

No. 408.

From the Deputy Minister of the Interior to the Under-Secretary of State for External Affairs.

OTTAWA, 1st August, 1914.

My dear Sir JOSEPH,—

I have your letter of this date, with reference to the report of the Assistant Superintendent of Immigration with regard to the *Komagata Maru* matter, and beg to return this report to you, herewith, duly amended as suggested by you.

Yours very truly,

J. A. COTE,

Acting Deputy Minister.

Sir JOSEPH POPE, K.C.M.G.,

Under-Secretary of State for External Affairs,
Ottawa.

ENCLOSURE IN No. 408.

OTTAWA, 29th July, 1914.

Memorandum.

Mr. COTE,—

I return you herewith letter from Sir Joseph Pope asking for a full report to date of the recent Hindu situation on the West Coast of British Columbia created by the arrival of the *Komagata Maru*.

The *Komagata Maru* was chartered on March 24th, 1914, by Gurdit Singh, for a period of six months for the sum of \$66,000, Hong Kong currency. Arrangements regarding the charter were made by Gurdit Singh with Mr. A. Bune, SS. Agent in Hong Kong, and Y. Sato and Company, of Kobe, Japan, the latter of whom are either the agents for, or the owners of, the *Komagata Maru*. The first authentic information which the Department received regarding this vessel coming forward with Hindu passengers came in a cable from the Governor of Hong Kong to the Governor General of Canada, dated March 31st, 1914. The vessel sailed from Hong Kong on April 4th, 1914, and arrived at Vancouver on May 21st, 1914, with 376 Hindus aboard. Gardner and Johnson, who represent the owners at Vancouver, were instructed that the vessel was to anchor in Vancouver Harbour, and a patrol was immediately established to see that none of the Hindus on board gained surreptitious entry into the country.

A medical examination was first conducted and about 90 were rejected by the doctor who conducted the examination. A number claimed to have Canadian domicile, and of these upon examination about 20 substantiated their claim and were landed. To be perfectly legal it was necessary that the Board of Inquiry should sit on each case, which made progress very slow, and during the time occupied day to day reports were given out that the Hindus were slowly starving to death, all of which reports, needless to say, were absolutely unfounded. The Immigration Department was under no responsibility to feed passengers awaiting examination, the responsibility for this resting upon the vessel which brought them to the country. Nevertheless, the Vancouver Immigration Agent was instructed to see that no undue hardship was suffered by the Hindus.

Gurdit Singh made frequent complaints regarding his being unable to bring his vessel up to the dock to discharge a cargo of coal which was on board. It was impossible to comply with his request, as if the vessel had been brought to the dock, no doubt many of the Hindus would have escaped. In this connection, however, I may state that the Department instructed its agent at

Vancouver to facilitate in every way the discharging of the cargo of coal by means of lighters.

The Hindus complained that, as the Board of Inquiry did not give a decision at the end of each case, they were prevented from appealing to the courts against the decision of the Board of Inquiry. The Board of Inquiry thereupon gave a decision in the case of Munshi Singh, and an application for Habeas Corpus was at once made on his behalf before Judge Murphy, the application being dismissed *pro forma* with right of taking the matter before the Appeal Court. The case came before the Appeal Court on June 29th and when the decision was announced it upheld the Department on every count. The remaining cases were then dealt with as fast as possible and deportation orders issued in the case of all rejected passengers.

While the *Komagata Maru* had been lying at Vancouver, the charter held by Gurdit Singh had been transferred to Vancouver Hindus. The solicitors of the owners of the *Komagata Maru* claimed that the responsibility for the deportation of rejected Hindus did not rest upon the owners of the vessel but upon the charterers; and as the charterers have little, if any, property in Canada, it would have been a difficult matter in the courts to enforce the payment of expenses incurred in connection with deportation. For these reasons, the Department authorized the Dominion Immigration Agent at Vancouver to incur the necessary expense of furnishing supplies of food to be used on the return journey, providing the *Komagata Maru* agreed to sail with all rejected passengers on board and upon the understanding that the provisions would not be placed on board until the vessel had passed the three-mile limit. The Captain of the *Komagata Maru* upon the advice of the solicitors of the owners of the vessel was willing to sail, but as the passengers refused to allow him to get up steam until such time as he could show the written authority of the charterers for his departure, and as he was unable to secure that written authority, he appealed to the police for protection to enable him to carry out his wishes on board his vessel. In response to the Captain's appeal a force of about 175 went out to the *Komagata Maru* in a tug, but were unable to land, being repulsed by a shower of coal, iron bars, clubs and pieces of machinery thrown down by the Hindus who were stationed at all advantageous points of the vessel. Several shots were fired by the Hindus, but the fire was not returned by the officers. The windows of the tug were demolished, the Captain had two of his ribs broken and twenty of the officers received injuries more or less serious, but fortunately none fatal. At two a.m. the force withdrew to shore. To prevent rioting on shore, the Mayor called out some of the militia, the *Rainbow* was ordered to Vancouver and the passengers in response to a message to the Minister of the Interior were wired as follows:—

"Your message received. Previous messages have had full consideration. The law does not permit of your landing in this country and it is my duty to enforce that law. Police and volunteers most anxious to avoid violence. Arrangements were duly made to furnish provisions. The Immigration Officers, however, must see that you depart. If you submit to law and do so, no force will be used. Trust you will recognize the necessity of submitting to the law."

After several consultations between Departmental officers and parties representing the Hindus, the former agreed to provide some extra provisions asked for and the Hindus agreed to obey the deportation orders.

At 5 a.m. on July 23rd, 1914, the *Komagata Maru* left Vancouver destined to Hong Kong, the *Rainbow* accompanying it for a short distance.

On July 23rd, 1914, the Governor of Hong Kong cabled the Governor General suggesting that as there was no employment for the Hindus in Hong Kong that they be returned direct to India. A reply to this request was made that inasmuch as the *Komagata Maru* sailed from Hong Kong the Government of Canada had no power to order the deportation of its passengers to any other place, nor to compel the vessel to take them elsewhere.

E. B. ROBERTSON,
Assistant Superintendent of Immigration