

Minutes of a Board of Enquiry in the matter of the Immigration Act and Natha Singh, alias Bagwan Singh, this 21st. day of October 1913, at the Dominion Immigration Office, C.P.R. Wharf, Vancouver, B.C. -

## PRESENT:

Mr. Thos. Elliott,	Chairman,
Mr. Chas. Wilson,	Immigration Inspector,
Mr. David Nelson,	Immigration Inspector,
Mrs. E. G. Cowper,	Official Stenographer,
Rajah Singh,	-----Interpreter,

Rajah Singh Sworn.-

By Mr. Elliott.

Natha Singh, this is an opportunity being given you to show any reasons why you should not be deported from Canada as a person who entered this country under misrepresentations. These misrepresentations are contained in the minutes of a Board of Enquiry held on the 8th day of June 1913, at this office, in which you made the statements which are contained in those minutes.

Natha Singh refuses to answer.

Mr. Hopkinson sworn.-

By Mr. Hopkinson.

On the 7th of June 1913, I met the R.M.S. EMPRESS OF RUSSIA at Victoria. On that boat, Natha Singh, the man present, who was known under that name at that time and manifested on page 12, line 26, appeared before me in Company with several other Hindus. I checked him up as per the manifest to which he answered the questions as contained therein.

His age was given as "30 years."

Married, or single or a widower? "Married."

Have you ever been in Canada before? "Yes."

If so, when? "In 1912."

Where? "Victoria."

How long? "5 Years."

Do you intend to permanently reside in Canada? "Yes"

Are you able to read and write? "Yes."

Country of birth? "Punjaub."

Race of people? "Hindu."

Destination on the manifest itself was Victoria, but Dr. Milne would not let him land there, hence his destination was altered by me to Vancouver, Province of British Columbia.

His occupation given on the manifest was labourer, his intended occupation in Canada, labourer. The answer to question contained in column 24, "have you ever worked as a ~~labourer~~ farmer, farm labourer, gardener, stableman, carter, Ry. surfaceman, navy or miner? was given as "Yes.# as labourer."

How long? "5 years."

When? "In 1907 to 1912."

Religion given as "Bhuddist."

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These answers to the questions given in this manifest were taken by the Purser of the boat, and checked up by me in the course of his journey from Victoria to Vancouver.

In the further examination conducted on the boat he made the following statements and submitted the following documents to me.

"Natha Singh, son of Surmookh Singh,  
Village of Viring,  
District of Jullunder,

I am reading now the examination as taken down by me in answer to questions put by me, after I had been through the manifest; ~~and~~ obtained the manifest and checked the questions in the different columns in the manifest.

States he arrived in Victoria on 700 ship, in 1906, worked in Barnetfor North Pacific Lumber Co., for two years. Worked in South Wellington for four years. Left for India on the 25th of October 1912 on the Shizoka Maru from Victoria.

He produced ticket at Hong Kong to ~~never~~ come to Vancouver. He paid \$51.00; he also paid \$31.00 from Calcutta to Hong Kong. He stated he could not get a ticket direct to Vancouver. He produced a letter from the Pacific Coal Company, dated the 27th September 1912, which you can mark "Exhibit 1." to these minutes. He also produced a passbook No.154, on the Merchants Bank of Canada, in which there was left a balance of \$8.60.

He has a knowledge of temple; knows the priest of temple who is on delegation. Page 12, line 26, Ticket number 4674.

He had £5: at the time he was on that boat. This is the pass book, Exhibit 2. I did not land this man, and he in Company with 21 others, was detained for identification and further investigation. On the following day, i.e. the 8th, he was brought off the steamer in company with the remaining men and put before a Board of Enquiry, and previous to that, in the presence of seven of his countrymen for identification. These seven men were:

Basant Singh,  
Babu Singh,  
Ram Singh,  
Bela Singh,  
Dr.K. Davischand,  
Hackim Singh,  
Bhag Singh,

Each man was put before these people for identification, and as each man was identified the names of the identifiers were put against the particular man identified. Natha Singh was identified by Hackim Singh and Bhag Singh. The signatures were obtained of the persons who identified them and appear on the documents. This exhibit is marker "3".

