Border Papers

17973

From,-

H. C. Clogstoun, Esq., C.I.R.,

Special Commissioner.

To,-

The Honble. Dr. Roche,

Minister of the Interior, Ottawa.

Dated, Duncan, B.C., November, 1915.

Sir,

I have the honour to submit a report on,-

(a) the result of my action in accordance with Order in Council P.C. No.1263, of the 2nd June, 1915,

(b) the general situation.

In doing so I have to acknowledge the unwearying and intelligent work of Mr. Malcolm R.J.Reid, and ready courtesy of Mr. H. L. Good, Customs Officer at Nanaimo, and Mr. MacLennan, Chief of Police, Vancouver, in supplying me with information when required.

I have the honour to be, Sir,

Your obedient servant,

(Sgd) H. Clogstoun

Special Commissioner.

A

As authorised by Order in Council P.C. No.1265 of 2nd June, 1915, I proceeded to Vancouver on the 17th of the same month, in order to make known the decision arrived at by Government in connection with money subscribed for the benefit of Indians, who had come to Vancouver in 1914 by the "Komagata Maru".

I found that the very clearly worded communique sent by the Hon. Mr. Burrell to the "Daily News Advertiser" of the 15th June, 1915, had been widely read and discussed amongst the Hindus and Sikhs, together with their sympathisers. There was, however, a feeling fostered and insisted on by the members of the Komagata Committee and their Solicitors, Messrs MacNeill & Bird, that the money was nevertheless due from, and would be paid by Government; and it was clear that these persons were inducing a belief that the Committee was the only Agency through which this payment would be made.

As a result of the long period which had passed since my enquiry of last year, such a belief was very general, and the few suits which had been instituted at that time for return of money paid to the Committee were either hanging fire or had been withdrawn.

To correct this impression so sedulously spread by the Committee and their advisers amongst the East Indians has not been easy. The interviews and correspondence with both Sikhs and their advisers show that "concession" was considered the only remedy for the discontent so freely expressed. I attach one of the letters received.

Dr. Grant "A" 16.6.15.

The absence of reasonable grounds in most cases, the petulance shown, and refusals to listen, have been continuous, and, up to a recent date, gave little hope of inducing belief in the fair dealing of Government. The necessity of firmness was, however, so apparent, that no concession could be

entertained

even by implication. The situation presented by me was that, almost without exception, the Sikh and Hindu public had been induced to subscribe with the direct intention of assisting their brethren on the "Komagata Maru" in order to evade the orders of Government, and that if, as appeared, they had received any promises of repayment, receipts or security from the Committee, it was a simple and reasonable business transaction for them to endeavour to recover the monies in question from those concerned: finally, that the Hon'ble Mr. Martin Burrell's Communique represented the orders of the Government. The only suits which so far had been brought are three in number, all in the hands of Messrs. Woodworth, Fisher & Crowe, Solicitors. These plaintiffs were gradually brought to understand that to recover their money they must continue legal proceedings. The Solicitors were somewhat doubtful of payment for their work, but were reassured by a limited guarantee of $200, given in the spirit of the communique referred to, and with your consent.

One of these suits, that of Sangu for $500, was heard in October, and resulted on the 29th of that month in judgment being given in favour of the plaintiff, with costs against Rahim and the Executors of the Estate of Bhagsing, deceased, late Priest to the Sikh Temple, as prominent members of the Committee.

One of the difficulties experienced in the matter of these suits was that where security obtained by the Plaintiff involved the property of a fellow Sikh, there was the fear of risking damage to a friend. So far the plaints, therefore, have been directed to recovery from the members of the Committee, and not from the value of the security. This was thought wise in order to fix the responsibility on the respondents, and perhaps to induce them to suggest realising on the security given.

The two other suits were put up on the 2nd November, but I am informed that they cannot be heard till some time in December,

no dates, so far, being fixed. These suits are of, - (1) Karan Sing, $300; (2) Lakh Sing and Hari[illegible], $300.

Tara Sing, son of Hari Sing, with another, informed me on the 31st of October that they were desirous of proceeding against the Committee members, who had undoubtedly been cheating them, but, as the Committee had transferred its money from its Bank elsewhere, it might be difficult to get hold of it, and they were doubtful whether the Court or they themselves would bear the cost of tracing it. These men were referred to their Solicitor. Tara Sing is an old soldier with the Indian Cavalry, - 7th Hariana Lancers - who served in South Africa, and holds the medal; I have since been informed that he has requested Mr. Fisher to proceed against the Committee on his account. In this case Government assistance appears to be distinctly desirable. Tara Sing and his friends were refreshingly frank in admitting that practically all the money subscribed had either been given or lent to help their "bhai log", that is, brother countrymen.

So far as suits go, the nett result of my endeavours to carry out the instructions of the Government is small; nevertheless Sikhs are realising that they will not be recompensed for conspiring to defeat the orders of Government, that they have been misled by those forming the "K.M." Committee, and that they must work out their own salvation, in part, if not altogether.

This means that the Committee is being discredited. With help of their legal advisers they have represented themselves as the one resource of the Hindu community in recovering their [illegible] from the tyrannical but easily hood-winked Government. This situation is gradually disappearing, and Mr. Bird's indirect

"g" suggestion, forwarded to me by Dr. Grant, is instructive. Ostensibly to be in the interests of all the East Indians, and in that of economy to Government (!), I take it as a sign that too in being discredited by his own clients, the members of the Committee. It will be noticed that the interests of the

Committee and subscribers are linked up. Mr. Bird's action throughout has been largely responsible for the trouble, and should he be cast off by these people it will help greatly in inducing a saner view of conditions amongst the Hindus.

