar Peth.

Myself, my sister and one tenant were living together.

Dandekar had gone to Poona for sometime.

When he went to Poona I went there too.

* Ms. p. 460.

There was a tenant in the house of Dandekar and a theft had been committed in his room.*

Dandekar was suspected and so I went to Poona.

The tenant sent a man in advance of me and then he asked me to go.

Dandekar's mother was at Nasik then.

She knew I went.

I was summoned by the D. S. P. at Nasik on a printed form for official purposes. No section was written or printed.

It was a witness summons and I was asked to attend. I signed the summons and returned it. The words "For Government purpose" were written on the printed form.

The D. S. P. asked me some questions.

I gave evidence in the Bombay High Court in the Nasik Conspiracy Case.

A "Saree" or gold necklet was stolen.

Mr. Karandikar cross-examines.

* Ms. p. 461.

The D. S. P. summoned me about two months ago. It was 15 days* before I received a summons from Little & Co.: to appear in this case.

The Police Constable served upon me the first summons in April 1917 in Nasik.

I can't give the date on which I appeared before the D. S. P.

SADASHIV GANESH JOSHI.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.

Mr. Binning calls.

Furdoonji Mancherji Dastur,

Registrar, Bombay University,

Sworn by me.

* Ms. p. 462.

I am the Registrar of the Bombay University for the last 15 years.*

The University is incorporated under Act 22 of 1857 and amended by Act 8 of 1904 of the Government of India.

There are four such other Universities in India.

The Government is vested in the Syndicate consisting of the Vice-Chancellor, the Director of Public Instruction and not more than 15 Fellows some ex-officio and some elected.

This is an examining University.

Candidates are trained in recognised Schools and Colleges only.

Recognised by the Syndicate.

The Maharashtra Vidyalaya at Poona had applied for recognition but it was refused at the meeting of the Syndicate Dated 30th November 1906.

* Ms. p. 463.

I find no application* for recognition by the Samartha Vidyalaya at Talegaon.

Mr. Karandikar does not cross-examine.

FURDUNJI M. DASTUR,
Registrar University of Bombay.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA,
*Commissioner.**

* Ms. p. 464.

Mr. Binning calls.

* Ms. p. 465.
(blank).

Joseph Robert Athoides.

Sworn by me.

I am a clerk to Mr. Mellor the Registrar of Companies.

I produce a certified copy of the 1st page of the Memorandum of Association of the National Publishing Co. Ltd. sealed by the Registrar and signed.

Ex. No. 425.

Put in.

I also produce an extract from the Memorandum of the Association of the same company sealed and certified by the Registrar.

Ex. No. 426.

Put in.

Ex. No. 427.

I also produce a copy of article 86 of the Articles of Association. Signed and sealed by the Registrar.

* Ms. p. 466.

I also produce a copy of the articles of 92 and 93 of the Articles* of Association. Signed and sealed by the Registrar.

Ex. No. 428.

Put in.

Ex. No. 428.

I also produce a copy of the special resolution of the company on 8th of May 1910 sealed and certified by the Registrar. Put in.

I attend by the direction of the Registrar upon whom a subpoena was served.

Mr. Karandikar cross-examines.

The date of the Memorandum of Association is 17th March 1908.

It is not signed by Mr. Tilak.

The Company went into liquidation on 17th June 1910.

* Ms. p. 467.

The Paisa Fund was registered on the 16th October 1905 under Act 21 of 1860.*

Ex. A 10.

A consolidated report of seven years of the Paisa Fund is produced and put in.

The Memorandum amongst others is signed by Mr. Tilak.

Mr. Binning re-examines.

The present Registrar Mr. Mellor was not then the Registrar.

J. R. ATHOIDES.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.*

* Ms. p. 468.

11-30 A. M.

2nd August 1917.

Mr. Binning calls.

Vishnu Sadashive Joglekar.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

I am a broker in gold and silver.

I live in Zaoba's Wadi in Bombay.

I gave evidence in the Nasik Special Bench Cases in the Bombay High Court.

I knew the accused Shankar Balvant Vaidya in that case.

He met me in the Bazar sometime before I gave evidence in the Special Bench Cases.

He was alone.

He wanted to melt some gold pieces of bracelets and Sari.

* Ms. p. 469.

I went to Dosabhai's shop and there we melted the gold pieces.*

We sold the gold in the Bazar.

As broker I was present.

The money realised was taken by Shankar.

I got 8 or 10 annas for myself as brokerage.

About Rs. 250 or Rs. 300 were realised.

Mr. Karandikar cross-examines.

Before I came here Mr. Patvardhan of the C. I. D. took me to Mr. Griffiths.

It was on the 2nd of April 1917 that I went.

I was asked whether I would give evidence similar to the evidence given by me in the Nasik Conspiracy Case.

I got no bhatta (allowance) for that day.

No re-examination.

VISHNU SADASHIV JOGLEKAR.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA.
Commissioner.*

* Ms. p. 470.

Mr. Binning calls.

Mervanji Borjorji Tavarja.

Sworn by me and the evidence interpreted by Mr. Mohile.

I am a Manager in a shop at Khara Koova.

Gold and silver are melted in the shop.

I know the last witness Vishnu Sadashiva Jogleker.

I gave evidence in the High Court in the Nasik Conspiracy Case.

I knew the accused Shanker Balvant Vaidya in that case.

Jogleker came with Shanker to my shop.

There were some pieces of gold and pieces of gold Sari which they wanted to have melted.

I melted them.

I can't remember now the value of the gold melted.

* Ms. p. 471.

I said in my evidence in the High Court in the Nasik Conspiracy case* that I could't find my counterpart. Usually there would be counterparts.

I remember this incident because I have a clerk called Shanker Balvant Lele.

I received a summons to come here. I have not been asked by the Police what evidence I would give.

Cross-examined by Mr. Karandikar.

One Policeman did come to our shop to inquire whether I was there,

I asked him why he wanted me. He asked me whether I gave evidence in the Nasik Case.

I said I did.

I told him I would give similar evidence to the evidence in the Nasik Conspiracy Case.

This was two months ago.

No re-examination.

(Signed in Gujarathi.)

MERWANJI BORJORJI TAVARIA.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA.
Commissioner.*

* Ms. p. 472.

Ex. X. 2.

Mr. Binning says that Ex. X2 may be merely marked for identification for the purpose of translation. This exhibit is not put in.

Mr. Karandikar objects.

Mr. Binning calls **Narsinh chintaman Kelker.**

I had originally filed a warrant to appear on behalf of Mr. Tilak.

I am a very old friend of Mr. Tilak.

I have been with him for about 20 years.

For about a year previous to Mr. Tilak's first trial in 1897 I was the Sub-Editor of the *Maharatta*

Previous to that I was a District Pleader of Satara.

I became a journalist because I had a liking for journalism.

* Ms. p. 473.

For some time soon after I joined there was a co-assistant editor* called K. H. Kelker now a High Court Pleader.

Looking at the *Maharatta* dated 1st August 1897 I say that the information against Mr. Tilak was filed on the 27th of July 1897.

The issue of the 8th of August 1897 seen by the witness.

Looking at this I say that Mr. Tilak was bailed on the 4th of August 1897.

The trial began on the 8th of September 1897. By refreshing my memory from the *Maharatta* whose statements I believe to be correct.

From before the arrest until the 19th of September of 1897 Mr. Tilak continued to appear as the publisher of the *Maharatta*.

I made a Declaration either on the 19th or the 20th of September 1897.

→ Ms. p. 474.

When I took over the management of the *Maharatta* I was very well acquainted* with the religious, social and political views of Mr. Tilak.

Q.—When you took over the management, did you agree in the main with Mr. Tilak's views?

Objected to.

A.—On every matter I had my own views. The relation was that he was the proprietor and I was the editor.

Generally speaking our views coincided.

Q.—The policy of the paper remained the same after Mr. Tilak's conviction?

Objected to.

A.—I maintained what I thought should be the policy.

The policy continued with such modifications as I thought proper, after Mr. Tilak's conviction.

→ Ms. p. 475.

In the absence of Mr. Tilak when he was convicted I was the editor of the *Kesari* also.*

Previous to that I had nothing to do with the *Kesari*.

Q.—Did you endeavour to carry out Mr. Tilak's policy in the *Kesari* after his conviction?

A.—I endeavoured to carry out my own policy. I had no instruction from him in the matter.

The *Maharatta* and the *Kesari* were regarded as one concern.

I was senior man on the staff and I stepped in. He did give me instructions to become the editor, but nothing regarding the policy to be carried out.

I must have read the *Kesari* and the *Maharatta* for at least a year previous to Mr. Tilak's conviction in 1897.

There is a substantial difference between the views a year before the conviction of Mr. Tilak and in the following year.

Mr. Karandikar objects.

→ Ms. p. 476.

My leanings were* towards Social reform and I took every occasion to write about it.

Except for 12 to 14 months in 1908 and 1909 I continued to be the editor of the *Maharatta* ever since.

I occasionally speak in public. I am not an orator.

Mr. Tilak has never ceased to be the proprietor of the *Maharatta* and the *Kesari*.

The *Kesari's* circulation has increased much. It is the biggest vernacular paper.

If Mr. Tilak allows me I will say what the circulation of the *Kesari* is.

It is now between three and four times what it was before his conviction in 1897.

It has been the largest in circulation on this side of India.

* Ms. p. 477.

Maharatta has not such a large circulation. Its supscription is double the subscription of the *Kesari*.*

I have always assisted Mr. Tilak in all criminal trials and also in Civil matters.

I wouldn't say that I am Mr. Tilak's right-hand-man.

I know Vishnu Mahadev Bhatt.

He indexes the files of the papers *Kesari* and *Maharatta*.

He may have been here once or twice.

He was convicted for sedition in one of the Nasik cases.

Mr. Karandikar cross-examines.

From the times of Mr. Tilak's arrest in 1897 till his conviction he took no part in writing with regard to the *Kesari* or the *Maharatta*,

Even during the period he was admitted to bail.

I always used my own words and my own ideas when I was in charge.

