

# ALIEN ENEMY CITED IN DAMAGE ACTIONS

**Delayed in Cases at Winnipeg Assizes That Plaintiffs Are Barred From Civil Rights.**

**Austrians Who Are Being Companies Are Not Naturalized, It is Said.**

There will be no session of either the criminal or civil assize court today, as both have been adjourned until Monday afternoon, at 2 o'clock, this arrangement having been made in order to allow such of the members of the jury panel, as can do so, to spend Sunday with their families.

## The Civil Court.

**Mehner vs. Winnipeg Electric Railway company.**—The oral testimony offered on behalf of the plaintiff in this case was concluded last night, the whole of the afternoon being occupied with the giving of the medical evidence as to the physical and mental condition of the plaintiff. Both Dr. Jones and Dr. Gray stated that the plaintiff is suffering from neurasthenia, which they believed, after having examined him, was the result of the injuries which he sustained when run into by a car of the defendant company's on Hespeler avenue, Elmwood, on the 27th of May, 1913.

Counsel for the defendant company moved for a withdrawal of the case from the jury on two grounds, contending that there had been no evidence to show that the negligence of the servants of the defendants had caused the accident to Mehner; on the contrary, it was argued that the evidence established, beyond any doubt, the fact that the plaintiff had walked in front of the on-coming car, without exercising any care as to his own personal safety.

## Pleads Alien Enemy.

It was also urged that Mehner is an Austrian, an alien enemy of Great Britain and Canada, and that he therefore cannot succeed in his action, being barred of his civil rights by reason of the attitude of his country towards Great Britain and her colonies. Further it was maintained that the naturalization certificate which the plaintiff produced was neither issued in his name, nor was the residence of the person to whom it had been granted the same as that which Mehner gave as his abode.

The motion was not concluded when the court adjourned, and it will be resumed on Monday.

Kennedy & Kennedy appear for the plaintiff, Edward Anderson, K.C., and H. D. Guy for the defendant company.

**Prescovitch v. Western Canada Flour Mills.**—An application was made before Mr. Justice Prendergast to put the case at the foot of the list on the ground that a motion is pending before Mr. Justice Galt for a stay of proceedings. It appeared that the plaintiff is an Austrian subject, who had never been naturalized. The defendants moved to stay proceedings on the ground that the plaintiff being an alien enemy of Great Britain and Canada cannot maintain an action at law until peace is restored. The hearing of the motion was adjourned until Monday next. Judge Prendergast directed the motion to be renewed later on, in case the judgment of Mr. Justice Galt is

not delivered when the case comes on for trial.

T. J. Murray appeared for the plaintiff; E. A. Cohen appeared for the defendant company.