

AUSTRIAN'S PLEA ANGERED LAWYER

R. S. Weir Moved For Intern- ment Following Outspoken Protest Against Draft

Mr. Justice Coderre, sitting yesterday as an appeal tribunal hearing adjourned cases under the Military Service Act, was asked to decide if Joseph R. Bielava, born in Manchester, England, the son of an Austrian, is a British subject, and therefore liable to be drafted into the army under the provisions of the Military Service Act.

The call of the young man to service stirred his father, Adam Bielava, to make an emphatic protest. He maintained that his son's plea that he was of the same nationality as his father, an Austrian, ought to be upheld and exemption granted.

"My son is not a British subject," he urged, "and should not be called upon to fight Britain's war against men of our own flesh and blood."

R. Stanley Weir, K.C., at once entered an objection to the father's remarks. He said he did not like the tone of the witness and suggested the court should, in the circumstances, order both men to show cause why they should not be interned as alien enemies. At the same time, Mr. Weir undertook to communicate with the immigration authorities at the Alien Register Office.

After this was done the officials reported to Justice Coderre that they could not declare the younger man an Austrian subject in the light of the proof he furnished that he was born in England.

The father produced papers showing he duly reported to the authorities on April 27.

Justice Coderre said he would decide on the national status of the applicant, Joseph Bielava, today.