

COMMON LAW KNOWS NOT ALIEN ENEMIES

Montreal Judge Hands Down Notable Judgment in Respect to Aliens.

Special to The Journal.

Montreal, Aug. 17.—A judgment delivered by Judge McLennan is of considerable interest as affecting the standing of alien enemies. Mihai Gusetu, an Austrian, who had been interned under the direction of Major Date, 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 lengthy 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

ball, 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 right under the common law of England.

The application was therefore refused.