It seems reasonable to take this view of what is now happening, and, quietly fostered, the next cases should accentuate the split between the mischief makers and those whom they have been exploiting. If so, a great deal has been already achieved. It remains to be considered whether further action in this direction can be deputed to an officer of Government residing in Vancouver, who could watch events outside his regular work, restrain extravagant and ill-considered views amongst well meaning sympathisers, such as Dr. Grant, Mr. Munnings and Mrs. Campbell Johnston, and yet procure their assistance in inducing a better and less childishly mischievous view of their alleged wrongs amongst the Hindus. I have been greatly indebted to Dr. J. Knox Wright in this direction. Such an arrangement would probably work more satisfactorily and at less cost. I would willingly advise on recommendation for Government assistance in suits, without any question of fees.

B. With regard to the general situation, there has been comparative quiet of late, due to a number of causes. First, I think, to a sense of increasing control.

To gather statistics regarding the economic condition prevailing amongst East Indians in B.C., certain enquiries were made. These were extended throughout the Province, and their results are appended. In forwarding them, Mr. Malcolm Reid writes that "B" Economic Statistics 300 would probably be about the number of Hindus in Vancouver, and that no more than 700 were actually now in the Province, though the reports gave rather more than 1000. Dr. Wright gives 1100, of whom many do not leave for fear of losing landed property. This is borne out by various Sikhs in talking to myself! In any

case, there has been a very sensible decrease, for the figures given me last year ranged from 2200 to 2500. I imagine these figures had not been checked for some time, but the decrease during 1915 is remarkable. Mr. Reid notes also that "a large number must have left without registering, and that whilst the U.S.Inspector mentions only 10 persons entering that country in the regular manner and 100 surreptitiously, the real number of the latter must have been several hundred."

Sikhs and others leaving B.C. & reasons.

The reason given for leaving is lack of employment, and,as the advent of the Hindus to B.C. was to take advantage of high wages, this is no doubt largely true. But this does not account for leaving without registering, and thus losing the right to return. Mr. Reid thinks that a large number have left in this way in consequence of recent enquiries regarding them as individuals. If so, this is very significant. Indeed, the need to leave must have been felt as urgent in many cases, for it is reported that "a large number have recently crossed the line into Idaho via Creston, discarding their turbans, shaving clean, and passing as Italians". Mr. Reid adds, - "many more will endeavour to surreptitiously enter the United States. I was in touch with a white man a week or two ago who had been offered $75. for every Hindu whom he could pass over the line". A more detailed census is now being made at my request, including details of convictions for criminal offences in the case of individuals.

Crime.

The Chief of Police at Vancouver was good enough lately to supply me with a statement of crime amongst Hindus in that city. This has been analysed as follows:-

	Crimes against persons.	Crime against morality.	Crime agst. public tranquility.	Crime agst. State.	Crime agst. Property	Total Cases.	Population.	Percentage of Crime
1911.	1	1	48	1	-	51	1000	5.2
1912.	7	2	64	14	-	87	800	10.8
1913.	13	4	106	1	-	124	800	15.5
1914.	29	18	99	31	-	177	750	23.6
	50	19	313	53	-	440	-	-

Crime for 1915, up to August 7th, is reported as 61 cases, with

Border Papers

115

REPORT.

17838

The chartering and voyage of the "Komagata Maru", with attendant circumstances.

The circumstances attending the charter-ing of the "Komagata Maru" and its subsequent voyage to Vancouver, are remarkable, in that they clearly bring out how easily an unscrupulous Indian can deceive his fellow countrymen and at the same time bully them into subjection for his own dishonest ends.

In this particular case, a number of Indians, both at Hong Kong and Shanghai, were very desirous of getting to Vancouver where they anticipated high wages and considerable profit from land ventures. They had got to know, however, that in consequence of various orders issued by the Dominion Government, immigration into Canada was difficult, if not forbidden. They had made several endeavours to obtain passages by other routes, but to no effect.

It was now that Gurdit Singh, hearing of the failure of another Indian, Bihara Lal Varma, to transport these men to Vancouver from Hong Kong, appeared on the scene, and by pretending to be a man of great wealth and influence with Government, induced these Indians to take passage in a ship which he claimed to have chartered for Vancouver; adding that he had obtained permission from Government to convey them to that port where they would be permitted to land, but that this would be their last opportunity for so doing, as fur-

ther

further immigration into Canada would then be stopped.

There was some hesitation; but by various artifices the passages were in the end taken on a payment of from $200 to $210, Hong Kong currency, this sum being really in excess of the ordinary charge for a return fare. Moreover, on various specious pretexts during the course of the voyage the passengers were induced to deposit both money and valuables with Gurdit Singh.

The supply of food was insufficient and of bad quality; complaints were roughly dealt with; and it is probable that but for good weather and consequent absence of delay, the passengers would have been brought to Vancouver in a very pitiable condition, owing to want of food and medical comforts, to say nothing of insanitary conditions.

Gurdit Singh was clever enough to throw the onus for all these sources of complaint principally on the Government of India, and next on that of the Dominion of Canada.

When, on arrival at Vancouver, it was found that his promise to land these Indians was a vain one, he persuaded them that by his influence he could get the orders forbidding immigration set aside. His passengers were evidently more or less assured by the subsequent action taken by Mr. Bird, a local solicitor.

In the end, as Government are aware,

Indians dishonestly brought and, it may be said, dishonestly detained by the action of Gurdit and Singh and his advisers.

Early immigration.

There is a large Indian colony in British Columbia induced originally by the want of labour for the C.P.R. This want of labour was made known in India by that Company through one, if not more, of the Calcutta firms. High wages and, during recurrent booms, successful speculation in land and other property, rapidly increased Indian immigration, difficulties connected with which eventually induced deterrent action by the Dominion Government.

Composition of Indian Colony in B.C.

