

## **HINDU LOSES FIGHT AND MUST RETURN TO ORIENT**

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**Hernan Singh's Application for Habeas Corpus  
Fails in Court.**

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**Evidence of Conspiracy Against Immigration  
Inspector Is Revealed.**

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**Hindus Used False Photographs for Purpose of  
Supporting Claims.**

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**Applicant...Today Admitted Having Lied to  
Government Authorities.**

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Hernan Singh, the Hindu who has been the subject of strenuous litigation by his friends in their efforts to prevent his deportation, has lost out in his fight with the immigration authorities. This morning he lost the last and fatal round of the conflict; tonight he will be deported on the steamer Empress of India, and taken back to Hongkong.

Mr. Justice Macdonald, who ordered the man's release a week ago, was the judge who decided Hernan's fate this morning. His lordship held that this time the man had been properly found guilty of misrepresentation by a properly constituted board of enquiry, and that he must pay the penalty by being deported. His lordship held that there was sufficient difference between this case and the case of Rahim, tried before Mr. Justice Morrison, that the decision in the Rahim case was not a precedent for ordering the release of

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Hernan Singh. By a curious coincidence the man Rahim was present in court when the judgment of deporting Hernan was made.

A new and sensational development was given to the proceedings this morning by the disclosure that a plot existed whereby the signature and official stamp of immigration Inspector Malcolm R. J. Reid had been obtained to the photograph of Hernan Singh and others, long before the men ever visited the country. Reading from the admission of Hernan Singh, given in evidence at the second inquiry, Mr. W. H. D. Ladner for the immigration department showed that photographs of Hernan Singh and other Hindus who were trying to get admission to Canada, were taken in Hongkong and forwarded to a Hindu named Babu Singh in Vancouver.

## **Trickery Employed.**

By some undisclosed trickery, the nature of which Hernan Singh said he did not know, Babu got the photographs signed and stamped as those of Hindus who were returning to India with the intention later on of coming back to Vancouver.

"I sent the photo to Babu Singh and he fixed it up and got it certified," said Hernan in his evidence. With this certified and stamped photograph of himself to fortify his claim that he was a prior resident of Canada, Hernan Singh endeavored to get past Inspector Reid and his men. The immigration inspector and his staff, however, detected the falsity of Hernan's claim. At the inquiry, Hernan under cross-examination by Inspector Reid admitted that he had lied in saying he was a prior resident, and that there as a conspiracy to deceive the immigration officers.

The appeal this morning made by Mr. Rex Macdonald for Hernan Singh, was on the ground that Hernan Singh having been previously released by Judge Macdonald from arrest on the charge of misrepresentation, could not be arrested and tried a second time for the same offence, following a well established(Sic) canon of British criminal law.

## **Civil, Not Criminal.**

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Mr. W. H. D. Ladner argued that the proceedings under the Immigration Act were not criminal, but civil proceedings, and that the first enquiry having been declared null and void, the accused had never been on trial or placed in jeopardy(Sic).

In his judgment Mr. Justice Macdonald said he found that the second board of enquiry was a valid enquiry, and that the first enquiry having been declared a nullity, the second proceedings were not res judicata of the first.

"I find that this man was an active participant in the misrepresentations practised on the immigration officers and is properly penalized, and I refuse the application to confirm the writ of habeas corpus," said his lordship. dead(Sic).

Inspector Reid, who was present in court during the proceedings, has announced his intention of deporting Hernan Singh on the SS. Empress of India tonight.