At the Board of Enquiry held at that time he made the statements in my presence that are contained in the Minutes of that Board and of which a copy is marked exhibit "5". The ship's Manifest is marked exhibit "4".

Subsequent to the landing of this man I received certain information which led me to believe the man had entered the country by misrepresentation. He was not proceeding under the name of Natha Singh under which he landed, but that of Bhagwan Singh.

From certain information I have, from which I am led to believe that this man - - -

(Objection raised by Mr. Bird. Section 16 of the Immigration Act read.)

By Mr. Bird:

Any evidence that I submit under Section 16 can be reasonably accepted by this Board as evidence that can be received as creditable and trustworthy by any other Court, and consequently I object to any hearsay evidence.

By Mr. Hopkinson:

I identified this man as Natha Singh, who arrived by the s.s. EMPRESS OF RUSSIA, and has subsequently been found to be under the name of Bhanwan Singh. I also put in as exhibit "6", a copy of a translation of the "SANSAR", a Hindu newspaper published in Victoria, the original and translation also of which was put in in the last minutes.

(Mr. Bird objects to this being received as it is not evidence.)

By Mr. Bird:

On the opening of the enquiry Mr. Reid, who was then Chairman, said that the enquiry of the 8th of June, was called because you could not identify this man, Natha Singh.

By Mr. Reid:

We could not identify this man Natha Singh, as ever having been here before.

By Mr. Bird:

You know there is an amaret under which a Sikh may have two names so that it is not surprising to see a Sikh here going by two names and Natha Singh might be one of his names and Bhanwan Singh another of his names?

By Mr. Hopkinson:

Yes.

By Mr. Bird:

Did you ask this man on the 8th of June if he had another name?

By Mr. Hopkinson:

I asked him his name and he gave me his name as Natha Singh.

Q. I see by the Manifest that the name was Nutha ~~Sik~~ Singh, and has been changed by you to Natha Singh, so that it must have been by reason of information given by this man?

A. Yes.

Q. Was there any other man on the boat who could go by the name of Natha Singh?

A. Yes, another man who landed at Victoria, page 12 of the Manifest, line 9. There are two entries on that Manifest, lines 12 and 26, one for Nutha Singh and one for Nutha Singh, the latter of which I altered to Natha Singh, on that man's statement that that was his name.

Q. You identify this man Bhagwan Singh, as the Natha Singh landed off that boat?

A. Yes. He is the same man that was identified by these witnesses as Natha Singh.

Q. As set forth in exhibit "3"?

A. Yes.

Q. And it is possible you may have placed the wrong man opposite the wrong name? Or in other words you may have had him opposite 26 instead of 12?

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A. No Sir. There is "B.I." opposite his name which means "Board of Inquiry."

Q. But these statements against him might have been applied to Notha Singh?

A. No.

Q. That man landed at Victoria?

A. Yes. So it could not apply against that man as he did not come on to Vancouver.

(Mr. Reid sworn).

Chairman:

Q. What is your name?

A. Malcolm R.J.Reid.

Q. Position?

A. Dominion Immigration Agent and Controller of Chinese Immigration at the Port of Vancouver.

Q. Will you state when, and where, and how you identified this man?

A. I identified this man as being one of the passengers on the R.M.S. EMPRESS OF RUSSIA, which left Victoria at 10.30 a.m. on or about June 7th last.

Q. And afterwards?

A. And afterwards was present at a Board of Enquiry. He was one of the Hindus identified by some of his fellow-countrymen here as being a prior resident of Canada, and as such was permitted to land.

Q. There is no question in your mind that this is the man?

A. Yes, this is the man, but I do not know his name.

(Exhibit "6" Read.)

