

PROCEEDINGS IN LIEU OF DEMURRER.

I have said that demurrer, which "is the formal mode in pleading of disputing the sufficiency in law of the pleading of the other side," has been abolished in England, but the Rules of the Supreme Court have put something in its place. When the pleadings are closed either party may take out a summons to have a point of law arising on the pleadings set down for hearing, the facts of the case being sufficiently set forth in the pleadings by the plaintiff and defendant respectively. An example of this occurred the other day. A member of a Military Service Tribunal was sued for slander. It was alleged that during the hearing of the only kind of case which such a tribunal can hear, namely, whether a man shall be called up for service, he slandered the plaintiff. He admitted the words, but pleaded absolute privilege—the privilege which clothes the utterances of all judges. The case was set down for hearing under the above rule, when it was decided that the privilege was absolute and that the defence was good. So the action failed and all the costs of an expensive trial before judge and jury were saved to the parties.

IMPRISONMENT WITHOUT TRIAL.

The recent imprisonment or "internment" of a large number of adherents of Sinn Fein on a charge of what practically amounts to high treason draws attention to the extraordinary power which the Defence of the Realm Act has conferred upon the Executive. "To none," says Magna Charta, "shall we sell, delay or deny justice"; but here, on a large scale, is what appears at first sight to be a denial of justice, for there is no talk of putting any of the interned revolutionaries on his trial. But we must interpret the word "justice" in the wider sense. *Inter arma silent leges* is a maxim of universal application. A public trial of Mr. De Valera were a thing impossible at the present moment. We cannot afford to throw open the closed portals of our secret service—a service which has undoubtedly been the principal agency in collecting sufficient evidence for the Government to act upon. Nor would a trial in which half the evidence was taken *in camera* serve the purpose of convincing those who sympathise with Sinn Fein that the charge was well laid and properly proved.