This colony of Indians consists of two classes, in the first are those who subsist on and send home money saved from high wages. The second is a smaller one composed of the keener witted members of the colony who practically live on the first.

Generally speaking, these Indians are for the large part Sikhs and those Hindus who, to avoid caste difficulties in a foreign land have been taken into the Sikh fold, while some remained of the ordinary Hindu faith. A smaller number again are Mussalmans. The Mussalmen and the Sikh or Hindu are naturally averse to combination, but for the purposes of mutual advantage seem to have agreed to sink their religious dislike for each other. This action seems to be chiefly due to dis-

content,

Discontent with Immigrations Laws, and seditious tendencies.

discontent, arising from the orders against immigration above allued to, fomented by a seditious class of Hindus residing chiefly in the United States which has got into touch with the Canadian colony in British Columbia. These latter people find seditious utterances, and often action, highly profitable in satisfying their vanity, consequent love of notoriety, and their pockets. It was easy, therefore, for Gurdit Singh and his advisors to secure sympathy from members of the Vancouver colony who, stating with a fearful joy in abuse of the Indian Government, had been, later, easily persuaded that they were being accorded inferior and oppressive treatment by that of Canada.

Komagata Maru Committee made up mostly of members of the United India League.

A special committee of some fifteen members, with Bhag Singh, now deceased, a priest of the local Sikh Temple, and one H. Rahim, a renegade Mussalman was formed. A meeting was held at which a large number of local Indians were present, its object being to raise money in order to take over the charter of the "Komagata Maru" from Gurdit Singh and thus obtain the right to bring the steamer to the wharf, giving the passengers a greater chance to land. Rahim was selected chairman, and he announced

Meetings to collect subscriptions.

that they had met in order to secure the release of some 376 of their countrymen on board the "Komagata

Maru" then detained in the port of Vancouver.

Report of Mr. Hopkinson.

Page 5 of the Minute Book of the Committee.

Balwant Singh, a member of the Committee, then made a distinctly seditious speech, alluding to the mutiny of 1857, alleging that the people of India were united against the English Government and that approaching revolution in India was probable. He enlarged on the injustice of Government by which Indians were kept out of British Colonies, including Canada; he called on all present to subscribe and raise the sum of $15,000. to take over the Komagata Maru charter, failing which, he said, the boat must return to Hong Kong with their 376 countrymen on board. He called on his audience to take example from Sikh warriors fighting against the English in earlier days, and not to submit to tyranny.

Sohan Lal's statement.

Rahim again spoke, urging those present to raise the money called for in order to detain the ship and its passengers and alluding to the injustice of permitting 500 Chinese to land in a few days from their arrival as opposed to the delay in examining the Indian passengers.

As a result it would appear that about $5,000 in cash were at once collected, while titles to land in and around Vancouver were placed to the value of $66,000.

It was lastly resolved that an account of their meeting and its doings be sent to the Indian National Congress, the Maharaja of Patiala, and the Raja of Nabhah. These two Chiefs are Sikhs, and the meeting had possible

reason to believe that special sympathy would be secured from the latter.

Statements of Rahim, Sohan Lal Babu Singh.

A number of other meetings were also held for the same purpose; the amount obtained in cash being variously stated to be from $16,000. to $25,000., in addition to a large number of more or less valuable securities.

There can be little doubt that a considerable number of Indians in Vancouver were looking forward to the arrival of the Komagata Maru and its Indian passengers with eagerness. This has been evinced by their employment of a local lawyer who, with several Indians, they sent off to the Alberni Canal on Vancouver Island, down which they proceeded in a launch towards the open sea for the purpose of early communication with the Steamer.

Real object of subscribers.

It is clear from this and all the subsequent proceedings, legal and illegal, often violently lawless and defiant, that the interest of the local Indians concerned lay in procuring the release of their countrymen by any means available in defiance of the Orders of the Government.

This is in strange contrast with the plea put forward from time to time by Mr. MacNeill,

Letter from Messrs MacNeill Bird, Macdonald & Darling

of the firm of Bird, MacNeill, Macdonald and Darling, Barristers, and Solicitors, employed by these men. This plea is that Rahim and Bhag Singh had raised the money and purchased the charter of the Komagata Maru with the sole idea

of

of obtaining possession of its cargo of coal, by the sale of which, together with that of such cargo as they could send off in its place they anticipated sufficient profit for subscribers to the fund.

Additional evidence to the contrary exists in the constant demands made to secure the release for the Indian passengers from the Steamer. These demands were successfully met by the local authorities on a number of grounds, amongst which may be quoted the following:—

That such permission would be construed as weakness on the part of the Government:

Letter to Mr. W.D. Scott, 5/6/4, part of correspondence.—

That in view of local feeling strong opposition would be offered by the white population:

That protracted legal proceedings might result in the laws being discredited:

That it was difficult and dangerous, apart from the expense involved, to keep so large a number of men in detention for an indefinite period.

The defiant attitude of the passengers, and the consequent excitement amongst Vancouver citizens resulted, as Government is aware in the visit of the Hon. Mr.Burrell, who, after consultation with [redacted] gentlemen connected with the Indians and the Government Departments concerned, promised that an enquiry should be made regarding the true motives of the Indian Committee's expenditure in connection with the Komagata Maru and their claims for reimbursement.

Letter from Mr. Burrell.

17845

Grounds of Claim.

This claimx was made on the ground that to the action of Government was due the loss of the Committee and their countrymen in being unable to make use of the Komagata Maru commercially.

As a result of Mr. Burrell's promise, the steamer with its passengers left Vancouver.

The case of the Indians presented by Mr. MacNeill, their solicitor, may be detailed as follows:-

That action of the local Indian Committee in taking over the unexpired charter of the Komagata Maru was solely a commercial transaction, for the failure of which Government was responsible and therefore liable for the sum of $14,791.85 raised amongst themselves and from subscriptions paid by Hindus residing in British Columbia;

Question of permission to land and unload cargo.

