

tinuance of the war, their liability to be sued, their right to appeal to the appellate courts, and their rights generally to appear and be heard. The two latter cases discussed the position of limited companies registered in England where the majority of the shareholders are alien enemies pure and simple.

A writer in the *English Law Journal* thus speaks of the judgment in the three cases first referred to:—

The established law, as laid down by Lord Stowell in the great case of *The Hoop* (1799), being that one of the consequences of war is the absolute interdiction of all commercial intercourse with the inhabitants of the hostile country, everything else follows as a result. The rule provides and carries with it its own limitations. So the Court had no difficulty in deciding that, though "alien enemies" have generally no civil rights, and cannot take proceedings in our Courts, yet persons who are subjects of enemy States, but are resident here by tacit permission of the Crown, are entitled to sue, for they are *sub protectione domini regis*. As to the liability to be sued, it was sufficient to say that to decree immunity during hostilities would be to convert that which is a disability imposed upon the alien enemy because of his hostile character into a relief to him from the discharge of his liabilities to British subjects. It followed as a necessary consequence, in the view of the Court, that an alien enemy sued can appear and be heard in his defence and take all such steps as are necessary for the proper presentation of his defence. "To deny him that right," said the Lord Chief Justice, "would be to deny him justice, and would be quite contrary to the basic principles guiding the King's Courts." Applying the same principles to the question of appeals, the Court distinguished between cases where the "alien enemy" is suing or defending. In the first case, where he is the appellant, he is the "actor" throughout, he cannot invoke the assistance of the Courts; in the second, though he initiates the appeal, he is in fact on his defence, and is entitled to have his case decided according to law, none the less that there is a judgment against him in a Court of first instance.

The same writer, in speaking of the position of alien companies, says:—