

CHARGED WITH SEDITION

German Interned at Vernon Is Unsuccessful in Application.

Habeas corpus proceedings instituted in supreme court on behalf of Joe Lee, a German who had been interned at Vernon, and who had been arrested and sent up for trial by a magistrate at Kamloops on a charge of sedition, have proved abortive, his lordship the chief justice refusing to grant the application.

Max Grossman took the position that as an enemy alien and virtually a prisoner of war, a charge of sedition could not stand, and that one admittedly an enemy who owed no allegiance to the country which held him prisoner, could not be guilty of disloyalty or treason to that country. He also held that the language alleged to have been used by the prisoner was not seditious.

His lordship pointed out that it was possible for even an interned man to make use of words which might do harm. He was in constant contact with quite a large body of guards at least and disaffection might be sown. He must hold that the words used were seditious. On the question as to whether or not the man could be considered a prisoner, the cases seemed to agree that an interned enemy alien could not be considered as such, and he was therefore subject to action by the civil authorities. The application must be dismissed. Herbert S. Wood appeared for the crown.