* Ms. p. 478.

The *Kesari* is largely circulated in the Maharashtra among* the Maharati speaking public and also in the Native States where Maharati is spoken.

In other provinces like the Punjab and Bengal and Gujrat it is very rarely read.

Mr. Binning re-examines.

Ex. No. 286 shown to the witness.

Issue of the 15th August 1897 of the *Maharatta*.

I was then the assistant editor but I presume that the report regarding the speech of Lord Sandhurst therein is correct.

About this time Mr. Tilak was the editor of the paper. Mr. Karandikar further cross-examines.

* Ms. p. 479.

When I say that Mr. Tilak is the editor I say that the paper had Mr. Tilak's name as* publisher.

NARSINHA CHINTAMAN KELKAR,
Editor, *Kesari* and *Maharatta*, Poona.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA

Commissioner.

Mr. Binning wants to put in papers regarding the Tai Maharaj Case.

Letter 5th April 1902 from the District Judge of Poona to the City Magistrate and its annexures sealed and certified put in.

Ex. No. 430.

List of annexures.

* Ms. p. 480.

1 Order under S. 476 Criminal Procedure Code 4th April 1902 and its appendices, and* charges by the 1st Class Magistrate dated 18th November 1902.

2 Judgment of the 1st Class Magistrate dated 24th August 1903.

Mr. Binning says that he is also going to put in a certified copy of the judgment of the Sessions Court.

Put in as part of Ex. No. 430.

Ex. No. 431.

Certified copy of the plaint and translation 16th September 1901 Put in. Also written statement and decree of the Sub-Judge with translation 31st July 1906. Also certified copy of the judgment 23rd September 1910 of the Appeal Court in the joint Appeals 145 of 1906 and 117 of 1907.

* Ms. p. 481.

Mr. Karandikar objects to these documents as the 1st Defendant must know that the Criminal Courts judgment has been* wholly reversed and the Plaintiff has been acquitted of

all charges. Further with regard to the Civil litigation the first Defendant must also know and knows that the decision of the High Court has been wholly reversed by the Privy Council Therefore Mr. Karandikar *objects* to all these documents.*

* Ms. p. 482.

Mr. Karandikar agrees that if the fact about the death of Kanhere is relevant that the Ex. No. 386 is a proof of it.

Special Bench Case No. 1 of 1911 of Vinayek Damoder Savarker.

Ex. No. 432

Mr. Binning puts in the following documents.

Charges 23rd January 1911.

Judgment 30th January 1911.

Conviction and sentence 30th January 1911.

* Ms. p. 483.

All certified copies.*

Mr. Binning calls **Yeshvant Ganesh Kulkarni**.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile.

I am Mr. Tilak's clerk in connection with the Baba Maharaj Case.

I know a man called Brahamagiri Boa.

His other name is Keshav Shripad.

I don't know his surname.

He was an accused in the Special Bench Case in High Court in which I gave evidence. It was the Nasik case.

I know Ramchandra Keshav Joshi.

I used to write to him.

I may have written on behalf of Brahamagiri Boa.

* Ms. p. 484.

If I said that I did write in the Nasik case to him it must be correct.*

Brahamagiri Boa was to come to Bombay and I had written to Mr. Joshi to meet him. It was a post-card.

Brahamagiri Boa didn't know anything about Bombay. I don't know whether he had friends there.

Brahamagiri Boa wanted to go to the *Rashtramat* office as he told me about it.

Joshi was not employed in the office of the *Rashtramat*,

He is my relation.

Q.—Was Brahamagiri Boa the friend of Mr. Tilak?

Objected to.

A.—He was known to Mr. Tilak.

If acquaintances are to be called friends he was a friend.

Q.—Was Brahamagiri Boa assisting Mr. Tilak in the Tai Maharaj case?

Objected to.

A.—No, he was not.

Mr. Karandikar cross-examines.

There may be thousands of acquaintances of Mr. Tilak like the Brahamagiri Boa of Poona.

(Signed in Modi)

YESHWANT GENESH KULKARNI.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

* Ms. p. 486.

Mr. Binning says that he will call Valve if he is well on Monday. Diveker if he is here*; the only other witnesses are Bombay Chronicle, Kawde, a printer and Regnand.

11-30 A. M.
5th August 1917

Edward Jules Regnand

Sworn by me called by Mr.-Binning.

I am chief clerk in the Presidency Magistrate's Court.

I was at one time clerk to Mr. Hamilton who was 2nd Presidency Magistrate and for sometime acting Chief Presidency Magistrate.

I know the handwriting of Mr. Hamilton.

This document shown to me purporting to be the confession of Damoder Hari Chapeker. It is in Mr. Hamilton's handwriting.

Mr. Karandikar *objects*.

It is* neither relevant nor admissible.

The original confession put in.

Mr. Hamilton could read Maharatti having been a Deputy collector before he became a Magistrate.

The signature at the end of the confession is Mr. Hamilton's.

I know nothing about the contents of this document.

No. 408 is a certified copy of the original confession and this original is also marked 408.

The document is produced by the clerk of the High Court Appellate Side and the original is to be returned.

Mr. Karandikar cross-examines.

I was not present when the confession was recorded.

Beyond recognising Mr. Hamilton's handwriting I am not able to indentify anybody else's writing or signature on it.*

I can't read the "Modi" hand.

I can say what is "Modi"

There is some writing on the original.

I can't say whether it is Modi or Balbodh.

No re-examination.

R. J. REGNAND.

Chief Clerk, Presidency Magistrate's Court.

7-8-17.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Mr. Binning calls.

Ramachandra Krishna Prabhu.

Solemnly affirmed by me.

I am the sub-Editor of the *Bombay Chronicle*.

The subpoena was addressed to the Editor.

I produce the issue of the paper of 12th February 1915.*

Page 4 Letter purporting to be written by Mr. G. K.

Gokhale put in.

Mr. Karandikar *objects*.

The original letters to the Editor are kept in our office for three months and then destroyed.

I haven't seen the original of this letter.

Mr. Binning puts in a part of the similar issue of that day viz. 12th February 1915 page 4 containing this letter written by Mr. G. K. Gokhale.

No cross-examination.

RAMACHANDRA KRISHNA PRABHU.

Sub-Editor *Bombay Chronicle*.

* Ms. p. 487.
Ex. No. 408.

* Ms. p. 489.

* Ms. p. 489.
Ex. No. 433.

Ex. No. 433.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA
Commissioner.*

* Ms. p. 490.

Mr. Binning calls.

Sadashiv Mahadev Diveker.

Solemnly affirmed by me.

I have shop in Bombay and I live in Bombay.

I had a shop in 1909.

I knew a man called Shankar Balvant Vaidya.

He was the manager of the Nasik Swadeshi Co-operative Trading Co. Ltd. and I did some business with him.

He sold some gold to me.

From my books I am able to find this out.

It was on the 26th of April 1907 that he sold some gold worth Rs. 179--5--0.

On the 13th of June 1909 he sold some gold ornaments worth Rs. 375.

It was a necklace that he sold to me. *

I don't remember whether he was alone on either occasions when he sold the gold and the gold ornaments to me.

Mr. Karandikar cross-examines.

I was called some four months ago by some Policeman. I went with him to the Head Police office. He took me to Mr. Petigara.

I was told by the Policeman that Mr. Petigara was the head of the C. I. D.

I was asked questions whether I would make the same statement that I made in the Nasik Case.

The Policeman merely asked me to go with him.

Mr. Binning re-examines.

I gave evidence in the Nasik case before the Magistrate as well as before the High Court.

I gave the same evidence there about the buying of gold as I gave* here.

* Ms. p. 492.

SADASHIV MAHADEV DEVEKER.

The evidence of the witness was read out and found to be correct

DORAB N. D. KHANDALAVALA
Commissioner.

Mr. Binning calls.

Dhanappa Shiddramappa Walve.

Solemnly affirmed by me and the evidence interpreted by Mr. Mohile Interpreter of the High Court.

I originally come from Sholapur.

I was at Nasik for some years.

I live at Bijapore.

I was at Nasik upto 1908 or 1909.

I was very young when I went to Nasik.

I was a small child when I went to Nasik.

At present I am 28 or 29. *

* Ms. p. 493.

I was doing some business at Nasik.

I assisted my father in taking Abkari and Theatre Contracts.

I was also a grocer at Nasik.

I knew a Society at Nasik called the Mitra Mela.

I joined this Society in 1907.

I knew Ganesh Damoder Savarker at Nasik.

I only knew him by name before I joined this Society.

I joined this Society at the end of 1906 or in the beginning of 1907.

Q.—How did you become a member ?

Mr. Karandikar *objects*.

A.—Baba Savarker sent two boys at my place to call me to his place.

* *Ms. p. 494.*

I went to his house and had a talk* and then he made me a member of the Society.

Q.—Were you allowed to belong to this Society without giving any undertaking or taking any oath ?

Mr. Karandikar *objects*.

A.—I had to take an oath and Baba administered it.

By Baba I mean Ganesh Damoder Savarker.

The oath was " I will make attempts for the sake of religion and the country and the Swadeshi Movement."

Mr Karandikar *objects*.

By attempts I mean reading newspapers, to make movements to buy Swadeshi goods etc.

* *Ms. p. 495.*

Mr. Karandikar *objects* to the kind* of evidence led.

The object was to awaken patriotic feelings.

I took the oath at Baba's house.

Besides taking the oath I had nothing to do.

I remember there was a big coloured picture of whom I can't remember.

I was made to stand before it and the oath was administered.

Mr. Karandikar *objects* to all these questions as they have nothing to do with the Plaintiff.

As a member of the Mitra Mela I began to use Swadeshi clothes and Swadeshi sugar. I began to read newspapers like the *Kal* the *Vihari*. I used to read the *Kesari* sometimes.

* *Ms. p. 496.*

I didn't understand much the* language of *Kesari* as it was high.

I did nothing besides this.

From my boyhood I have been a gymnast.

Some of the boys of the Mitra Mela used to attend the gymnasium.

