

# DOUBTS IF ALIENS CAN BE NATURALIZED

## Several Judges Have Refused Papers to Germans and Austrians

### REFERRED TO MINISTER

## Civil Rights in Courts Suspended During War Time

From a Staff Correspondent.

Ottawa, Sept. 30.—Can alien enemies, Germans or Austrians, resident in Canada, become naturalized Canadian citizens? This is a nice legal question which has been raised by the decision of several judges in different parts of the Dominion who have refused naturalization papers to Germans and Austrians who have made application. On the other hand in many Provinces there have been a large number of alien enemies who have been granted naturalization.

In view of the conflicting decisions the question has been referred to the Department of Justice at Ottawa. Some opinion will likely be given shortly as it is felt that there should be uniform action throughout the Dominion. While no judgment has as yet been given by the Justice Department, the view held by most of the Ottawa authorities is that alien enemies should be allowed to be naturalized. It is felt that apart from the legal side if these men want to become Canadian citizens they should be allowed to do so. It is felt that this action is an indication that they want to quietly and lawfully abide in Canada and that they are less liable to cause trouble as citizens than as aliens.

### Less Danger as Spy.

On the other hand it has been pointed out that a man, if he so desired could carry on operations as a spy with much less danger as a British subject than as an alien. It is also pointed out that Germans and Austrians who desired to return to fight could leave the country much easier as a British subject than as an alien.

A recent decision of Judge Thompson, of East Kootenay County Court, British Columbia, has rather brought the question to a head. His decision has been brought to the attention of the Justice Department and is under review at the present time.

Judge Thompson has taken the view that Germans and Austrians should not be naturalized while the war is in progress. He takes the view that Canada is in no way bound to make an enemy free of her house and home in such a crisis of the world's affairs. The judgment in effect says Canada is under no obligation to Germans or Austrians to afford them the protection of citizenship while they, as alien enemies, are very possibly spying how best they can injure our industries or transportation system. The following is an extract from the decision recently given at Cranbrook, where several Germans applied for naturalization papers:

No alien enemy has a right to apply to the civil courts during war. His civil rights are suspended. (Halsbury, Vol. 1, p. 311.) Under the naturalization act the application is made in open court and not when the oath of allegiance is signed and sworn and the certificate of the notary granted. If my conclusions are correct, therefore, these applicants have no right whatsoever to come to a civil court and demand any rights or privileges, nor am I able, no matter how willing I might be, to hear any application on their behalf.