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221 W.D Scott to Lt. Col Sir Percy Sherwood, Chief
Commissioner of Dominion Police
Ottawa

7th October, 1916.

Dear Sir Percy,

Mr. Malcolm R. J. Reid, our Inspector
at Vancouver, issued the following circular to
Immigration Inspectors on the 15th of June last:

"The authorities are particularly
anxious to guard, as far as possible,
against Hindus crossing the border sur-
reptitiously either into Canada or into
the States. I am aware of the difficul-
ties which stand in the way of a complete
check on such surreptitious traffic, but
I shall be greatly obliged if you will
make every possible effort to prevent
it and to detect any cases of this sort
that may occur.

"We have evidence that Hindus in or-
der to escape detection, sometimes cut
their hair, shave, and discard their tur-
bans for hats.

"The great demand that exists at
present for Hindu labour has resulted
in considerable movements among them,
and it is likely that this may give rise
to clandestine efforts to cross the bor-
der. If any Hindu is discovered trying
to sneak across in either direction, he
should be arrested, and all papers, of
whatsoever sort, that are found upon him
or in his effects, should be sent to me.
I will also arrange to have the man in-
terrogated. After all this has been
done, he should then be disposed of in
the ordinary manner, unless in any parti-
cular case, I should give special in-
structions with regard to his disposal."

I did not notice this as it had been cov-
ered up on my file, and it was not until the 1st
ultimo that I became aware of the circular and
then only because Mr. Reid forwarded a draft of
the second circular which he wanted to send out
but thought well to secure authority for doing so.

Lt. Col. Sir Percy Sherwood,
Chief Commr. of Dominion Police,
Ottawa.

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The second proposed circular reads:

"In a circular dated 15th June 1916, warning was given as to the care that should be taken in searching and examining Hindus who may try to cross the border surreptitiously. It is also possible that Hindus who register themselves, and visit the States without concealment, may, nevertheless, be engaged on some seditious or lawless business involving danger to the realm. It is therefore desirable that when any Hindu applies for permission to cross the border, he should be very closely interrogated as to his business, and any documents in his possession should be examined. Before permission to return is granted in any suspicious case, a reference should be made to the Dominion Immigration Inspector for B. C."

I wrote Mr. Reid some three weeks ago and asked him under what authority he considered it possible to arrest a Hindu seeking to leave Canada and confiscate his papers and detain him for further examination, the Hindu being a British subject. Mr. Reid has replied, and from his letter, I quote the following:

"I am inclined to think we have ample justification for searching any individual who may be crossing the border in either direction during the duration of the war, on the ground that we are looking for prohibited literature, such as the Ghadr, the weekly paper printed in the Hindu dialect published by the Yugontar Asharm Society of San Francisco, Calif. This paper is being circulated here to some extent, on the Pacific coast surreptitiously, and is being carried to and from the United States to Canada. Then again there are many prohibited publications that may be brought in such as India's Loyalty, "British Rule in India", etc., and in fact in some cases we are fully aware that this prohibited literature is smuggled into the country on the person, and not always as suspected sent in through the mail.

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"It would appear to me that under Order-in-Council dated Nov. 6th, 1914, that any one would be liable to prosecution if found to have prohibited literature in their possession, and then again under Order-in-Council P. C. 1330, dated June 10th, 1915, you will note that forbidden literature may be confiscated and destroyed by any peace officer, and as the Immigration Officers are also acting as Dominion Constables during the war, they, in my opinion would come under the heading of "peace officers". Of course we must be frank in the matter and state there are other reasons why a search of the person should be proceeded with."

I shall be glad to know whether, in your opinion, there is sufficient authority for the action proposed by Mr. Reid. To me it seems a very high-handed and unwarranted course and likely to bring us into further difficulties if pursued.

Yours very truly,

W.D. Scott

Superintendent of Immigration.

W.D.