

height had brought on cerebral hæmorrhage, from which my father subsequently died.

I entered Lincoln's Inn and joined the chambers of Mr Moore, so as to see a barrister's work from the inside. In the same flat was Sir Edward Marshall Hall, whom I have already mentioned in connection with my friend De Vismes. At this time Sir Edward had quarrelled with Lord Justice Matthews and had not too good a reputation. Indeed the Chief Justice, Lord Alverstone, would refuse to accept his statement in court unless supported by papers—an almost unheard of procedure. On the retirement of the senior judges, Marshall Hall recovered his reputation and practice. He was liked by members of his own profession, but other persons he was apt to treat as "lesser breeds without the law."

While I was studying for my law examinations I was asked by the India Office to translate certain letters that had been stopped by the Post Office in transit. They were written in Marathi, and were addressed by members of his family to one Sawarkar, a Brahman of Nasik, who was at the head of a seditious group of young Indian students in London. Indeed it was Sawarkar who was said to have instigated the murder of Colonel Curzon Wyllie, the Political A.D.C. at the India Office. The work was interesting, but the letters contained little of importance. They were written by his wife and sisters, and they encouraged him in general terms to fight the good fight against the English.

Shortly afterwards I was summoned to the India Office by Sir William Lee Warner, the senior member of the Council of the Secretary of State. He first

bound me over to strict secrecy, and then told me that he was trying to induce Lord Morley to agree to a proposed Press Act in India. Sir William wanted me to write something to the Press—preferably the 'Times'—to strengthen his hand. He was finding Lord Morley very difficult. I promised to do my best. I asked my friend Enthoven, who knew Valentine Chirol, for a note of introduction to him. Armed with it I went to the office of the 'Times.' I sent my card and Mr Enthoven's note, and was received by the Director of Foreign Intelligence, as he then was called in the spacious pre-Northcliffe days of the 'Times.' He was very cordial and said that he would consider anything that I wrote. I sent him, one after the other, four articles: (1) on "Kichak Wadh," a seditious play by G. W. Khadilkar; (2) "Mr Tilak and the seditious Deccan Press"; (3) the "Chitpawans of Chiplun"; and (4) "Ancient Indian Theories of Government." They were all accepted, and the first was translated into almost every language by the European Press. The second and third articles were commented on in leading articles. In view of the public interest aroused by my articles, Valentine Chirol was sent out to India to get 'copy.' This led to the publication of "Indian Unrest." This again was the cause of an unsuccessful libel action brought by B. G. Tilak against Sir Valentine Chirol, the 'Times' and Macmillan & Co.

Sir William Lee Warner and I held our tongues. Lord Morley was wild to know who had written the articles. With the artless guile of a Radical minister he pretended to think that they were from the

pen of Valentine Chirol himself, and wrote to congratulate him. The Director of Foreign Intelligence was equal to the occasion. He thanked Lord Morley very nicely for his congratulations and expressed himself very pleased that he should like the articles. Soon afterwards Lord Morley sanctioned the passing of the Press Act.

Two or three months after their publication my poor friend Jackson, the Collector of Nasik, was shot by a wretched Chitpawan boy from Haidarabad Deccan. His name was Kanhere, and his brain had been turned by the seditious literature that the Indian newspapers kept serving out to their readers. He was arrested through the courage and energy of the Indian Deputy Collector; and from the inquiry that followed it was ascertained that Sawarkar had sent out a number of Browning automatic pistols to India and that the crime had been committed with one of these. The Government of Bombay, at whose head was Lord Sydenham, decided to prosecute Sawarkar. He was, however, in England, and it was necessary to obtain his extradition. A great deal of evidence was recorded in India by a special magistrate, Mr Montgomery, I.C.S., so as to establish a *prima facie* case. When the papers came to the India Office they were passed on to the Treasury; but the allusions in them were unintelligible to the lawyers at the Home Office. I received a second summons to the India Office, and was received by Sir Herbert Risley, a former member of the Government of India. He had recently been nominated a member of the Council of the Secretary of State. By him I was sent to the Treasury, and

there I gave a long affidavit as to the meaning of the references, supporting my interpretation by original passages from the Mahabharata and the Ramayana. The case was first heard in the stipendiary magistrates' court, and an order of extradition was granted. Sawarkar appealed to the Court of Criminal Appeal. The Chief Justice, Lord Alverstone, presided, and with him sat Lord Coleridge and Lord Darling. Sir Rufus Isaacs (now Lord Reading), the Solicitor-General, led for the Crown. I was given a seat just under the Solicitor-General and alongside the Solicitor for the Treasury. I found Sir Rufus Isaacs a most courteous and polished gentleman. I asked him whether he had ever been to India, and he replied gaily, "Yes; once to Calcutta. I did not see much of it, because I was only a cabin-boy on a tramp steamer." Neither of us guessed that the next time he would see it would be as Viceroy. In his conduct of the case I conceived the warmest admiration for him. He was severely heckled by Lord Coleridge; but he never lost his temper nor abandoned the point that he wished to make. At last his opportunity came and he did not fail to seize it. Lord Coleridge, probably without thinking, said of some poisonously seditious utterance of Sawarkar that there was nothing in it. The tall form of Isaacs bent forward. His handsome eyes fixed themselves on Lord Coleridge. After half a minute's pause, during which there reigned the most profound silence, he said to the Judge as gravely and solemnly as he could, "Am I to understand, my Lord, that in your view these words were not seditious?" Lord Coleridge, finding himself in

the wrong, made no further comments. At the end of two days' continuous argument, Lord Alverstone delivered the judgment of the court, confirming the magistrate's order.

