HABEAS CORPUS WRIT FOR DETAINED HINDUS REFUSED BY JUSTICE

Counsel for Would-be Immigrants Argues that There Is Discrepancy in Two Acts.

WILL NOT DEPORT MEN TOO QUICKLY

Chief Justice Hunter Will Hear Applications for Writ in Vancouver Today.

VICTORIA, Nov. 5. — After a hearing beginning in the forenoon and not concluding until late this afternoon, Mr. Justice Murphy refused to grant the writ of habeas corpus asked for as a test case on behalf of Narain Singh, one of the thirty-nine Hindus awaiting deportation here.

The case for the Hindus was presented by Mr. J. E. Bird, Vancouver, while Mr. W. J. Taylor, K. C., and Mr. E. E. Wotton, appeared for the immigration department.

Mr. Bird intimated that he would apply to Chief Justice Hunter tomorrow morning in Vancouver for an order for a writ as he did not think there was a right of appeal in the matter.

Language at Variance.

Mr. Bird argued that the orders-in-council under which the department acts, in addition to the act itself were ultra vires of the government on the ground that the language used in them was at variance with that used in the act, instancing "Origin" in the one where "Race" is used in the other, the wide term "citizen" instead of the more specific "native or naturalized citizen," and the actual personal possession of $200 instead of the "possession in one's own right," which he argued might mean in the bank or in India.

Since the Indian act of 1858 declares that all residents of India shall have the rights and privileges of British subjects, he continued that this brought the Hindus within the exception placed in the orders-in-council to meet the case of the Japanese.

Cannot Interfere.

Mr. Taylor held that quite apart from the orders-in-council, which he considered well within the power of the government to adopt, the act in providing for boards of enquiry, made these the supreme authority, from which there was no appeal and which the courts had no power to interfere with or restrict in any way.

His lordship said that the courts had a right to act by way of certiorari or habeas corpus, but he also held that the orders-in-council were properly passed and that Narain Singh was properly ordered deported.

As Mr. Bird gave verbal notice that he would renew his application, the judge instructed the immigration authorities not to deport the men in a hurry.

CHISANA STAMPEDER SPEAKS OF ACTIVITY AMONG PROSPECTORS

Clarke Says Fired Fat At P. C. A

Other Witnesses Say Davis Point Killed Constable—Trial of Two Assize Today When Jury W Trigger Sending Death-Deali

Who fired the fatal shot which prove Archibald on the morning of May 28 la street, where his body was found some te

This is the question which faces th guilt in connection with the case. Clarke of killing the constable, stood in the bo story which declared that Davis, his pa shooting, while other witnesses told of the pointed to Clarke as the man who did th constable in the performance of his du and will be submitted to cross-examinati counsel for Davis. Davis, it is expected,

It was on the afternoon yesterday that the case for the crown was closed and then Clarke was the first man to be called for the defense and for over an hour he stood in the stand telling his whole history since his arrival in Vancouver at the beginning of the summer. Earlier in the day "Blackie"

Appeal For Nan

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Seek Reduction

(Sun's Leased W. A. P. Wire.)

OTTAWA, Nov. 5.—J. C. Waters and Fred Bancroft, president and secretary respectively of the Dominion Trades and Labor Congress, waited on Hon. C. J. Doherty, minister of justice, this afternoon and pleaded for a reduction of the heavy sentences imposed on the Nanaimo, B. C., miners, who were convicted of being leaders in the strike riots there last month.

Thirty-eight men and two boys were sent to jail for terms ranging from three months to two years. The two boys and two men were given a two-year term, twenty-three men were given one year, and eleven men were sentenced to three months. These sentences, Messrs. Waters and Bancroft claim, were too severe, especially in the cases of the two men and the two boys sentenced to two years in the Westminster penitentiary.

SASKATCHEWAN HOUSE TO BE OPENED TODAY; MANY GUESTS INVITED

(Sun's Leased W. A. P. Wire.)

REGINA, Sask., Nov. 5.—The session of the Saskatchewan legislature will be opened tomorrow afternoon at 3 o'clock. A detachment of the R. N. W. M. P. will escort his honor, the lieutenant-governor, from his resi-