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SAVARKAR ISSUE!

"Art thou a statesman, and canst not be a hypocrite? Impossible! Do not distrust thy virtues."—*Dryden.*

"The most formidable enemy of the public welfare is not riot or sedition, but despotism: it changes the character of a nation, and always for the worse; it produces nothing but vices."—*Helvetius.*

"Look on who will in apathy, and stifle they who can,
The sympathies, the hopes, the words that make man truly man:
Let those whose hearts are dungeoned up with interest or with ease,
Consent to hear with quiet pulse of loathsome deeds like these!

—*J. R. Lowell.*

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THE SAVARKAR CONSPIRACY.

I.

On 8th February, 1910, a warrant was granted by a magistrate in Bombay against the Hindu patriot, Vinayaka Damodar Savarkar, B.A., charging him with five offences under the Indian Penal Code, all of which were variations of the one offence. They were as follows:—

(1) Waging war or abetting the waging of war against the King in India. This offence is not quite equal to the offence of treason in England, the legal definition of war being any covert act calculated to subvert the Government. The offence is punishable by death or transportation for life and the forfeiture of property.

(2) Conspiring, in contravention of Section 121c of the Indian Penal Code, to deprive the King of the Sovereignty of British India or a part of it.

(3) Procuring and distributing arms in London in 1908, thus abetting the murder of Mr. A. M. T. Jackson, collector of Nasik, which occurred at a local theatre on 21st December, 1909.

(4) Procuring and distributing arms in London in 1908, and otherwise waging war against the King from London.

(5) Delivering seditious speeches in India, at Nasik and Poona, January to May, 1906; and in London, 1908 to 1909. This was also included in the first offence.

The warrant was granted against Savarkar in his absence, on the ground that these offences came within the Fugitive Offenders Act of 1881. A telegram was despatched to London, with the result that, on 22nd February, 1910, a provisional warrant was granted by the Bow Street Magistrate. As a consequence, Savarkar was arrested at Victoria Station on the 13th of the following month when leaving the Newhaven Boat Train from Paris.

MR. V. D. SAVARKAR,
the Hindu Patriot, who will be released from the Andamans Prison, Dec. 24th, 1960!

Sir Rufus Isaacs, then Solicitor-General, defended these high-handed proceedings in the Divisional Court, on the ground that Savarkar waged war against the King in India in 1906, and then went away from that country. He was now to be found in England. In 1909, whilst in England, he had been guilty of certain acts, which, in law, constituted an offence in India as well as in England. For the purpose of Section 2 of the Fugitive Offenders Act, it was immaterial that the going away preceded the offence, nor did it make any difference that the later offence was triable in England as well as in India. To this jargon of legal nonsense we oppose the real facts of the case. Savarkar was not a fugitive from India so far as the Acts of 1906 were concerned. He did not leave India because of anything he had done there. He came openly to London to study law, and no steps were taken against him at the time. So far as his 1909 acts in London were concerned, to claim that he was a fugitive from India for an offence committed in England against the English Government sounds strangely like nonsense. And here is the Section 2 of the Fugitive Offenders Act of 1881, which Isaacs claimed as covering Savarkar's alleged offence:—

"When a person accused of having committed an offence (to which this part of the Act applies) in one part of (his) Majesty's dominions, such person (in this Act referred to as a fugitive from that part) if found in another part of (his) Majesty's dominions, shall be liable to be apprehended, and returned in manner provided by this Act to the part from which he is a fugitive."

Here the accusation must be the cause of the running away for the person to be deemed a fugitive. But what can one say of an offence, openly committed in 1906, that the Government does not discover to be one until 1910? How could Savarkar flee in May, 1906, from an accusation made against him in February, 1910? And the London offences—how could they have been committed in "one part of (his) Majesty's dominions" (viz., India) whilst Savarkar, arrested in London, is held to be "found in another part," viz., the same place as that in which he committed the alleged offence?

Even the Lord Chief Justice was not satisfied with the absurd interpretation Isaacs placed upon this second section of the 1881 Act. So he called the latter's attention to the 33rd Section, which was as follows:—

"Where a person accused of an offence can . . . . be, under this Act, or otherwise, tried for or in respect of the offence in more than one part of H.M. Dominions, a warrant for the apprehension of such person may be issued in any part of (his) Majesty's Dominions in which he can, if he happens to be there, be tried; and each part of this Act shall apply as if the offence had been committed in the part of (his) Majesty's Dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended, a Court has jurisdiction to try him."

Now, this Section of the Act did cover Savarkar's alleged offences. Why, then, since it met the case, did Sir Rufus Isaacs—knowing the Act, as he must have done—insist on Section 2, and omit all reference to Section 33? The reason was, that if the alleged offence came within the provisions of Section 2, there were no grounds on which the warrant could be refused. But if it was held to come within the provisions of Section 33, another Section, 10, became operative. This Section was:—

"Where it is made to appear to a Supreme Court that, by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all, or until the expiration of a certain period, such Court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make some such other order in the premises as to the Court seems just."

If Section 33 covered Savarkar's case, so did this Section 10. Sir Rufus Isaacs, skilful lawyer that he is, realised this fact. Hence his insistence on the section that did not apply, that even sophistry could not make seem to apply—Section 2. The Lord Chief Justice's discovery made it necessary for the judges of the Divisional and Appeal Courts to show that Section 10 did not apply to Savarkar's case, since the latter's return to India had been decided on, and was ordered by the executive:

1. It was open to Savarkar to urge that the warrant was not issued in good faith by the Indian Government, because the latter had taken four years to realise the seditious character of the speeches he delivered in 1906. Had he been tried then, he would have been entitled to a legal trial, including a jury, etc., the right of which had since been suspended. Justice Vaughan Williams, in the Court of Appeal, over-ruled this objection because

"The proper construction of Section 33 refutes the suggestion that the executive have included the charge based on the seditious speeches of 1906 as essential and necessary for the purpose of bringing Savarkar within the operations of the Fugitive Offenders' Act of 1881."—*Times*, June 22nd, 1910.

But the warrant charged Savarkar with "waging war" on the strength of those speeches. And his return was pressed for, not under Section 33, but 2, which was twisted to apply to those speeches. Not the executive, but the Lord Chief Justice, was sceptical of the application of Section 2. Consequently he unearthed Section 33, which applied to the London "offences" of 1908-9. Vaughan Williams' decision means, if anything at all, that under the 1881 Act, Savarkar could not be returned to India for the charge based on 1906 speeches. Yet that charge was retained in the warrant on which he was returned. On his return, he was sentenced to transportation for life and forfeiture of property on that charge, which was the chief one against him. And yet the Appeal Court judges and their Divisional Court brethren endorsed the dictum of the Lord Chief Justice, "that, if there had been nothing more than the seditious speeches made in 1906, he should have considerable doubt whether it might not be oppressive, not unjust, but oppressive to send Savarkar back now." From this fact alone we are justified in concluding that Savarkar's return to India was a legal as well as a moral outrage.

2. Under Section 10, Savarkar should have been allowed to take his trial in London, because the witnesses he required (to prove that he did not give the Browning pistols to the person who had stated this against him) had less to fear from appearing in London than from appearing in India, where no fair trial could be secured. Consequently they might have appeared in London where it was certain they would not appear in India, owing to lack of funds on Savarkar's part and no lack of terrorism on the Government's. Both Divisional and Appeal Court upheld Justice Coleridge's cynical dismissal of this objection on the ground that Savarkar's witnesses would appear neither in India nor England. This meant that his witnesses were threatened, whilst the Government witness had been pardoned a life sentence for turning traitor. Yet Savarkar is supposed to have received justice!

3. Even if Savarkar's witnesses would have appeared neither in England nor India, his return to India was unjust and oppressive, because in England he would have been entitled to give evidence on his own behalf, whereas in India, under the Act of 1908, he was not. The Divisional and Appeal Judges held that it would "be a very, very grave responsibility" to take upon themselves to assume that the negation of this right was unjust or oppressive. In other words, in order to secure Savarkar's return to India, the English judges practically denied that the law substantive involved the law adjective, or that there was a definite relation between law and the forms of procedure, and between these again and mode of evidence or testimony. We assert that the experience of mankind, the history of jurisprudence, and the claims of these judges on other occasions, give the lie to this monstrous cant.

4. The whole of the foregoing paragraph applies to the further objections raised by Savarkar, namely, that he would be tried by three judges instead of a jury as in England, and be able to appeal to no Court of Appeal. The ruling that held these differences of trial were not unjust and oppressive reduces our legal pretensions and traditions to a farce, and abolishes all the laws of evidence and well-established principles of jurisprudence. It means that our Courts hold that a jury is unnecessary—a useless form—and a Court of Appeal—to which so many persons owe the quashing or reduction of unjust sentences—is a tribunal that does not count. Either that, or else we are to believe that an English judge and jury may be wrong where an Indian tribunal of three judges cannot err! Was such knavish nonsense ever promoted outside of our Courts of Justice?

II.

