

36 of 1944

Sir M Navi

42, 1948

Section 12 of the Immigration Ordinance
punishes ^{by Subsection 3} a person who contravenes that
Ordinance or abets the contravention by
inflicting a fine or imprisonment of 8 yrs.

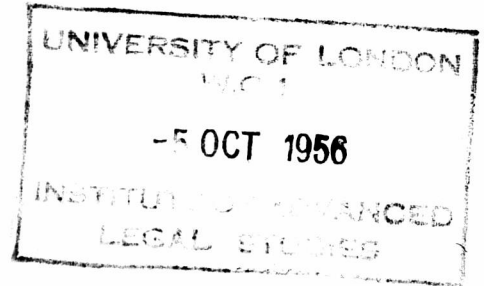
That section does not contemplate a
class of persons hereafter called persons
deemed to abet the commission of offence.
Such persons are brought in by Amendment
of section 12 cl 3 - by Section 107 of Ordinance 445

Subsection 3 cl 1 (C) D defines a person
who is deemed to abet
an illegal immigrant
if a person is found on a vessel
in the territorial waters whether the
vessel comes in those waters lawfully or not.
Such persons are Master, owner, agent of vessel

They may be punished under
Subsec 3 cl II - 8 yrs
or the vessel may be forfeited
under Subsec 3 cl III Vessel
and Corporation subs (C) by
a RT Court

~~in circumstances in which they may be punished~~
for persons deemed to
abet

Appeal raises the question
validity & construction of the Immigration
Act of 1944 amended by the Statute
Act of 1945



The facts

Remains - 1

Apr. 24. Apr. 1946

Served - on the vessel of the vessel

Question 1 depends upon a presumption
from a statute

7th Edition, Page, Chapter II, Section

Maxwell, p 152, 9th Edition

The vessel was seized on the High Seas
It was contrary to International Law

Imperial Council to be fully valid

1. under the law, regard to the President

2. Alternatively then the evidence itself
is considered? Given by and referred
on the High Seas
power to exercise jurisdiction in International Law

It will be incompatible
to permit or lease ~~vessel~~
a foreign vessel to have it perfected
This is the argument

- advance is required to the
- Mandate
 - Ordinance purports to be payable to the 204 bank, it is the administrative Tribunal that is vested in the Supreme Court.

No 3 (page 39 of 11.1.1960)

Section 17 (c) Ordinance is void under sec 17 (c)

The ordinance is a partialy all emergency Ordinance.

It is a, has denied fundamental on the basis of suitable conditions.

Page 4. The ordinance is void under by the defence regulation made by the ~~any~~ ^{13/6} in civil

Sec 6 Sec ^{13/6} 13/6

Ind 1/6

Summary of the evidence

Commander, open sea part - other part with
Sec 3, 5(2) (3) - 8.

~~material records~~
Sec 12 (2) (b) (c)

Section 13 & 14 manual, Sec 15 (1) (c)

1941. L.R. Palestine p. 138, 333, 442

4 miles, page 139
How far it falls from Jerusalem?

1) L.R. Palestine 138, does not deal with the question

2) P. 333 @ 334 - 250 miles from coast
When the vessel is brought
ground track with
at page 442

Questions with you have to be considered with
necessity? Have you any information of the
about same.

Respect
Cases

1. Defence is that the Council / records of the
the Regulations are an error in the sense
do not give the the same date with
five hours before to the the
population of the is a consequence
with the the established rule of
International Law

See 107.12

2. If the Regulation must be
construed as suspending the
Palestine rule to prevent a ship
which as mentioned the Palestine ship
was the territory of Palestine although in
anyway suspended in Palestine it was
construed under the principle of
international Law

3) If that ship had been seized in
the open sea outside International waters

3) The 12 can be construed as such a
way that it does not ^{enable} the ship to be forfeited

in ~~an~~ circumstances such as
have ~~to~~ happened on the land - thought to
be so constructed

- (3) Regulation which we have already
is inconsistent with the
provisions of the Constitution as
provided by section 17 I.C
of the Polish order in Council

Argument No I

Under the Polish order in Council 1922
in a Polish order in Council was made page 3

Subsequently U.C. by a ~~the~~ regulation
made under ~~the~~ order in Council
amended the order in Council

1933 A.C. p 156 page 1164.

~~It follows~~

It would be assumed that U.A. has
not conferred on the High Court to
legislate contrary to the Parliament
Determination

Ship is under Polish law ship. - 2004
This has a foreign ship. flag
2004
ph

1891 A.C. p 453

The case is incommensurate - - - p 459

L.R. 1 Cr. Cas. Rem. p 161.

