

STILL SWINGING IN THE STREAM

The Japanese steamer Komagata Maru at anchor in Burrard Inlet. The Hindus she brought across the Pacific are still on board her.

HINDUS' CHANCES TO LAND HERE GROW SMALLER

**Leader of Komagata Maru's Human Cargo Appeals
Again.**

**Government Has No Intention of Receding from Its
Fixed Position.**

**Vancouver Hindus Willing to Provide Bail for
Compatriots on Ship.**

**Short-cut to Court of Appeal May Shorten Legal
Proceedings.**

Ottawa, May 28.—Dr. Sundar Singh, leader of the British Columbia Hindus, who is in Ottawa to press the claims of his fellow countrymen who are seeking to enter Canada, had another interview today with Hon. Dr. Roche, minister of interior.

He again urged that the Hindus should be allowed to enter the Dominion on the grounds of their British citizenship, and the fact that most of those on board the Komagata Maru were old Sikh soldiers. While no threats were made, it was intimated that if the Hindus were not allowed to enter Canada

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freely it might add to the unrest in India. Dr. Singh again strongly urged that a Royal Commission be appointed to consider the whole question of immigration from India to Canada. It is understood that the government has no intention of receding from its position, and the law will be carried out to the letter in regard to the Hindus now quarantined at Vancouver. There is practically no chance of their being allowed to enter.

While they may evade the order-in-council prohibiting the entrance of all artisans and laborers into British Columbia the grounds that they are farmers, they will be shut out under the regulation that they have not come by direct passage. The Hindus themselves admit that they did not sail direct from India. A wire has been received from the counsel of the Hindus at Vancouver, asking that a number of those on board the ship be allowed to land for consultation purposes. He was notified that the question was entirely in the hands of Mr. Malcolm Reid, immigration agent at the coast.

The whole matter in regard to the question of the shipload of Hindus on board the Komagata Maru who are clamoring for admission to British Columbia may be fought out before the Court of Appeal at Victoria next week. This was decided at a conference held yesterday in the offices of Messrs. ...(illegible word) Reid & Wallbridge, between Mr. W. B. A. Ritchie, K.C., counsel for the immigration department, and Mr. J. Edward Bird, counsel for Gurdit Singh and his compatriots. For two hours the conference lasted, while proposals were discussed as to the best means of bringing the issues to a head. Mr. Ritchie, it is said, proved a somewhat obdurate contender, the immigration department being inclined to sit tight upon its rights and evincing no desire to precipitate matters too hastily.

With a big vessel lying idle in the harbor and its 376 passengers unable to get into communication with their friends on shore, and with no certainty as to how long the Komagata Maru and its company of excursionists might have to lay out in the stream, the prospect of unlimited delay getting before the courts was a galling one to Mr. Bird and his associates.

In the end it was decided between counsel for the immigration department and counsel for the Hindus, to have a formal application for habeas corpus made on their behalf, and a formal dismissal of the application for a writ entered by consent. The object of this is to get the matter brought speedily before the Court of Appeal, which sits at Victoria next week, and to save the long delay of arguing the matters before a Supreme Court judge in chambers merely to have to re-argue the matter before the Court of Appeal later on.

But They Would Fight.

There are a number of legal technicalities which might affect either side, which can be avoided by accepting a pro-forma dismissal of the application, the only difficulty being among the Hindus themselves, who

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are disposed to fight every inch of the way, and who look askance at the suggestion of accepting what looks to them like a defeat in the first court they wish to appeal to. This aspect of the case is still under consideration by the committee of Hindus who are working on shore to secure the release of their friends from the Komagata Maru.

If the arrangements entered into by Mr. Ritchie and Mr. Bird are carried out, Immigration Inspector Reid will tomorrow summon his board of enquiry and proceed to take evidence in regard to two or three of the Hindus, whose cases are typical and which cover the various legal points involved. The attack on the order-in-council excluding the Hindus will be centred upon the question of whether the Dominion Government has power to pass an order-in-council excluding British subjects in the special manner mentioned. A Privy Council judgment has upheld the right of the government to pass order-in-

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council as against aliens, but it will be argued that such power does not extend to British subjects, who so long as they come within the scope of the Immigration Act, can not(Sic) be excluded by order-in-council. Mr. Bird is sanguine that as in the case of Harnan Singh last year, he will be able to show that the order-in-council is ultra vires.

Ready to Put Up Bail.

The best evidence of the manner in which the Hindu colony is deeply affected at the proceedings, was shown yesterday at the conference, by the startling request that the government consent to allow the whole of the 376 Hindus come ashore on bail. No figures were mentioned because the proposal was not entertained for a moment by the immigration authorities in individual cases. "Every Hindu in Vancouver is ready to pledge every bit of land or money he has to secure the freedom of our borthers(Sic) on the Komagata Maru," stated one of the Hindu spokesman, who scorned the idea that if the request for bail was granted that the Hindus would not be able to raise the required amount.

The captain and agents of the Kamagata(Sic) Maru made the suggestion this morning that they would relieve the local authorities of any further trouble by taking their vessel to Squamish (Newport) or Port Alberni. They were informed that this could not be allowed, and that the vessel would have to remain here till either her passengers were let ashore or she was given definite orders to take them back from whence they came. There are no immigration officers at either of the ports named, and only one customs officer at each so that there is no machinery for handling such an important problem as the Kamagatu(Sic) Maru and her Indian passengers presents.

In the meantime the physical examinations of the Hindus are being continued on the ship. It is probable that some at least of the 22 "old-timers"—men who are returning after formerly having lived in Vancouver—will be released this evening. All the others are, however, still safely aboard the Komagata.