That the Committee had been refused permission to bring the ship to the wharf and therefore precluded from unloading the coal and loading a fresh cargo of apparently lumber only;

That the cost of loading and unloading the cargo in the stream was so high as to make this method impossible.

See attached.

The following note compiled by the Superintendent of Immigration, in conjunction with Mr. Ladner, from correspondence contained in the Immigration Office and that of Messrs Bower, Reid & Wallbridge, puts these contentions in quite another light.

Letter from
M.M.J. Reid,
22/10/14.

"After consultation with the Solicitors of the Immigration Department, Messrs Bowser, Reid and Wallbridge, I am able to state some further facts in connection with the incoming and outgoing cargo of the S.S. "Komagata Maru".

"At one time the matter of the coal cargo was taken up with the captain of the vessel, who then stated he would require this coal for the purpose of his return journey, and at that time he raised some question of lien, but this matter has not affected the Department and I have made no enquiries. It is a fact that some of the coal was used from Japan to Vancouver and on the return of the vessel, and I am credibly informed that it is a subject of an action in the Courts of Japan. Every facility was offered to the owners of the cargo, both as to inspection and interviews with probably purchasers.

"A representative of one of the local coal compahies was brought to my office by one of the staff of Messrs C.Gardner, Johnson & Co., and I immediately allowed this gentleman to go on board the vessel to inspect the cargo, which he did, and made a small offer which was not acceptable. The size of the offer was considered by the quality of the coal.

"Samples of the coal, I believe, were brought ashore by thegentleman who represented Major Gardner Johnson. On this point I am not definite; but I remember o ffering the services of the

Immigration

17847

Immigration launch for the purpose of bringing ashore samples as required to give any prospective purchasers a thorough knowledge of the quality of the coal.

"As to the incoming cargo, it could have been dealt with by the vessel lying in the stream, and if the vessel had been docked for the purpose of unloading this cargo, it would have resulted in some person having to pay heavy wharfage rate as Messrs Evans, Coleman and Evans the G.S.R. and other wharves charge a rate of fifty cents per ton, regardless of the centre of the cargo unloaded.

"We have instituted further enquiries and have elicited the fact that none of the wharves are fitted for this purpose, and the Manager of Evans, Coleman & Evans considers it is easier to unload its scows, as he did when about a year ago he received a shipment of coal from Australia he moved his ship into the stream from his wharf and unloaded the coal into lighters. He further states it was cheaper to unload into lighters than into the wharf, as the coal when unloaded on our wharf had to be continuously shifted away from the slings, whereas the scows alongside of the boat was very much cheaper to move.

"The quality of the Moji coal is not up to the standard of the local coal for steaming purposes. Perhaps it would be all right; but

for

for household purposes, for which it would be required if sold here, it is greatly inferior, and Messrs Evans, Coleman and Evans have turned down a very good offer of the same coal made direct from Japan due to its unsuitability.

"As a matter of fact, last summer there was no market for coal. The bunkers at Union Bay and Nanaimo were full owing to the strike which had lasted for some time, rendering it imperative for the coal companies to cancel coal contracts with the local companies, and to bring in coal from the United States. With this loss of contracts, the bunkers were full on the island and the coal was a glut on the market, and the unloaded coal still remains undisposed of.

"As to the proposal to load the vesself for the return voyage to Japan, no opposition was offered by me or anyone when the suggestion was first made as early as June 2nd, when Messrs Bowser, Reid & Wallbridge wrote to the solicitors acting for the Hindus, and I quote the following from that letter;-

" 'Every facility has been offered for the discharge of the coal. Not only that, but arrangements have been suggested for reloading the ship with lumber'

"As to re-loading the ship, the same suggestion as to lighterage was made, and at that time or a little later, a cargo of lumber was spoken of which, I understood from H. Rahim, one of the charterers, had been secured. It is a fact, however, that about that time Messrs Corbould, Grant & McColl, Barristers, New Westminster, acting for a mill concern in that City, were

were agreeable to placing a cargo of lumber on board while she lay in the stream. The lighters could have been brought around from the mills in the Fraser River and unloaded into the "Komagata Maru" with no expense of lightering, land transit and wharfage or stevedoring.

"This procedure has been followed at various times; notably in the case of them"Robert Doller", the largest vessel of the Doller fleet, which loaded its cargo in mid stream in December, 1911, for Hong Kong. I distinctly remember this case as I checked the Chinese crew in and out.

"Again the Department solicitors wrote on the 3rd July, 1914, - 'There should be no trouble in unloading the vessel were she lies in the stream'.

"At all times I made this offer as to facilities of unloading in the stream on several occasions to Mr. J.E. Bird, and Mr. W.H.D. Ladner of the firm of Messrs Bowser, Reid & Wallbridge, also stated the same fact to H. Rahim.

"Mr H.H. Stephens, M.P., also discussed the matter several times and to my personal knowledge secured scargo of props to be lightered by Mr. Sinclair, a personal friend; but Captain Yamamoto would not, permit of unloading a cargo on the coal, as he intended to use the coal.

"The attidude of the Hindus is based partly from thefact of a letter written by Mr. Bird on the 5th July, 1914.

"If the Immigration Department will pay the difference in the cost of transacting business by lighter from the ship in the fairway, the charterers will endeavour to obtain coal in this manner, and seek to get the consent of the shippers who are sending freight on the Komagata Maru.'

"Messrs Tupper, Kitto & Wightman, acting on behalf of the owners and under the powers conferred by the charter party, resumed possession of the vessel, or assumed so to do, when default was made in payment of some of the charter money. That action resulted in nothing being done ~~xxxx~~ thereafter, so far as I am concerned, as to the discharge of the cargo of coal or the placing on board the vessel of an outgoing cargo. It will be readily seen then, that I did all I could on behalf of the Department in assisting the Charterers on the question of freight.

