

THE CIVIL COURTS

Interned Man Demands Release From Immigration Office

WILL CASE IN REVIEW

Is Bequest of Whole Estate for Masses Indication of Insanity?—Another Suit Over Frontenac St. Explosion

The plaint of a naturalized Canadian, who alleges that he has been interned as an alien enemy will be argued before the local courts on certiorari proceedings instituted by Tom Valla. Valla represents that despite the fact that he has been a resident of Canada for many years, and has been a naturalized citizen, he has been kept in imprisonment at

immigration headquarters, St. Antoine street, on an order signed by John Hollahan, Alphonse Regimbald, Jeremie J. Shea, Jos. Sevigny, and Gaston Devil, all immigration inspectors in the employ of the federal Government. He accordingly takes suit against the above-mentioned, and asks that the order which they have issued, calling for his internment, be rescinded on the grounds that the respondents acted without jurisdiction and, in any event, committed grave irregularities in making such an order, as, says petitioner, the immigration laws of the Dominion do not apply in his case, as he is a citizen of Canada. Mr. Justice Beaudin yesterday ordered the writ to issue. The case will be argued on the merits in due course. Theberge and Germain, for petitioner.

The question whether it is an indication of insanity for a man to bequeath his whole estate for the purpose of having masses chanted for the repose of his soul, was discussed in the Court of Review yesterday, the appeal being that of J. B. Rousseau vs. Alphonse Ouellette. Mr. Justice Guerin, it will be recalled, some weeks ago dismissed the suit of J. B. Rousseau, who sought to have the will of his brother, Francois, annulled, because the testator had willed all his money and property to the Church for the purpose mentioned. The proceedings in the lower court were ex parte, and Mr. Justice Guerin did not see fit to declare the testator insane for

the reasons alleged, in the absence of further proof of his unsound condition of mind. Rousseau, who died at Longueuil, at the beginning of the year, specified the various sums to be spent on his funeral, \$100 for a coffin of oak, \$10 for embalming, \$6 for palms, \$10 for the decoration of the death chamber, and other items. The balance of his estate was to be spent on masses for the repose of his soul, and that of his wife. His wife died shortly before him, and, the brother says, the loss drove him to insanity.

In presenting the case for Rousseau, before the Court of Review, Rosario Genest argued that in view of the fact that several doctors had testified to Rousseau's insanity, Mr. Justice Guerin should not have adjudged him sane. Chief Justice Archibald, one of the three judges sitting in the Court of Review, expressed the same opinion, but Their Lordships' formal judgment will be delivered later.

SUIT OVER EXPLOSION.

Another suit for damages against the Montreal Light, Heat & Power Company, resulting from the Frontenac street explosion, commenced before a jury yesterday. A similar action was dismissed two weeks ago. Mrs. V. Charne sues for \$10,000 damages for the death of her daughter, Mrs. Max Durinsky, who was killed in a baker's shop when the explosion occurred. The case dismissed was that of Sarah Gilbert, who was so injured

that she had to have both legs amputated. She sued for \$25,000 damages.

The Frontenac street explosion occurred last October, and wrecked a whole tenement, inhabited by foreigners. Two persons were killed, and the coroner's jury failed to find a cause for the explosion. Those who sue the Power Company claim that it was caused by a leak from a defective gas pipe. The Power Company claim that it was caused by some high explosive.

Expert evidence to that effect was heard at the last trial, and the witnesses in the present case are identical.

AWAITING SUIT.

"Watchful waiting" is the policy of Roger Valois, editor of Le Pays, whose prosecution on a charge of criminal libel was threatened by members of the Catholic School Commission at Tuesday night's meeting of that body. In the last issue of Le Pays Mr. Valois charged some one member of the commission with being guilty of having participated in "graft," of \$25,000 in connection with the purchase of a school site on Dorchester street.

"Let them come with their actions, individually, collectively, civil or criminal, they will find us ready," said Mr. Valois yesterday morning. "We are to be found at our office, and we will produce our proofs and our documents when these are re-

quired. We cannot do anything at the present time but await the action of the accused. It is a sure thing that threats will not make us change our minds.

"During the months of November and December last, before the Mercier report was officially out, but when its contents were well known to all the commissioners, I sent two open letters, one to the commissioners, and one to Mgr. Roy, the chairman. They received these attacks very calmly, without apparent indignation. Shall I feel now that the indignation shown at last night's meeting of the commission is due to the fact that the sum involved is greater? They talk about an investigation, and that is just what we want."