In the course of the Ganpati Festival the boys of the Mitra Mela sang songs.

When I joined some of the members were Baba Savarker and one Gore.

His full name I don't know.

There was Baba Saheb Khare too.

Q.—Did you know one Govind Dareker.

Objected to.

A.—I knew one Govind. I don't remember his full name

Baba told me that Govind used to compose songs. I have seen books of these songs.*

* *Ms. p. 497.*

Some were composed by Govind some by Vinayek and some by others.

Some of these songs were sung by the Mitra Mela.

Ex. No. 383 shown.

I don't recognise this exhibit.

Ex. No. 410 shown.

This is printed at Sholapur.

Savarker got it printed.

While I was at Sholapore Savarker had written to me. It was printed at the instance of Ganesh. I asked whether the printing was ready.

It was printed by the Datta Prasad Steam Press.

I went to the press and inquired and it was not quite ready.

Then I returned to Nasik and saw the book being sold there.

Ex. No. 411 shown.

* Ms. p. 498.

This book was on sale at Nasik.*

I also recognised Ex. No. 421.

It was sold at Nasik.

It was a Povada and sung by the Mitra Mela.

There were other books besides these.

I was not a member of the Mitra Mela in 1906 during the Ganpati Festival.

Before becoming a member of the Mitra Mela I didn't sing songs but I used to attend it.

I saw Mr. Tilak in Nasik in 1906 during the Ganpati Festival.

Q.—Were you present at the secret meeting between Mr. Tilak and the Mitra Mala.

Mr. Karandikar *objects*.

* Ms. p. 499.

A.—I know of no secret meeting but there were other public meetings in the Bazaar.*

I went to some of these meetings.

I know songs were sung at Mr. Tilak's meeting but I can't remember them.

I was a member of the Mitra Mela in 1907 during the Ganpati Festival when Mr. Paranjpe came and songs were sung by the Mitra Mela.

I can't remember what songs were sung. Some songs were sung from these books shown to me.

Mr. Paranjpe lived in a temple in Nagarker's lane and in which Ganesh Savarker lived.

Ex. No. 346 shown.

I got this book printed at Thana.

Without permission either from Mr. Tilak or Mr. Paranjpe.

They didn't ask me nor did I ask them.

* Ms. p. 500.

After the books were printed I had asked Savarkar to send books to people.*

I don't know to whom he sent.

It was sent to newspapers for a review.

I sent it to the *Kesari* and *Kal* and other papers.

The *Kesari* merely stated that the price of the book was two annas. This is all I remember.

The *Kal* reviewed the book.

Mr. Karandiker *objects*.

Q.—Did Mr. Tilak or Mr. Paranjpe object to your having published this book.

* *Objected to*.

A.—No.

Baba had asked me to publish this book. The reports were taken from the *Swaraj* and *Mumukshu*.

Gore was one of the accused in the Nasik Case in the High Court.

I can't say whether the other Mr. Savarker were members.

* Ms. p. 501.

Narayan was* not in Nasik in the School.

Vinayek was then in England.

I can't say whether Narayan was a member. He was at school and had to come during recess hours.

I knew Vishnu M. Bhatt. He used to attend the club. I can't say whether he was a member.

There were lectures at the Mitra Mela on Ramdas, Shivaji, Mazinni, Swadeshi, Boycott.

I used to teach boys of the Mitra Mela gymnastics.

Mr. Karandikar cross-examines.

Overleaf (file page) of Ex. No. 346 shown.

It shows that it was published on the 22nd December 1907.

* *Ms. p. 502.*

It is not the date of publication but refers to what is written above it.*

The word "Prakashak" means "I published."

This book was never dedicated to Mr. Tilak.

Mr. Tilak never wrote to me on any subject.

Mr. Tilak had no connection with the Mitra Mela and regarding its motives or movements or any matter referred to in my examination.

Mr. Binning re-examines.

Q.—Were you an admirer of Mr. Tilak in those days?

Mr. Karandikar objects.

A.—We used to say "Tilak Maharaj ki Jey" which means victory to Mr. Tilak and we relied on Baba and Gore. We were boys.

No Policeman saw me at Bijapore or here before I gave evidence.

(Signed in Modi)

DANAPA SHIDRAPA WALVE.

The evidence of the witness was read out and interpreted and found to be correct.

DORAB N. D. KHANDALAVALA.

*Commissioner.**

* *Ms. p. 503.*

Ex. X. 3.

Booklet put in by Mr. Binning and marked for identification.

Mr. Karandikar objects

Ex. No. 434.

Kesari 12th September 1905. page 5. columns 4 and 5.

Editorial Note put in.

Translation to be put in hereafter.

Mr. Karandikar objects.

Mr. Binning says that he has only one witness called Kawde to examine and if he turns up before the commission closes he will examine him.

Mr. Karandikar says that whenever he has objected he has done so on the ground of irrelevancy, inadmissibility and that no particulars were given among other grounds.*

* *Ms p. 504.*

Mr. Karandikar calls.

Peter Arnold.

Sworn by me.

I am a clerk in the *Times of India*.

I have been already examined in this case.

I produce files of the *Times of India* for 1894 and 1899 and also for 1897.

I produce the issue of the 28th of May 1894 page 4. column 4.

"Mr. Vincent and Cattle Protection."

Ex. A. 11.

Copy of the editorial note put in.

Mr. Binning objects.

In the same issue there is a copy of the letter called "Cow protection Society" signed by Dinshaw Maneckji Petit.

It is a memorial to Government.

* *Ms. p. 505.*

Mr. Binning objects*.

Issue of 30th of June 1897.

Letter purporting to be signed by B. G. Tilak dated 20th June 1897 page 5. column 5.

Mr. Binning objects.

A copy put in.

Mr. Binning *objects*.
Issue dated 24th November 1899 page 3. column 6 Police Court Complaint against the *Times of India*.

- Ex. A. 13. Mr. Binning *objects*.
A copy put in.
- Ex. A. 12. Mr. Binning *objects*
In the same issue there is a note of apology "Mr. Tilak and the *Times of India*.
Mr. Binning *objects*.
Issue dated 9th December 1899 page 5. columns 4 and 5. Mr. Tilak and the *Times of India*.*
Mr. Binning *objects*.
A copy to be put in subsequently.
Original letters are kept for six months and then destroyed by our office.
No cross-examination.
- Ex. A. 14. (collective ly).
* Ms. p. 506.

PETER ARNOLD.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA.
Commissioner

Mr. Karandikar calls.
Nanalal Tribhovandas
Solemnly affirmed by me.

I am the Manager of the Cow Protection Society, Bombay.

I have got a copy of the Memorial dated 26th May 1894 purporting to be signed by Dinshaw Maneckji Petit. I produce it from my office record (put in).

- Ex. A 15.
* Ms. p. 507.
- Mr. Binning *objects*.
This is the office copy signed by a rubber stamp.
I produce a magazine called *Kamdhenu* from my office record for April 1894 page 123. It is both in English and in Gujrati. It purports to be a Memorial from Nagpore.

- Ex. A 16.
Copy put in.
Mr. Binning *objects*.
I also produce July number 1894 page 188. An article taken from *Sudharak*.

- Ex. A 17.
Mr. Binning *objects*.
Translation put in.
I produce the prospectus of my Society "Aims and Objects."

- Ex. A 18.
It is produced from my office records and put in.
Mr. Binning *objects*.
Mr. Binning cross examines.
I joined in 1905.
* Ms. p. 508.
I had nothing to do with this Society* before 1905.
I don't know Rai Bahadur Narayen Swami.
The society is now in a good condition but not in a flourishing condition.

My office is in a hall of the Mulji Jetha Cloth Market.
I have a separate office in the hall.
There are two or three other offices in the Mulji Jetha Hall.

I don't know whether there are any other Cow-Protection Societies in the Presidency. In Bombay this is the only one.
If A15 is admitted Mr. Binning says that he will put in the Appendix.

- Ex. No. 435.
* Ms. p. 509.
Mr. Karandikar re-examines.
We have published our latest report two years ago.*

The society has been going on without any break.

NANALAL TRIBHOVANDAS

The evidence of the witness was read over and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

11-30 A. M.

8th August 1917.

Ex. X. 4.

Picture of Mr. Tilak with some writing on it put in with translation by Mr. Binning.

Mr. Karandikar *objects*.

Mr. Advocate General says that Government witnesses, Mr. L. Robertson, Mr. Guider, Mr. Montgomerie and Mr. Pinto can't come to-day as Government got a notice only yesterday from the Plaintiff; that there are a large number of documents that have to be looked into before production. And so the only convenient day for these witnesses will be Friday fortnight i. e. 24th August 1917.

Mr. Binning says that he *objects* to the adjournment till the 24th of August 1917 on the ground that it is owing to Plaintiff's negligence that sufficiently long notice was not given to Government to see and examine the documents. He further says that he *objects* to the Commission hanging over till the 24th.

Mr. Karandikar calls.

Mr. Gajanan Bhasker Vaidya.

I am the President of the Managing Committee of the Mahāratti Library Bombay.

Ex. A. 19.

(It is also Ex. F.)

* *Ms. p. 511.*

Ex. A. 20.

(Ex. G.)

Ex. A. 21.

(It is also Ex. R.)

I produce a Maharati book called " Poona ancient and modern " pages 21, 22 and 75. It is the original of Ex. F. and it is the true extract from that book. *

I also produce " Poona Shahar " Poona City. It is the original of Ex. G. It is the correct extract from the book.

I produce the original book from the Library.

I produce from my Library a book called "Utsav Prakāsh" page 18 verse 40 line 2. It is the original of Ex. R. It is the true extract from this book.

Ex. A. 22.

I produce from my Library a book called " Ganesh puran " page 181, 182, lines 6 and 14 and page 183 lines 9-13.

I produce an extract. It is a true extract. Put in.

Mr. Binning *objects*.

Ex. A. 23.

I produce a book of Povadas by Acworth and Shaligram in Maharati. Mr. Karandikar puts it in.

Mr. Binning *objects*.