"I assume that you are advised that the charterers and assignees of the original charterers, absolutely refused to equip the vessel with food or water for the return journey, as also the fact that the number of Hindus aboard the vessel was in excess of that allowed by Statute. I would refer you to section 59 of the Immigration Act, which is the one that governs. In this connection I would further point out that this ship was a cargo boat with very limited accommodation for passengers with narrow decks and low ceilings, and the port Medical Officer, Dr. Underhill, in addition to the Dominion Officer, Mr. McPhillips, only deferred

ordering

17851

ordering the ship back to ~~xxx~~ quarantine on account of the unique nature of the expedition, the constitutionality of the Immigration Law being attacked, and my earnest desires not to embarrass the situation further by such act."

The moving spirit of the Committee was undoubtedly Rahim, who states, in this connection "We could not get the cargo off, as the members of the Committee were not allowed to go on board. We wanted the ship to come alongside the wharf. A They (It was impossible to load it in the stream.) differences in cost between stream and wharf loading might have been perhaps $1000. or so, nothing very much; but thereal difficulty was that we could not get on board to sign bills of lading and other documents, and this was absolutely necessary-- we could not do it anywhere else."

Statement of Rahim.

Reference to this man's statement, attached, will show that the above was an answer to a question by Mr. MacNeill, his own solicitor,

Mith Singh, another member of the Committee says;- "I don't know how much coal there was in the ship. It was bought for $3000, Hong Kong which would be $4000 Canada money. Rahim asked some company- I don't know which- what the value was. They said they would give $5.00 a ton, but the coal must be brought to the wharf-it was too expensive to unload it in the stream and it was necessary to remove the passengers from the ship."

Statements of Mith Singh and Mohamed Akbar.

This man was a responsible member of the Committee and helped to keep accounts - or was supposed to - but he did not know how much coal there was, nor what the cost of unloading it in the stream would be, nor the name of the Company which, according to Rahim, as he says, was prepared to give $5.00 per ton.

Statement of Gunga.

Gunga Singh, another member of the Committee also professes ignorance of how much coal there was, He heard it was bought for $4000, and adds- "I don't know what it would fetch here; I did not ask."

Statement of H. Rahim.

With regard to the actual business connected with the work of the ship, shipping and unloading of cargo, purchase and sale, and a host of other matters involved, Rahim states - "The reasons given for getting subscriptions were that by buying the charter which had three months to run, profits could be made by working the ship and cargoes. The Committee would do all the business that was required. I am an expert in charter business myself. There were several business men in the committee; but I do not mean that they were necessarily experts. They were Bhag Singh, Mith Singh Rattan Singh and myself. Also Balwant Singh.

See page 24.

All were expert business men. Mahomed Akbar was also one. I say this because they had done successful real estate work in this City. Mith Singh was connected with the Guru Nanak Mining Company, as was Bhag Singh. This company has made big

"was Bhag Singh. This company has made big profits in the past; it is now being wound up. I have had a great deal to do with shipping and charters in India. I am not going to giveany particulars about myself in India; I have particular reasons for not doing so."

The business capacity of Mith Singh, one of the so called business men, can be estimated from his statement above quoted. Balwant Singh's character may be inferred from the statements of Babu Singh and Partab Singh. The former says Balwant was a dishonest agitator; while the latter states that both Mith Singh and Balwant would have left Vancouver avyer being warned by the new Committee of the Gurudwara not to leave without rendering fullnaccounts, had they not been detained by legal proceedings elsewhere. Mahomed Akbar says that he was not a member of the committee and had no hand in the committee's proposals. Rattan Singh I have not seen; and Bhag Singh is dead.

Statement of Partab Singh.

Statement of Mahomed Akbar.

It is difficult to conceive what profits, if any, would have been the result of commercial dealings on the part ov such a Company. With regard to passenger fares, according to Mr. Malcolm Reid's statement, attached, the number of Hindus aboard the vessel was in excess of that allowed by statute. This may be contrasted with Rahim's statement that there was room for 170 more passengers, that is in addition to those already on board. Neither of the

Statement of Mr.M.R.J.Reid.

other members of the committee knew how many could be embarked, or had taken the trouble to ask.

It is clear from the statements annexed that this idea of a commercial ~~pursuit~~ profit in taking the charter was not the only one, as imagined by Mr. MacNeill; if indeed the committee ever really seriously took it into account, except as a means for getting money from their countrymen in British Columbia, or to satisfy questions as to return of money subscribed.

No pains were taken to explain to the many subscribers any of the necessary details connected with the commercial side of the transaction. It was thought sufficient to say at the various meetings - "We will but the charter of the ship, dispose of the coal, put on a cargo of lumber, sell it and make profits".

Statement of Rahim.

Rahim says - "We laid stress on the business side of this matter". What sort of stress has been shown above and as Rahim continues, in answer to Mr. MacNeill,- "After the order in Council was declared valid, we no longer thought of the passengers. We wanted our money back and for this purpose we wanted the cargo. I speak for the Committee. We wanted to see the ship clar of the passengers, in order to load and unload cargo. We could have got more cargo on without the passengers who would also have inconvenienced the work". On

second

second thought he adds - "That would not, however, have amounted to much", and again, "There was no prospectus; this was not necessary as the transaction was not a mere mercenary transaction, it was notmonly for money profits. Another reason was that it would have been a great disgrace to the whole community if the passengers went back without having the benefit of the law by landing." Meaning, presumably, that it was possible to get the Orders in Council set aside by the Courts.

Results of Chief Justice Hunter's ruling.

