

woman was 22. The only blameworthy action of the plaintiff was in yielding to her importunities to have the wedding without informing the parents. The defendants deliberately resolved to prevent the plaintiff from living with his wife, and for that purpose took her to Manitoba, and were responsible, if there was any change of mind on her part towards the plaintiff, for that change of mind. They were also responsible for and planned the obtaining of a so-called divorce in the State of Ohio. A decree of divorce was actually granted there.

The plaintiff had suffered grievous wrong, and was entitled to substantial damages.

The law had been so fully and admirably stated by Falconbridge, J. (now Chief Justice of the King's Bench), in *Metcalf v. Roberts* (1893), 23 O.R. 130, that it was not necessary to make any other reference.

The plaintiff was placed in a very difficult and awkward position, and so was his wife. She not being before the Court, no opinion was expressed as to the effect of the divorce, though it was formally pleaded by the defendant Agnes Bulloch.

The plaintiff's damages were assessed at \$5,000, and judgment was given in his favour for the recovery of that sum, with costs.

MIDDLETON, J., IN CHAMBERS.

JANUARY 5TH, 1918.

*RE GOTTESMAN.

Alien Enemy—Arrest by Immigration Officer—Application for Habeas Corpus—Immigrant Coming to Canada from United States after Commencement of War—Proclamation of September, 1914, not Covering Case of—Violation of Terms upon which Protection Granted—Deportation of Aliens who have not Acquired a Domicile in Canada—Power of Court to Interfere with Action of Immigration Officer—Immigration Act, 9 & 10 Edw. VII. (D.) ch. 27, sec. 23—War Measures Act, 1914, 5 Geo. V. ch. 2, sec. 11—Consent of Minister of Justice.

Motion on behalf of Zolton Gottesman for a writ of habeas corpus, he being detained under the warrant of an Immigration officer.

* This case* and all others so marked to be reported in the Ontario Law Reports.