

RIGHT OF ENEMIES TO SUE IN CANADIAN COURTS QUESTIONED

German or Austrian May Take Action, Say Supreme Court Justices

(Western Associated Press.)

MONTREAL, Jan. 33.—The right of a German or Austrian to take suit before the Canadian courts has been maintained by the provincial court of appeals in the case of Angelo Viola versus MacKenzie & Mann company, the honorable Mr. Justice Lavergne handing down judgment in the name of his colleagues Chief Justice Sir Horace Archambault, Justices Trenholme, Carroll and Cross. Their lordships reversed the findings of Mr.

Justice Bruneau declining to admit the right of an alien enemy as he called the plaintiff to sue before the courts of Canada.

Their lordships of the higher court held that, in the determining of an enemy it was residence and not nationality which counted. All the judges of the court spoke on the case and their views were to the effect that if Canada were to deny to the newly arrived immigrants the right of recourse before the Canadian courts this would be an infringement of the principles of justice. The chief justice stated that if one were to deny the right of the plaintiff in the present case there would be nothing to prevent an employer, for instance, of a German or an Austrian to refuse to pay his employes salary.

The case was a claim under the Workmen's Compensation act. Viola was injured while at work for the defendants and he sued for compensation. Mr. Justice Bruneau decided that he had no right to sue because he was a native of a country at war with the British empire.