Mr. Rahim's statement, with that of others, shows that the real purpose was to gettthe passengers aboard the Komagata Maru landed in the face of orders of Government, and that he and the rest were encouraged to do so by their solicitor, Mr. Bird, and also by the fact that a number of Indians detained by the Immigration Department on a previousnoccasion had been permitted to land by the decision of Chief Justice Mr. Hunter.

Statement of Mith Singh.

Mith Singh, another member of the Committee, says,- "The law as to immigrants possessing $200, and laying down that they shall come straight from India, has been set aside in Court."

Statement of Gunga Singh.

Gunga Singh says,- "I dont know of any law against their landing. I am not a lawyer. I dont know why the passengers were prevented from landing."

Statement of Sohan Lal

Sohan Lal says that at a meeting it was stated by Balwant Singh that they would get the men landed through the Courts. He said he was sure of this as Judge Hunter had allowed forty men to land.

Lastly

Statement of Mr. Reid.

Lastly it is in evidence by Mr. Reid's statement that the extra cost of loading and unloading in the stream was little, if anything, as compared with doing this work at the wharf; that all facilities were given to the committee for this purpose and that they neglected to take any advantage of them. Messrs MacNeill & Bird, as solicitors for the committee, were told that all facilities had been given.

Letter from Bowser, Reid and Wallbridge.

Conclusion as to ~~real~~ object of subscriptions raised by the Committee.

It seems clear from the evidence that (1) the landing of the passengers was the main object of the committee in obtaining the charter; (2) that whatever was thought of selling the coal and taking a new cargo, their not doing so was entirely due to themselves, as they had been given all facilities in this direction.

Assistance undesirable.

I cannot, in the circumstances, recommend that any of their expenditure should be recouped to the members of the committee.

Subscribers exploited by the Committee.

There can be little doubt that the general mass of subscribers have been exploited. Roused by misleading representations in regard to the ~~xxxxxxx~~ condition of their fellow countrymen on board the steamer, and agitation coupled with the promises of securing permission to land through the Courts, and worked on, in many cases, with the idea of getting their money back, with profit, by chartering the steamer, the Indian public subscribed freely.

17857

The question as to how far Government would be justified ub recouping these men 0 in whole or in part - depends on the motives governing the subscribers. It cannot be denied that every subscriber knew that the first object of the Committee was to get their countrymen landed, and they also knew that this was against existing orders; alleged ignorance of such is, of course, no excuse.

Motives of subscribers.

The Committee could not get the steamer to the wharf without the authority pertaining to the possession of this charter, and, while it is manifestly clear that their only object in insisting on permission to do so was to get the passengers on shore, it is equally clear that this was generally sympathised with by the subscribers.

So far, the $11,244 subscribed for the charter was a political venture, induced by the

Subscriptions largely a political venture.

expectation of success through the Courts by reason of Chief Justice Hunter's decision referred to. For even the balance of the account, $4,000 be considered, this was expended in furnishing provisions and general expenses to th same end, and, by Mr. MacNeill's admission was not accepted by Mr. Burrell

Letter of Mr. MacNeill, 23-10-14.

With regard to the commercial venture, this was, as it seems to me, a speondary consideration. It possibly had some weight; but this is discounted chiefly by the absolute ignorance displayed as to the value of the coal, what that of the new cargo would be, what expenditure would be

needed, and what the possible profits might amount to.

Alleged promise of Government to rep.

Last comes the question of the alleged promise of Government to recoup the money subscribed. I fear Mr. MacNeill was largely responsible for this idea. It is true that telegrams were exhibited by members of the Committee at various meetings, which they asserted contained

Statement of Mahomed Akbar.

Statement of Mith Singh.

such a promise. Mith Singh, of the committee, certainly acknowledged that nothing more than an enquiry was promised, but even from his statement it is clear that a misrepresentation was made;- Mr. Duffell's letter is perfectly clear and promises nothing but a sympathetic enquiry. Mr. MacNeill to me has acknowledged that a return of the money would depend entirely on the motives governing the subscribers; these motives have, I think, been ascertained.

This misrepresentation was made after the departure of the steamer, and in order to put off the fulfillment of the pledge to return amounts subscribed.

Subscribers cannot be legitimately recouped.

So far, then, I am not justified in recommending that the subscribers generally should be recouped.

Exploitation of subscribers by Committee dealt in book of proceedings.

The fact remains, however, that the bulk of those outside the country were exploited, and here it would seem that some sympathetic action is possible. I will endeavour to indicate the attitude of the Committee towards

(HR)

the general subscriber more fully than is show so far.

In the book containing the proceedings of the Komagata Maru Committee, a resolution was passed by H. Rahim that "all the people should be considered responsible for taking the charter of the Komagata Maru, except Rahim and Khag Singh; the public are responsible for the profit or the loss". This was agreed to by the seven men present. That seven men should have the assurance to put all responsibility for possible loss on the shoulders of hundreds of subscribers without due notice being given to them, and to absolve the two leading members of the committee, is significant of their attitude towards those from whom they got the money. Incidently it shows also that loss was contemplated as possible.

Page 7, 12th June, Minute Book of the Committee.

Attempt to avoid responsibility for loss of money.

The only accounts I have been shown are contained in these minutes of proceedings. Subscribers at a distance were asked for money by letter or by men sent out for the purpose. The inducement given was, sometimes, that merely a loan was required. Accounts tend to show that more money is with the committee than has been accounted for. On page 13 of the minute book, there is mention of $3,173.10 paid for coal, of which $2,918 was returned; this has not been credited. Again, in the proceedings of 24th July, as sum of $1,086.50 is reported to have been received from California, "for the help of Balwant Singh and Khag Singh"; this sum is not entered in the accounts.

Statement of Karam Singh.

1.

