

WILL NOT ATTEMPT TO ENFORCE NATAL ACT

Restrictive Immigration Measure Is Dead Pending Hearing of
Appeal.

----- **TROUBLE LIKELY SUNDAY** -----

Dominion Officials Will Probably Clash with Incoming
Hindus and C.P.R.

Hon. W. J. Bowser, Attorney General, to-day announced that pending appeal to the Full Court in the matter of the judgement of Mr. Justice Morrison yesterday that the Natal Act was ultra vires, the operation of the act will be suspended. This suspension will apply not only to Hindus but to all people entering British Columbia from foreign countries because the Natal Act in its entirety is knocked out for the time being, at least. This declaration on the part of the Attorney - General of the intention of the Government involves a denial of reports published in two Vancouver newspapers that an attempt would still be made to enforce the act pending the appeal to the Full Court.

Every effort is to be made by the Government to hurry on the hearing of the appeal by the Full Court, but owing to the fact that all the members of the Supreme Court bench are now exceedingly busy it is improbable that the Natal Act question can be argued before the sitting of the court in Vancouver on April 7.

Will Admit the Hindus

To-night or to-morrow some hundred and eighty Hindus are expected to reach Vancouver from Esquimalt, where they were debarked from the C.P.R.

THE DAILY PROVINCE

MARCH 14, 1908

p. 1

steamship Meonteagle sometime ago because of the presence of smallpox on that vessel when she reached this coast from the Oriental. No Natal Act bars the entrance of these men to this province, and the only obstacle in the way of their enjoying perfect freedom here is the order in Council passed some weeks ago by the Dominion Government requiring all immigrants to come direct from the land of their birth or citizenship. The Hindus who arrived on the Monteagle all reached Hong Kong direct from Calcutta, being transhipped at the former port to the steamer bound for Vancouver. To prove that they came direct from India to Vancouver the Hindus possess orders from the C.P.R. agents at Calcutta on the agents at Hong Kong calling for trans-Pacific transportation.

Might Transfer to Hong Kong

Despite the fact that in previous instances of an exactly similar kind Hindus have been admitted by the Dominion officials, the federal authorities now intend to question the claim of the turbaned men to having made continuous passage. The result may be another clash in the courts, with the Hindus as aggressors and the federal Government on the defensive. The Government contends that the order from Calcutta agents is not positive identification of the men presenting in here – that the order might have been transferred, say to Hong Kong – and an attempt will be made to place the burden of proof of identification on the Hindus and on the C.P.R.

What proof the individual Hindus could possibly adduce to satisfy the officials that the order was held in a bona-fide manner is still a question. It appears that the best they can do in that direction is to make oath.

Steamship Company's View

So far as the C.P.R. is concerned, it does not intend to accept the claim that the anus of proof is upon its officials. It was announced to-day by a prominent official of the company that it will contend that it is merely a carrier of these people – that when they buy tickets in Calcutta for Vancouver, they are entitled to transportation, and it does not develop upon the company to establish their identification before immigration officials at this port. It is

THE DAILY PROVINCE

MARCH 14, 1908

p. 1

understood that if the Government presses the point as against the railway the matter will be fought in the courts.

The Monteagle Hindus, it is understood, will be examined here to-morrow by Dr. Monro, Dominion Immigration agent.