

## **STAGE ALL SET FOR APPEAL IN THE HINDU CASE**

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**Mr. Bird Argues that Orders-in-Council Against  
Hindus Are Ultra Vires.**

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**Says Province of B. C. Has Supreme Jurisdiction as  
to 'Artisans and Workmen.'**

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**Case Will Open Before High Court Justices Next  
Monday Morning at 11.**

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**How Justice Murphy Came to Dismiss Application  
for Habeas Corpus.**

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Victoria, June 26.—J. E. Bird, counsel for the Hindus aboard the Komagata Maru, appeared before the Court of Appeal this morning and was granted leave to appeal from the order of Mr. Justice Murphy refusing a writ of habeas corpus in the case of Munshi Singh, one of the Hindus applying for admission to Canada. The court announced that it expected to complete its business during today and would then adjourn until Monday morning at 11 o'clock when Mr. Bird's application would come forward.

W. H. D. Ladner of the firm of Bowser, Reid & Wallbridge appeared on behalf of the department of immigration and stated that both counsel had agreed to hasten the hearing of the appeal and that all would be in readiness by Monday.

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Constitutional questions will be raised on the appeal. Mr. Bird will argue that the three orders-in-council on which the Hindus are being excluded are ultra vires. The one excluding artisans and workmen, he will claim, is within the jurisdiction of the Province of British Columbia only.

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The immigration board of enquiry which held a protracted session in Vancouver on Thursday afternoon concluded late in the day, and gave a decision ordering the deportation of Munchi Singh. This Hindu is one of the arrivals on the Komagata Maru. He had only \$20, when the regulations call for new immigrants possessing \$200; he did not come direct from the land of his birth and he came in defiance of the order prohibiting the entry of artisans or laborers.

Formal habeas corpus proceedings were then brought before Justice Murphy. In the absence of any argument or other reason he immediately dismissed the appeal, and upheld the decision of the immigration court. Mr. J. E. Bird last evening went to Victoria to enter the case for hearing at the Appeal Court of British Columbia probably next Monday. The different legal moves perhaps require a little explanation. The position is that both sides in the Hindu dispute wish to get the opinion of the justices of the Court of Appeal. If the matter had been argued fully before Justice Murphy and in the event of his decision being in favor of the application for habeas corpus that would have been the end of the matter, for the crown has no appeal from the Supreme Court on habeas corpus. In order to make sure that the matter would get to the Appeal Court, counsel on both sides therefore agreed to accept a pro forma dismissal of the application yesterday, which paved the way for the real hearing of the argument before the Court of Appeal which has now been arranged to occur next Monday at Victoria.

Advices received yesterday by Vancouver Chinese from China declare that Dr. Morrison, formerly connected with the London Times, and now an adviser to the president of China, is being sent by the government of the Celestial Kingdom to Canada to discuss with the Ottawa authorities matters

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relating to immigration of Chinese into Canada. Dr. Morrison is expected to arrive in Vancouver next month.

Messrs. Hind Brothers shipped out a hundred tons of fresh water to the Komagata Maru this afternoon. The water is taken out in a specially constructed scow, and it costs two dollars a ton placed on board the ship.