Mr. Karandikar says he relies upon the English introduction by Mr. Acworth* and also an introduction by Mr. C. A. Kincaid and the portions called Afzool Khan's Powadā and Siveghadacha Powada. page 21 and 23. also page 1 and page 3.

Mr. Binning reserves his cross-examination till the 24th of Aug. on which day the witness is asked by me to be present.*

* *Ms. p. 513.*

* *Ms. p. 514.*

blank.

Mr. Karandikar calls.

Mathews Xavier Rodricks.

Sworn by me.

I am a clerk to the Presidency Association, Bombay.

I produce two pamphlets in a book from the Library.

Ex. A. 24.

One pamphlet is a speech on the cow question by Shri-man Swami 1888. Put in, and the other is a record of criminal cases as between Europeans and Natives for 60 years by Ram Gopal, Sanyal 1893 also put in.

Ex. A. 25.

Mr. Binning *objects*.

Mr. Binning cross-examines.

I was not born in 1888.

I don't know Shriman Swamy.

I don't know Ram Gopal Sanyal.

I don't know whether there is in our Library a book called Bengal Celebrities or the life of K. D. Pal.

I know nothing about the pamphlets.

* *Ms. p. 515.*

I am not the librarian of the Presidency Association.*

A Subpcena was addressed to Mr. Samarth, the Secretary and he gave me these pamphlets and told me to bring them here.

No re-examination.

MATHEW XAVIER RODRIQUES

Bombay Presidency Association.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA,

Commissioner.

Mr. Karandikar calls

Mahadeo Vinayek Hegde.

Solemnly sworn by me.

I am the Secretary of the Maharatti Grantha Sangraha Library at Thana.

I produce from the Library a small book called "Description of Raighad Fort."

Govindrao Babaji Joshi is the author of this book. It is published in 1887 and written in 1885.*

* *Ms. p. 516.*

Ex. A 26.

I produce correct extract from this book and translations introduction and pages 46 to 48 and pages 51, 52 and 69. Put in.

Mr. Binning *objects* and cross examines.

I don't know the author of this book and know nothing about him.

I was not born in 1885.

No re-examination.

MAHADEV VINAYEK HEGDE.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA

Commissioner.

Mr. Karandikar calls

Dinker Govind Ranade

Solemnly affirmed by me and the evidence interpreted

* *Ms. p. 517.*

by* Mr. Mohile, the High Court Interpreter.

I produce three files of the paper called *Sudharak* for 1895, 1896 and 1897.

Issue of 2nd December 1895 produced.

It is marked "K." It is in English.

Issue of 9th December 1895 produced.

It is marked "L." It is in Maharati page 3. column 2.

The Maharati extract is correct.

Issue of 16th December 1895 produced.

It is marked "M." It is in English.

Issue of 23rd December 1895 produced. It is marked "N."

It is in Mahārati.

The extract is correct.

Issue of the 31st December 1895 produced.

It is marked "O." It is in Mahārati.

The extract is correct.*

* *Ms. p. 518.*

Mr. Karandikar assures that the extracts are correct and Mr. Binning accepts them.

I produce the file of 1897 of the *Sudharak*.

Ex. A 27.

Issue of 12th April 1897 also produced. Extract page 3 columns 1-4 and the translation produced are put in. The Extract is correct.

Mr. Binning *objects*.

I produce the file of 1897 and issue of 19th April 1897.

Ex A 28.

Extract page 3 column 1,2,3 and the translation put in. The extract is correct.

Mr. Binning *objects*.

I have no permission to keep the files here.

Mr. Binning cross-examines.

I brought the files for the first time in Court yesterday.

* *Ms.p. 519.*

Mr. Karandikar sent for the files about 10 days ago. They have been in his possession ever since. *

The Manager has instructed me to take away the files tomorrow.

I must remove them from the Court house to-day.

Even if Mr. Karandikar requests me I must take them away.

I am merely a clerk in the office. I joined three years ago. Previous to that I knew nothing about the paper.

The paper is no longer published.

Mr. Binning reserves his further cross-examination after going through the files.

No re-examination.

Mr. Karandikar says that he is willing that Mr. Binning should examine the particular issues which are put in, but the rest of the files of the paper must be taken away this evening.

(Signed in Modi)

DINKAR GOVIND RANADE.

The evidence of witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA,

Commissioner.*

* *Ms. p. 520.*

11-30 A. M.

24th August 1917.

Mr. Karandikar calls the Manager of the *Dnyan Prakash*, **Kashinath Krishna Bhatlekar**.

I am the Manager of the Bombay Branch of the *Dnyan Prakash*.

I produce the issue of 28th August 1893 page 2 Columns 2 and 3. It is the same as Ex. U.

I also produce issue of 21st August 1893 from the same file page 2 Columns 1 and 2 Maharati article. It is Ex. V.

I produce the issue of the 14th August 1893, page 2 Column 1.

Ex. A 29.

Extract from an article with the translation put in.

Mr. Binning *objects*.

* *Ms. p. 521.*

I have compared the extract with the* original and it is correct.

I also produce *Dnyan Prakash* 26th October 1893 page 2. Columns 1 and 2.

Ex. A 30.

The extract with the translation put in.

Mr. Binning *objects*.

I have compared the extract with the original and found it correct.

- I produce the issue of the 4th of December 1893 of the same paper page 2 Columns 5 and 6.
- Ex. A. 31.** The extract and the translation of it put in.
Mr. Binning *objects* and says that the editor was summoned, but the Manager of the paper appears here to give evidence.
I compared the extract with the original and have found it to be correct.
- * *Ms. p. 522.* I produce the issue of the 30th August 1894 It is Ex. W. *
I produce the *Dnyan Prakash* 19th March 1894, page 2 Columns 1, 2 and 3.
- Ex. A. 32.** The extract with the translation put in.
Mr. Binning *objects*.
The extract is compared with the original and it is correct.
I produce *Dnyan Prakash* 2nd July 1894, page 2 Columns 5 and 6.
- Ex. A. 33.** The extract with the translation put in. The extract is compared with the original and it is correct.
Mr. Binning *objects*.
I produce the issue of *Dnyan Prakash* 6th August 1892 page 2 Columns 1 and 2.
- Ex. A. 34.** The extract with the translation put in. The extract is correct.
* *Ms. p. 523.* • Mr. Binning *objects**
I produce the issue of the 9th August 1894 page 2 Columns 1 and 2.
- Ex. A. 35.** The extract with the translation put in.
The extract is correct.
Mr Binning *objects*
I produce the issue of the 15th October 1894 page 2 Columns 1, 2 and 3.
- Ex. A. 36.** Extract and translation put in.
Mr Binning *objects*.
The extract is correct.
I produce the issue of the 4th October 1905 page 2 Columns 3, 4 and 5.
- Ex. A. 37.** The extract with the translation put in. The extract is correct.
Mr. Binning *objects*.
Mr Binning cross-examines.
I have been connected with the *Dnyan Prakash* for the last nine years. I am 42 years old.*
* *Ms. p. 524.* Before I went to the *Dnyan Prakash* I had nothing to do with newspaper.
I don't know who the editor was in 1893 and 1894.
I don't know what the circulation in 1893 or 1894 was.
The head office told me to come here. Mr. G. K. Devadhar, the proprietor asked me to come here. I have seen the subpoena, it was addressed to the editor. It is not with me.
Mr. Binning says that he had no notice of this witness coming here for evidence.
Witness asked to see A29.
The extract is about one-fifth of the article.
- * *Ms. p. 525.* Ex. A30 is the whole of the article. *
Ex. A31 is the whole note except the last sentence.
The last sentence shows the extract quoted below is referred to in the article.
Ex. A32 contains the whole article.
Ex. A 33 is the whole note.
Ex. A34 is the whole article.

Ex. A35 is the whole article.

Ex. A36 is the whole article.

Ex. A37 is the whole article.

Most of these exhibits are editorials.

I am not authorised to leave these files for inspection. I must take them away to-day.

No re-examination.

K. K. BHATLEKER,

24-8-17.

Manager, *Dnyan Prakash*, Bombay Branch.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAWALA.

Commissioner.*

* Ms. p. 526.

Mr. Karandikar calls,

Sitaram Vishnu Lalit.

Solemnly affirmed by me.

I am the friend of Krishnaji Kashinath Phadke and I have come on his behalf.

I produce the issue of the 29th of August 1906 of the *Hindu Panch*. It is the same as Ex. A 9.

Mr. Binning cross-examines.

This paper is no more in existence. I had nothing to do with the paper in 1906. I am not the correspondent.

Ex. A9 is an extract from a letter containing nearly seven columns.

Mr. Karandikar re-examines.

* Ms. p. 527.

Seven columns contain an account of six lectures delivered in four days.*

This extract contains a complete account of a particular incident which comes or a side remark and has nothing to do with the other lectures.

What I mean by side remark is an account given by a correspondent of a particular incident and not connected with the other lectures.

Mr. Binning further cross-examines.

I was not at Nasik at that time.

I have read the whole letter and even this file was shown to me by my friend Mr. Phadke.

Mr. Phadke has gone out. He asked me whether I would come and give evidence. I didn't inquire where he was going. I don't know as a fact whether he has gone out.

* Ms. p. 528.

Mr. Phadke was the editor at the *time when this letter appeared.

Mr. Phadke asked me to bring the file back. I am not authorised to keep it here.

SITARAM VISHNU LALIT.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAWALA,

Commissioner.

Ex. A. 38.

Mr. Karandikar puts in.

Kesari, 15th December 1885 page 3 column 5 note 7 "Shivaji's Tomb" with translation.

Ex. A. 39.

Kesari, 16th December 1890, page 3, column 2, Note. With Translation.

Ex. A. 40.

Kesari, 30th June 1891, page 2, columns 1, 2, and 3. With translations, correspondence.*

* Ms. p. 529.

Ex. A. 41.

Kesari, 26th September 1893, page 3, column 4, Editorial note with translation.