At the conclusion of the extradition proceedings, Savarkar was secretly taken from Brixton Prison to the P. and O. liner "Morea," to be conveyed to India. When the vessel was lying alongside the wharf at Marseilles—on its way out—Savarkar went to the bathroom, and while his gaolers waited outside, he succeeded, after divesting himself of his clothing, in squeezing through the port hole of this ship. Swimming ashore, he reached the quay and ran. Two marine gendarmes gave chase, captured the fugitive after he had gone more than 300 metres on the French soil, and brought him back to the ship. This occurred on Friday, July 8th, 1910. Subsequent revelations showed that this arrest was connived at by Premier Briand—the man who had previously betrayed the French proletariat—and the British Government. The former voluntarily betrayed the sovereignty of the French people behind the back of its national assembly. This infamy has damned Savarkar to a life sojourn in an Indian dungeon. Why the British Government approached him will appear presently.

As early as June 29th, 1910, the French police were informed by the British authorities that Savarkar would be on board the vessel "Morea," touching at Marseilles on July 7th or 8th. The Minister of the Interior thereupon warned his subordinates to guard against any possible escape. In accordance with these instructions

a commissionaire of the French police was placed at the disposal of the commander of the "Morea" and the British police in charge of Savarkar during the vessel's sojourn in French waters.

We do not need to ask what were the inducements offered to Briand. The man who betrayed the French workers for office would be quite willing to sell French sovereignty for the equivalent of office. The Minister who can send his old colleagues to prison for fidelity to their principles could be counted on as willing to send Savarkar to the dungeon for patriotism. It is more interesting to learn why the British Government employed him.

According to international law, Savarkar was a political offender. Consequently he ought to have been conveyed to India on a Government vessel, or have been released the moment such a ship as the "Morea" came within three miles of Marseilles. His detention in French waters, under such circumstances, was an invasion of France and an infringement of the right of asylum. To overcome this difficulty of non-jurisdiction Briand's connivance was secured.

Had a Government and not a private vessel been employed this would not have been necessary. But this does not mean the Government had blundered. On the contrary it exhibited great cunning. We have already shown how Savarkar was returned to India on an illegal warrant. The decisions of the Judges in the Divisional and Appeal Court had rendered invalid the Magistrates' warrant on which he was returned. Charged with high treason practically, he was not returned, *as he should have been*, on a warrant signed by the Secretary of State for India. Why?

Because that would have meant sending him back to India on a warship as a political offender. That would never have done, since the Government wished to bring him forward as a criminal rather than a political offender. It did not succeed, but that was its object. The recent disgusting Indian Durbar had already been planned. The Royal Proclamation which it witnessed had already been drawn up. Its promised valueless reforms and pardon of political prisoners already thought out. But it was intended that Savarkar should not be included among the pardoned. Political offender though he was, to return him on a magistrates' warrant on an "abetment of murder" charge brought him before the public notice as a criminal. To return him on the Indian Secretary's warrant, and engage a warship for his conveyance, would have been to have emphasied his standing as a political offender. And then that Indian Durbar parade of mock clemency would never have worked. For Savarkar was and is India's most distinguished political "felon" of modern times. The Indian Secretary, therefore, abstained from signing the warrant, and the private vessel "Morea" was chartered for Savarkar's conveyance.

On learning this, Mr. Sayamaji Krishnavarma, M.A., and other Indian refugees in France, made arrangements to approach the French Courts and secure the legal right to seize the "Morea" pending the rescue of Savarkar. The English Government expected some such action to be taken: hence the secret negotiations of which Mr. Krishnavarma and Savarkar's other friends were not aware. It was essential to the English Government's remainence of its victim that they should remain secret till after Savarkar's conviction at least. To accomplish this something had to be done in order that Savarkar's friends might regard his early release as certain, and be diverted from pursuing their application in the French Courts, whereby they would secure the right of holding up the "Morea" on the high seas. That "diversion" was to be Savarkar's escape. We say that the undertaking of the French Government, the laxity of Savarkar's captors, and the watchfulness of the French *gendarmie* are explainable only on the grounds of connivance. And the result was as anticipated.

Not only had Savarkar been illegally detained on the "Morea" in French waters, but he had been illegally arrested by a stupid policeman on the French shore, and illegally handed back to his captors! Such a breach of the right of asylum could not be permitted! The entire French Press demanded Savarkar's return to France. The French Socialists looked to the English Socialists to support them in this demand. The French Government made a pretence of persisting with its demand, because it feared the strength of the agitation which menaced it. So the matter was carried to the Hague, and Savarkar's early release taken for granted. Savarkar's friends could not take any further action pending the Hague award, which promised to be favourable. Only Briand and his English employers and their satellites had reason to suggest otherwise. To them the heroic and dramatic escape of the Hindu patriot was but the snapping of a mouse at the bait of cheese. Only political asylum was the bait, and France the trap. Had the French and English proletariat known this, the storm of indignant protest would never have been silenced by the promise of arbitration.

III.

The Indian Government proceeded to conviction with its charges against Savarkar before the Hague Court met, because it was well aware of the "legal" significance of Briand's action. But we may be permitted to quote the ruling of the Indian tribunal at Bombay as to its right to "try" its victim pending the Hague decision. It was that the illegality of Savarkar's arrest in France did not matter. He was legally "found" in India by being there, whether brought there against his will or not, whether illegally arrested on French territory or not, whether sent to India on an illegal warrant or not! The Court that delivered this dictum was composed of the following persons:—Chief Justice Hon. Sir Basil Scott, Hon. Sir N. G. Chandavarkar, and Hon. Mr. Justice Heaton. Consequently during the 69 days that the Nasik Conspiracy Case lasted, the main charge against Savarkar was based on these speeches of 1906. The evidence against him on this score is given below, as extracted and summarised by us from the full reports published in the Anglo-Indian weekly journals for 8th October and 15th, 1910, respectively:—

"Amarsing Sakaramsing, head constable at Nasik, stated that he resigned that post in 1905. He came to know about the Mitra Mela in 1904, and became its member in 1905, being introduced to the society by a member named Marsing. He had left the police before he joined the Mitra Mela, and he had left the Mitra Mela before he rejained the police. He had no written proof that he had even been a member of the society. *He did not join it as a spy, but as an honest man.* On joining it, he understood its objects to be swadeshi, boycott, and national training. At its meetings there were discussions on these themes, and also on Swaraj and independence, both these terms meaning the same thing. Suggestions were made that Swaraj or independence could only be obtained by collecting arms, founding secret societies, and raising rebellion against the Government. Attempts were made in these directions, *although no arms were collected during the time he was a member of the society.* Also to secure acids, which V. D. Savarkar had told them were explosives. The murder of Government officers was also planned, *though it was not decided who were to be the officers selected for murder, nor where the murders were to be committed.* When he was a member of the society he belonged to the third class, where histories were read and lectures delivered. Members of the second class were exhorted to be firm, and given physical training. He knew V. D. Savarkar, who was the founder and leader of the society. The latter delivered many lectures to its members, in one of which he urged that they must make their minds firm, and that they required physical training to do many of the things required of them. When this lecture was delivered in public near a temple, there was a picture of Maruti placed in front. Maruti illustrated a mythological story. He had a big stick in his hand, and was trampling down a demon whose complexion was white and rather red (*sic*). As Savarkar talked about the picture, the effect produced on the witness's mind was, that like Maruti they would have to fight battles with arms. *The physical training was done in a compound surrounded on all sides by a wall, over which the public could not look.* The training consisted of 'dandpatta,' strengthening of the muscles of the body, and other things."

"Vithal Dhatatri Potkar, a Brahmin priest, stated that he was in the Nasik Police in 1905-7. He attended meetings of the

society on May 4, 14, and 29, and July 11, 1906. *He sent in reports of speeches made at these meetings on the day from notes made at the meeting. The original notes he had destroyed.* Savarkar's brother, W. D. Savarkar, spoke at some of the May meetings, and V. D. Savarkar's name was mentioned at the meeting held on 29th May."

"Vaman Narhar Dani, constable of the Nasik Police, deposed to having submitted a report to his sub-inspector regarding the proceedings of a meeting held in Brahmanand Theatre on 1st January, 1906. V. D. Savarkar spoke at this meeting, and also at a meeting held at Nava Darwaza on 21st April, 1906, when he held forth on mental and physical culture. The following day, Savarkar delivered another lecture on this subject. The witness reported all these speeches, and now read out his reports, which were in the Marathi language. *The speeches the witness read out were not whole speeches. He had destroyed his original rough pencil notes of the speeches.*"

"Sub-Inspector Hari Narayan Pimple, C.I.D., took notes of the speeches delivered at a meeting held in the Poona Sarvajanik Hall in 1906. V. D. Savarkar was one of the speakers. He spoke in Marathi. *The witness took notes* [of portions of two speeches by Savarkar and the other speeches] *in English. These rough notes had been destroyed.*"

After this, we need not bother our readers with Mr. Pimple's report.

Here the Lord Chief Justice and his colleagues of the Divisional Court suggested that it was fairer for Savarkar to take his trial *even* on his speeches in India, as the local courts would understand the significance of his speeches from acquaintance with the language he employed. Yet these worthy judges had the depositions before them of the above police officers, showing that no authentic reports of Savarkar's speeches existed. What use are partial reports, concocted and adapted from notes that are destroyed? And then the charming innocence of the judicial contention that an English Court would not understand whether the English translation was just or no to the accused, *when they knew that the chief report was translated into English from Marathi by a policeman, whilst the lecture was being delivered. He only took partial notes then, and even these had been destroyed and fresh notes made from them.* We say our English judges either knew this, or else they were requested by the Indian Government to return Savarkar upon false depositions. Which was it?

