

193: E. M. N. Woods, Counsel for Mewa Singh, to

4994

PHONE SEY. 2752

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BARRISTERS, SOLICITORS & NOTARIES

EDWARD MONTAGUE N. WOODS  
DONALD DOWNIE, ESQ.

C. J. Doherty, Minister of  
Justice, Ottawa

603 BIRKS BUILDING

VANCOUVER, CANADA

*Vanuana* 24 December, 24th. 1914

The Honourable, the Minister of Justice,  
Ottawa, Ontario.

Dear Sir:-

I have the honour to make application on behalf of Mewa Singh now under sentence of death at the Provincial Jail New Westminster, date of execution being fixed for January 11th, for clemency, and to have the sentence of execution commuted, and in doing so would draw to your attention the following facts.

The trouble leading up to the death of Hopkinson, which of course is to be very much regretted, arises out of a long series of events dating back to the year 1907. I acted as counsel for the accused at his trial, and could if I wished to have done so have had a long drawn out trial, which would have involved the instigating of various complaints against the Immigration Department in this City, and particularly against its handling of the East India question, and the accused being an East Indian it was difficult for me to explain to him that while a great many things may have happened that have impressed themselves on his mind as being unjust, and wrong, still as a matter of law they were not a defence to the indictment upon which he stood charged, and as a result the trial took a very few moments, as it were, not a single crown witness being cross-examined by me, and the accused was found guilty.

At the trial, however, the accused went into the box and was sworn and gave testimony and was cross-examined by the Crown counsel. He also, before sentence, made a statement. This statement was interpreted by a very efficient crown interpreter, Mrs. Dalton, and the statement was taken down in shorthand, and afterwards transcribed. This statement I enclose as being the accused's statement of fact, and the Trial Judge when it was suggested that the accused give his evidence on oath, after having been sworn, he suggested that the statement be put in after the same had been read by me as counsel in open court.



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The accused man has a grievance and there is not any question in my mind that he believes, and I am not saying whether he is right or not in believing it, but he believes that Hopkinson was responsible for the killing of the two men in the Sikh Temple here on the 5th of September of this year, in which a serious shooting affray took place in the Temple, in which two men were killed out-right and five men shot, the two deceased men being shot in the back. Bela Singh, an employee in the Immigration Department, was tried for this with two trials. On the first the Jury could not agree and in the second came very nearly disagreeing. I have no comments to make with regard to Bela Singh other than to say that notwithstanding his acquittal which is inexplicable to the Indian colony here, but I must say speaking for myself I do not understand the Jury's verdict. However, a very important fact which you can ascertain by inquiry is that immediately after the shooting in the Temple Bela Singh made a statement when asked by the constable why he did the shooting he explained in terms to the constable that "Hopkinson and Reid they know, go and ask them." Reid being the Inspector of Immigration in the City and Hopkinson an employee. This evidence was not allowed in the trial, but it throws a very lurid light on the situation, and Bela Singh's defence at the hearing was self-defence. This was never raised at the preliminary hearing, at the coroner's inquest and only came up at the Assizes. Whatever the facts may be it still remains a fact that the Indian colony here believe that that shooting in the Temple had some connection with the Immigration Department. I do not believe it but after a close association and observation of the Hindoos in this city since 1907 I claim to be in a position to have a fairly accurate knowledge of conditions that exist in the City.

The result then is this, that Mewa Singh believing, and I say wrongly believing, that Hopkinson had something to do or some connection with the affray in the temple conceived the idea that it was his duty from pure religious fanaticism, and that he was doing a right thing, shot Hopkinson. At his trial he developed beyond question this religious fanaticism, and at one time I was seriously considering whether I was not in duty bound to raise the question of insanity. I believe him to be a religious fanatic. His demeanour at the trial showed this and his demeanour since his trial shows the same. They believe it at the Provincial Gaol. He spends the whole of his time



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when he is not sleeping or eating, in religious devotion. If you had any one in your Department who is conversant with the East Indian they would I think be of valuable assistance to you in confirming what I say. But no doubt you will make proper inquiry. I have visited him myself on three different occasions since his confinement and note each time a marked change in the man in the direction of what I would call religious mania. Mewa Singh was known amongst his compatriots as a devout and religious man and a man of high ideals. A man who had the highest conception with regard to the sacredness of the precincts of the Sikh Temple, and the desecration as he calls it has been so borne in upon his mind that he committed the act that he did, and the circumstances surrounding the committal of that act indicate in a dramatic way to my mind that the man believed he had a mission. Therefore then at the present time the unfortunate man himself has refused to give his consent to my asking for clemency on his behalf, which to my mind is an indication of a religious mania, but his friends and he has many notwithstanding his determination that I shall not take this step, have asked me to forward to your Department this request for clemency. You can understand that I am placed in a delicate position in the matter. I have personally strong convictions with regard to the mistakes which I conceive to have been made by Mr. Reid and his associates, and to those mistakes I attribute the unfortunate condition of affairs that exist with regard to the East Indian in Vancouver.

