

Vancouver, B.C. July 18th. 1914.

Dear Sir:

In connection with your request made today to delay the operation of the deportation orders directed to the matter of the "Komagata Maru" pending your receiving instructions from the Imperial Japanese Government, I think it only right to yourself that I should put my position clearly before you. The orders for deportation have been made under the powers conferred upon the board of inquiry at Vancouver, over which I preside, and the validity of the Orders-in-Council and to the Immigration Act itself, has been passed upon by the highest court in the Province of British Columbia, viz; The Court of Appeal, and notwithstanding the attack made by Counsel upon every feature of these enactments they have been held by the Judges of the Court of Appeal unanimously to be good law Captain Yamamoto of the "Komagata Maru" and Major C. Gardner Johnson, the Agent for the owners of the vessel, have been acting throughout under the advice of Messrs. Tupper, Kitto & Wightman, Barristers of this city,

At the request of these gentlemen and through the personal solicitation of Sir Charles Tupper directed to the Right Honourable R.L. Borden, the Premier, on the Hindus on board the vessel, and the Hindu committee ashore absolutely refusing to either feed the passengers on board the ship or to furnish them with water arranged for the return journey to Hong Kong, that the provisions and water for the passengers should be supplied by the Dominion Government at their expense. This the Government was under no obligation to do, and in the event of the alleged charterer of the alleged assignees of the charter party neglecting to perform this service, the owners of the vessel in the ordinary course of events would be compelled to do so.

For reasons which have been fully made clear to you the Government agreed to Sir Charles Tupper's request on condition that the vessel should sail at once. The deportation orders in proper form have been validly served upon all concerned. A clearance has been issued to the vessel and a written direction has been given by the owners' agent here to the Captain to leave the harbour at once. This the Captain has neglected to do, and notwithstanding your good offices he gives no satisfactory answer to the orders served upon him, nor the request made as to the declaration of his intentions.

This afternoon at your office 6 o'clock today was given as the time for the Captain to say whether he was going to obey the deportation orders or not obey them and to show by the acts of getting ready for sea whether the tentative arrangement as to provisioning the vessel, etc., should be carried out.

You now ask me for an extension of this period in order to ascertain the views of your government. Since the matter has been canvassed in every aspect for days I could not see my way clear to grant this request, as I cannot see that this has anything whatever to do with your government.

Captain Yamamoto is either going to obey the orders made or he is not going to obey them. If he is going to obey them and finds himself unable to carry them out, the immigration officers stand ready to furnish the necessary aid to enable him to get up steam and out of our harbour when he makes any request on that behalf. If the position were put before your government its authority would be asked for apparently one of three things- either to resist the orders, and this is absurd to think of for a moment, and the second contingency is as to whether the Captain shall obey the orders, and there can be no doubt for a moment but what your government would do all in its power to seek the valid orders of any country in which one of its registered ships

-3-

might be, be fully carried out. The third contingency would be that if the master of the vessel was willing to carry out the orders but found that he could not by reason of opposition being offered to getting up steam, then as to whether he should request the authorities for aid.

It is not necessary to point out to you that the vessel now lying in Vancouver Harbour, the police of the city of Vancouver and all peace officers of the Crown must stand back of any master exercising his ~~power~~ proper functions. The Captain of the ship can avail himself of this on request.

Understand clearly that no force will be used on board the "Komagata Maru" other than at the request of the Captain, who has already been advised by most eminent counsel as to his proper course to adopt.

I trust that I have made the ~~position~~ of affairs as clear as I can.

Yours sincerely,

DOMINION IMMIGRATION AGENT AND INSPECTOR.

Y.A. Hori, Esq.

Consul for Japan,

C I T Y.