- Ex. A 42.** *Kesari*, 21st November 1893, page 2, columns 3, 4 and 5. With translation (article).
- Ex. A 43.** *Kesari*, 13th March 1894 page 2 columns 4 and 5. Notes 2 and 3. with translation.
- Ex. A 44.** *Kesari*, 10th April 1894, page 2, column 5. Note " Yeola acquittals " with translation.
- Ex. A 45.** *Kesari*, 24th April, 1894, page 2, columns 3, 4 and 5, Article with translation.
- Ex. A 46.** *Kesari*, 5th June 1894, page 2, column 5, page 3, column 1. Note. With translation.
- Ex. A 47.** *Kesari*, 18th September, 1894, page 2, column 5, page 3, columns 1 and 2. Leader.* With translation.
* *Ms. p. 530.*
- Ex. A 48.** *Kesari*, 30th October 1894, page 3, column 4. Editorial Note with translation.
- Ex. A 49.** *Kesari*, 23rd April 1895 page 3, column 2. Editorial Note with translation.
- Ex. A 50.** *Kesari*, 4th June 1895. True extracts from the *Kesari* with translation, page 2, columns 4 and 5, and page 3, columns, 1, 2 and 3. Original is produced but not put in.
- Ex. A 51.** *Kesari*, 2nd July 1895 page 2, columns 1, 2, 3 and 4. "Account of a Public Meeting" with translation.
- Ex. A 52.** *Kesari*, 3rd September 1895, True extract page 2, columns 1, 2, and 3, with translation.*
* *Ms. p. 531.*
- Ex. A 53.** *Kesari*, 10th September 1895. True extract, page 2 column 3, page 3, column 1. With translation.
Original is produced but not put in.
- Ex. A 54.** *Kesari*, 17th November 1896, page 2, column 1, with translation, Extract. Also the Famine Code in English of 1896. Mr. Binning *objects* to the Famine Code.
- Ex. A 55.** *Kesari*, 19th January 1897, page 2, columns 4 and 5. with translation. Note.
- Ex. A 56.** *Kesari*, 22nd February 1897, page 2, column 5, page 3, columns 1 and 2. Original produced but not put in. Translation* and true extract put in.
* *Ms. p. 532.*
Mr. Binning *objects*.
- Ex. A 57.** *Kesari*, 9th February 1897, page 3 column 1, Note. With translation.
- Ex. A 58.** *Kesari*, 16th February 1897. True extract with translation page 2, columns 3, 4, and 5.
- Ex. A 59.** *Kesari*, 1st June 1897, page 2, columns 4 and 5, page 3, column 1, with translation. " Hero Worship ".
- Ex. A 60.** *Kesari*, 15th June 1897 page 2, columns 3, 4 and 5, with translation.
- Ex. A 61.** *Kesari*, 22nd June 1897, page 2, columns 3, 4 and 5, with translation, also page 3, columns 3 and 4.*
* *Ms. p. 533.*
- Ex. A 62.** *Kesari*, 17th August 1897 page 3. column 2, Editorial Note with translation.
- Ex. A 63.** *Kesari*, 16th January 1906 page 4, columns 2, 3 and 4, with translation.
- Ex. A 64.** *Kesari*, 20th March 1906 page 5, column 2, Editorial Note with translation.
- Ex. A 65.** *Kesari*, 7th August 1905 page 5, column 3, Note on Bengal National College. Mr. Binning *objects*. With translation.
- Ex. A 66.** *Kesari*, 28th August 1906 page 5, columns 4 and 5 with translation.*
* *Ms. p. 534.*
- Ex. A 67.** *Kesari*, 7th May 1907 page 4, column 5, with translation. Extracts from the *Mahratta* put in.
- Ex. A 68.** *Maharatta*, 1st October 1893, page 3, columns 1, 2 and 3, page 4, columns 1 and 2. True copy.
- Ex. A 69.** *Maharatta*, 29th October 1893 page 7, columns 1, 2 and 3, True copy.

- Ex. A 70. *Maharatta*, 19th November 1893, page 3, columns 2 and 3, page 7, column 3, page 8, column 1, and 2 true copy.
- Ex. A 71. *Maharatta*, 18th February 1894, page 5, column 3, page 6, column 1. True copy.
- Ex. A 72. *Maharatta*, 29th April 1894, page 6, column 2. 7 following columns. True copy *
- * *Ms. p. 535.*
- Ex. A 73. *Maharatta*, 6th May 1894, page 3, columns 1, 2 and 3. Article. True copy.
- Ex. A 74. *Maharatta*, 3rd June 1894, page 3, column 3 and other columns. True copy.
- Ex. A 75. *Maharatta*, 21st October 1894, page 1, columns 1 and 2, True copy. Mr. Binning objects.
- Ex. A 76. *Maharatta*, 4th November 1894, page 2, column 3, True copy. Mr. Binning objects page 6, column 2, and page 7 and 8.
- Ex. A 77. *Maharatta*, 11th November 1894, pages 8, 9 and 10, True copy.
- Ex. A 78. *Maharatta*, 18th November 1894, page 6, columns 2 and 3, page 7, column 1, also page 7, column 1, page 9, column 3, page 10, columns 1 and 2,* page 1, columns 1, 2 and 3 and page 2, columns 1 and 2. True copies.
- * *Ms. p. 536.*
- Ex. A 79. *Maharatta*, 2nd December 1894, page 1, column 3, True copy.
- Ex. A 80. *Maharatta*, 14th April 1895, page 5, column 2, True copy.
- Ex. A 81. *Maharatta*, 31st December 1895, page 2, column 2, True copy.
- Ex. A 82. *Maharatta*, 15th March 1896, page 6, column 3, page 7, columns 1, 2 and 3. True copy. Mr. Binning objects.
- Ex. A 83. *Maharatta*, 19th April 1896, page 4, column 3, page 5, column 1. True copy.
- Ex. A 84. *Maharatta*, 4th April 1897 page 1, columns 1 and 2. True copy.*
- * *Ms. p. 537.*
- Ex. A 85. *Maharatta*, 9th May 1897, page 4, column 3, Note. True copy.
- Ex. A 86. *Maharatta*, 23rd May 1897, page 5, column 3, True copy.
- Ex. A 87. *Maharatta*, 30th May 1897, page 5, column 1, True copy. Mr. Binning objects.
- Ex. A 88. *Maharatta*, 20th September 1897, page 5, column 3, True copy.
- Ex. A 89. *Maharatta*, 26th March 1899, page 7, columns 1 and 2, True copy.
- Ex. A 90. *Maharatta*, 7th May 1899, page 2, column 2, True copy. Mr. Binning objects.
- Ex. A 91. *Maharatta*, 18th June 1899, page 5, column 3, True copy.*
- Ex. A 92. *Maharatta*, 17th September 1899, page 1, columns 1 and 2 True copy.
- * *Ms. p. 538.*
- Ex. A 93. *Maharatta*, 30th of December 1900, page 1, columns 1, 2 and 3, page 2, columns 1 and 2. True copy.
- Ex. A 94. *Maharatta*, 15th February 1903 page 75, column 1. True copy.
- Ex. A 95. *Maharatta*, 1st March 1903, page 98 column 2. Mr. Binning objects.
- Ex. A 96. *Maharatta*, 31st December 1905, Supplement to the *Maharatta*, of that day, pages 617, 618, 619 and 620.*
- * *Ms. p. 539.*
- Ex. A 97. *Maharatta*, 30th December 1906, 606 to 612. Mr. Binning objects.
- Ex. A 98. *Maharatta*, 30th August 1914, page 275, True copy.
- Ex. A 99. *Maharatta*, 7th February 1915, pages 45 and 46.

Ex. A 100.

Maharatta, 14th February 1915, page 57 columns 1 and 2 page 58 column 1, True copy.

Mr. Karandikar calls.

John William Kemble.

Sworn by me.

I am the Secretary of the Society for the Propagation of the Gospel.

Our Society had a press at Kolapore till about the end of 1913.

* *Ms. p. 540.*

There are only three books that cover the period 1906 to 1913 and they belong* to the Society.

I produce the three books.

No notice of the witness to the 1st Defendant and so Mr. Binning objects.

One is an Order book, the other is the Ledger, and the third Day Book.

The Order Book begins from 8th September 1905 and goes upto September 1914.

The Day book commences from 1906 and goes upto April 1910.

The Ledger commences from January 1903 and goes up to 1909. Day Book page 68 shown to the witness. 2nd May 1907. Dongre Esqr. Printing demi octavo book 28 pages at one (Mr Binning objects to the contents being written down and part of the record)

At Column 28. To binding and cover one. This shows the receipt.

Ex. A 101.

* *Ms. p. 541.*

True copy of the entry is put in. *

In the Ledger Index I find M. G. Dongre against page 181.

Witness sees page 181.

2nd May 68 to printing demi octavo book 28 pages.

Ex. A 102.

(collectively).

A true copy of this entry is put in with the index entry collectively.

The copy made from the Day Book of the entry Ex. A101 is correct.

The entry which is Ex. A102 collectively is also correct.

JOHN WILLIAM KEMBLE.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner. *

* *Ms. p. 542.*

Mr. Karandikar calls.

Atmaram Sadshiv Kashiker.

Solemnly affirmed by me.

I do insurance business.

Witness shown Ex. A6 and A7.

I had these photos in my possession and I gave them over to Mr. Tilak.

No cross-examination.

ATMARAM SADASHIV KASHIKER.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Mr. Gajanan Bhaskar Vaidya.

Re-called for cross-examination.

* *Ms p 543*

I have not read the book called "Poona Ancient and Modern." *

I don't know whether the name of the palace of the Peshwa was Rang Mahal.

Book Ex. F. shown to the witness page 21.

I don't know what Rang Mahal refers to Ex. R shown to the witness.

Looking at the page 16 verse 30th I say that the verse refers to the time of the Peshwas. I haven't read the other verses.

Ex. No. 436.

The verse put in with translation.

Ex. A22, it contains texts and translation of old Sanskrit verses.

GAJANAN BHASKAR VAIDYA.

The evidence of the witness was read out and found by him to be correct.

DORAB N. D. KHANDALAVALA.

*Commissioner.**

* Ms. p. 544.