Partab Singh has produced (on Oct.29th)

a sheet of the "Shamsher Khalsa", published in Stockton, Cal., which gives a list of the subscribers and amounts relating to this sum, which is headed - "For the distressed passengers of Gurdit Singh, the Hindus of California subscribe as follows". The list is signed by Lal Singh, Secretary of the Sikh Temple, 1936 S. Grant Street, Stockton, Cal. The amount was sent by wire.

A further sum of $700 is entered as "taken out".

Page 23, Sept.3rd, Minute Book.

The total set down in these proceedings as received for the Komagata Maru, comes to -

$17,221.54

Sums of money received but not expended.

Add for coal (presumably raised on securities)	2,918.00
Add received from Stockton	1,086.50
Total - -	$21,226.04
Amount given as expended - $15,971.66	
Deduct as "taken out" 700.00	15,271.66
Balance unaccounted for by the committee, and apparently still in their hands - - - - - - - - - -	**$5,954.38**

Action of Committee regarding deeds given in by subscribers.

There is also in the books, a list of deeds deposited; in regard to which a resolution by Mith Singh was passed in the committee proceedings of the 27th August, that "These title deeds should only be given back on payment of $50 as a loan of $25 as a help, and that Bhag Singh, Balwant Singh and Sohan Lal should be fully empowered to see to this".

On the 3rd September it is reported that two men came to ask for their deeds, but as they said they had no money these were refused.

Rahim has said in his statement that no money was raised on these deeds. Gunga Singh, another member of the Committee, says money was raised. And, in the proceedings of the 12th June, I find a resolution that Natha Singh, Gurdit Singh and Rattan Singh be appointed to "endeavour to get the money required in connection with the coal from the public on the security of the deeds".

Endeavour to evade repayment.

On the 24th June a proposal was made by Bhag Singh that everyone be asked to subscribe "as a charity (this menas that it should not be given back so that there will be no trouble about the money".)

Return of money not seriously contemplated.

The irregular accounts, and the resolutions here quoted, suggest that the return of their subscriptions to the Indian public was not seriously contemplated; another point being that a large number of the sums paid to the committee, except for provisions, are not supported by detailed accounts or vouchers.

No accounts rendered. The Khalsa Diwan is largely concerned.

I have received information with reference to Balwant Singh, that no accounts were ever rendered in detail to the Khalsa Diwan Gurudwara, from which large sums were given him for seditions missions and that he has accumulated property in Indian as a consequence. This is

credible, and there is reason to believe this; Messrs Macdougall, Long & McIntyre are said to have been approached by members in the matter.

Guru Nanak Mining Company. Irregular a/cs.

With regard to H. Rahim's statement referring to the Guru Nanak Mining Company, I am informed that certain shareholders have demanded accounts, due to the fact that some two and a half years ago a sum of $17,500. was lent by this company to cover the bail demanded by Seattle Immigration authorities from a number of Indian immigrants from the Philiphines. These men were allowed to land pending the trial of their case. It is still pending. They have in the meantime obtained work and it is said, have repaid some $9,000 or more to the above company. This money has not been credited and its receipt is denied. A few shareholders are endeavouring to induce others to jointly bring a suit, but fear of consequences has so far deterred them.

Lists of subscribers untrustworthy.

The lists of subscribers furnished by the committee through Mr. MacNeill, together with that for the smaller amounts (discovered in one of the books obtained by the police), give an analysis the following:-

List in Book	Under $5.00 (a few in the list)	399 persons
	From $5.00 to $10.00	27
From list furnished by Mr. MacNeill	From $10.00 to $50.00	166
	From $100. to $500.	13
	From $50. to $100.	23
	$500 and over	3
		631.

Statement of Babu Singh.

Of these men, some have since died; others have returned to India; others are members of the committee; and others appear to have had their money returned - probably on pressure. The list given by the committee, moreover, appears to be untrustworthy.

Impressions prevailing amongst Indians, and their fear of the Committee.

I have been approached by Dr. Grant, a Presbyterian Minister, and by Mr. E. Munnings, who used to do Mission work in the Central Provinces of India. Both of these gentlemen expressed great sympathy, and were, more or less, in touch with the Sikhs living in Vancouver, and from them I have gathered that the larger number of these men are dominated by and in fear of the seditious members of the society. All are more or less imbued with the feeling that they are British subjects, and are hardly dealt with. These gentlemen stated that so far as the citizens of Vancouver go, the dislike for Indians generally is due to the assertive and more or less impudent attitude of the Indian, especially since by saving money and profiting in land speculations he has acquired more means than he is accustomed to possess. Also, that during the coming winter there would be severe distress amongst them and that while many, though desirous of doing so, cannot see their way to leaving for their own country owing to their possession of land; others were eager to get away but had no funds. Each of

these gentlemen were asked if they could put in a collective petition from these men detailing their hardships and asking for assistance. Neither has, so far, been successful in this direction, and now tell me that the situation is more difficult than they expected; that while some are truculent, others profess too great a fear of the committee to dare to put their names on paper. (I attach letters from each of these gentlemen - they are interesting and convey a fair idea of present conditions.) This fear of possible evil consequence to themselves is to some extent borne out by the action of the new Gurudwara Committee who, while they have certainly acknowledged the truth of their late action as detailed by Partab Singh, first refused to send copies of their letters and resolutions, then suggested that the resolution book be inspected, and lastly have refused to acknowledge that these resolutions are on record.

Letter from Dr. Grant.

Letter from Mr. Munnings.

Statement of Partab Singh.

Suits for recovery of subscriptions.

From the attitude of the men I have seen, with perhaps three exceptions, I am disposed to think that the sense of unfaur treatment is general. At the same time, there is a disposition to regard the committee as responsible, and a number of suits for recovery of subscriptions have been institnted against the members.

