

# PROF. MUELLER IS TO BE NATURALIZED

## Judge Coatsworth Gives Decision in Protest Against Such Action

### HAD STOOD THE TEST

## Ruling, Says His Honor, Applies to All Similar Requests

Prof. Mueller, German professor at the University of Toronto, will be given his naturalization papers in spite of the protest raised last week by Mr. A. R. Hassard, barrister, acting for his client, Mr. A. A. Gray. His Honor Judge Coatsworth gave his decision this morning, explaining his reasons for it in an exhaustive speech from the bench, explaining that this ruling applied to all similar applications.

The question was one of grave importance, said he. It went right to the very roots of government and citizenship.

Whenever there was a great crisis, continued His Honor, referring to those who had made the protest, there were always to be found some public men willing to come forward in the interests of the public to protest the rights of the people.

Because of the importance of the question, he thanked Mr. Hassard and Mr. C. M. Garvey, counsel with Mr. Hassard, for the protest for going into the matter in such a "thorough and public spirited way." He had carefully looked into all the authorities in law, cited by them, ~~he said, and particularly the~~ recent case of King v. Rowena, in which Mr. Justice Lennox had said on December 17th, when application had been made to him for bail for the young Russian barrister charged with high treason:

### Time of Great Stress.

"Substantial bail has been offered and I believe the application is made in good faith and that he would await his trial. But this is a time of war, a time of great national stress and peril, when no chances should be taken and upon the whole I do not think it prudent to accede to the application."

The Judge then stated that he regarded the matter as so serious, presented in the way that Mr. Hassard had presented it, that he had taken the precaution to consult the very highest authorities in order that no mistake might be made in dealing with the question. He had personally interviewed the Chief Justice of Ontario, Sir William Meredith, he said, and had also communicated with Chancellor Boyd, the Minister of Justice and the Chief of Police, Colonel Sherwood of Ottawa.

Quotations from the letters of these gentlemen were then read by His Honor. They were to the effect that where naturalization is sought and the applications are made in accordance with the statute, then, unless there be some particular disqualification pointed out in any particular case, the application should not be denied.

Judge Coatsworth said that although Mr. Hassard, Mr. Garvey and Mr. McMichael, counsel for Prof. Mueller, had searched exhaustively for precedents, there was none to be had, and the matter must be determined upon the question of whether or not the person applying would be likely to be a good citizen.

### Answered Highest Test.

He had examined carefully the evidence presented by Mr. Hassard last week, said his Honor. He had taken it fully into account that Mr. Mueller had responded to the highest test when Mr. Hassard asked him the question if he wished Britain to succeed in the present war by replying after some hesitation that he did.

The case was not without difficulties, said the judge. There was not one tittle of evidence presented to show that Mr. Mueller was not likely to be a good citizen. His Honor said, therefore, that Mr. Hassard's application, as he understood it, was intended merely as one for a postponement of naturalization until the war was over. He concluded, however, by saying that where the forms were regular and where the investigation of the alien enemy applying for naturalization individually before him as Registrar of Alien Enemies was satisfactory, the application for naturalization would be granted.

Professor Mueller and all the other applicants for naturalization from countries at present at war with the British Empire, if their papers were properly filed with the Clerk of the Peace, would be granted Canadian citizenship, concluded his Honor.