

ALIEN ENEMY—RIGHT TO SUE—LIABILITY TO BE SUED—RIGHT TO
APPEAR AND DEFEND—RIGHT OF ALIEN ENEMY TO APPEAL.

Porter v. Freudenberg (1915) 1 K.B. 857. In this and two other cases which are reported together, some points of interest regarding the rights of alien enemies in Courts of Justice are determined by the Court of Appeal (Lord Reading, C.J., Lord Cozens-Hardy, M.R., and Buckley, Kennedy, Eady, Phillimore, and Pickford, L.JJ.). In the first place the test whether a person is an alien enemy is held to be not his nationality, but the place in which he resides and carries on business. A person voluntarily residing in, or carrying on business in, an enemy's country is defined to be an alien enemy. In the second place it is held that an alien enemy may be sued in the King's Courts and if so sued is entitled to appear and defend himself and has also a right to appeal against any judgment given against him, and where an action is brought against an alien enemy resident in the enemy's country, but who carries on a branch business in the King's dominions by an agent, leave may be given to issue a concurrent writ and make substituted service of notice of the writ on the defendant by serving the agent.

ALIEN ENEMY—LIMITED COMPANY—SHARE CAPITAL HELD BY
ALIEN ENEMIES—RIGHT TO SUE.

Continental Tyre & Rubber Co. v. Daimler Co. (1915) 1 K.B. 893. In this case it was held by the Court of Appeal (Lord Reading, C.J., Lord Cozens-Hardy, M.R., and Kennedy, Phillimore, and Pickford, L.JJ., Buckley, L.J., dissenting), that a limited English company, the share capital of which is owned by alien enemies is entitled to sue in the King's Courts, the Court holding that the company as a legal entity, brought into existence by Statute, was distinct from the shareholders, and that it did not change its character owing to the outbreak of war whereby the shareholders became alien enemies. The company, as the Court held, could only become enemy by being incorporated in the enemy's country, but no such incorporation had taken place. An interesting discussion of the principles involved in this case is to be found in vol. 139, L.T. Jour., p. 64.

HUSBAND AND WIFE — MARRIAGE SETTLEMENT — CHATTELS
ASSIGNED TO TRUSTEES—WIFE ENTITLED TO USE OF CHATTELS
—DETENTION BY HUSBAND—ACTION BY WIFE — TRUSTEES
NOT JOINED—PARTIES.

Healey v. Healey (1915) 1 K.B. 938. The plaintiff in this