

In *Maria v. Hall*, 1 Taunt. 32, the right of action of a prisoner of war for work and labour carried on under the protection of the commander of the British forces was upheld.

Following the case of *Topay v. Crows Nest, etc.*, 18 D.L.R. 784, but disapproving *Bassi v. Sullivan*, 18 D.L.R. 452, it was held, that a person of German or Austro-Hungarian nationality, domiciled in Canada, as to whom there is no reasonable ground for believing that he is engaged in hostile acts or in contravening the law, may, by virtue of the Orders-in-Council (Can.) of August 7 and 15, 1914, maintain an action for negligence against his employer for personal injuries sustained in following his avocation where such action would lie were his country not at war with Great Britain; and that the onus is not upon the alien to prove, on the defendant's motion to stay proceedings in an action brought before war was declared, that he had not contravened the restrictions specified in the Royal Proclamations: *Pescovitch v. Western Can. Flour*, 18 D.L.R. 786, 24 Man. L.R. 783.

As to right of subject of nation at war with Great Britain to bring an action for damages, see *Oskey v. City of Kingston*, 20 D.L.R. 959, 31 O.L.R. 190. It was there held, that a workman's widow and children, although of a nation with which Great Britain is at war, so long as they reside in the province and do not contravene the regulations contained in the Proclamations, are entitled, notwithstanding their status as alien enemies, to proceed with their action instituted before the declaration of war, seeking to recover damages under Lord Campbell's Act.

In *Dame Mathilda Johansdotter v. C.P.R. Co.*, 47 Que. S.C. 76, it was held, that the absence of a dependant or beneficiary in a foreign country is a justification for not filing a claim within the delay fixed by the Workmen's Compensation Act.

The plaintiffs, subjects of Austria and residing in that country, began their action before the outbreak of war with Great Britain and were ordered to give security for costs. Their solicitor, not being able to communicate with them after the war began, and no further proceedings having been taken, applied for an extension of time and for a stay of proceedings, in order to avoid the dismissal of the action which follows upon failure to give security, and which was refused. It was held, following *Brandon v. Nesbitt*, 6 T.R. 23, and *Le Bret v. Papillon*, 4 East 502, that the plaintiffs having become alien enemies, are barred from further proceedings, and the action must be dismissed, but that the dismissal will not be a bar to a subsequent action after the termination of the war: *Dumenko v. Swift Can. Co.*, 32 O.L.R. 87.

APPEALS.—An alien enemy, unless with special license or authorization of the Crown, has no right to sue during the war, his right being suspended during the progress of hostilities and until after the restoration of peace. He may, however, be sued during the war in the King's Courts, and he may appear to be heard in his defence. He has the same right of appeal as any other defendant, but, if he be a plaintiff, his right of appeal is suspended until after the restoration of peace: *Porter v. Freudenberg, C.A.*, [1915] W.N. 43, 31 T.L.R. 162.