See N.R.Fisher's letter 27/10/14.
See Mr. MacNeill's letter 26/10/14.
See F.J.McDougal's letter 29/10/14.

Here it is that a means of assisting the exploited part of the community suggests itself. The following is the opinion of Mr. Reid, of Messrs. Bowser, Reid & Wallbridge, when consulted on the subject:-

"The Government might employ a solicitor at Vancouver to take charge of, or institute, proceedings on behalf of Hindus who have advanced moneys to the Committee re "Komagata Maru", for the purpose of recovering these amounts from the Committee. It would then be in the discretion of these Hindus whether to continue suits already instituted with their own solicitors at their own expense, or have those suits transferred to the solicitor acting for the Government. A trial action in the County Court, with possibly an Appeal in that action to the Court of Appeal, would settle the question as to whether the Committee are liable to subscribers as for money advanced, or, whether these amounts are to be taken as joint contributions to a common fund to be administered on behalf of all subscribers in proportion to the amount suscribed, and, there being no return from the venture, each to bear his proportion of the loss.

I suggest Mr. Ladner of Messrs. Bowser, Reid & Wallbridge.

"In case of Judgment being recovered, but is being impossible to collect from the Committee, or, in case the Court should hold that the amount advanced was not a debt but a contribution to a common venture, an Officer might be appointed to see into the condition of the subscribers from a financial point of view andif any were found to be in want, advances might be made, not to exceed their contributions, to such persons as should be found in want during the coming winter.

"This is in response to your request for suggestions as to possible assistance."

Mr. Reid told me that expenditure in this direction is controlled by Government rules.

Recommendation

I would recommend that this procedure be followed and (a) that the solicitors be furnished with such copies of the papers attached as may be necessary in dealing with the suits in question, and

(b) that as many Indians as may be recommended by the solicitors, in the course of these suits, as desirous of returning to India but in real want of the necessary means, be assisted to do so.

So far for the immediate purposes of the enquiry I have been deputed to make.

I trust I may not be considered as trespassing unduly into the general question by suggesting further action.

As already noted, the feeling of discontent is very general, owing to the efforts of sedition mongers. The argument of free emigration to Canada as British subjects has been accepted by all; reasons to the contrary, if mentioned, are cleverly distorted as unjust and oppressive. I hear that some Indians give as a reason for listening to the seditious people alluded to, that they have no one else to whom they can go for advice and assistance - that people from other Colonies are of the same race and language; that Japanese and possibly Chinese can make arrangements for assistance, but that they themselves, though British subjects, are apart in race, language and religion, and are helpless. They are only supervised - without sympathy.

I understand that these conditions are more or less correct; and if so, here again appears to be another direction in which action might be taken with advantage to both Government and these people. It might take some such form as the appointment, in consultation with the Government of India, of an officer who would be in touch with Indian affairs and of sufficient experience to judge with discretion both sides

Suggestion for better control of Indian immigrants.

of such questions as presented themselves to him. He should be qualified to speak the language freely enough to secure confidence, and he should have attached to him a selected Indian (native) officer of proved loyalty and worth. These officers should be in touch with but independent of the Immigration Department.

Difficulties experienced in enquiry

The extreme and, generally speaking, insuperable difficulties experienced by me in getting into touch with Indians outside the committee, their reluctance when advised by intermediaries to make known their wants by petition if not in person, and the impossibility of dealing satisfactorily with them under the circumstances, are manifest throughout this enquiry. The disposition to be aggressive is very common. Respect towards white people of whatever class is strangely wanting; to some extent this is due to the teaching and example of their present leaders who, as I have personally found, are disposed to be intentionally disrespectful in order to provoke irritation of which they can afterwards complain as "high handed" and "unsympathetic".

I have obtained correspondence from the Government solicitors and the Immigration Department and, so far as they were able, have received every assistance. I am also much indebted to MR. H.H. Stevens, M.P., for his courteous assistance when possible. But the only officer I have

17868

been able to employ in other than the work of translating for which he was deputed, has been Dr. Raghamath Sihgh, who has done everything he can and has to some extent been successful. That a great deal of assistance might have been given by Mr. Hopkinson is probable, but situated as he was before his unhappy death, all communications between us were, by his wish, few and most guarded.

As a consequence, to make satisfactory head in this enquiry has been almost impossible and further machinery is, I would venture to say, essential if more useful control be desired.

In view of the probability that arrangements with the Imperial and Indian Governments in the way of restricted immigration are under discussion, the appointments I have suggested might at first be temporary only.

With regard to the directions in which aid is suggested, great care is needed to ascertain whether anyone is actually in want of assistance. The statements made go to show that in spite of no work and loss in land value, these Indians were quite able to subscribe and yet have a reserve fund to live on. British Columbia has been long looked on as an Eldorado. Men getting from $1.50 to $3.00 a day, live habitually on $10.00 a month. Money has been sent freely to India creating this insistent emigration. I understand that hardly an Indian now in British Columbia has not land and money in his native country from which he could get

Existing means of subsistence amongst Indian immigrants.

sufficient to pay for his return passage; and I have heard of men who at former times of depression (1906) left Vancouver with a ticket paid for by Government and a very considerable sum of money of their own hidden on their person or in their effects, or previously transmitted to their homes - and have later on returned to British Columbia.

Care necessary in giving assistance.

It would seem well, therefore to acquaint the Government of India of any assistance given with a view to recovery and to prevent imposition. The terms of assistance could contain the necessary provisions.

The conclusions forced on me are, briefly, that action against the committee is needed, and that sympathetic but business like assistance should be afforded to the comparatively honest members of the Indian community.

I trust that the recommendations made as the result of my enquiry may be of some value to the Government of Canada.

A list of documents attached is appended.

Signed H. C. Clogstoun.

Spl. Commr.

Vancouver

5, 11, 14.