Queen v Anderson

Both Ship - (Between of British and Subjects)
- incommensurate.

" 267 K. Anderson - (p 162)

Page 167.

Page 170. As regards the Statute

we should continue a British Statute

concerning the ship of International law.

1st Statute defence order in trial decided

The U.C power to make such incidental

The Regulation is incommensurate with the statute

The statute does not have any relation to any part of the statute

Judge

1st Vol. Oppenheimer p 239.

~~Part 2 ch.~~

5th Ed. p 380

Membrane Bill as a maritime league.

Repeal of statute can make regulations
on Bill.

Zone of the open seas - } Revenue & police
can be exercised } or sanitary purposes.

Freedom of the open seas

Sec. 1. for Revenue &
Sanitary laws

Inopenseas -
Sec 266.

Conceivably they might arrest -

1) ~~It would be possible to arrest a vessel
and the high sea~~

It will be ^{incompetent} of flying a foreign flag on the high seas
searching it unless expressly authorized
the foreign laws even if it knows that
Canadian.

International law does not allow
such arrest

2nd argument

Sec 12(1) makes ~~any~~ to be a Substantive
Office

Art 3 3 - deals with
a Substantive

creation of office

Called "Deemed to
Substantive"

3 1(1), Deemed

Art 11 - Both the ~~words~~ ^{words}

or ~~Deemed to be~~ ^{made} ~~substantive~~ ^{practicable}

Art 14. ~~shall~~ ^{shall} ~~be~~ ^{be} ~~deemed~~ ^{deemed} ~~to~~ ^{to} ~~be~~ ^{be} ~~substantive~~ ^{substantive}

Deemed Substantive

Deemed Substantive ~~shall~~

~~shall~~ cannot be ~~deemed~~

Stretched to ~~include~~ ^{include}

a vessel brought in by the

Commanding officer which has

been seized in the High Seas

a foreign thing probably serves
Patriot under Palestine

Sec 13.

1.

Provides that if not it shall be
brought in ^{contribution to} the
interest law

Construction of the Section

Abetment is deemed abetment

Business local + Palestine cannot promote
locate a person who is not in Palestine
a criminal in Palestine creates the
commits an offence in Palestine

a crime is committed in ~~France~~

Master must be agent must be
a Palestinian subject or is in Palestine - if you
don't continue in this way you may
make him a criminal in Palestine

When he has not committed any offence
in Palestine at all.

M

3.1.(b) Sub-section ^{II} ~~II~~ (amended)

If the vessel was used on the 11th
knowledge of the master can be
imputed to an approver in Palestine
because he is actually abetting - thus an approver

wording of (1) b. is all that was

relied on

Some accepting of the view in the
appellate court in Palestine that it was the
said offence was committed but
here there was no view upon a matter in
Palestine

So this section must mean that you
are making him fully your offence which
has not been committed in Palestine

Vol II, Halsbury at Page 36
Page 36 Para 62

Note.

you may as a foreigner will be fully guilty of
you have caused the commission of the crime
but there seems to be no Supreme Court

he is deemed to have committed
an offence in England. He does not
know

As a matter of course he is
not at all meant to be
one of Palestine.

They chose & deemed it best to make
him a criminal when he had no
knowledge.

(old) 1940. LR Palestine p1

The ~~conspiracy~~ ^{conspiracy} evidence is altered by
the ~~population~~ ^{population}
is invalid because of the Mandate

No 2 (p. 2)

1926. H.L. 321, 327

The object of the law is not to
facilitate. Para 6 does not facilitate
but it impedes.

at the time when subject
was served.

Respondent's Case

Facts

1. The vessel was found within the territorial waters of Pakistan ^{in fact}
2. There were passengers on board under Sec 12, sub 3, as amended by virtue of the amended statute there arose the rebuttable presumption that the owner of the vessel had deemed to be wholly unseaworthy unseaworthy. That presumption has not been rebutted in any one of the ways provided in Sec 12 sub-section 3. The owner has put in showing case against the finding by the court as confirmation of the forfeiture. Forfeiture has been automatically done then confirmed. This in the course to come forward say why forfeiture should not be confirmed