I thought the matter was over, and went north to join my family, who were spending the summer in Cheshire. Some weeks later I received an urgent summons from the Treasury, recalling me to London. I went by the night train, and next morning I learnt that Sawarkar had filed an appeal before the Court of Civil Appeal. The case was part heard. Their Lordships had seemed to be so impressed by the arguments of the appellant's counsel that the Treasury had in despair sent for me. Again, however, the amazing ability of the Solicitor-General turned the scale, and the appeal was dismissed. The appellant's counsel then begged for time to file a further application before the Lord Chancellor. He was granted a fortnight. Sawarkar wrote to Paris, where a group of Indian revolutionaries resided, and begged them to collect funds for his further legal expenses. They generously subscribed an ample sum and chose one of their number to take it to England. Their choice was not a happy one. The messenger went with the money to the railway station. As he had lots of time he decided to dine in a neighbouring café. There, unfortunately for Sawarkar, he met a devastatingly lovely French girl, whose beauty was greater than her virtue. They fell into conversation. The Indian found her so agreeable and amusing that he forgot all about his mission, and spent in her company that evening, the next day and many days afterwards. At the

same time he spent all the money collected for Sawarkar's application! The result was that when the fortnight was up, neither messenger nor money was forthcoming, and the order to extradite Sawarkar was made absolute. For my humble efforts in the case I received the following letter from the Director of Public Prosecutions:—

21st June 1910.

DEAR MR KINCAID,

Rex v. Sawarkar.

Now that the protracted proceedings in this case have, in all probability so far as the Courts of this country are concerned, been brought to a conclusion, I write on behalf of the Director of Public Prosecutions to inform you of his appreciation of the value of your services to this Department in connection with the prosecution of the case for the Crown.

I don't know how it would have been possible to explain to the Court the meaning of the numerous allusions to Indian matters in the speeches of Sawarkar without your assistance.—Yours very truly,

GUY STEPHENSON,  
Assistant Director of Public Prosecutions.

From the India Office came the following despatch:—

INDIA OFFICE, S.W.,  
15th July 1910.

SIR,—I am directed to inform you that a report has been received from the Director of Public Prosecutions on the proceedings in the case Rex v. Vinaja Damodar Sawarkar, and to convey to you

an expression of the Secretary of State in Council's appreciation of the value of the services you rendered at his request to the Prosecution in the matter.—I am, Sir, Your obedient servant,

JOHN CAMPBELL.

About the same time I received an even more gratifying communication. The India Office reported that the Bombay Government had cabled to England inquiring whether I would give up the rest of my leave and go back to India as Secretary to the Bombay Government in the Political, Judicial and Special Departments. The permanent incumbent of the office was Mr (now Sir James) Du Boulay, and he had accepted the post of private secretary to the new Viceroy, Lord Hardinge. In view of the length of my service this was a very flattering offer. My pay was increased from Rs. 2325 per mensem to Rs. 3100. The work also brought me into close touch with the Governor, Lord Sydenham. I joyfully accepted the post, and early in August 1909 I sailed for India. My wife was to sail three weeks later. On arrival in India I took over charge from Du Boulay, and so entered on the two most interesting years of my Indian service.

## CHAPTER IX.

### SECRETARY TO THE GOVERNMENT OF BOMBAY.

THE Secretary to Government is an institution peculiar to India. There were at this time three members of the Executive Council besides the Governor, Lord Sydenham. Sir William Morison was the member for the Political, Judicial and Special Departments; Sir Richard Lamb had charge of Revenue and Finance; Sir Mahadev Chaubal ruled the General and Jail Departments. These four men formed the Bombay Government. Each member had a secretary; but the secretaries did not belong exclusively to each member. The bulk of my work, it is true, went to Sir William Morison. To him I sent, after noting on them, the civil and criminal appeals from the native states in political relationship with the Government of Bombay. At the same time all the purely political work I took direct to Lord Sydenham. The files connected with the jails I sent to Sir Mahadev Chaubal. I sent no papers to Sir Richard Lamb. It was open to me to take any papers, wherein I disagreed with the members' views, to Lord Sydenham as a second member.

