

RB 76 vol 385 file 536999 pt 5

DEPARTMENT OF
THE INTERIOR



ADDRESS:
THE SUPERINTENDENT OF IMMIGRATION
OTTAWA

REFER TO NO. 536999(5) Imm.

FCB/EAB.

Ottawa, 17th June, 1912.

A651000

Memorandum:

Mr. Cory.

I am in receipt of a letter from Malcolm R. J. Reid, Dominion Immigration Agent, Vancouver, informing me of the return to that port per SS "Empress of Japan", on the 1st instant, of eight Hindus who had been absent on a visit to India. These were:

- | | | |
|-------------------|----------------|------------------|
| 1. Hazara Chamar, | left Vancouver | Nov. 9th, 1910, |
| 2. Roora | " " | " " |
| 3. Salu | " " | " " |
| 4. Nana Singh | " " | " " |
| 5. Labhu | " " | " " |
| 6. Partapa | " " | April 16th 1911, |
| 7. Bhagwan | " " | Oct. 13th " |
| 8. Isher Singh | " " | " 10th 1910. |

In reporting his action, Mr. Reid says in part:

"In connection with these men I would state that they have been landed as all of them have had more than four years residence in Canada, before they left India and are holders each of them in their own right, from one to more, of lots in this City and in possession of certificates of title to the property. When questioned as to their overstay of the time limit, they all made the statement that they were unable to return to Canada as the Canadian Pacific Railway Co's Agent at Hong Kong refused to sell them transportation which they had been asking for for months past and it was only after Bhag Singh and Balwant Singh had been allowed to land and the matter settled that the Company issued them transportation. They claim further that the delay was not of their making and their intention was to return as soon as possible.

The first five of the Hindus under reference had taken the precaution of being armed with certificates entitling them to return to Canada (vide your

office

office files 820440, 820718, 820441, & 536999) which have been taken up, while the remaining three, although not so provided, proved their residence in Canada for more than four years and their departure from this city on the dates noted against their names.

In view of the fact that the Hindu question has been given such prominence within the last six months and the matter of the Hindu women has only just been decided, I have used my discretion and permitted their landing rather than raise a new point with this community, more especially when the Order in Council 920 is now before the Courts, and the Immigration Act does not clearly define what constitutes "Domicile Lost" (as far as time is concerned) as it speaks only of "intention".

There is no doubt in my mind that had these men been ordered deported the matter would have been taken before the Courts as they have a right to appeal against my decision on the grounds of "Domicile" and rather than risk an adverse decision I permitted them to land."

L. M. Fortes

for Superintendent of Immigration.