By Mr. Hopkinson:

If I may be permitted to make a further statement, it is that ~~in~~ the minutes of the Board of Enquiry as taken on that date, the 30th of September, be included in these minutes, subject to any objections that Mr. Bird makes, and subject to any appeal that Mr. Bird may take to the Minister against this.

By Mr. Bird:

I certainly cannot consent to anything of the kind, and it is not evidence.

Chairman:

I rule that it is permissible because it was ~~taken~~ given in his hearing.

By Mr. Bird:

I would point out that this enquiry has been called because of the irregularity and impropriety of the proceedings of the 30th of September, and because this man was not given an opportunity or told that he was entitled to be represented by counsel, and I further state that no admissions or alleged admissions that are supposed to have been made by this man at that enquiry under the circumstances, be received. He was not cautioned, but was put on what was equivalent to a criminal charge, sub.sec.7, of Section 33, and consequently no admissions under the circumstances made by him without advice of counsel can be received.

Chairman:

He was asked if he desired to be represented and he said "No."

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By Mr. Bird:

I am content that my point is legal and my stand properly taken. I object to Mr. Hopkinson consulting the Court. He is the prosecutor.

Chairman:

The man was asked if he wished to have counsel and he said "No."

By Mr. Bird:

Nothing of that appears in the proceedings that have been furnished by the Department.

Now gentlemen, I want to know if the evidence is closed. I call upon you to give this man his safe entry into Canada. I submit that there is no legal evidence against him. If it is a criminal charge that this man is up before you on, you, as officials, are entitled to entertain it, the same as a police magistrate might entertain it in the police court. You have to be governed by the same ~~rules~~ rules as a police court and I submit it has got to be proven that this man Bhagwan Singh is not Natha Singh. There is no evidence to that effect. Absolutely no evidence that he is not Natha Singh, the man who has been here before and has served in different points in the Province. There is nothing at all shown by this Court and what is being done is an attempt to put in evidence that is not legal evidence even when he had the benefit of an interpreter. The interpreter was not a proper interpreter and he was the prosecutor in the case, and was one of the chief witnesses in this case against this man. Now I take this stand:

There has been no proof that he is not the man and if this Court decides against it, I want to launch an appeal to the Minister. I respectfully urge that the matter be given due deliberation. I want you to file a notice of appeal.

Chairman:

Will Natha Singh be sworn and give his evidence now?

By Mr. Bird:

Natha Singh will make to statement whatever. Not calling in evidence until you establish a prima facie case, that he is called upon to make defence upon this charge for which there is no evidence against him.

Chairman:

I over-rule this objection.

By Mr. Bird:

I request that the same bail be accepted of \$2000. for further appearance if necessary.

Chairman:

I find that the Board rejects this man because he will not tender himself for examination which it is his duty under Section 16 to do, the onus of proof being on him, under terms of section 16 of the Act. I make a motion as follows:

On the evidence before the board it appears that the Hindu now present before the board is a man named Bhagwan Singh who arrived at Vancouver on the "EMPRESS OF RUSSIA" from Hong Kong as a steerage passenger under the name of Natha Singh and was at that time examined by a board of enquiry and admitted as a returned Hindu having domicile on the statements made by him. It has, however, subsequent to his admission, been

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proved to my satisfaction that he entered Canada under misrepresentation and with false papers this is in contravention of the provisions of the Immigration Act. The "EMPRESS OF RUSSIA" arrived at this port on the 7th of June 1913, and he is manifested as Natha Singh on page 12 line 26 of the manifest. I therefore move that Natha Singh, alias Bhagwan Singh be deported from Canada as a person who entered this country on misrepresentation and not entitled to land as a Hindu having domicile. Bhagwan Singh admits that he is the person to whom reference is made in the Sansar newspaper published by his own countrymen in Victoria, B.C., and that he is the son of Surmokh Singh of the village of Viring.

Seconded by Inspector Chas. Wilson.

