

# OFFICER OF 151ST DEFENDS ALIEN ENEMY IN SUIT

## Gilbertian Flavor Given Action Against Two Local Firms

There is a truly Gilbertian flavor to the situation in an action being heard before the Hon. Mr. Justice Simmons. The second in command of one of the newly created regiments is appearing as counsel for a company, the manager of which is an alien enemy, whose brothers are now fighting in the trenches against British and Canadians. He was formerly the manager of the company, as it is now practically out of business.

The suit is that of Rendall, MacKay-Michie, limited, against the Stucco Ornamental Company Limited and Nesbitt & Miller Company L. Herman A. von Walhausen was at one time manager of the Stucco company, for which concern Major A. C. Grant, of the 151st battalion in military uniform and without gown, is appearing. This is the first time since the outbreak of the war that a senior officer has appeared as counsel in the local law courts.

The action arose out of the construction of the Bank of B.N.A., for which the firm of Nesbitt & Miller were the contractors, the other defendant being a sub-contractor for the ornamental work. The plaintiffs supplied the Stucco company with cement and other material and there was a balance due, according to the claim, of \$923.83. The plaintiff affirm that they agreed not to file a lien against the property on Nesbitt & Miller agreeing to pay the amount said to be due by the Stucco firm. Judgment was claimed against each of the defendants for the amount claimed.

Shortly the defense of the Stucco company was that \$400 of the amount due by them had been paid and so far as it was concerned there was due a sum of \$351.18 and that there was sufficient money in the hands of the contractors to pay this. Nesbitt & Miller denied the indebtedness and said that \$400 was paid to the plaintiffs on account of the other defendants, but this sum, the plaintiffs claim, was the repayment of a loan they had made to von Walhausen, to help him pay wages. Nesbitt & Miller paid \$351.18 into court in full settlement.

D. W. MacKay is appearing for the plaintiffs, Major A. C. Grant for the Stucco company, and S. E. Bolton for Nesbitt & Miller. The case is continuing.