

JUNE 26, 1914.

ORDER DEPORTING HINDU IS ISSUED

Immigration Officials Upheld
by Mr. Justice Murphy Who
Refuses Application of Writ
for Habeas Corpus.

FIGHT IS NOW TAKEN TO COURT OF APPEALS

Counsel for Komagata Maru
Passengers Goes to Victoria
to Apply for Special Sitting
to Hear Argument.

With the signing last night by Mr. Malcolm J. Reid, head of the Immigration Department at Vancouver, of the official order deporting a Hindu, one of the passengers of the Komagata Maru, from Canada, a very important step was taken in the drama of the Komagata Maru excursionists.

This action will supply a test case for the courts. An application for a writ of habeas corpus was made before Mr. Justice Murphy yesterday by Mr. J. Edward Bird, acting on behalf of the Hindus, and refused. Mr. Bird will today make application to the Court of Appeal at Victoria for a special sitting of that court to consider the appeal, and Mr. W. H. D. Ladner, counsel for the Crown, will attend this sitting.

Reasons for Deporting.

The application for a writ of habeas corpus was to override the deportation order, which it was anticipated would be made. As stated, the application was refused. The order of deportation was made on the grounds that this Hindu had (1) by coming indirectly to this country, (2) by not having \$200 in his possession, and (3) by being a laborer, all being in contravention of the orders-in-council. The order of deportation was signed by Mr. Reid and the finding of the board by Mr. Reid and Mr. P. Howard, the secretary of the board.

"There is a grain of truth and a whole lot of imagination in the report," observed Mr. H. H. Stevens, M. P., when seen yesterday with reference to a published report that a scheme had been planned by himself and Mr. Reid to rapidly get rid of the several hundreds of Hindus on the Komagata Maru by shipping them aboard the Empress of India, which sailed for the Orient yesterday, as passengers. Mr. Stevens stated that it was not the government which had anything to do with the abandonment of the idea, but the C. P. R. definitely refused to carry them as passengers.

Railway Company Refused.

"The idea," said Mr. Stevens, in conversation with "The News-Advertiser," "was that as the Komagata Maru would not leave the port, and therefore we could not deport her, that we should deport the Hindus in the usual way by other steamships, and pay for them in the usual way. The C. P. R. here wired to Montreal and the proposition was turned down. As the C. P. R. refused there was no necessity for a final decision from the government officials at Ottawa. Ottawa, we know, has undertaken to take every possible means to have the Hindus returned to their own country. All that they ask and all that we want to do is to keep within the law. The difficulty is that we have no means of enforcing the law. We are up against the question of deportation and we cannot deport by the Komagata Maru because she won't go."

Fight in the Courts.

Questioned regarding the immediate

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Questioned regarding the immediate future, Mr. Stevens said: "It would appear that we shall have to fight our way through the courts. We hold very strongly that the courts have no jurisdiction in the matter—and I would like you to make this very clear—but the courts have claimed and exercised such jurisdiction. They claim the right to review, but we claim they have no such right."

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NAVAL BUILDING