*Chas. Elliott*

Minutes of a board of inquiry held in the matter  
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P r e s e n t:

Mr. Malcolm R. J. Reid,	Chairman.
Mr. C. E. Wilson,	Inspector.
Mr. Thos. Elliott,	Inspector.
Mr. J. W. Randall,	Official Stenographer.

By Mr. Reid:

Bhagwan Singh, this is an opportunity being given you to show any reasons why you should not be deported from Canada as a person who entered under misrepresentations. These misrepresentations are contained in the minutes of a board of inquiry held on the 8th day of June, 1913, at this office, in that you make the statements which are contained in those minutes.

Mr. Bird.

I first contend that there never has been a board of inquiry in regard to Natha Singh otherwise known as Natha Singh; that the board of inquiry that is supposed to have been held on the 8th June was not properly constituted and was not constituted so as to hear or entertain the question of this man's admission. I further contend under Sub Section 7 of Sec. 33 that this is a quasi criminal matter, i.e. on the part of the parties who seek to deport Bhagwan Singh, to prove affirmatively any misrepresentation, and he is not called upon to do otherwise than to plead not guilty.

Mr. Reid.

Would you be more definite in your statement in regard to the board which sat on June 8th, 1913, which you state was not properly constituted.

Mr. Bird.

In the first instance Mr. Hopkinson, who claims to be an inspector, was the chief witness; consequently he was not entitled to sit. Consequently the board had no quorum. I further say that this man was never informed that he was entitled to be represented by counsel and had no opportunity to secure the services of counsel at that meeting.

Mr. Reid.

I cannot agree with your argument, as on that date a quorum was formed of Inspectors Howard, Wilson, Elliott, Official Stenographer Randall, and myself as chairman of the board, which was quite sufficient to constitute the board. Mr. Hopkinson advised us in his capacity as interpreter of the reason why he had primarily rejected this man, and we are requested by the Department whenever one of my inspectors reject anyone or are in doubt, to hold a board of inquiry as a matter of convenience for the Department, and we always follow that out so as to have one

man reject any incoming immigrant; otherwise, it would be a one man affair and I see no question there that Mr. Hopkinson asked. He was present on that Sunday (June 8th, 1913) as official interpreter as he was in doubt regarding these men, who were seeking admission into Canada. We usually accept Mr. Hopkinson's recognition of any Hindu and it was on account of him not being able to identify Natha Singh that the board of inquiry was held.

Mr. Bird.

In view of the holding of the board without concurring, I take the position that it is a re-hearing of the last board of inquiry, under Sub. Sec. 7, Sec. 33, and I say that as to the alleged inquiries that took place on the 30th September, 1913, was irregular insofar as Mr. Hopkinson, Mr. Reid and Mr. Elliott were put in the position of witnesses as would constitute a court.

Mr. Reid.

In what capacity was I as a witness ?

Mr. Bird.

You identified this man in one place.

Mr. Reid.

Can you tell the exact place where I identified this man ?

Mr. Bird.

In any event I think you are disqualified by reason of the fact that you sought to bring certain private information that you had received before the board about this man being an agitator, which was not discussed with Natha Singh otherwise known as Bhagwan Singh, and otherwise admitted evidence there which was improper.

Mr. Reid.

With reference to your statement that I introduced evidence; I cannot see the grounds for such statement - in view of the fact that I definitely stated that further whilst this phase of the question (the man being an agitator) has not been touched on at this inquiry, personally I am confident that he is also deportable under Sec. 41. This was only my own private opinion and was not the finding of the board.

Regarding your objections to other evidence being admitted by myself identifying the man, I cannot see why that should be ruled out, as it is part of my duty to see these men and meet these "Empresses." If your contention was upheld we could never hold any board of inquiry.

Mr. Bird.

