

ALIENS MUST PROVE STATUS

Foreigners Required to Support Claims by Documentary Evidence

RULING BY TRIBUNAL

That continued immunity of the aliens from military service would eventually lead to a general uprising was the opinion expressed by W. B. Smythe, Chief Public Representative, in dealing with the question of foreigners before Mr. Justice Ferguson's Appeal Tribunal yesterday. The Public Representative intimated that the situation was growing intolerable and contended that every doubt should be assumed against the non-British subjects who applied for exemption.

Mr. Justice Ferguson in reply pointed out that he required more than the word of the foreigners to show that they were aliens, and if there was nothing further than their word, he made no order, and this left them open to prosecution by the civil authorities. The authorities would then have to prove that the men were not foreigners. He stated that if the aliens went to him with documentary evidence that satisfied him that they were not British subjects he exempted them.

Privileges For Foreigners.

In view of the great peril of the State, Mr Smythe asked that the procedure be stretched to the extent to which it ought to be stretched, and said that Canada was holding to The Hague Conventions, while Germany was not, but his Lordship replied that so long as Great Britain stood by The Hague Convention he was bound.

The Appeal Judge pointed out that it was with British subjects only that he had authority to deal, and that the act had no power to send the men against their proof of nationality.

In dealing with a big list of applications yesterday, Mr. Justice Ferguson placed the burden of proving their status upon the foreigners. He remarked that if they could not tell why they should be exempted he would make no order. A number of the aliens were nonplussed and could not establish a case. Where no documentary evidence was submitted in support of a case, the exemption was refused.