Again, the evidence of the Nasik head constable was, in many places, obvious perjury, as our readers will have seen for themselves. We will clinch this description by reproducing the following evidence of another Crown witness:—

"Dhacappa Sidharappa Valva, grocer of Nasik, followed the Head Constable as witness for the Crown. He had been a member of the Mitra Mela, *which was not a secret society.* All its meetings were open, and its physical culture exercises were conducted in a *public gymnasium*. This was between fifty and sixty years old, and situated in a large house. It was divided into nine parts. He was for a long time its unpaid conductor."

This gives the lie to a portion of the obviously false evidence of the Nasik Head Constable, who "as an honest man," would have us believe he flitted from the police to a secret society and back again to the police without being a spy! What does he take mankind for? Truth to tell, the Government did not dare to hope that a jury would convict Savarkar in 1906 on the strength of the police report of his speeches. After the Criminal Law Amendment Act of 1908, suspending the right of trial by jury, etc., was passed, the Indian executive looked to its judges to take these police reports seriously. Then it had to invent a reason to remove the charge from the realm of the trivial to the serious. Consequently it made its police-spy "an honest man," who could not "split" in 1906, being a member of Savarkar's society, but who had denounced his comrades of that organisation on rejoining the police. His exposures (?) or, shall we say, "officially suggested inventions," made the Government realise the necessity of putting Savarkar away! Hence the delay in prosecuting was accounted for, and despotism was enabled to go on its way rejoicing.

IV.

On 24th December, 1910, Savarkar was sentenced to transportation for life and confiscation of his property on the first charge against him, based on his 1906 speeches. According to Justice Vaughan Williams, this charge was not essential nor necessary to his re[tu]rn under the F.O.A. of 1881. In other words, it was impossible to send him back under this Act, with any pretence of conforming to its provisions.

The real charge on which he was returned was heard from January 24-30, 1911. It was sending twenty Browning revolvers to Bombay, as an accessory to the murder of Mr. Jackson, and with the object of overthrowing and weakening the English Government in India by a show of criminal force. On both charges he was found guilty, and each charge was held to establish Savarkar's complicity in murder. Consequently he was again condemned to transportation for life. The only evidence against him on this charge was the uncorroborated testimony of Chatterbhuj, cook at India House, who alleged that Savarkar sent him to Bombay in 1908 with a case of twenty revolvers designed for terrorist acts. One of these revolvers—*i.e.*, a Browning revolver—was used in the murder of tax-collector Jackson on 21st December, 1909. There was no evidence connecting Savarkar with the author of Jackson's assassination. Still he was found guilty—*even though, had he been tried here, he would have gone into the witness-box and produced witnesses to state that he did not and to prove that he could not have sent pistols through this person to India.*

In view of these facts, let us dwell reverently on the canting sophistry of the Lord Chief Justice's reasons for not allowing Savarkar to be tried here:—

"But had they as Judges of a Superior Court the right to say that a man should not be sent to be tried in another part of His Majesty's Dominions because the mode of trial there was not the same as it was here? . . . The responsibility of saying that would be a very, very grave one, and he could see nothing in the present case which would justify them in assuming it. If they thought the words unjust or oppressive in the present section meant too severe on the individual."

The truth is that the normal mode of trial in India is no different from here. Only the abnormal mode of trial, due to the suspension of the rights of the citizen or subject by the 1908 Criminal Law Amendment Act. The charges against Savarkar were worthy of full and free investigation. Never was it necessary to more thoroughly apply the laws of evidence to a case. In England that was possible. In India, without the full rights of investigation, that was impossible. The right to give evidence, to be tried by a jury, to appeal on points of law—all were essential to justice. And each of these essential rights was denied by this Act. As Mr. Justice Coleridge said:—

"Its existence pointed to a state of things that was not normal, and its provisions suspended the rights of citizens to an ordinary legal trial."

Surely this was oppressive and unjust to the individual! And how can a suspension of "an ordinary legal trial" be regarded as a different "form of trial"? Really, judges can use terms with remarkable inexactitude when it serves the interests of the despotism they represent. Of course Mr. Justice Coleridge held that the rights of the citizen to an ordinary legal trial must be upheld, only:—

"They could not hold that it was oppressive to send Savarkar to India, where he would not enjoy these rights without saying that there existed in their minds a presumption that a special Court in India might act unjustly or with oppression. The matter was one of the greatest difficulty, and he was desirous of expressing no opinion on it. . . . On the whole he was not sufficiently convinced on the point to insist on what might be his own personal views against that of the majority of the Court."

So he *did* think it was unjust and oppressive to send Savarkar to India, and he did *feel* that he was *not* safeguarding all the rights of the citizen or "subject." Only *not* to do so would be uncomplimentary to Anglo

India judicial sagacity and the executive of our despotism in India. Splendid! But is not this sort of argument a reason for destroying the Court of Appeal? Again, seeing that Savarkar's 1906 speeches did not bring him within the Fugitive Offenders Act of 1881, but that his 1909 London acts did, was not the request for his return to India a presumption that an English trial would result in his acquittal? Does not this fact condemn the Special Indian Court, and warrant, not the presumption, but the conclusion that its procedure and decision would be unjust and oppressive to its victim?

Again, as an individual tried in London, Savarkar would just stand alone. As one of the accused in the Nasik Conspiracy, his name was continually being mentioned in association with those of his brothers. In reading the Anglo-Indian reports of this trial, we were struck with the big lines, "Savarkar's Work on Indian Independence," "Savarkar's Societies," "Savarkar's Orations, etc. To the casual reader it appears that he is the very embodiment of Satan himself where, truth to tell, half the references are made to his two brothers as well as to himself. Where these reports were summarised, the effect on what public opinion does exist in India was worse still. This was "unjust and oppressive to the individual"—Savarkar himself, and should have satisfied even the conscience of a Lord Chief Justice.

We have now to turn to the significance, according to Indian Penal Code, of the abetment of murder and the abetting of waging war charges. Giving judgment on Savarkar's first trial, in connection with the Nasik Conspiracy, Chief Justice Basil Scott quoted Explanation V., Section 108, of the Code. This was as follows:

"It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed."

After this, what becomes of the grave statement of our judges that, had there been "no abetment of murder charge," they would not have returned Savarkar to India? Did they know anything about the provisions of the Indian Penal Code? If they did not, they have no right to adjudicate in these matters. If they did, they have grossly outraged every principle of justice and every canon of commonsense. In any case, as they would remind the layman, ignorance is no excuse. For, so far as this provision or explanation is concerned, the "evidence" that Savarkar ever sent any revolvers to India could have been proved to be perjury, the "testimony" concerning his 1906 acts could also have collapsed, and the charges would still have been held to be "proven" because he was known to be an opponent of the British Despotism, and to mix with persons entertaining Anti-British sympathies with a view to promoting these views. In a word, the Government in India is one huge conspiracy against the man of open mind and honest expression of his views. Given this, he is liable to be convicted at any moment of any crime it pleases the Government to bring against him, whether with reason or without. For does he not entertain views that have been passed on, through various agencies, to another person, who, resorting to violence, because of his views, must necessarily find an abettor in every person who has assisted in promoting the views which, given a certain type of convert, will lead to violence of one kind or another? Still he must not deem such laws unjust or oppressive! Oh, no, dear Lord Chief Justice, neither unjust or oppressive, we assure you. Quite mild and merciful, considering, *yes*, *considering*, most upright judge!

V.

The Hague award was given in February, 1911. It annulled the right of political asylum and exposed Briand's intrigue. Three days later he resigned rather than face questions in the Chamber of Deputies. But the precedent which his action had created established the right of Russian agents acting in collusion with the English police and Government, to kidnap any Russian refugee and transport him to Siberia without the knowledge or consent of the British people or even the British Parliament. No rule of international law could be invoked for his restoration. Emphasis was lent to this possibility by the fact that the Russian Duma passed a bill annulling the right of political asylum on the same day as this award was given. The bill provided for the extradition, by mutual arrangements with other Governments, of political offenders guilty of attacks on the life, health, or honour (?) of a foreign ruler! We wonder whether such harmony of reaction was due only to coincidence! Certain it is that England has always assisted Russian despotism. And the Hague award was something to be pleased. Indeed, "perfide Albion" has never since ceased to rejoice.

A Government that insults the starving millions in India and England by the Royal puppet show at Delhi —that promises pardon to political offenders, only to retain its hold over a man who is the victim of the most infamous knavery our capitalistic governors could evolve—is one of the worst abominations of the earth. All the empty pomp and tinsel show of monarchical pauper splendour cannot lend dignity to its machinations nor glory to its career. Seditious these words may be. Just and deserved they certainly are. Yet worse is to follow.

Immediately upon the conclusion of the Durbar "triumph," it was officially announced that Sir Edward Grey had appointed Sir Eyre Alexander Crowe, K.C.M.G., C.B., to be Assistant Under-Secretary for Foreign Affairs. Crowe was appointed a Clerk at the Foreign Office in 1885, and received his promotion to Assistant Clerkship in 1900, and to Senior Clerkship six years later. He was knighted in 1911, in recognition of his services rendered in connection with the Savarkar Arbitration at the Hague. Just reflect how much gloating on the part of the English Government over its victim this rapid promotion of Crowe points to.

VI.

