Naturalisation Act, 1914, 4 & 5 Geo. V. ch. 44 (D.), it had, by sec. 34, been kept alive for three years in regard to aliens resident in Canada on the 1st January, 1915, who complied with the requirements of the earlier enactment; and the applicants, according to their affidavits, having been so resident and having so complied, were entitled to naturalisation if they were not alien enemies—or, if alien enemies, were entitled to its benefits.

The learned Chief Justice, then, referring to sec. 19 of R.S.C. 1906 ch. 77, says that it is the duty of a Judge hearing such an application to decide whether the applicant is or is not within the provisions of the Act.

In dealing with naturalisation matters, an alien enemy is the subject of a nation which is at war with the nation in which naturalisation is sought; and each of these applicants, if a Turkish subject, is, and must be treated as, an alien enemy, in the consideration of his case.

The learned Chief Justice goes on to consider the question whether the earlier statute (R.S.C. 1906 ch. 77) is applicable to an alien enemy; and says that, apart from judicial authority, he has no difficulty in considering the Act inapplicable to an alien enemy; and the decided cases abundantly support that conclusion. He refers to Rex v. Lynch, [1903] 1 K.B. 444; Piggott on Nationality, p. 137; general ruling of the Judges of the Supreme Court of Alberta against the naturalisation of any alien enemy; Ex p. Newman (1813), 2 Gall. (U.S.) 11; Ex p. Overington (1812), 5 Binn. (Penn.) 371; Ex p. Little (1812), 2 Bro. (Penn.) 218.

The learned Chief Justice declines to follow the decision of Archambault, J., in a Circuit Court of the Province of Quebec, in In re Herzfeld (1914), Q.R. 46 S.C. 281; and refers to Porter v. Freudenberg, [1915] 1 K.B. 857.

The conclusion is that the applicants are alien enemies and not entitled to naturalisation.

The learned Chief Justice also expresses a wish to facilitate an appeal from his decision, if an appeal is desired; and gives leave, for what it may be worth, to appeal in any possible way.

If no steps towards an appeal be taken within 30 days, the result will be that no direction such as sec. 19 of the Act provides for will be made, and so the applicants must fail in their efforts to become naturalised in Canada; but, if any such steps be taken, the applications will be held in abeyance for a reasonable time to obtain the opinion of some appellate Court, which, if favourable to the applicants, can then be given effect to by the Chief Justice.