

Copy for the information of:

2392

H. H. Stevens, Esq., M.P.
1451 Twelfth Ave.W.
C I T Y.

Vancouver, B. C., June 26th

14

MRJR/EC.

Ottawa File No. 798545 Imm.

W. D. SCOTT, ESQ.,

Superintendent of Immigration,

Ottawa, Ont.

Sir:-

I beg to confirm my night lettergram
of the 24th instant, as follows:-

"Legal advisors anxious bring test case in courts. Stevens agrees with me in opposing this. We hold if matter goes to court at all it should only go under compulsion and that Immigration authorities here should use every means avoid court procedure. Please instruct on this point. Also consider following proposal and give immediate answer: Empress sailing tomorrow eleven AM. Have asked Brodie grant charity rate thirty five dollars if possible lower. He is enquiring Montreal. I advise Board order deportation all passengers Komogata Maru en bloc placing same on Empress. This is best solution of difficulty. May have to provide extra guards keep order on voyage. When consider it will eventually mean we must provision ship, heavy legal expenses if this hangs fire, probability of riot and bloodshed, strongly advise this course; probable cost to Government Fifteen thousand dollars. Please answer immediately. Can arrange hold Empress for few hours. "

in reply to which I have your wire of the 25th instant,-

"Do not hold EMPRESS wiring full instructions this afternoon."

and further, your code message of same date, as follows:-

"Consider Board should give immediate decision on all boards of enquiry now completed and if rejection is decided should order deported. Think order for immediate deportation by Empress sailing this afternoon might result in misunderstanding and conflict amelioration possibly bloodshed, which are to be avoided if possible. After order of deportation is made you can consider how it can best be carried out; in the event of inability or unwillingness of Komogata Maru to deport consult counsel as to whether any legal objection to this course in case court interfere counsel should insist strenuous on Section 23. You should take no step which in any way admits jurisdiction of court to interfere, but if emigrants initiate proceedings

W.D.S. - 2.

"....proceedings, it is important to secure hearing before court which will give reason constructions to act and regulations."

I also wish to confirm my night lettergram to you of the 25th, as follows:-

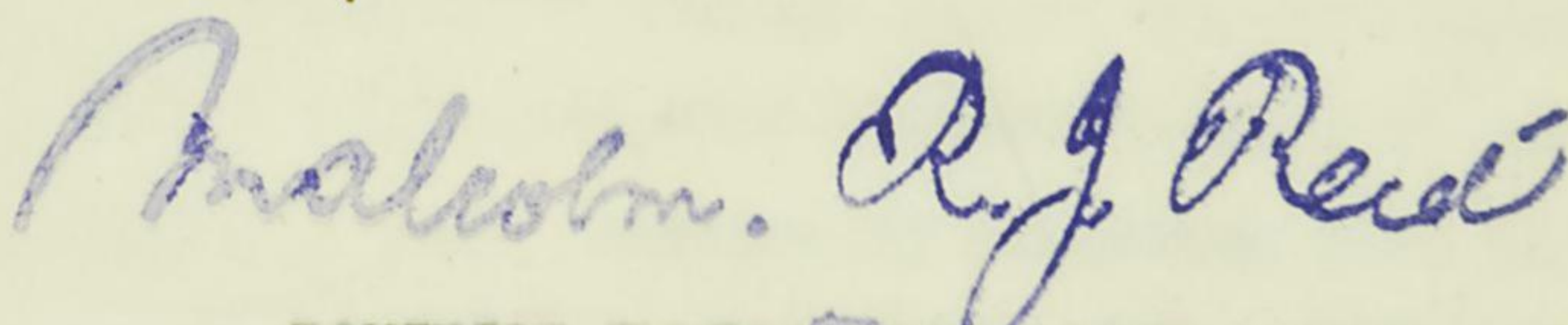
"Your wire. Decision given by Board in case Munshi Singh that he has attempted to enter Canada in contravention PC twenty three, twenty four and eight nine seven. Formal application made to Justice Murphy tonight, to be dismissed pro forma and taken before appeal court Victoria. Board will hand down decision in all other cases now ready."

Enc. I further enclose herewith minutes of the Board of Enquiry in the case of Munshi Singh. together with Deportation Form "B", especially drawn up by Mr. W.B.A. Ritchie, K.C., Counsel for the Department.

As intimated in my night lettergram of yesterday, an application was made to His Honour, Judge Murphy, for a writ of habeas corpus, which was refused.

Last night Mr. Bird and Mr. Ladner, on behalf of the Department, went to Victoria to make application for leave to apply to the Appeal Court. I will notify you in due course.

Your obedient servant,



DOMINION IMMIGRATION AGENT & INSPECTOR.

Enclos.