

noise of battle has hushed the critics who have one and all come to the conclusion that at any rate for the duration of the war the function of the Grand Jury may be safely entrusted to His Majesty's Judges and Law Officers.

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Temple, 28-4-1917.

DEFENCE OF THE REALM.

By a majority of four to one, the House of Lords have held, affirming the Court of Appeal and the Divisional Court, that reg. 14B made under the statutory powers of the Defence of the Realm is not *ultra vires*. This regulation provides for the internment of any person, in view of his hostile origin or associations, where it is necessary for securing public safety or defence of the realm, and it is quite clear that, taking the ordinary meaning of the words of the statute under which it was made, it was certainly *intra vires*. Under this power a naturalized British subject had been interned, and in the case in question (*Rex v. Halliday; Ex parte Zadig*) the old hackneyed arguments about the suspension of the writ of *habeas corpus* and the interference with the rights of British subjects were again put forward, we are glad to say, without success. As the Lord Chancellor pointed out, the measure was not punitive, but precautionary, and both statute and regulations were passed and made at a time of supreme national danger which still exists.

No reasonable-minded citizen will be impressed by the suggestion that regulations might be made involving the most extreme consequences, even the punishment of death, without trial. These regulations are made by His Majesty in Council, to whom the duty has been intrusted by Parliament, and there can be no grounds whatever for the suggestion that such powers will be exercised otherwise than reasonably. The regulation in question affords a good example, for the executive have provided an advisory committee, which includes two eminent Judges of the High Court, one from the Chancery and the other from the King's