

Q-Q-P-Y:



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Vancouver, B.C., July 27th 1914.

W. D. Scott, Esq.,
Superintendent of Immigration,
Ottawa, Canada.

Dear Sir:-

I beg to report re steamer "Komogata Maru" and passengers, as follows:- This matter came into my hands on the arrival of the ship from Hong Kong. It was desirable that these people should not be able to evade the regulations as there was a strong feeling in the Province that it would not be advisable to permit more Hindus to enter British Columbia. A large number had heretofore come to the Province and some of them had not made good citizens. The view heretofore taken by some of the Judges of the Supreme Court as to the validity of the Orders-in-Council made under the "Immigration Act" rendered it advisable to have an authoritative decision from the Court of Appeal so that the Immigration Department could clearly understand its position. It will also be remembered that if a writ of Habeas Corpus is issued there is no appeal.

Immediately after the "Komagaga Maru" arrived here I was waited on by Mr. Bird, of the firm of MacNeill, Bird, Macdonald & Darling, who requested me to advise such steps as would shorten the period of detention pending decision by the Immigration Department. The Court of Appeal was sitting at the time and I suggested that we would take one typical case, hold a Board of Enquiry thereon and make an order of deportation under the Orders-in-Council made pursuant to the "Immigration Act." He would then apply for a Writ of Habeas Corpus and allow judgment to go against him without argument, and take an appeal to the Court of

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Appeal against such decision, so that the question of the validity of the Orders-in-Council could be authoritatively pronounced upon.

He consulted with his clients as to whether the proposition should be accepted, but they refused. We, therefore, did not think it advisable, in view of the object we desired to obtain, to hasten the proceedings of the Boards of Enquiry. We carefully went over the claims of those Hindus who claimed Canadian domicile, and such as we found entitled to land, we landed in due course.

We then took up the general body of immigrants, examined those who were suffering from disease, or otherwise were unable to land, but gave no decisions in any cases which came under the Orders-in-Council. This consumed a considerable period of time, and, about one month after the arrival of the ship, I was again waited on by Mr. Bird, who asked me to repeat the proposition made to him at the time of the arrival of the steamer. I refused to do this but told him if he was willing to make that proposition to me that I would consider it.

He consulted with his clients and made the proposition exactly in the terms of that made by me at the beginning of the matter, and I accepted it. Accordingly the case of Munshi Singh was taken up, heard by the Board of Enquiry, a deportation order was made, based solely on the Orders-in-Council and a Deportation Order made thereon.

Application was made to Mr. Justice Murphy for a writ of Habeas Corpus, which he refused, and upon that an appeal was taken to the Court of Appeal. The matter was

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of the gravest importance to the Department of Immigration and Mr. W.B.A. Ritchie, K.C., with Mr. Ladner of my office appeared for the Department, and Mr. Cassidy, K.C., and Mr. Bird for Munshi Singh. The matter was argued for two days before the Court of Appeal in Victoria and decision reserved. Later the decision was pronounced unanimously upholding the validity of the Orders-in-Council and also the effectiveness of Sec. 23 of the "Immigration Act."

As a result of this decision the Department is now able to carry out the wishes of the peoples as expressed in the Immigration Act, without being bothered by a recurrence of Habeas Corpus applications from Judge to Judge, with the expectation that some Judge would take a view of the Orders-in-Council different to that taken by the Department, which would result in practically nullifying the Act. I think this decision will be of the utmost benefit to the Department and especially to the officers administering the Act in British Columbia.

Immediately after the decision of the Court of Appeal Boards of Enquiry were held on all the other passengers of the Steamer "Komogata Maru". Dr. Raghunath Singh, the Doctor, with his wife and family, was landed as he is an officer in the British Army on temporary leave. The others were ordered deported and the regular Orders of Deportation were made, signed and served on the agents for the owners, the Captain of the Ship, the Charterer, Gurdit Singh, and the assignees of the Charter, H. Rahim and Bhag Singh.

Further trouble then arose. The owners of the Ship claimed that the Ship was under charter to Gurdit Singh and that the Ship, therefore, temporarily belonged to him and

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that the Captain and Crew, although appointed by the owners of the vessel, were really merely the servants of the Charterers. The Charterer Gurdit Singh, having assigned the Charter, refused to have anything to do with ~~it~~ either provisioning the ship or deporting the passengers. The assignees of the Charter claimed that they had not brought these passengers to British Columbia and, therefore, were not entitled to deport them and demanded over and over again that the Immigration authorities remove these passengers from the vessel and deport them or do as they pleased with them, so giving over the ship to the use of the assignees of the Charter. These demands we refused to comply with, and demanded from the Captain, under the provisions of Section 44 of the Immigration Act, that he take back the deported Hindus to the Ports from which they came. He did not seem inclined to do this as there were no provisions for the long journey. The owners refused to provide these provisions, the Charterer (although it was his duty under the charter) did likewise, and the assignees of the Charter also refused provisions.

Acting under your instructions the Immigration authorities gave the Hindus such provisions as were needed for their immediate sustenance and promised to provision the ship for her return trip to Hong Kong. Notification of this was given, both to the Captain of the Ship and to the passengers on board, but the Captain refused to depart claiming that he was prevented by the passengers from moving the ship. We pointed out to him that if he ~~refused~~ had control over his ship he was liable to a penalty not exceeding Five hundred dollars in respect of each of the pass-

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engers on board for failure to deport, and that if he did not have control of his ship it was his duty to call upon the civic authorities to assist him in procuring such control of his ship as would enable him to obey the orders of the Immigration authorities. After considerable hesitation on his part, he signed a request to the civic authorities to put him in control of his ship, and in pursuance of that request, a squad of police visited the ship for the purpose of maintaining order. They were repulsed by force and it therefore became necessary to call for further assistance. Luckily it was possible to obtain the assistance of the "RAINBOW" with a squad of local militia.

Upon perceiving that sufficient force was at hand to quell any resistance, negotiations were resumed, which resulted in the departure of the steamer with her passengers for Hong Kong, on the morning of the 23rd instant, and that without the necessity for the use of force.

In conclusion, I may say that the matter has been one of tremendous importance and has necessarily carried with it, during the long time it has been going on, a great weight of responsibility. The brunt of the trouble, of course, has fallen upon Mr. Malcolm R. J. Reid, the Agent here (and I may say, to avoid misunderstanding, that he and I are not related in the least), and he has at all times performed his duty with the greatest zeal to carry out the instructions and fulfil the provisions of the law, and has never spared himself where his duties required him to act.

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He has always sought my advice in any matters of difficulty, and has loyally co-operated with me in carrying out the provisions of the Act.

The conduct of the other officers of the Immigration Department, has been such as to deserve my heartiest approval. All interested in the matter have been greatly assisted by Mr. H. H. Stevens, M.P., who has spared neither time nor trouble to assist Mr. M.R.J. Reid and the other Immigration officers in the arduous duties.

I am also glad to say that during the last two or three days of the negotiations, when matters were at the crucial point, we had the able assistance of the Hon. Mr. Burrell, whose personal ability, added to his ^uauthority as a member of the Cabinet, greatly assisted all concerned in bringing the matter to a satisfactory conclusion.

Yours truly,

Sgd. R. L. Reid.

Agent for the Minister of Justice.