

he can be, for war purposes, a British subject in Canada and an alien enemy on all other British soil.

Upon the man's own statement, to which I have referred, a strong suspicion was caused in my mind that he would not have been wrongly arrested if he could have been and had been arrested for spying out the land, though probably not in connection with any organised system, but only on his own account, to be made use of should there be opportunity. In these circumstances, and having regard to the fact that under one of the orders of the Governor in Council, made under the War Measures Act, 1914, the family of the prisoner may go with him, I cannot perceive any justification for these proceedings without first applying to the Minister of Justice, even if there had been some power here to deal with the case, in the first instance.

These observations do not of course affect the prisoner's rights: if he be a British subject he ought not to be detained as an alien enemy, whatever other charge might be laid against him: but all that is for the consideration of the Minister of Justice first.

The application for the prisoner's discharge is dismissed; and his conditional remand is made absolute.

BRITTON, J.

JANUARY 29TH, 1915.

BATEMAN v. SCOTT.

Fraudulent Conveyance—Husband and Wife—Property Conveyed to Wife by Stranger—Interest of Husband—Rights of Creditor of Husband—Absence of Fraud.

Action to set aside a conveyance as fraudulent, tried without a jury at London.

J. M. McEvoy, for the plaintiff.

R. G. Fisher, for the defendants.

BRITTON, J.:—On or about the 23rd December, 1912, the defendant Cornelius Scott, being indebted to the plaintiff in the sum of \$150, gave to the plaintiff his promissory note for that amount, payable three months after date.

As is alleged in the statement of claim, the plaintiff on or about the 30th April, 1913, recovered a judgment in the Sixth Division Court in the County of Middlesex against Cornelius