I wish simply to point out that in asking you to do this that I am writing with the hope that you will believe they are sincere and that they may have some influence with you in coming to a conclusion as to what is the right thing to be done. In the first place a mistake in judgment all the way through has been committed by Mr. Reid and I have told him this many times but being a personal friend of my own, having known him for some years, that he did allow his department to get mixed up and take sides in all the various legal quarrels that the Hindoos had amongst themselves. This can be proved by numerous witnesses. I have a large practice with the men and I can hardly recall a case either civil or criminal in which I did not find Mr. Hopkinson and Mr. Reid taking part on the opposite side. Mr. Hopkinson I



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I think was responsible for this and Mr. Reid was to blame in allowing him to so act, the result being that Hopkinson himself and Bela Singh who was in the department as an employee on the outside asserted themselves to the East Indians to have more authority than they really did. The common expression used was "The Immigration Department is on our side. We are the government", and as a consequence their side if it was a civil case or a criminal case was bound to win. This had a most damaging influence and divided the East Indians into two factions, and of course had its effect at the Sikh Temple, and the men who were shot at the Sikh Temple were men who disapproved of the methods adopted by Hopkinson and Bela Singh, and the continuation of the policy of allowing Hopkinson and Bela Singh to go outside of the work of the Immigration Department and participate in the legal squabbles of the East Indians, created an atmosphere of intense friction. This I think his Honour (although he does not know I am mentioning his name) but this I think his Honour Judge McInnis in his criminal court will confirm, but at any rate that was the situation, and Hopkinson became by degrees simply a strong partisan on the side that he was advocating and through it the Immigration Department here became an object of distrust and suspicion by the great majority of the Hindoes.

Speaking from my own personal knowledge for the last two years or more I could go along the streets and pick out the faction because Bela Singh and Hopkinson and their followers always moved as a body through the streets, and I have not any hesitation in saying that on numberless occasions advantage has been taken of the fact that they were supposed to have the government behind them. This accounts for Mewa Singh's view apart from the fact of what Bela Singh himself when he was arrested told the constable, that his view was that the department or government was exercising this very wrong influence. You will understand that I do not for a moment suggest that Mr. Reid was a party nor do I suggest that the government was but what I want to emphasize is that the East Indian with his peculiar make-up believes that.

When Bela Singh was on trial he took the attitude that he and his followers, who are not very many, com-



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paratively speaking, were the loyal men and that all those who did not agree with him were disloyal, and this had its effect on the public mind here, that is with people who do not understand the situation. So much so that since the Assizes Balwant Singh, the priest, Sohan Lal, Karter Singh and other East Indians have all been indicted at the instigation of Bela Singh, who was a witness, for conspiracy, and counselling to kill Hopkinson. Showing again the animosity that prevails and the determination on Bela Singh's part and his associates to stop at nothing to put men who oppose them in a false position. These cases have been tried and the men acquitted and the men I represented the Crown withdrew the charge. Since that again I am instructed and I believe it to be absolutely accurate, Bela Singh and his followers, have been to Victoria and perpetrated down in that city a very horrible assault in which a man has been very very seriously injured, and is now in the hospital in Victoria, four of the men have been arrested and a warrant was out for Bela Singh who is alleged to have been a participant and he is in hiding at the present time. Day after day men come in and see me stating they have been threatened and the fact that Bela Singh has got off has given these men more confidence and they are asserting more authority and claiming to be able to do practically what they wish which in the case of our own people we would pay no attention to, but in the Oriental mind it has a very very bad effect. To show you how far it has gone I am unable, if I presented a petition in this case, to get a single signature by Mewa Singh's friends, for the simple reason that they think if they put their name to the paper they will be charged with being disloyal and having been participants in some way or responsible for the killing of Hopkinson. I have tried to put the case fairly to all concerned and in conclusion would ask you to make inquiries to ascertain if the statement I have made can be confirmed.

Shortly the points are as follows. In the first place I believe Mewa Singh to be a religious fanatic, and that he killed Hopkinson believing that he had a mission. In the second place this was brought about by the fact that Hopkinson and his associates brought about a condition of affairs amongst the Indian colony by taking part in the various disputes that the East Indians had which brought about a condition of affairs which if he had acted



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otherwise would not have existed.

I enclose Mewa Singh's statement which was taken under the circumstances already detailed, and on his behalf ask a close inquiry by your department to ascertain whether or not in the interests of justice that this poor fellow may ~~not~~ have his sentence commuted.

I have not written before because I was held back by Mewa Singh, hence the delay. If by chance the department thinks it worth while to make inquiries and finds there is no time in any event I would ask for a postponement of the execution. This is the first East Indian under sentence of death in this Province.

I have the honour to be,

Your obedient servant,



Counsel for the accused.

EMN Woods