

# ALIEN ENEMY MAY SUE IN CIVIL COURT

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## Case of Austrian Released from Internment Camp Allowed to Proceed

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In the Practice Division of the Superior Court on Saturday, Mr. Justice Dugas handed down judgment allowing proceedings in an action which an Austrian named Mihai Gu-setu has entered against Dame T. Laing et al., to recover \$593 which it is alleged the defendants owe plaintiff as wages.

The case again raises the question of the rights of aliens of enemy nationality before the civil courts.

Recently plaintiff was released from the internment camp, and Donat Bro-deur, his counsel, submitted a motion in the Practice Court asking that, in view of the man's liberation, a previous judgment suspending all proceedings should be set aside and the plaintiff's claim heard on its merits.

Bernard Rose, K.C., on behalf of defendants, opposed the motion, basing his objections mainly on a proclamation of the Governor-General-in-Council, dated August 15, 1914, providing that all persons of German or Austro-Hungarian nationality should

continue to enjoy the protection of the law only so long as they merited the respect and consideration due to law-abiding citizens.

Mr. Rose submitted that in virtue of this proclamation plaintiff having been interned as an alien enemy "of bad character," could not, even now that he had been liberated, pretend to have a right to enjoy the protection of the law—namely, to sue in our courts—under the consideration "due to a peaceful and law-abiding citizen."

Mr. Brodeur maintained that the certificate of the man's liberation should be considered to revive his rights before the civil courts.

Justice Dugas now ruled out Mr. Rose's objection, ordered plaintiff to continue with his action, and defendant to reply.