On June 27th, 1911, Savarkar was brought from Madras to Bombay, and taken on board the s.s. *Maharaja*, bound for Andamans. His sentence expires on December 24th, 1960!! He is allowed to write one letter *a year* to his wife!

This incarceration must cease. Savarkar's immediate release must be insisted upon with the same fervour, the same unwavering determination as that with which we demanded Malatesta's salvation from an Italian dungeon. Life incarceration is as bad for the one as for the other. We have upheld the right of political asylum against the conspiracy of the English police and the Italian Government. It now remains for us to refuse to surrender it to that unholy trinity of craven Czar, renegade Briand, and Featherstone-assassin Asquith. Tyranny must be checked, unless we would all become the victims of the insatiate monster of Governmental Despotism. From pure selfishness, therefore, we should raise our voices without any further delay in public denunciation of Savarkar's judges, **and in an aggressive and militant demand for his immediate release.** For there can be but one fitting conclusion to the record of criminal conspiracy, intrigue, Governmental illegality, and judicial impertinence we have here impeached, viz:

the unconditional release of its victim!

SUPPRESSED AND DESTROYED!

The *Gazette of India* officially prohibits the importation into India of Sir Walter Strickland's pamphlet, *British Justice and Honesty*. The Zurich printers and publishers of this work, as a consequence of the official pressure that has been put upon them, have officially repudiated the pamphlet and destroyed it, all copies out of an edition of 3,000. The other 200 had already been distributed.

Government by Hooligan.

By W. W. STRICKLAND, B.A.

Those of us who know our India by practical experience, those of us who have been very nearly done to death by a conspiracy of its infamous Presidents, its infamous Governors, and its infamous Police, know that there is no justice for the proper owners of the country, that there is, in fact, no government there, but only a camorra of alien thieves, liars, and murderers, whose sole reason for being there at all (to quote the words of one of them) is "to hold down the Hindu with one hand while we ram our own shoddy goods down his throat with our bayonets in the other." I may note in passing that this English brute—a member of the House of Commons, by the way—evidently adopted his metaphor from the methods of the English police in India when some English police official has taken a fancy to and wishes to debauch any low-caste married Hindu woman. A charge of attempting to poison her husband is trumped up, and she is given the alternative of yielding or being tortured to death by means so foul that even the filthy butchers of Edward the Second would have hesitated to apply it to a woman. It now forms an integral part of the English police system in Hindustan, and one of the milder forms of torture applied by these ultra-Russian ghouls against their unfortunate fellow-subjects. The real business of English police and English magistrates in India is to trump up charges of disloyalty against its peace-loving and law-abiding citizens to serve as a pretext for burning and looting their shops if they venture to expose for sale or buy home-made goods instead of English shoddy; to arrest public lecturers who venture to discuss questions of industrial and national economy in the open-air; and to suppress newspapers that dare criticise the methods of alien brigandage. The main business of the Executive is to pack juries and order the condemnation of India's most gifted writers and thinkers, such as the Sanscrit scholar, Bal Gangadhar Tillak, Arabunda Ghose, and India's most distinguished physicist, Professor Jagadis Chunder Bose.

If a Hindu newspaper writer ventures to quote Mazzini he is punished with three years' penal servitude, and is told he may thank his stars it is not for life. When the people of Bombay rioted in consequence of the iniquitous condemnation of my friend Bal Gangadhar Tillak to six years' imprisonment in one of the reeking prison-hells of plague-stricken Mandalay by a packed jury of British scoundrelism to order of the British Viceroy, they were massacred by the British Cossacks with a ferocious brutality compared to which the five days' massacres of Milano by the Austrians, or even the later, more ferocious ones by order of Italy's late King, Umberto, or his henchman, were mercy and loving kindness. In Hong-Kong the English knout thieves almost to death. An eye-witness gave me a glowing description. He was a German Anglophil, who had been long settled in Australia, and, being the aggrieved party, described delightedly how almost before you could look round the fellow's hide was all in shreds round his waist. The description reminded me of that of the knouting to death of a Russian princess by order of the father or grandfather of the present Czar. The account is given by a French officer who was at Petersburg at the time, and was present at the execution. Either description is enough to make anyone but a British Thug turn sick and vomit. In Burmah the frequent practice of the English, to save trouble, is to ratten defendants—they fear even their iniquitous and partially applied code of brutality and injustice may acquit—to death previously. It only requires twenty blows, and is so much simpler and more satisfactory. In Ceylon the English police, which is nothing whatever but a camorra of scoundrels for the purpose of blackmailing the inhabitants, actually assault prisoners in public court, and floor them in the dock. In remoter parts of Hindustan English governors of prisons organise the housebreakers into regular bands, who are let out at night to break into and loot the houses of wealthy Hindoos in the neighbourhood. Governors and housebreakers then share the loot, and the prisons are scenes of indescribable orgies. Innocent political prisoners in these novel Yoshiwaras are hanged at a moment's notice, often without a record of the trivial circumstance being set down. In a cell underground three nooses are for ever dangling in readiness—eager, expectant, like the British ghouls, all throat and Czar for their fresh blood-bath. A precisely similar reign of terror existed at Glen Innes—where there was a model Anglo-Saxon prison—in New South Wales, Australia, only a few years ago. The magistrate and the police shared the spoils, and the Governor of New South Wales, one Rawson by name, an Englishman, came down to Glen Innes and was fêted by these choice officials. In fact, Anglo Indians and the descendants of Botany Bay convicts have much in common, both in lingo and temperament.

Some years ago the Hindoos courageously set up a Swadeshi line of steamers between Colombo and Tuticorin to compete with the monopoly of the filthy, expensive, and cheese-paring service forming part of the so-called British-India Company—really a Glasgow Scotch cuddy business. For a long time it competed more or less successfully, in spite of all the blackguardism of English police. English magistrates, terrorised and the rest, in collusion with the English harbour-master in Colombo; and the authorities both in Colombo and Tuticorin combined together to suppress it. Its English captains were bribed to run their vessels aground outside Tuticorin, English steamers in the Colombo harbour to run down its vessels there, which were then made to pay heavy damages, although it was the Swadeshi steamer that was damaged, and not the one that run it down! The whole of the shipwrights and carpenters of Colombo were then terrorised by the camorra of English police and English magistrates, and threatened with death and torture, or, worst of all, prison—an Anglo-Singhalese prison—if they ventured to repair it, and heavy harbour dues were exacted for every day it was compelled by these means to remain in harbour. When, in spite of all this dirty work of the Colombo police camorra and of the English magistrates and judges there, the Hindu Company courageously held its own, and could not be suppressed by these disgraceful means, a charge of "treason" was trumped up against its enterprising manager, Chedembaram Pillai, and he was condemned to eleven years' hard labour for insubordination against the British trade monopoly, in the hells of Comibatone. And what this prison is may be divined when I state, and the English filth at home cannot deny it—yes they can deny it, for they are mere throats agog for any perjury, but they cannot disprove it—that it is not an uncommon practice there for its sterconianiac English officials to compel prisoners they have a spite against to eat their own excrement.

The father of an estimable Eurasian friend of Blair Island was fool enough to have fought for these carrion beetles, with distinction and heroism, as a non-commissioned officer. His breast was adorned, or rather defiled, by their Victoria crosses and other badges of shame and infamy. Unfortunately he had contracted the swinish habits of intemperance of these "lords of human kind"—these vomiting Scotch cuddies and staggering Irish blackguards. In themselves it was all right and quite permissible, but they couldn't stomach to see their own vices burlesqued in an Eurasian ape, "a bl—dy nigger," to use their own choice expression, and he was literally knouted to death. Kät or knut—it is all the same. Both are Russian words signifying torture. He was ordered 1,000 blows with the knout over and over again, until he became so weak that the punishment had to be carried on from day to day. I

compelled him to recoup himself with dram drinking, and then he was allotted another 1,000 strokes by these paladins of moderation and sobriety. At last he succumbed, literally flogged to death and to shreds for his loyalty and heroism by three Christian cannibals whose lives he had perhaps saved. And I almost think it served him right for doing so.

And it is this filthy, stercomaniac mange and ravin of the North, this sadic weir-wolf dripping from its ravenous jaws and from every pore with human ordine and the blood of innocence, that has the face to present itself before Europe and to declare that it must be treated with "quite peculiar consideration, because it occupies a quite peculiar place in international morality." Here it *must* have its pound of human flesh at any cost, this Shylock of the Northern stew, this rancid cormorant and vulture rolled in one. Here its victim *must*, indeed, bleed and rot to fit him for the Northern Monster's meal. Here was high treason, indeed, to be decorticated with knout and kat, to be rattened to a jelly, to be throttled in torture chambers of viper islands. This traitor, this Savarkar had told the truth. He had lifted a corner of the thick parchment-covering scrabbled over with the prophylactics of England's voluble official tears and primed and fluent lying scribes, for Europe to catch a glimpse of the putrifying corpse within: here was treason double-dyed, indeed! Had he not ventured to expose the Vampyre's previous abominations after the Indian revolution, abominations which almost pale before its present cynical challenge to decency and insults to civilized Europe and to civilized humanity? He must be torn to pieces alive, he must be shredded, he must be decorticated, to patch the rent and leathery mask that his revelations had rendered no longer reliable to gull a world withal.

Readers' Criticisms.

