

in this country he has ever since resided and carried on business. In August, 1914, he registered as an alien enemy for reasons of abundant cautela, since he had lost his discharge, and feared that he would be unable to prove his renunciation of German citizenship. Later on he found the document and applied unsuccessfully for exemption from registration. Recently he applied, again without success, to the Home Office Advisory Committee for exemption from internment under the recent order of the Home Office. In August of this year he received from the superintendent of Vine Street Police Station the usual notice, sent by authority of the Secretary of State, informing him that he was about to be interned, and in due course there followed his arrest and internment. To contest the legality of these proceedings and to vindicate his liberty he applied for a writ of habeas corpus, and the matter came last week before a Divisional Court composed of Bailhache and Low, JJ.

Two possible courses were open to the Solicitor-General, who represented the Secretary of State at this hearing. He could either shew cause for the imprisonment of Liebman, i.e., admit the fact of imprisonment and justify it on the ground of some common law or statutory right vested in the Crown; or he could take a preliminary objection to the applicant's locus standi altogether on the ground that the applicant was an alien enemy, and as such not entitled to appear in our courts. The Solicitor-General adopted this latter course and succeeded, so that no decision as to the rights of the Crown was given on the main issue; but, in fact, all points were argued more or less fully on the hearing of the preliminary objection, so that the difference of procedure was only nominal.

Now, as Mr. Justice Low put it in a singularly lucid judgment, the court had three points before it. The Crown contended (1) that the applicant was an alien enemy, (2) that by internment he had become a prisoner of war, and (3) that the Crown is entitled by virtue of its prerogative in time of war to imprison any person it pleases if it considers such course necessary for the defence of the realm, in which case no writ of habeas