

FERNIE AUSTRIANS LAWFULLY INTERNED

Order-in-Council Passed on June
26 Causes Collapse of Ap-
plication for Writ of
Habeas Corpus.

An order-in-council passed on June 26 and not yet published in the Gazette caused the collapse of Mr. Clarence Darling's habeas corpus proceedings in behalf of the Austrians interned at Fernie when the case was called before Mr. Justice Macdonald at Victoria yesterday. The order-in-council, which was produced by Mr. A. P. Luxton, K.C., representative of the minister of justice, at the hearing, provides for the detention of subjects of enemy countries for fear that hostility arising between subjects of warring countries should lead to loss of life and damage to property.

Mr. Darling asked for costs, because the order had not been passed when his proceedings were launched and because he had had to make three trips to Victoria without getting on with the case. Mr. Justice Macdonald allowed him \$100, because it was probably these proceedings which brought the absence of legislation to the attention of the government.