DEAR COMRADE EDITOR.—In his article on *Political Maniacs* (September *Herald*), John S. Clarke perpetrates the following S.L.P.ism:—

> "These political encyclopedists apparently do not understand the difference between the general strike lunacy of the *Freedom* groups, and the 'lock-out of the master-class' of the Industrial Unionists."

In his own party organ, the sentence would not have been out of place—one expects to find that sort of thing there. But in your journal it calls for comment. I am not surprised that "these political encyclopedists" or anyone else should fail to understand a difference that has no existence. Supposing you were to fill a bottle with brandy, and label it "Cognac" on the one side and "French Brandy" on the other. Would you be surprised if someone, sampling the contents, failed to understand the difference"? The "lunatics" of the *Freedom* groups advocate the expropriation of the capitalists and parasites by means of a universal general strike. The sane, cultured, and modest gentlemen of the S.L.P. and Industrial Unionism aim at organising a general revolt of the workers and a "lock-out of the master-class"! We say "Brandy;" they, "Cognac"! And call us "lunatics"!

The fact is, they only call it "the general lock-out" because it would be a lowering of their dignity to admit that the Anarchists were the first to conceive the idea. For years the Socialists repudiated it, scoffed at it, called it the 'general stupidity." Then some of them came to doubt the efficacy of Parliamentary action, and veered round to direct action. So now they are the wise men of the revolutionary movement! And the Anarchists, who advocate the same thing, using a different name, are "lunatics." Selah!

Dundee. ALVAN MARLAW.

Harborne, Birmingham.
25—9—1912.

DEAR COM.—I have not disposed of your papers yet. I shall perhaps distribute them in Brum, that is if you can learn to behave yourself. You have gone out of your way several times to attack the Freedom Groups. Now Freedom has always stood for Anarchism. You an erstwhile paid hireling for a Nationalist movement are naturally suspect to us. What the devil do we care for any damned Nation. Therefore when we do not worship a Whippersnapper like you and Hall applies to you a very fitting handle you turn round and abuse all of us expecting all the same that we shall support you.

"The ghoulish exploitation of Kropotkine," General Strike Lunacy of Freedom Group, ect. Bah. Where angel fear, Fools dare to Tread. Are you not aware that even so far back as May 1st, 1905, the London Anarchist issued a Manifesto. We have no belief in Trade Unions as such, than in political action, yet we prefer those who rely upon their own actions, to those who cry for State Help.

In Unions the General Strike might form a proper subject to start the propaganda, and such a strike, though in itself not effective as a remedy, would probably bring about revolutionary situations which would advance the march of events in an unprecedented way. To speak plainly we advocate the General Strike to set the ball rolling: who knows whether it may not lead to the social revolution *which we all desire as the only thing* that can help us. Those are still roughly our views to-day—i.e., a means to an end. Now, if you are prepared to keep filthy mud out of your paper, I will help you in Brum. But not if you abuse those who do not just see eye to eye with you. You vain struck beggar.

Anyway if you give me your word to refrain from abuse in future print, I am quite prepared to help you with a week or twos propaganda in Brum. I cannot afford much grub, but you are welcome to a bed and what other hospitality we can afford. I believe the *Clarion* men would help, and it would materially increase your circulation.—Yours, R. V. HARVEY.

[*.* We have reposed our printer to set up this effusion as received. Alteration would spoil it. Clarke, and not ourself, attacked "the general strike lunacy of the Freedom Groups." And we do not necessarily agree with our contributers. For the rest this is an evil world, and we are afraid we must manage without that increased Birmingham sale, and that comrade Harvey must accept our regrets for not being able to fall in with his many excellent suggestions. The Anarchists have got to learn that we are to be bullied neither by governments nor movements.—*Ed. H. of F.*]

Francisco Ferrer.

[Victim of combined conspiracy of Church and State, and shot in the trenches at Montjuich, 13th October, 1909.]

What was there in the Soul of Man and its formless source:
What was there in the whole of the Earth and its primal force:
What was there in the Sky and the Sea and the life-giving Earth,
That Things should be born to die and in the death give birth?

To the black-breasted gods of despair and the shadowless makers of War.
Scattered abroad on the air in accord with the chaos of Law?
What is the meaning of Death: of Death and his partner Life?
Why are they merged in the breath of tears and sighs and strife?

The womb and the funeral-pall, the visions of pleasure and pain,
What is the use of it all? What—whose is the gain?
And the prayerful supplications of the People lost in the night,
Of the warring of the Nations and the pestilence of might.

When shall the error depart and the traffic of slaves and Hell,
O, God!—if a God thou art—say! when shall it all be well?
They love thee, O Christ, and they bless thee, these black-cowled priests of thy rod,
And the daughters of Death caress thee, thou and their vengeful god.

Through chancel and cloister and choir resounds the hideous praise
To the god of the thief and the liar—to the god that ended his days
Midst the sneers and hate and derision of the chosen of Mankind,
Who laughed to scorn his vision of Hell and its vengeance blind.

But Thou art arisen, O Lord, and thine enemies overthrown
Thou has conquered with fire and sword, and at last come into thine own.
And thine own is the great possession of the minds of men and their souls,
Fast gripped in the teeth of oppression and the fangs of fattening ghouls.

So they love thee, O God, and are grateful to thee and thy merciful power,
For the man who was truthful and hateful hath met with his evil hour:
And for each word and each action he hath hurled at thee ere his fall,
They grant thee full satisfaction! Most merciful Father of All.

Nor all thy incense burning, nor all thy prayer thro' time,
No hypocrites loud yearning can atone for the god-wrought crime.
Nor all thy tears of repentance, nor vows to the voiceless skies,
Can revoke the grim death-sentence: O glorious Mother of Lies.

By the fires of faith that found us burned and choked in its smoke,
By the chains of hope that bound us fast to the driver's yoke,
By the thoughtless, lawless Love of Law and the Rule of God,
By the star-decked skies above and the paths where man ne'er trod,

By the death of Life and the fears of things unknown to the sense,
By the silent grief and tears of men in their dread suspense,
By the flames that mount to the sky from the faggots of priestly hate,
We curse thy god, and we die and gladly go down to our fate!
By the graves that are bathed in red, tell us O maker of Seth,
Can'st thou return from the dead? Can'st tell us when all shall be well?

—*Albert Young.*

What Savarkar Opposed!

[*.* Savarkar is suffering a vile imprisonment for "waging war against the King." This means he opposed the White Terror in India, and was tried and sentenced by the same. Light will be thrown on the operations of this scourge by the following paragraphs which we select from a lengthy article from our pen, published in these columns for October, 1911.—ED. *H. of R.*]

At the time of our imprisonment for sedition (September, 1909) we were entering upon the ninth month since nine educated Indians of good character were deported without warning from their homes to distant gaols for unlimited confinement. They were doomed to experience yet a further five months' incarceration, making fourteen months in all. They were none of them Nationalists, in the extreme and logical sense of demanding the British evacuation. All were known as "Reformers" as opposed to "Revolutionists"; as philanthropists noted for their unequivocal condemnation of all violence. They had been confined in gaols throughout an Indian summer, in complete ignorance of why their liberty had been arbitrarily invaded. Speaking at Oxford in June, 1909, Morley took full responsibility for the course pursued, and declared that there was no trial, no charge, and no fixed limit to the time of detention. The only justification for this course advanced by the Government in its official announcement of August 6th, 1909, was that it was essential that it should be brought home to Indian agitators that it was the Government's deliberate intention that they should be removed from the sphere of their mischievous activity until such time as the Government of India considered it to be in the "public interest" to revise its decision. In other words, every Indian was warned that he could only count upon his liberty as long as the secret police absolved him from being what is termed "an agitator"!

In 1817 there was legislation against the practice of torturing prisoners. In 1860 the Penal Code directed section after section against it. Such legislation is an open confession of the historical prevalence of the practice. The Law Courts of India are full of cases of torture. During the two years ending August, 1910, cases came to hand from almost every province, in all of which the judicial authorities set aside the confession of prisoners on the ground that they were probably extorted by physical or moral torture.

