

THE DAILY PROVINCE

FEBRUARY 25, 1908

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HINDUS ARE EXPECTED TO FIGHT TO ENTER CANADA

Will Come Into Conflict with Both Dominion and
Provincial Laws.

MONRO FIRST AT THE BAT.

Any Who Pass Him Will Bump into the Provincial Natal
Act.

One hundred and sixty Hindus will reach Vancouver some time to-night on the C. P. R. steamship Monteagle from Hongkong, and from statements made to-day it is almost a certainty that on behalf of these dusky British subjects from India a fight will be put against both the Dominion order in Council and the provincial Natal Act. Both these enactments interpose a more or less effective barrier against the entrance of the Hindus to this country.

In the first place Dr. A. S. Monro, as Dominion Immigration agent, will have to pass upon the right of the Hindus to enter Canada. He will be guided by the physical condition of the men and their financial standing as well as by the order in Council which declares that he may refuse to admit would be immigrants who do not come direct to Canada from the country of their birth, adoption or citizenship. When the order in Council was passed Sir Wilfred Laurier proclaimed that it would keep Japs from Hawaii and Hindus from Hong Kong. With respect to the latter the order in Council is now to be tested. It is discretionary with Dr. Monro whether he keeps the Hindus out under the order in Council.

Where Natal Act Applies.

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If Dr. Monro does decide on deportations under the order his decision will probably be attacked on the ground that as these men are British Subjects coming direct from a British possession they have a perfect right to enter Canada. This is case No. 1, which may go to the courts.

In the event of Dr. Monro passing some of the Hindus, or the courts declaring that those he detains have a right to enter country, the provincial Natal Act educational test will be tried on them. If they declare their intention of remaining in British Columbia and they cannot read or write some language of Europe to the satisfaction of the examining officer they will be held for deportation under the Natal Act.

Then will follow a fight against the Act which last week was declared by Chief Justice Hunter to be inoperative as against the Japs, which decision was upheld yesterday afternoon in Victoria by the Full Court. In the case of the Hindus, argument against the Act would not be sidetracked by any foreign treaty switch[Sic] but would have to stand on the straight issue as to whether it was ultra vires of the powers of the provincial Legislature.

Nothing Against Chinese.

It had been deemed a possibility that as Clause F of the Natal Act (which provided that nothing in the Act should apply to those immigrants whose entry into Canada was governed by federal statute), had been struck out that an attempt might be made to hold[Sic] the Chinese on board the Monteagle to examination under the Act. While it would be possible to examine the Chinese as the Act now reads, the provincial Government has issued orders that they are not to be examined as the Ottawa Government has made provision for their entry.