

pose of applying for a receiver to conduct the affairs of the enemy firm: *Re Gaudig & Blum*, [1915] W.N. 34, 31 T.L.R. 153.

MARRIED WOMEN.—In the case of *De Wahl v. Braune*, 1 H. & N. 178, it was held that a *femme covert* could not sue alone on a contract made with her before or after marriage, though her husband was an alien enemy.

But in *Thurn & Taxis v. Moffitt*, [1915] 1 Ch. 58, 31 T.L.R. 24, it was held that a woman who is an alien enemy and who claims to be the wife of an alien enemy, and who has registered herself as an alien subject of an enemy state under the Aliens Restriction Act, 1914, is entitled, notwithstanding the state of war existing between this country and her own, to sue in the Courts of this country for the purpose of enforcing an individual right not claimed through her husband.

EXECUTORS AND ADMINISTRATORS.—In *Re Estate of Herman Koenig*, [1915] W.N. 24, the executor, the next-of-kin and chief beneficiaries were alien enemies residing in the enemy country, and on a power of attorney by the executor to a British subject an order was made granting letters of administration with the will annexed. But in *Re Estate of Jacob Schiff*, 59 S.J. 303, it was held, not following the *Koenig* case, *supra*, that where the next-of-kin of a deceased intestate are alien enemies, the Public Trustee is the proper person to take the grant of administration to the estate of the deceased.

Distinguishing the case of *Continental Tyre, etc., v. Daimler Co.*, [1915] 1 K.B. 893, and following *Dumenko v. Swift Can. Co.*, 32 O.L.R. 87, it was held that an action under the Fatal Accidents Act, R.S.O. 1914, ch. 151, brought by an administrator of the estate of a deceased person, cannot be maintained if brought for the benefit of alien enemies, and that if such action is brought after the commencement of the war, it will be dismissed: *Dangler v. Hollinger, etc.*, 23 D.L.R. 384, 34 O.L.R. 78.

ACTIONS.—No action can be maintained either by or in favour of an alien enemy: *Brandon v. Nesbitt*, 6 Term. Rep. 23.

War does not suspend an action against an alien enemy, and he may appear and defend either personally or by counsel: *Robinson & Co. v. Mannheim Continental Ins. Co.*, [1915] 1 K.B. 155, 31 T.L.R. 20.

One is an alien enemy of this country whose sovereign is at enmity with the Crown of England, and one of his disabilities is that he cannot sue in our Courts during war, unless he is here "in protection," the burden of shewing such status being on himself. Therefore, a citizen of a nation at war with this country who institutes a civil action will have his action stayed, unless as a condition precedent to such right he establishes that he is "in protection" in such sense that he is not a person professing himself hostile to this country nor in a state of war against it: *Bassi v. Sullivan*, 18 D.L.R. 452, 32 O.L.R. 14.

Thus it was held, that an alien enemy cannot, by the municipal law of this country, sue for the recovery of a right claimed to be acquired by him in actual war: *Anthon v. Fisher*, 2 Doug. 649n.

In *Ricord v. Bettenham*, 3 Burr. 1734, 1 W.Bl. 563, it was held, that an action was maintainable by an alien enemy upon a ransom bill, even when the hostage given died in prison.