I had met Lord Sydenham as Judge of Poona

and knew him slightly; but now I was brought into frequent contact with him. Twice a week I took him my files. He did not read them. It was my duty to give him orally a short summary of the questions arising in each file, and the possible conclusions and the arguments for and against each. I soon found that I had to deal with a master mind. Lord Sydenham was the son of a country clergyman and wholly without influence. He passed into Woolwich first on Classics. He passed out first on Mathematics and entered the Royal Engineers. By sheer force of ability he rose to some of the highest posts in the gift of the Crown. He was knighted as a Major. He became in turn a member of the Committee of Imperial Defence, Governor of South Australia and, last of all, Governor of Bombay. The files that I had to take him were seldom easy to understand. They contained often the most difficult points for decision; but Lord Sydenham's attention never relaxed, his thoughts never wandered, and with unerring penetration he selected the right conclusion. If to this extraordinary mental power be added an unfailing courtesy and a genial manner, it will be understood that my labours, however severe, were more often a pleasure than a burden.

Lord Sydenham was not only able and courteous, he was in the highest degree magnanimous. He came to India an old-fashioned Victorian Liberal, and Lord Morley at the India Office had impressed on him the necessity of conciliating the Indians and repressing the 'Tchinovniks,' as he was good enough to style the Indian Civil Service. It took Lord Sydenham a year or so to change his mind. When

he did so, he entertained the Civil Service at a public dinner in his palace at Ganeshkhind, and in a speech admitted that he had been wrong, that he found the Civil Service to be right. In future, so he promised, they could count on his unfailing support. To act like this needed real greatness, and his action secured for him the whole-hearted devotion of every member of the Bombay administration.

Almost immediately after I had become secretary we received the grave news that Sawarkar had escaped at Marseilles. He was in the custody of the police; and an English police inspector and an Indian deputy superintendent were appointed to escort him by steamer to Bombay. On reaching Marseilles, Sawarkar asked leave to go to the lavatory. He shut the closet door and, being very slightly built, wormed his way through a port-hole. He dived into the water and swam ashore. On landing he ran to the nearest gendarme and gave himself up. Unfortunately for him he could not speak French, so the gendarme, who had other things to attend to, grew impatient. When the English police landed and ran up shouting, "Au voleur!" the gendarme readily handed him over. Sawarkar was taken back on board. The French Socialist Press took up the matter, and persisted in referring to it as 'Déplorable affaire.' The Home Minister was heckled; and at last, by arrangement between the English and French Governments, the matter was referred to the Hague Tribunal. Briefly, the English case was that the fugitive had been handed over by the gendarme, an authorised agent for the French Government, and that the acts of an

authorised agent bound the principal. Sir Eyre Crowe, representing the English and Indian Governments, argued the case admirably; but his argument had, as it seemed to me, one fatal flaw. It is true that in many matters a gendarme is an authorised agent of the French Government. When, however, he handed over a fugitive to the police of a foreign power, he was acting outside his authority as an agent, and, therefore, did not bind his principal. His duty was clear. He should have placed Sawarkar before a magistrate and left it to the English Government to apply, if so advised, for his extradition. The French reply was beautifully written and a model of clear, luminous prose; but it completely omitted this point, and I have no doubt but that it did so deliberately. It had no wish to add another anarchist to the group already hiding in France. The Hague Tribunal with sound common-sense refused to enter into legal technicalities, and held that, when a fugitive offender was voluntarily handed back to his own Government, the latter were entitled to hold him. Sawarkar was tried in Bombay and sentenced to transportation for life. After some years in the Andaman Islands he fell ill, and was released on a promise of good behaviour.

At the beginning of the cold weather of 1910 Lord Hardinge, the new Viceroy, arrived at the Gates of India. As Secretary of the Political Department, I had to arrange for his official welcome. This gave me little trouble. So many Viceroys had preceded him that every disputed point had been settled. Lord Hardinge was a handsome, well-set-up man with the distinguished bearing of one who

had served the King of England as Ambassador. Sir Valentine Chirol had invited me to meet Lord Hardinge at dinner shortly after his appointment, but I had been unable to accept the invitation. I greatly regretted my inability; for it was at that dinner that Lord Hardinge had, across the table, asked Sir George Birdwood for advice as to his future conduct as Viceroy. The genial old knight had made the admirable reply, "Hold your tongue!" Sir George had thought, with many others, that Lord Curzon might have been an even greater Viceroy had he been less fond of speechifying.

Among Lord Hardinge's staff I met my predecessor in the post of Secretary, Sir James Du Boulay, and was glad to see him again. Perhaps the most self-possessed person in the Viceroy's entourage was Lady Diamond Hardinge. She was quite a little girl, but she walked about every inch a Viceroy's daughter.

No sooner had Lord Hardinge arrived than the outgoing Viceroy, Lord Minto, went. He and Lady Minto were very popular, and numbers of Indian chiefs and dignitaries had assembled to bid them good-bye. Among them was the old and honoured friend of my parents, H.H. the Begum of Bhopal. Over her head was a white sack-like garment that hid all of her face except her eyes. She was of pure Afghan descent, and these were a bright grey-blue. I ventured to introduce myself, and the great little lady welcomed me cordially as the son of her old friend, General Kincaid. Then she told me that she wished to present a bouquet to Lady Minto, and I was to arrange for the presentation.