Early in 1903 an Assam tea-planter, named Bain, flogged a tea-coolie, named Lalsa, to death for escaping from slavery. Bain was brought subsequently before the Sessions' judge at Cachar on February 20th, charged with culpable homicide. The judge was a European, and he was assisted by a jury of five Europeans, four of whom were tea-planters. The defendant was acquitted on the charge of "culpable homicide," but found guilty of "simple hurt." He was sentenced to six months' imprisonment, and went to prison on February 27th. The case aroused so much comment that the Government directed the Chief Commissioner of Assam to move the High Court to enhance the sentence, or give his reasons for not doing so. The latter presented a case against enhancement, but the Government was not satisfied. It accordingly instructed the Advocate-General to appeal to the High Court against Bain's acquittal on the more serious charge. The case now came on before two judges of the High Court, one being European and the other a native. They held that the Cachar judge had materially misdirected the jury, and ordered a new trial. The case was set down to be tried on August 31st in Calcutta, before Mr. Justice Sale. On this date, before the jury could be empanelled, it was stated that Sale had looked through the evidence, and he expressed so strong an opinion as to Bain's innocence that the Advocate-General refused to go on with the case. So far from having his sentence enhanced, therefore, Bain served only five out of the six months' imprisonment to which he was condemned originally. He forthwith stepped down from the dock amidst the applause of his fellow-believers in the right to flog coolies to death. He now approached the Government for compensation for illegal imprisonment, and there can be no question that he was *technically* justified in doing so on the findings of the Courts. But the Administration drew the line at this, and curtly refused to entertain the application. Having established a precedent, however, it decided to allow the Courts to proceed for the future on the axiom that *the killing of a native is no murder.*

On February 15th, 1904, two more tea-planters from Assam—named Reed and Thom respectively—were tried before the Sessions Judge at Tezpur for violently doing to death, in their garden, a coolie named Joylal. Thom pleaded guilty to "simple hurt," and was fined 150 rupees (£10). In view of the prisoner's plea, the Court refused to accept medical evidence as to the cause of death. Reed had qualms of conscience in the matter. He refused to plead guilty to "simple hurt," but said he would plead guilty to "simple assault"!! The case was proceeded with, therefore, and medical evidence as to the cause of death was reluctantly called. It was proven that the body of the deceased coolie was, in many places, reduced to a pulp; and the four medical men present declared that they had never before come across such a case. In the face of this evidence—and all the medical men were Europeans—the Judge had the impudence to ask the Government pleader if he took the same view as the committing magistrate, viz.:—That the native witnesses who alleged violence were not to be believed; because, if he did, the hearing could be shortened. The pleader elected to continue the case, however, with the result that Reed was found *guilty of simple hurt and fined 25 rupees (£1 13s. 4d.)! The total punishment inflicted on Thom and Reed for murdering the coolie and reducing his body to a pulp was an inclusive fine of £11 13s. 4d.!!!*

In June, 1909, Ghulam Bano had a confession of murder wrung from her by hideous torture. The police in her village, during the investigation, hung her to the roof, with a rope on her legs, and thrust a baton smeared with green chillies up her anal opening. The Civil surgeon of the gaol in which she was subsequently confined (Dr. More) examined her, and swore that he found her rectum "terribly inflamed and ulcerated, a condition which," in his opinion, "could only have been caused by an assault similar to that described by the prisoner." The highest Court in the Punjab, presided over by Justices Rattigan and Robinson, held that there were grave reasons to suspect that her story was correct, set the confession aside, and called for a searching investigation. A secret enquiry was undertaken by the Superintendent of Police, against whose subordinates the judges' remarks were directed. The opinion of the Civil surgeon, who examined the woman Bano, was set aside, and the opinion accepted of a medical professor who read the evidence given more than a year after the case was over. Upon his report, and that of the Superintendent in question, the Lieutenant-Governor issued an order exonerating the police and discarding the views of the judges. The woman died of fever three weeks after being liberated from gaol, but her death was not made known to the public till six months after. The judges now delivered a second judgment, repeating their former opinion, and adding a grave *rider* censuring the executive authorities for their improper investigation. The Indian Office in Downing Street has set all this aside and declared, with the Governor of the Punjab, that the woman inflicted the torture upon herself. *This is a transparent lie. The woman is dead—killed by police torture! And the police responsible for this outrage are still in the service of the Government that has officially "whitewashed" them.*

In Jessore, in June, 1909, a man died after "an investigation" by the police for a supposed theft. The

Coroner's Jury found that the police had been guilty of culpable homicide, in that they had occasioned death by the breaking up of deceased ribs by violence.

The Under-Secretary of State, in introducing his 1909 Indian Budget statement, declared that the Government was determined to continue its repression in India.

The Indian Press Act of 1910 gives the Executive the right to suppress or confiscate printed matter without any form of trial before any political assembly. The Act provides for heavy sureties and forfeiture of presses. It defines sedition as exciting "racial, class, and religious animosity and hatred, and contempt of the Government or of a native prince." It is exactly parallel to the Act that Richard Carlile and Henry Hetherington successfully overthrew by defiance in England seventy to eighty years ago. Under its operations, reports of speeches by William Jennings Bryan have been confiscated. Extracts from Seeley's *Expansion of England* have also been seized, in addition to Mackarness's harmless pamphlet on *The Methods of the Indian Police in the Twentieth Century*. Were the Government's old Blue Books widely circulated they might also be seized under this Act!

In January of the present year (1911) a European mining foreman named Price was charged at Bhandara, in the Central Provinces, with culpable homicide not amounting to murder. It was alleged that he had kicked an Indian servant so severely that he died within three-quarters-of-an-hour. The local magistrate found him guilty of "simple hurt," and fined him twenty rupees (£1 6s. 8d.). The Central Provinces Government appealed against this decision, and the Bombay High Court increased the fine to fifty rupees (£3 6s. 8d.) and imposed a sentence of nine months' rigorous imprisonment. As the *Daily News* observed in reporting the case, it was far from being an isolated one, and was, in fact, typical of the old bad practice of holding the life of an Indian cheap in the courts of law. Annie Besant stated only a few years back—and since she has been playing the part of a tool of the English despotism in India—"When, a little while ago, an Englishman who kicked an Indian (who pleadingly caught his feet in Indian prayer for pity) and the Indian died, the slayer, an official, escaped with a fine. The Indian shrinks from seeking the protection of the law, because he does not believe that it will protect him." An interesting comment on this utterance is found in the following statement made in March last [1911] by Lord Morley: "Stringent efforts are being made to eradicate *the ingrained tendency* to obtain confession by means of torture."

Industrialist League Notes.

Last month some delay occurred in forwarding copies of the *Herald of Revolt* to subscribers to the *Industrialist*, owing to the transference of the business-managership. We hope local secretaries and subscribers will write to us if their wishes are not being carried out, as it is quite likely some errors were made in the rush. Next month we hope to lay before you a scheme, adopted by the N.E.C., which will place the League on a sound business footing. In the meantime, may we remind our friends that we are in urgent need of funds? A new stock of pamphlets and leaflets is absolutely necessary if we are to maintain our propaganda; whilst the N.E.C. have instructions to draw up a manifesto of the League—to be sold at one penny—if the financial assistance is forthcoming. We are still in debt to our printer for a large amount, *and it must be remembered that our printing is not done by the Harmsworth Press.* All contributions to the League's Press Fund will be announced in these columns each month. If you cannot manage postal orders, send stamps. All will be welcome. Also help us by ordering literature direct from the business manager, to whom all communications should be addressed as follows:—A. B. Cooke, 121, Lynton Road, Bermondsey, London, S.E.

The Revolution of 1857.

By V. D. SAVARKAR.

[*,* Below we subjoin part of the last chapter of Savarkar's famous history, "The Indian War of Independence of 1857." Its authorship and publication is Savarkar's real crime, as was made distinctly clear at his trial in Bombay. In justice to the English Government, no less than in justice to Savarkar, the latter's thought should be known to English readers. If it is treason to publish it, we must go to gaol again for doing so. Certainly we do not intend to put up with the intolerable impertinence of allowing any Government to frighten us into *not* publishing what we hold *should be* published.—Ed. *H. of R.*]

The Revolution of 1857, as such, has been discussed, from time to time. Did the Revolution burst out too early, before the preparations were ripe? We think not. The preparations that were made in 1857 are not usually found even in successful revolutions. When regiment upon regiment of soldiers, kings of mighty power, high officers of the existing Government, the police, and large towns, all, one after another, gave promises to rise, who would not start at once? Besides, it is often the case that the real difficulty is at the start and the whole country rises only later on. The consideration also proves that the leaders of the Revolution did not at all precipitate matters. Those who dare not rise even with so many facilities are men who can never rise at all!

Then, why was there the defeat? Several minor reasons have already been mentioned in their proper places. But the chief reason appears to be this. Though the plan of the destructive part of Revolution was complete, its creative part was not attractive enough. Nobody was against destroying the English power; but what about the future? If it was only to re-establish the former internecine strife, if it was to bring again the same state of affairs as before, the same Moguls, the same Mahrattas, and the same old quarrels—a condition, being tired of which, the nation, in a moment of mad folly, allowed foreigners to come in—if it were only for this, the more ignorant of the populace did not think it worth while to shed their blood for it. Therefore, the Revolution worked out successfully as far as the destructive part was concerned; but, as soon as the time for construction came, indifference, mutual fear, and want of confidence sprang up. If there had been set clearly before the people at large a new ideal attractive enough to captivate their hearts, the growth and completion of the Revolution would have been as successful and as grand as its beginning.

Even had these people thoroughly understood at least so much that creation comes only after the Deluge, the Revolution would have succeeded. But, let alone creation, the country could not accomplish even the deluge thoroughly! And, why? Because the vice of treachery and baseness had not yet gone away from the land. The defeat was chiefly due to the treachery of those men who had not sense enough to understand that the English power was more harmful than even the former kind of Swaraj ever could be, and of those who had not the honesty and patriotism to refuse to give help to the foreigner against their own countrymen.

And the whole sin of this defeat lies on the head of these traitors! Had there been a clear and attractive ideal, even the traitors would have become patriots. When patriotism is profitable and paying, there is no advantage in playing the risky and shameful part of the betrayer. There is no special merit in that. The real glory belongs to those heroes who thoroughly understood that foreign domination is worse than Swaraj-Swaraj, democratic or monarchical, or even anarchical—and thus came out to fight for independence. Freedom is coveted not that the country might become wealthy, but because in it alone consists the peace of the soul; honour is greater than loss or gain: the forest of independence is better than the cage though made of gold.

