

Crown on a return to an inquisition finding the lessee to be an alien, which proceeding is technically termed "office found." Where the King takes a lease for forfeiture he does so *cum onere*, and is subject to payment of rent and observance of covenants.

With regard to personal property other than chattel real, aliens have under the Common Law the same rights as British subjects. But under the Merchant Shipping Act, 1894 (57-58 Vict. ch. 60), sec. 1, aliens cannot be registered as owners of British ships.

At Common Law the conveyance by an alien of lands within the jurisdiction was valid except as against the Crown; and the grantee could not set up alienage as against his grantor. An alien's deed of property which is subject to forfeiture is therefore not null and void, but it is voidable by the Crown: see *Doc d. Macdonald v. Cleveland*, 6 O.S. 117.

It would also appear that an alien plaintiff was not, under the Imp. Stat. 5 Geo. II., ch. 7, entitled to issue execution against lands in Upper Canada: see *Wood v. Campbell*, 3 U.C.R. 269; and this restriction appears still to exist under R.S.O. ch. 80, sec. 11, which also, it will be observed, is a provision in favour of "His Majesty" and "any of His subjects."

Rule 533, on the other hand, which is also of statutory force, applies to "any person," and it may be argued that it in effect removes the restriction contained in R.S.O. ch. 80, sec. 11. On the other hand, it may be said that "any person" in Rule 533 merely means "any person" entitled under R.S.O. ch. 80, sec. 11, and is not intended to include "any person" which that section excepts.

Under the former practice the objection had to be raised by plea in bar of execution: see *Wood v. Campbell*, *supra*, but under the present procedure the point, if tenable, may probably be taken by motion to set aside the writ; clear evidence of the alienage of the party issuing the execution would have to be adduced: *Ib.*, and see *Dehart v. Dehart*, 26 C.P. 489.