Ex. A. 103.

Mr. Karandikar puts in book called "Ballads of the Maharattas" by H. A. Acworth.

Ex. I. 1

The whole translation of Mr. Dongre put in.

11-30 A. M.

28th August 1917.

Ex. No. 437.

Mr. Binning puts in

Kesari. 7th April 1908. With translation.

Mr. Karandikar now proceeds on the supposition that Mr. Binning has no further evidence to call and no more documents to put in.

Mr. Binning says that he does not wish to tie himself down to any statement.

Mr. Karandikar calls

* Ms. p. 545.

Mr. Robertson.*

Mr. Lawrence Robertson.

Sown by me.

Mr. Advocate General, the Honourable Mr. Strangman does not appear on behalf of any one; but has come here to watch the proceedings on behalf of Government.

I am the permanent Secretary of the Judicial Department of the Bombay Government since December 1913.

I understood from a notice I received from the Plaintiff that I was cited as a witness by the 1st Defendant.

Ex. A. 104.

Letter of the 25th of June 1917 from Messrs. Little and Co. to the Plaintiff put in.

Ex. A. 105.

I produce the original and a certified copy of the Cow Protection Memorial by Sir Dinshaw Petit.

* Ms. p. 546.

The original Memorial is marked Ex. A105 and returned.

The copy is also marked Ex. A105.*

The certified copy is correct.

I have verified it to be true.

Ex. A. 106.

(collectively).

I produce the original and a certified copy of the Shivaji Memorial by Mr. Khare, and also the Government order thereon and its true copy. These are put in collectively.

I produce list of public holidays.

As far as I know Ganesh Chaturti has been a public holiday since 1890.

Ex. A. 107.

Certified copy for 1890, 1895, 1900 and 1905 of Government holidays put in.

I have signed these and certified at the end to be true.

I haven't got Mr. Vincent's report on the Bombay Riots of 1893-1894.

* Ms. p. 547.

I produce the annual Administration Reports 1894 and 1895 of the Bombay Government.*

Ex. A 108. True extracts from the Reports of 1893-94 at page 256 put in.

Ex. A 109. True extract from the Report of 1894-95 put in page 292 and 293.

I produce the original correspondence between the Plaintiff and the Government of Bombay.

Ex. A 110. I also produce a certified copy of the same and put in. The original is returned.

Ex. A 111. I produce the original resolution appointing Mr. Montgomerie on Special Duty dated 7th April 1916 and also a certified copy. Certified copy put in.*

* Ms. p. 548.

I know the circumstances and the purpose for which Mr. Montgomerie was appointed.

There is a record showing the circumstances and the purposes for which Mr. Montgomerie was appointed.

I haven't got the record, with me in Court.

Ex. J. shown to the witness.

I may have seen a copy of this exhibit, but I have no distinct recollection of having received a copy of it.

Some one may have sent me a copy. I have no distinct recollection of having received this one.

Many pamphlets are sent to me.

I may have seen a copy both in my official and private capacity.

* Ms. p. 549.

So far as my recollection goes Government have no copy. I can find out whether Government possess * a copy of from the record.

The witness is asked to refer to the correspondence.

Letter of the 4th August 1917.

Government have made up their mind with regard to the proposals made in that letter.

I don't think that Government have sent any reply with regard to those proposals.

Mr. Binning *objects* the questions, from Mr. Karandikar as to what Government have decided to do.

Q.—Do you mean to say that the reply is under contemplation?

Mr. Binning *objects* to it as it is irrelevant and also as it is in the nature of cross-examination.

* Ms. p. 550.

Mr. Karandikar now abandons the above form of the question put to the witness.*

No reply was sent because it is understood that the matter would be referred to here.

Government are prepared to send a reply if the Plaintiff wants it specifically.

Q.—Are you prepared to give a reply on behalf of Government now.

A.—I am. It is contained in the affidavit of Mr. Curtis which I produce.

Mr. Karandikar says that he does not want the affidavit to be put in. He wants the witness to answer.

Mr. Binning wants the affidavit to be put in. Mr. Karandikar *objects* to this prepared answer in the affidavit. He says that if the witness wants to answer he may, if not let him say that he does not wish to answer.*

* Ms. p. 551.

Ex. No. 438.

The affidavit goes in as Mr. Binning's exhibit without prejudice to his contention that the Plaintiff ought to put it in.

Mr. Karandikar *objects* to the affidavit going in without the offer of the Hon'ble Mr. Curtis who made it to submit to cross-examination.

I have not made this affidavit.

Neither of the two proposals in the letter of the 4th of August 1917 is accepted by Government.

The witness is asked to refer to Plaintiff's correspondence with Government.

Witness is asked to refer to Government Letter of 19th May 1917.

The Plaintiff's letter of the 22nd of April must have been placed before the Council for orders.

Mr. Binning *objects*.

* *Ms. p. 552.*

When I say in Government letter 19th May 1917 "I am directed* etc." I say that there were written instructions.

As far as I recollect that the written instructions were those coming from the full Council.

I am not willing to show these written instructions.

I think between the 22nd of April and the 19th of May 1917 reference was made to the Dy. Inspector General of the C. I. D. and the Commissioner of Police, Bombay.

No reference was made to the Government of India before reply to the letter of the Plaintiff dated 22nd April 1917.

Government first came to know officially regarding this suit from letter dated 10th January 1916 from Little and Co.

* *Ms. p. 553.*

The first request was contained in the letter of the 10th of January 1916 and there were subsequent requests.*

No notice was given to the Plaintiff regarding the request of the 1st Defendant's solicitors.

The matter of the request was placed before the Council.

Mr. Binning *objects* to all questions regarding the conduct of the Council.

The solicitors on behalf of the 1st Defendant have been to me several times.

The solicitors saw Government records as per list supplied by Government to the Plaintiff.

The solicitors did mention particular documents of which they sought inspection.

I know Sir V. Chirol since the Autumn of 1908.

It was I believe about the time when he was writing the book "Unrest in India".

* *Ms. p. 554.*

As far as I know no inspection of Government records was given to the 1st Defendant about that time.*

I have read his book "Indian Unrest."

I have had interviews with the 1st Defendant in connection with the pending case.

He was allowed to inspect Government records in connection with this case.

Q.—Do you wish to explain what you mean in page 3 of your letter by saying "they ask that they be put in touch with certain witnesses."

A.—If you wish me to, I will.

Mr. Binning *objects* to the witness disclosing the contents of the letters written by the Solicitors of the 1st Defendant to Government and Government's replies to them on the ground that they are privileged and if Mr. Karandikar does not agree to that then we submit that the correspondence must be sealed up without being shown to the Plaintiff* and sent to England for the London Court to decide whether the Plaintiff is entitled to see them.

* *Ms. p. 555.*

Probably the expression was taken from the letter of the solicitors of the 1st Defendant.

I understood by that expression "put in touch with etc." that the names and addresses of the witnesses referred to

who may now be alive should be communicated to them and that these witnesses should be asked whether they were willing to repeat the evidence which they had already given.

I think the witnesses referred to in the letter were the witnesses of the Nasik case.

Without going deeply into the record I can't say whether Government authorised the Police to approach any other witnesses except those in the Nasik Case.

* *Ms. p. 556.*

I now say after looking at the record that* there were other witnesses which the Government authorised the Police to approach.

I presume upto the time I wrote the letters the 1st Defendant didn't ask for any witnesses except those that were in the Nasik case.

Mr. Binning *objects* to Mr. Karandikar cross-examining the witness.

Beyond what is stated in paras 2 and 3 of that letter Government have done something on behalf of the 1st Defendant.

* *Ms. p. 557.*

Government have not been in correspondence with any witness in India.*

Outside India Government has asked certain persons whether they were willing to give evidence.

In the autumn of 1916 Government asked certain persons outside India whether they were willing to give evidence as witnesses on behalf of the 1st Defendant.

These persons were Messrs. Selby, Giles and Prior.

The Solicitors for the 1st Defendant moved the Government for these witnesses.

I can't say definitely without referring to the office correspondence who suggested these names.

The correspondence is not here.

I didn't suggest any name.

I claim privilege as to who suggested the names.

I claim privilege for any communication made to me by any member of the Council (Executive Council).

I claim privilege under Section 124 of the Evidence Act.

If any names were communicated to me in the Secretariat they were communicated to me in confidence.

If any names are mentioned by a councillor they are communicated in confidence.

My instructions are to mention these three names as persons with whom Government have communication.

Replies have been received from all three gentlemen.

Q.—Are they willing to give evidence.

Mr. Binning *objects* to this question.

* *Ms. p. 559.*

Q.—Did Government tell the Solicitors of the 1st Defendant what the replies of these gentlemen were* ?

Mr. Binning *objects*.

Beyond writing to persons in England and what is stated in paras 2 and 3 of the letter Government have done something on behalf of the 1st Defendant.

Q.—Did Government write to the Director of Public Instruction with reference to certain facts in connection with this case ?

Mr. Binning *objects* and says that the witness's answer should be written on a piece of paper and it should be sealed without the Plaintiff knowing what it is. If the London Court decides that the Plaintiff should know the answer then it might be shown to him there.

Mr. Binning says that Government were acting for me and therefore I claim privilege.

* Ms. p. 560.

Q.—Did Government write to various Collectors of the Districts to secure* certain facts in connection with this case?

Mr Binning *objects* on the same ground.

Q.—Did Government write to various Head masters of Schools in connection with this case.?

Objected to.

Q.—Did the Government write to Collectors, head-masters or the Director of Public Instruction as agent for the 1st Defendant?

Mr. Binning *objects*

Q.—If Government did so did they do as agent of the 1st Defendant?

A.—Yes. According to my understanding the meaning of the word the Government did act as the agent of the 1st Defendant.

No special provision was made by Government in the Budget with regard to the expenses for subordinate officers in connection with this action.

* Ms. p. 561.

Mr. Montgomerie was in Bombay on Special Duty for about three months.*

There was one clerk called Pinto who was under him to assist.

He held his office in the Secretariat when he was on duty in Bombay.

