

HABEAS CORPUS DOES NOT APPLY AFTER INTERNMENT

Alien Enemies Declared to Have No Rights Under Common Law

(Western Associated Press)

MONTREAL, Aug. 10.—A judgment delivered by Judge McLennan this morning is of considerable interest, affecting the standing of alien enemies.

M. Ithai Gustu, an Austrian who had been interned under the direction of Major Dale, provost marshal, sought to obtain his release through a writ of habeas corpus. Through his lawyer he claimed that he was a native of the province of Bukowina, in Galicia, and was a Ruthenian rather than an Austrian. He was interned in July.

The judge, in a long judgment, declared that it is provided by the war measures act that no person under arrest or detention as an alien enemy or under suspicion can be released on bail or otherwise discharged from custody; that no habeas corpus applies for an alien enemy who is a prisoner of war and that an alien enemy has no rights under the common law of England. The application was therefore refused.