Those who understood this principle, those who fulfilled their duty to their religion and to their country, those who lifted their swords for Swadharma and Swaraj and courted death if not for victory at least for duty, let their names be remembered, pronounced with reverence! Those who did not join them in the holy war, through indifference or hesitation, may their names never be remembered by their country. And, as for those who actually joined the enemy and fought against their own countrymen, may their names be for ever cursed! The Revolution of 1857 was a test to see how far India had come towards unity, independence, and popular power. The fault of failure lies with the idle, effeminate, selfish, and treacherous men who ruined it. But those who, wielding the sword dripping with their own hot blood, in that great rehearsal, walked boldly on the stage of fire and danced in joy even on the very breast of Death—let no tongue dare to blame these heroes! They were not mad; they were not hasty; they were not the sharers of defeat; they were not inconsiderate; and, therefore, they can not be blamed. It was at their call that Mother India woke up from her deep sleep and ran forth to smite slavery down. But while one hand of hers gave a terrific blow on the head of Tyranny, alas! her other hand thrust a dagger in her own heart! And the wounded Mother was thrown down on the ground again! Now, which of these two hands was wicked, cruel, treacherous, and accursed?

Life in the Andamans.

Writing to us from Munich on July 13th last, Sir Walter Strickland thus describes the conditions that exist in the Andamans, where Savarkar is confined:—

"People know little of the infamies committed by the English in the Andamans, more against the proper owners of the island themselves, the small but beautiful Andamanese now nearly extinct, thanks to the turpitude of the English there, to tell the truth, than against the Hindoos and Burmese prisoners there. Savarkar will have an iron collar riveted round his neck, with his number fastened to it. The object of this arrangement is as follows, and the English think it a very clever one:—Round the clearing, about eighteen miles in length, allotted to prisoners on ticket-of-leave, are the dense forests inhabited by the fast disappearing tribes of Andamanese. Iron is of great value to them for their spear heads, and they are allowed the privilege of killing any prisoner who escapes to the woods for the sake of the iron round his neck. As the Andamanese are aware that they are dying out themselves, thanks to the diseases, imported for the purpose by the English, in their Hindu prisoners, particularly syphilis and measles, they are not likely to show the refugee any mercy. However, the English have plenty of means at their disposal to dispose of prisoners, objectionable to their petty spite and mean insular rancour. These civilizers and benefactors of the world at large retain the use in the Andamans of the 'greater rattan,' which the less inhumane Chinese have, I believe, abolished some time ago in their prisons, and twenty blows with it are fatal. But if the English butchers decide to be very magnanimous and forego the dear delight of torturing as well as murdering him, he will be taken to Viper Island, where in a small cell three nooses are always hanging ready. The thing is done in a spirit of loving, friendly, almost domestic, intimacy. I do not believe it is even necessary to trouble the Governor for his signature, and the less inhumane of the English officials are thankful if a month passes without one or two judicial murders there."

That the writer is not exaggerating will be apparent from the following quotation taken from the columns of *The Mahratta* for July 28th last, wherein it was reproduced from *The Bengalee*:—

"A POLITICAL PRISONER'S SUICIDE IN THE ANDAMANS.

"The suicide of one of the political prisoners, named Indu Bhushan Roy, throws a lurid light upon the whole situation as to the treatment of political offenders in the Andamans. At one o'clock in the morning of the 29th April last he was found hanging in his cell by one of the warders in his round. An alarm was raised. The jailor hastened to the spot: the matter was telephoned four or five times, and a police orderly was sent to the Medical Superintendent's bungalow, which is situated only a few hundred yards from the jail buildings. We are informed that no response came before eight o'clock next morning. In the meantime a Madrasi Hospital Assistant was sent for, but when he came the body was found stiff and cold. Next morning when the Superintendent, the District Magistrate, and the police came to investigate, the jailor, Mr. Barry, gave his own version of the affair. Now we should like to ask a question or two in this connection. Why did Indu Bhusan commit suicide? If he was tired of prison life, one would expect that he would have committed suicide long ago, for he had already been in the Andamans for over three years. Was there nothing in anything that had happened recently in connection with him to account for his taking this fatal step? Was it not rather the act of a desperate man to whom life had become insupportable in the condition in which he found himself? Is it or is not the case that on the afternoon of the 28th April, only a few hours preceding his suicide, Indu Bhusan desired to see the jailor and was taken to his office, and there did he not, in the most entreating terms, request the jailor to change his work, as he was engaged in making white flax out of 'rambash' plant? Did he not say to the jailor—or at any rate addressed words to that effect—'See, my hands have become so blistered by the juice of the "rambash" that I cannot move my fingers freely, and it is so painful that I cannot get a wink of sleep the whole night. I cannot take my food to my mouth. The touch of "dal" causes me so much pain that tears come to my eyes, and my food is left untouched. I will die of pain and starvation. Kindly change my work or allow me to go to hospital for a few days to get my palms healed.' Saying this, he stretched his hands to the full, but met with a rebuff from the jailor. We will not reproduce the language which the jailor is reported to have used. Is it not the case that Indu Bhusan pleaded again, begging to be allowed to report himself personally and show his hands to the Medical Superintendent? But the jailor shouted, 'You must carry out my orders.' Then after thinking for a couple of minutes, he again said, 'all right, I will change your work,' and ordered the warder in charge to engage Indu in 'Kolu' oil mill from next morning. Indu got so frightened that he told the jailor that he would simply die if he had to work in the 'Kolu' mill with those hands of his. The jailor was obdurate, and our information is that Indu was dismissed amid a shower of abusive language. This was the last straw on the camel's back, and before many hours Indu was found dead, hanging in his cell. We have another question to ask. Is it not the case that Hoti Lal made a complaint to the Medical Superintendent about Indu's death and was punished for it, and was put to the oil mill at once? The political prisoners, we learn, are scattered over the entire settlement. In case they fall ill they are not taken to the nearest hospital within whose jurisdiction they live, and where in the ordinary course they should be taken. They have to be taken to the hospital of the jail district where Captain Barkar is the Medical Superintendent and also District Officer."

The real nature of the threat that drove Indu Bhushan Roy to commit suicide may be gathered from the account of the treatment accorded political prisoners contained in the following article taken from *The Bengalee* for April 27th last—just before Roy's suicide:

"During the first two years they (the political prisoners) were in jail. In jail there are various kinds of work to do, the most difficult being the oil mill, whether by hand or by foot. The latter means that four men are tied to the mill, and have to go round and round a centre post just as bullocks do. They have to press out 30 lb. of oil during the day. This is oil mill work by foot. In the oil mill work by hand you have to turn a handle round and round during the whole day, and thus press out about 30 lb. of oil. Chopping cocoanut bark is another species of work. One gets a huge log of wood, about half a maund in weight, and a wooden mallet about 4 lb. in weight. These things the prisoner gets in his cell. Then he has to place strips of cocoanut upon the wood block, and go on striking them with the mallet. In this way a sort of fine dust is pressed out of the cocoanut strips, and only a fibrous substance remains; about 2 lb.

or 1½ lb. of this fibrous substance the prisoner has to press out in the course of the day. Repemaking is the lightest work one gets in jail. About 3 lb. of cocoanut flax is given to the prisoner, and he has to spin it into rope according to sample. There is another kind of work still. There is a kind of broad-based thorny plant called the *sankhan*. The prisoner is given about eighty or ninety of these leaves, and out of these he has to beat up 4 lb. of white fizy. The leaves are about 2 inches in thickness and from a cubit to two cubits in lengths. If even a drop of its juice touches the body it begins to itch and ultimately produces a kind of sore. The political prisoners were comparatively well off at first. They made ropes or were put to chopping cocoanut bark. But Mr. Denham put them to the oil mill, and since then they have had either to work at the oil mill or beat up 2 lb. of flax from the cocoanut bark. The regulation about punishment for short work is handcuffs for seven days for the first offence; for the second offence a week's handcuffs and four days' ganji. For the next offence the punishment was fetters for a month or two, then cross-bar for ten days, and for further repetition of the offence—fetters for six months or so and solitary confinement. Ganji is a kind of starvation diet. You put two chittacks (3 ounces) of rice in a seer (2 lb.) of water, and the gruel thus obtained is called ganji. The cross-bar is a more rigorous kind of fetters. It consists of rings for the two legs joined by a bar of iron. All these penalties were inflicted upon the Punjabee political prisoners, barring only the last; but still they would not submit to this sort of labour. Of course, as they were political prisoners they could not be whipped, and thus a new penalty was invented for their special benefit. This was ganji (starvation diet) for twelve days. First Nanda Gopal got it, then Ullaskar, and last of all Hotilal. But all this would not do, and then the jail people climbed down, and they were all set to ropemaking.

"The work outside jail is still more dreadful. Among such work may be mentioned felling large trees and piling them up in a large heap; running about with heavy lumps of clay and handing them to workmen; laying 1,200 bricks in the day, or hoeing a plot of tea-land 40 yards by 4 yards in area; and all this one has to do in all sorts of weather—in heavy rain as well as in the fierce heat of the sun. Besides, you have mosquitoes throughout the night, numberless leeches in the low-lying ground, and a sort of poisonous fly. The Indian Jail Code, it should be noted, recognises no class of prisoners as first class misdemeanants. Those who are punished under the Penal Code are all sent to the criminal jail, and, according to the sentence, are subjected to rigorous or simple imprisonment. Those who are ordered simple imprisonment are relieved of all work. They can spend their time in any way they like, subject, of course, to the necessary restraints of prison discipline. This is the only distinction between prisoners in the criminal jail recognised by the Indian Codes. The result is that, when a person is convicted of any political offence under the Penal Code and is punished with rigorous imprisonment, he is treated like a common felon, and no distinction is observed between him and the thief and the murderer."