I say in any matter where you or any member of the board have to give evidence it is not necessary for you to sit as constituting a portion of the board; that you should separate your duties and act as judge or witness, and I think I can show you authority which will prove fatal, and consequently there was no board of inquiry, and this must be started all over again and

any evidence that is produced should be fully dealt with by giving an opportunity for cross examination.

Mr. Reid.

In that case I cannot uphold your contention, for this reason: some of the evidence given at that board of inquiry must go in today because our witnesses are now away in Hong Kong and we do not propose to allow any postponement of this inquiry. If, however, you agree to accept my witnesses' evidence, i.e., the evidence given by Chang Gung, Steerage Steward of the "Empress of Russia" and Lam Quong, C.P.R. Interpreter of the same boat, I will agree today to step down and appear as a witness against this man and re-constitute the board from the remainder of our staff. Mr. Hopkinson will also appear as a witness, which of course you cannot object to.

Mr. Bird.

I do not think it is fair to insist upon us going ahead and admitting evidence where there was no cross examination and to admit evidence that cannot now be produced here.

Mr. Reid.

This man had every opportunity of cross examining witnesses at both boards and his friends consulted counsel as I personally talked with him to Mr. Harper before the proceeding of the board. If you contend everything is out of order, then I shall lay information against this man under Sub.Sec.7, Sect.33, in the Police Court, viz: (Read and explained).

Mr. Bird.

I recognize this board if it is properly constituted and regular. I also say it is absolutely incumbent that this man be found guilty of misrepresentation or entry by stealth, and there is procedure laid down in the Act for the purpose of obtaining conviction. I might say in regard to Mr. Harper, he did send a man down but it was too late, the inquiry was over - so this man in fact had no counsel at that inquiry. I would suggest that this board prosecute this man. He is out on ample bail and if you get a conviction against him in the Police Court, then you can proceed to hold a board of inquiry under the provisions of this Act and deport him.

Mr. Reid.

I would point out here Mr. Bird, he may be arrested!

Mr. Bird.

If you contend that you have already passed upon his deportation and by your order of September 30th 1913, have determined the matter, then these proceedings are perfectly useless. I claim that this is an absolute hearing denova, and that it is necessary for you to bring the same evidence against this man as you would have to bring in the Police Court under Sub. Sect. 7, Sect.33. I contend that if you postpone this board of inquiry and attempt to re-construct it, it would prejudice his fair trial by reason of the matters that have transpired.

Mr. Reid.

I cannot agree with you at all Mr. Bird, for this reason; McCrossan & Harper requested a re-hearing. I don't know on what grounds they asked the Minister for a re-hearing, and I

do not know what evidence they put before the Minister. They may have put false evidence before him; but if they requested a re-hearing I presume they are justified in doing so.

Mr. Bird.

I understand the fact is that Mr. Harper wrote to the Minister that this man had not been represented by counsel as he is entitled to be under the provisions of the Immigration Act, and on hearing that, the Minister immediately ordered the matter opened; consequently, I contend that this is not in order, that the order for deportation on September 30th, 1913, is no longer in force.

Mr. Reid.

You have a right to appeal against our decision. It is no use arguing away without being able to reach an understanding.

Inspector Nelson.

May I say that Mr. Bird's statement before was that as the previous hearing of the board had not been properly constituted that he thought the only fair way to do was to give a re-hearing, and as he also stated that a re-hearing would be prejudicial to his client I cannot see just Mr. Bird's point.

Mr. Bird.

If it is a question of adjournment I cannot consent to anything.

Mr. Reid.

Then we will proceed with the inquiry.

Mr. Bird.

I could not consent; in any event the evidence that was given at the board of inquiry without the cross examination should not be taken by this board.

Mr. Reid.

Bhagwan Singh at that time personally cross examined the Chinaman and was quite satisfied that the evidence given was quite right. In order to avoid any question as to the members of the board acting as witnesses I am agreeable to re-constitute the board and appear myself as a witness on the one point, viz: identification of Bhagwan Singh.

*Malcolm R J Reid*

