

## REVIEW OF CURRENT ENGLISH CASES.

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PRACTICE—WRIT—SERVICE OUT OF JURISDICTION—SEPARATION:  
DEED—COVENANT TO PAY SEPARATE ALLOWANCE DOMICIL  
—“ORDINARILY RESIDENT WITHIN THE JURISDICTION” CON-  
TRACT WHICH “OUGHT TO BE PERFORMED” WITHIN THE  
JURISDICTION. RULES 64 (c) (e)—(ONT. RULE 25 (1) c e).

*Drexel v. Drexel* (1916) 1 K.B. 251. This was an action by a wife against her husband to recover the amount of a separation allowance payable under a covenant contained in a deed of separation; both parties, although of American origin, had become domiciled in London, but the defendant had recently sold his London house and gone to France, where he had applied for naturalization, his object being to obtain a French divorce. The plaintiff claimed that he was liable to be sued in England (1) because he was ordinarily resident in England and (2) because the contract in question ought to be performed in England, where the plaintiff resided. The defendant entered a conditional appearance and applied to set aside the service of the writ on the ground that he was not ordinarily resident within the jurisdiction, and that there had been no breach within the jurisdiction of any contract on his part which ought to be performed within the jurisdiction. Neville, J., held that the defendant was not now ordinarily resident within the jurisdiction, but that the contract in question was one which ought to be performed within the jurisdiction where the plaintiff resided, and the motion was accordingly dismissed.

ALIEN ENEMY—PRISONER OF WAR—NON-COMBATANT—PREROG-  
ATIVE OF CROWN TO IMPRISON—JURISDICTION OF COURT—  
HABEAS CORPUS.

*The King v. Superintendent of Vine St. Station* (1916) 1 K.B. 268. This was an application for a habeas corpus in the following circumstances. The applicant was a German subject who had obtained his discharge from German nationality, but had not become a British subject, and was under the provisions of German law in a privileged position and had not become entirely divested of the rights belonging to a natural born German. In the exercise of the Royal prerogative he had been interned—as an alien enemy—and he sought by means of a writ of habeas corpus