He was acting under my orders.

He was employed on duty connected with the Judicial Department.

He corresponded with the Solicitors of the 1st Defendant when he was on duty in Bombay.

I know the nature of the work he was doing.

He made a report at the close of his office.

His duty was in connection with the pending case.

I can't produce the report made by him.

* Ms. p. 562.

Mr. Binning *objects* to the report being produced.*

I object to produce the report even if you ask me to produce it.

No copy of that report was supplied to the 1st Defendant

The appointment of Mr. Montgomerie was not made at the request of either the first Defendant or his Solicitors.

The sanction of the Government of India was obtained to make this special appointment.

The appointment was made by Government in order that Mr. Montgomerie may go through the Government records with a view of ascertaining as to what extent assistance might be legitimately given to the 1st Defendant.

Letter of the 28th July 1917 shown to the witness.

* Ms. p. 563.

Para 3 column 1 (c).*

Subsequent inquiry shows that there are now no such statement of Chapeker on the records of Government.

The witness's attention to Ex. 408 is directed. The last but two answers is referred to.

My answer covers also the statement to Mr. Brewin.

When I say 'not in the possession of Government' I include all the officers for instance the office of the Inspector General of Police etc.

Letter of the 28th July 1917 referred to para 3.

Police diaries have been destroyed according to the standing orders.

Also Police Diaries regarding the movements of the Plaintiff have been destroyed.

* Ms. p. 564.

Police Reports for years 1880 to 1890, some have been destroyed and others are* in the possession of Government and the privilege is claimed under Section 123 of the Evidence Act as confidential.

Some have been destroyed and others kept according to the standing orders of Government.

Clause. 7 referred to.

Some of the Police Reports may be printed.

Police compilation regarding the life of Mr. Tilak is in my possession. It is printed.

Clause. 9 referred to.

There are no Police reports in the possession of Government with regard to Mr. Tilak's movements in Kolapore.

The accounts of the Paisa Fund were examined about November 1911, on behalf of Government.

* Ms. p. 565.

I can't say that they were found to be correct.*

Certain figures were shown to Government as being the accounts of the Paisa Fund.

No accountant was appointed to examine the accounts.

The Deputy Inspector General Mr. Guider was asked to examine the accounts.

I sent for the Editor of the *Dnyan Prakash* through Mr. H. N. Apte.

Mr. Binning cross-examines.

I have got a reply to Sir Dinshaw Petit's Memorial.

I produce the original and a certified copy.

Ex. No. 439.

The certified copy put in.

* Ms. p. 566.

Government were prepared to give the 1st Defendant legitimate assistance and they did give it.*

Government were prepared to give the Plaintiff also assistance. Until the correspondence Ex. A 110 Mr. Tilak asked for no assistance.

I do not know whether the 1st Defendant was given inspection of Government records in 1908.

I don't know when the 1st Defendant wrote his book. I merely go on belief.

L. ROBERTSON.

Secretary to Government of Bombay in the Political, Judicial and Special Departments.

The evidence of the witness was read by him by consent of the parties and found to be correct.

DORAB N. D. KHANDALAVALA.

* Ms. p. 567.

Commissioner.*

Mr. Karandikar calls

Mr. Guider.

James Adalpus Guider,

Solemnly affirmed by me.

I was asked to produce certain papers,

I produce the statements of A. L. Kanhere, taken by Mr. Vaidya 21st December 1909 the First Class Magistrate.

I produce the original.

I have got also copy of the English translation made for the High Court case.

Mr. Karandikar says that he tenders this statement which will go in as an Exhibit only if the Ex. No. 384, put in by the 1st Defendant (Mr, Kanhere's statement before the District Magistrate) goes in.*

* Ms. p. 568.

Mr. Binning objects as the statement is not produced.

Ex. A 112.

The translation put in.

- I produce Krishnaji Gopal Karve's confession, 6th January 1910 made before Mr. Khopker, 1st Class Magistrate.
- Ex. A. 113.** I produce the translation.
The translation put in.
It goes in as Exhibit provided Ex. 384 goes in.
- Ex. A. 114.** I also produce the confession of Deshpande, 6th January 1910, taken before Mr. Palshiker with an English translation.
The translation put in.
All these three were Exhibits in the Nasik Conspiracy case.
They were handed over to me after the High Court case was over.*
- * *Ms. p. 569.* I have no statement of Kanhere which is not exhibited in the High Court.
I was present in the High Court when Kanhere was examined as an accused.
I believe he presented some written statement.
The case was heard before a Special Bench consisting of the Chief Justice, Mr. Justice Heaton and Mr. Justice Chandavarker.
I was asked by Government about November 1911 to report on the Paisa Fund.
I saw Dr. Deshmukh the President of the Paisa Fund.
I deputed one of my subordinates to examine the accounts.
His name is Deshpande.
He is a Deputy Superintendent of Police. *
I can't say whether the accounts were correct.
He examined them and submitted a report.
I am not willing to show that report or put it in Court.
It is a confidential document. I withhold it. It is a State document.
- Q.—If I say that Mr. Deshpande found the account to be correct will you contradict me?
Mr. Binning *objects*.
A.—I decline to answer the question, as I am not permitted to do so by the head of the Department.
Mr. Binning cross-examines.
I was the supervising officer in the case relating to Mr Jackson's murder.
There were three Nasik cases.
First there was the murder case. Then there the Conspiracy * case and there was the Savarker case.
- * *Ms. p. 571.* I supervised all the three cases.
I was pretty well acquainted with the Political condition of Nasik.
Q.—Were there secret Societies there and elsewhere?
A.—There were branches at Poona.
Q.—What did you ascertain the object of these secret Societies to be?
Mr. Karandikar *objects*.
A.—To overthrow the British Government and gain independence for India.
Q.—Was it in peaceful manner?
Objected to
A.—No. It was to be carried out by the use of violence and force.
Q.—Can you tell me whether the Shivaji cult was strong in Nasik?
* *Ms. p. 572.* *Objected to. **

As far as my inquiries went it was strong.

It was strong amongst the Brahamins.

In the Nasik Conspiracy case a large number of the accused were very young men.

Many of them students. They had no occupation,

Practically all the accused were Brahamins except one.

I know Mr. Tilak for a long time.

Q.—Is he a man who has large following of young Brahamins in Poona and elsewhere?

Objected to.

A.—Yes.

The *Kesari* is the most influential Maharatti paper in the Presidency. It is the widely read by the Maharatti speaking people throughout the Presidency. *

* *Ms. p. 573.*

In the photo put in Bal is Mr. Tilak, Lal is Lala Lajpatrai and Pal is Bipin Chandra Pal.

Q.—Is Lala Lajpatrai a peaceful citizen. ?

Objected to.

A.—He belongs to the Punjab and has had trouble with the law. He is accused of being a seditionist and he was deported.

Bipin Chandra Pal is a Bengalee.

I don't know of personal knowledge that he was the editor of the *Swarajya*.

He is a well-known political agitator.

Exhibits No. 420 and 411 are the same.

The picture at the back is that of Shivaji.

On the back of Ex. No. 410 is that of Shivaji and also on the front of No. 421.*

* *Ms. p. 574.*

The vernacular word for independence used among secret Society people is *Swatantrya*. It is a Maharati word.

It is not the same as *Swarajya*.

Swaraj means one's own Government.

Q.—Was the cult of Shivaji mixed up with the anti-British movement?

Objected to.

A.—Yes, to a certain extent.

I haven't got the confession of Ambreker here.

Amar Singh was the head constable in the Nasik District Police.

I couldn't trace him. I tried to find him.

I can say of my own personal knowledge that Kanhere is dead. I saw him executed.*

* *Ms. p. 575.*

Mr. Karandikar re-examines.

I am not a resident of the Nasik District.

My knowledge about the Nasik District is derived by subordinates and from personal inquiries made by me.

I know that Government have claimed that Police Diaries are confidential. I don't know whether they have claimed the privilege with regard to investigation diaries.

Q.—Will you produce any of those reports upon which you have given answer regarding the Nasik District?

Mr. Binning says that he will be glad if the reports are produced.

* *Ms. p. 576.*

A.—No. I can not without the permission of the head of the Department.*

Q.—What cases did you personally inquire into?

Mr. Binning *objects*.

A.—General inquiries and the Nasik cases.

General inquiries conducted since 1905.

I have mentioned the result of my inquiries in some of my reports.

I will not produce any of those reports.

I cannot give the names of persons from whom I have got the information.

I don't attend any meeting of the Secret Societies.

I didn't attend any Shivaji Cult Meetings.

* *Ms. p. 577.*

I will not name any informant as to the objects of the Secret Societies.*

Q.—Is it true that Mr. Tilak command the allegiance of Barristers, pleaders, school masters, professors, clerks, and Government servants.

A.—In one meaning of the word allegiance. I say "Yes". They look upon him as a leader and in that sense they listen to anything he says.

The evidence I gave in my cross-examination by Lala Lajpatrai is not from my personal knowledge.

Maharati is not my mother tongue.

I was subpoenaed by the 1st Defendant to produce certain documents.

I couldn't come because I was very busy. I sent one of my subordinates with the documents.

* *Ms. p. 578.*

I have no personal knowledge about Bipin Chandra Pal, but my knowledge is derived from official * reports.

I won't produce any reports relating to him.

Mr. Binning puts the following question.

Q.—Notice of the 20th of August 17 was given to you to produce the confessions of Ambreker, Dandeker.

A.—Yes.

Ex. No. 440.
Ex. No. 441.

The two confessions of Ambreker and Dandeker put in, Mr. Karandikar *objects* to them.

I don't know whether Dandeker is dead.

I don't know whether a summons was issued to him on 1st April 1917.

Ex. A 115.

* *Ms. p. 579.*

Subpoena in Maharatti shown.

I can't say whether it is genuine* or not.

Mr. Binning *objects* to it.

I don't know whether Ambreker is alive or dead.

Exhibits 440 and 441 were not taken down in my presence but they were Exhibits in the Nasik Conspiracy case.

Both Karve and Deshpande were hanged.