SAVARKAR CASE IN PARLIAMENT.

On the facts of this outrage being brought to the attention of Mr. Josiah C. Wedgwood, M.P., he at once agreed that the subject should be raised in the House of Commons, and will endeavour to do so at the earliest possible date. Mr. Wedgwood's effort will only be attended with success provided the outside agitation is strong.

In our issue for May, 1911, we exposed the treachery of Briand, the man who sold Savarkar in the interval between selling and murdering the French workers.

"One is glad to see that *The Herald of Revolt* (London) is about to issue a Special Savarkar Release Number. Largely through its efforts Malatesta has been saved from extradition, but Malatesta was well known. The comparatively unknown, but just as heroic, fighters are those to whose aid we should rally."—W. C. Owen, in *Regeneration*, August 10th, 1912.

GLASGOW LECTURES.

We return to Glasgow in November. On the 10th we speak in the Pavilion Theatre for the Clarion Scouts, on "Socialism and Modern Culture." The following Sunday we speak at the Glasgow Secular Hall at 12 noon and 6-30 p.m. Here our subjects are:—"The Why of Bible Forgeries" and "The World's Redeemers."

A blue pencil mark against this paragraph signifies that your subscription has run out. Kindly renew if you wish the paper to be sent to you for the future.

"The Herald of Revolt" is in need of urgent financial assistance.

THE LIMIT.

By HENRY SARA.

It is a lie—just that, a lie—to declare
That Wages are the worth of Work.
No: they are what the Employer wills to spare
To let the Employee sheer starvation shirk.
—*Francis Adams.*

You are probably aware, gentle reader, that in the columns of the press, day after day, is to be found information regarding domestic economy, such as, for example, how to make a sixpenny "Parkley's Winkle" pudding last a fortnight, or instructions on making a chemise out of an old lace curtain, and so on. But of all the "stuff" of this sort that I have ever read, the article, "The Bachelor Girls' Problem," in the *Star* of September 2nd, is the limit.

It is supposed to be written by a woman who has been, and apparently still is, a "bache'or," which implies that she lives "on her own." Consequently, on top of her day's work, she has to spend a certain amount of her limited spare time, both morning and evening, in the preparation of food, and the result of her experiences she details to her fellow-sufferers. I say sufferers, because her article begins as follows:—

"The warning recently issued to post-office employees in France on the evils of the semi-starvation diet on which they so often live is very nearly as urgently needed in London. Especially is this the case with women of refinement who, to escape the horrors of the cheap boarding-house live in tiny flats or unfurnished rooms."

There's the problem; how to continue *the semi-starvation diet on which they so often live*, our "bachelor girl" journalist sets out to answer it in the typical fashion of a hack writer. For instance, our sister wage-slave is informed that it is important that she should commence the day by breaking her fast with porridge, and, in order to cook this, "all that is necessary is a deep saucepan and an earthenware jam jar." You see, not only does our bachelor girl suffer because of lack of food, but it becomes apparent that she is also lacking in cooking utensils, and has to content herself by making shift with a halfpenny "jam jar," in place of a proper saucepan, for the purpose of boiling porridge:—

"A bachelor girl on a small income cannot afford to breakfast on a piece of bread and butter and a cup of tea. She will have to spend so much upon her lunch if she does. Porridge and stewed fruit—stewed in the jam jar once or twice a week—and a rasher of bacon with plenty of coffee or cocoa is the proper meal for her."

Delightful, isn't it? Presuming our bachelor girl prefers just a slice of bread and butter and a cup of tea upon rising, she has to put on one side her desires, and to indulge in a plate of porridge cooked in the "jam jar," which is also used for stewing fruit in! We might add a few more uses to which this remarkable pot could be put, such as, for instance, an epergne or boot brush holder; or, failing that, and as a last resource, it might be used for the purpose of catching the tears that fall from the eyes of the employer of the bachelor girl, when she informs him that she could do with a little more wages.

Wages? Wages? You mustn't tell about such things as that when you write for a paper like the *Star*—that's the last thing they expect you to write about, unless you are gifted in the direction of so twisting your argument that you can make it appear that it is really the worker who is indebted to the employer for his *or her* extreme kindness in permitting the employee to labour for them.

No, you must'n't pass any comment on that subject. Besides, didn't she mention that in France it was the postal authorities who issued the warning? And the State always treats its employees humanely, doesn't it?

You see she knows her business, writing fake articles for journals which are the mouthpiece of the dominant class. She understands just how far to go with her "pretend joints," &c., &c. It's a wonder, though, that she didn't mention the firm's cocoa. That would have been the finishing touch of the true artist.

The Indian Courts.

The *Nineteenth Century and After* for September, 1912, contains an interesting article on the Indian High Courts from the pen of Sir Henry T. Prinsep, K.C.I.E. (late Judge of High Court, Calcutta). Sir Henry points out that fifty years have passed since the High Courts were established at Calcutta, Madras, and Bombay. The High Court at Allahabad dates from 1866, and replaced the existing Sudder Court of the upper province of Bengal. Warren Hastings established the Sudder Court in 1772 on behalf of the East India Company. That of Bengal is the oldest of these Courts. Two years later the Supreme Court was established at Calcutta by Royal Charter under the Regulating Act of 1773. Supreme Courts were also established at Madras in 1800 and Bombay in 1823. The Chief Justices and Puisne-Judges of the Supreme Court were barristers appointed in England by the Crown. Judges of the Sudder Courts, however, were members of the Civil Service, appointed by local governments. By the amalgamation of these Courts the three original High Courts were established. This abolition of the dual system was accelerated by the English Crown's assumption of the Government of India in 1858. For some time the judges of the old Supreme and Sudder Courts monopolised the High Court appointments. Then it was authoritatively declared that a judge of the High Court must be either :—

(1.) Barrister of England or Ireland, or member of the Faculty of Advocates, Scotland, of not less than five years' standing.

(2.) Member of the Civil Services of India of not less than ten years' standing, who had served as, or exercised the powers of, a District Judge for at last three years.

(3.) Occupant of a judicial office not inferior to that of a subordinate judge—or a judge of a small court—for a period of not less than five years.

(4.) Pleader of the High Court for not less than ten years.

Appointments, in accordance with these provisions, were subject to the provision that not less than one-third of the Indian High Courts' *personnel*, including Chief Justice, should be such barristers and advocates, and not more than one-third members of the Civil Services of India. This arrangement, of course, admitted Indians to the Bench.

The salaries of the judges were fixed in Indian silver currency in 1862—*i.e.*, the rupee. At that time a rupee was worth two shillings, ten going to the pound sterling in our gold currency. The Government has since fixed the value of the rupee at 1s. 4d.—thus causing fifteen to go to the pound. As Sir Henry Prinsep points out, the spending power of the rupee in India may be of little consequence to the judge personally whilst holding office. But it seriously affects his remittances home for the support of his family, the education of his children, provision in case of premature retirement from sickness without a pension, and savings to supplement his pension in his declining years. All this, in view of the climate and life-long banishment, Sir Henry Prinsep explains, has deterred many members of the Bar—in fact, anyone with fair prospects of advancement in England—from accepting even the highest judicial appointments in India. Consequently, as it has been hard to secure men of proper attainments for these offices, the Government has apathetically accepted candidates of questionable ability and experience. In other words, even in the matter of lawyers England dumps her shoddy into India. Sir Henry Prinsep proves this admirably, owing to the candour of his appeal to materialism. If he had not been an Anglo-Indian judge he might have become a Socialist, so frank is he. For he clinches his economic reasons for the English candidates being inefficient by telling us that the judge is superannuated on attaining the age of sixty, thus making it impossible for anyone to accept a judgeship who may be over forty-eight years, unless he deliberately foregoes all prospect of obtaining a retiring pension. For a full pension can be earned only after twelve years' service.

Lawyers have a tendency to become in India, as at home, the official mystery men of government "thorism. Says ex-Judge Prinsep :—

"India has been gradually drifting into the *Vakil Raj* (government by lawyers) and we must at least attempt to provide stronger counteracting influences to restore a proper equilibrium in the Courts of Justice."

Which sounds all right. But what does it mean? Apparently our Courts of Justice are to become a see-saw between "legal reasons" and "plain reason," or nonsense and common-sense. With the last mentioned justice is possible. With it private property society is impossible. We should not establish "see-saw" ethics in our Courts; but abolish the Courts instead. For all Courts of Law are founded on social iniquity, and between this and common-sense all compromise is impossible. One more quotation :—

"In Bengal . . . a judgeship is a *cul de sac* and a bar to higher office under Government, either in India or England, whereas in Madras and Bombay it has usually led to a seat in the local council, and even to the council of Governor-General."

So there you are! In Bengal the judge will suffer from spleen. Justice, therefore, not likely! In Madras and Bombay he suffers from ambition and the smiles of the governing despots' council. Savarkar was tried in Bombay, so one may understand the nature of the justice he would receive, as an opponent of the State to whose highest offices his judges aspired.

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