

has been followed, and, so far as I can ascertain, has never been criticised, so that the notice is clearly insufficient to justify action on the 4th September. I say nothing as to the validity of any action that might have been taken had the council met on the 10th August and then dealt with the matter.

I am inclined to think that the Master went too far in offering to allow registration upon an indemnity to the assurance fund under the Land Titles Act, R.S.O. 1914 ch. 126, sec. 123 (10). Certainly I should not interfere with the exercise of his discretion to exact this security.

The appeal should be dismissed with costs to be paid to the Attorney-General.

MEREDITH, C.J.C.P., IN CHAMBERS.

JANUARY 28TH, 1915.

*RE BERANEK.

Alien Enemy—Arrest and Detention on Suspicion—Habeas Corpus — Application for Release — Jurisdiction of Court—Dominion War Measures Act, 1914, secs. 6, 11—Consent of Minister of Justice—Necessity for—Naturalised Alien.

Application, upon the return of a writ of habeas corpus, for an order for the release of Rudolf Beranek, a military prisoner.

W. A. Henderson, for the prisoner.

Lieutenant Boulter, the custodian of the prisoner, appeared in person in answer to the writ.

MEREDITH, C.J.C.P.:—The writ in this case was obtained on the assertion that the prisoner is held in military custody as an alien enemy, although, in fact, a British subject by naturalisation.

Assuming that to have been an accurate statement of the facts of the case, it by no means follows that the prisoner is entitled to be released from custody, nor indeed that the writ should have been issued, although the lawful power of the military at the present time, may be to detain an alien enemy only.

In extraordinary times, extraordinary laws have been passed "for the security, defence, peace, order, and welfare of Canada;" and the power of the military authorities, and the rights

*To be reported in the Ontario Law Reports.