J. A. GUIDER,
Deputy Inspector General of Police,
Criminal Investigation Department,
Bombay Presidency. 28-8-17.

By consent of the parties the evidence of the witness was read by him and found to be correct.

DORAB N. D. KHANDALAVALA,

* *Ms p. 580.*

*Commissioner.**

Mr. Karandikar calls.

Alexander Montgomerie.

Solemnly affirmed by me.

I am an Assistant Judge at Belgaum.

I was placed on Special Duty in the beginning of April 1916.

I finished my Special Duty about the 10th of June the same year.

I stayed in Bombay during that time and on one or two occasions I went to Poona.

I met Mr. Guider in Poona on these two occasions.

I know Mr. Lathe. He occasionally practised in my Court He is a member of the Belgaum Bar.

I don't think I have seen Mr. Lathe outside Belgaum,
I don't know Mr. Dongre of Kolapore.
I don't know who he is.*

* Ms. p. 581.

When I was on Spceial Duty I was carrying out certain
research under the orders of my superiors.

I met Mr. Bowen on various occasions and had a talk
with him with respect to the pending case.

I can't say whether Mr. Bowen was communicated with
the results of my reasearch.

I made a report to Government.

I had no one assisting me specially.

I don't know Mr. Pinto.

Mr. Pinto was called in Court.

I know Mr. Pinto's face. He may have brought papers
to me.

I drew my pay at the rate of Rs, 1200 per month, during
my Special Duty work in Bombay.

* Ms. p. 582.

I was examining Government records extending over
say many years and some of them might be 40 years old.*

I am not willing to give what my instructions were.

A large number of documents I saw were of importance.

I didn't show the 1st Defendant's Solicitors any docu-
ments.

I was the committing Magistrate in the Nasik Cases.

I see Kanhere's Statement.

This confessional was read over to him. It was put in as
Ex. 113 before me.

Karve's statement was read over to him by me, in
English.

It is Ex. 115 in my case.

Deshpande's statement was read over in my Court. It
was Ex. 117 in my Court.

Mr. Binning cross-examines.

Ex. No. 384 shown to the witness.

* Ms. p. 583.

The Statement was recorded before me, and signed by
Kanhere before me.*

One of the accused Bhave was in the Nasik Conspiracy
Case.

It appears from my case Diary that he said he was
arrested at Parnje in Poon District.

No subpcena was sent to me.

Government sent me here.

I also examined Deshpande and Karve and they signed
the statements in my presence.

A. MONTGOMERIE,
Assistant Judge, Belgaum.

The evidence of the witness was read out by me to him
and found to be correct.

DORAB N. D. KHANDALAVALA,
Commissioner.

* Ms. p. 584.

11-30 A. M.
29th August 1917,

Translation of Ex. No. 434 is put in.

Translations of all the issues of the *Kesari* have been
marked with the same numbers as the originals and put in.

According to the agreement between the parties made on
the 1st of August 1917 all the issues of the *Maharatta* in
printed Vols. I and II have been marked as Exhibits except
those that are extracts.

Copies of those articles of the *Maharatta* of which extracts are printed in Vols. I and II are marked with the numbers of the Exhibits.

* *Ms. p. 585.*

Nos. 232, 250, 251, 252, 254, * 255, 256, 257, 258, 259, 262, 263, 264, 266.

Translations of the articles from *Kal* are now marked. Nos. 327, 328, and 331.

In Ex. No. 328 translation of the Editorial Notes only put in.

Certified copies of 5 pamphlets and a leaflet attached to the Mahomedan Memorial are marked collectively No. 317.

Translations of the above are marked with the same number (No. 317.)

Translation of Title-page.

Dedication song No. 7, song No. 11 and the opinion of the *Kesari* at the end put in Ex. No. 420.

* *Ms. p. 586.*

In Ex. No. 421 advertisement* on the back put in.

Translation of Ex. No. 436 put in.

Ex. X2 translation put in.

Ex. X3 translation put in.

Ex. X4 translation put in.

Mr. Tilak produces the original notice from Messrs Little and Co. to him. dated 8th of June 1917 with the Schedule.

Ex. No. 442.

At Mr. Tilak's request a duplicate is substituted and marked and put in.

Ex. No. 443.
(collectively).

Copy of a letter from Messrs Little and Co. to the Plaintiff and the Plaintiff's reply put in (9th of June 1917) (4th of June 1917)

* *Ms. p. 587.*

Certified copy of Ex. No. 385 put in. *

Mr. Bakle calls.

Vasantrao Babaji.

Solemnly affirmed by me.

Ex. A. 13 shown to the witness.

I produce a register of cases of the year 1899 of the Presidency Magistrate's Court.

Mr. Bowen *objects*.

Ex. A 13 A.

I have compared A13A with the original register and have found it to be correct excluding the information therein.

The certified copy bears the seal of our office.

Part of A13 is marked A13A.

VASANTRAO BABAJI,

Clerk in the Chief Presidency Magistrate's Court.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA,

Commissioner. *

* *Ms. p. 588.*

Ex. A 116.

Kesari. 21st April 1896 page 2 columns 1 to 4, page 3, column 1 with translation put in.

Ex. A 117.

Kesari, 28th April 1896 page 2. columns 1, 2 and 3 with translation.

Ex. A 118.

In XI, page 2. column 4. page 3. columns 1, 2, and 3. with translation put in.

Ex. A 119.

True copies of A11, A12 and A14 now put in.

Account of the Shivaji Fund upto 17th July 1899 with translation put in.

Ex. A 120.

Account upto 20th April 1906 with translation put in.*

* *Ms. p. 589.*

Ex. A 121.

Two decrees against the Deccan Bank Ltd. Poona in suits Nos. 559 of 1915 and 36 of 1916 obtained by the Plaintiff

and the late Mr. Khare in respect of Shivaji Fund. With translations put in.

Mr. Bakhale calls
Stanislaus Rowe
on his former oath.

I am Assistant Superintendent in the Judicial Department.

I produce the appendix to the original report of the late Mr. Vincent, Commissioner of Bombay.

Ex. A 122.

* Ms. p. 500.

Certified copy produced and put in.

The certified copy is correct I have compared it* with the original.

No cross-examination

S. ROWE.

Asstt. Supdt., Judicial Department.
Secretariat, Bombay.

The evidence of the witness was read out and found to be correct.

DORAB. N. D. KHANDALAVALA.

Commissioner.

Mr. Bakhle calls.

Vaman Sadashiv Gadre.

The 1st Defendant *objects* to this witness as no notice has been given.

Mr. Bakhale says that notice has been given and says that in the event of Ex. No. 408 going in as an exhibit in the London Court the following documents to go in. Chapeker's statement before* the Sessions Judge and the Sessions Judge's charge to the Jury.

* Ms. p. 591.

The witness solemnly affirmed by me.

I am a clerk in the High Court Appellate Side.

I produce a record of confirmation case No. 2 of 1898.

Emp. Vs. Damoder Hari Chapeker.

I produce Chapeker's statement before the Sessions Judge date 2nd February 1898.

Ex. A 123.

I produce a certified copy.

The copy put in.

The copy bears the seal of the High Court.

Ex. A 124.

* Ms. p. 502.

I produce the Judge's charge to the Jury. I also produce a certified copy which bears* the High Court seal.

It is put in.

Ex. A 125.

I have brought a certified copy of the judgment in Criminal Revision No. 1 of 1904 dated 3rd March 1904. It is put in Judgment in case No. 232, 1916 dated 9th November 1916

Ex. A 126.

Certified copy put in.

It bears the seal of the High Court.

Judgment in the Privy Council Appeal No. 33 of 1914 dated 26th March 1915 and the Decree dated 29th April 1915.

Ex. A 127.

* Ms. p. 593.

Certified copy of the above put in. It bears, the High Court seal. *

No cross-examination.

V. S. GADRE.

29-8-17.

The evidence of the witness was read out and found to be correct.

DORAB N. D. KHANDALAVALA.

Commissioner.

Ex. A 128.

Mr. Bakhale puts in a certified copy of Judgment in Suit No. 358 of 1901 in the Court of the 1st Class Sub-Judge at Poona.

- Ex. A 129.** *Kesari* 12th October 1915 page 6 columns 1 and 2. Extract from the article with translation put in.
Mr. Bakhale calls.
The clerk of the Clerk of the Crown.
M. B. Savant.
on former solemn affirmation. *
- * *Ms. p. 594.*
I produce the *Maharatti* record in case No. 1 of 1910
The witness is shown A. 112, A. 113, and A114.
These three extracts were returned to the Police.
These appear in the list and were returned.
I can also say that they were returned from the endorsement made on the outer sheet.
- Ex. A 130.** Karve's Maharati statement produced from the record.
A certified copy and translation put in.
I produce from the record the original statement of Vinayak Narayan Deshpande.
- Ex. A 131.** A certified copy and translation put in.
I produce the original deposition of Gangaram Rupchand from* the record.
- * *Ms. p. 595.*
Ex. A 132. A certified copy and translation put in.
In Emp. Vs. Tilak case No. 2, 4th Sessions 1897.
- Ex. A 133.** Cross-examination of the Government translator put in.
True copy put in.
- Ex. A 134.** Extracts from the charge to the Jury. Certified copy put in.
Mr. Bowen *objects* as only a short extract is put in.
Extract from the cross-examination Cases Nos. 16 and 17 of the 3rd Sessions of 1908.
- Ex. A 135.** Certified copy put in.
I produce the original of the accused's statement in cases Nos. 16 and 17, 3rd Sessions 1908.
- Ex. A 136.** A certified copy to be put in.
- Ex. A 137.** Certified copy of the correspondence between the Plaintiff and the Clerk of the Crown put in.
M. B. Savant.
The evidence of the witness was read out and found to be correct.
- DORAB N. D. KHNDALAVALA,
Commissioner.
- Ex. A 138.** Agreement between the parties dated 29th Aug. 17, put in.*
- * *Ms. p. 597.*
Ex. A 139. Consent order regarding duplicate copies of the records to be sent to England put in dated 1st August 1917.
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