

they invade, and that not only the persons who actually carry on the invasion are so criminally liable, but also all those who counsel, advise and direct the invasion to be made.

We observe that Von Bethmann-Hollweg has volunteered to stand trial for his part in the proceedings, and that Marshal Von Hindenburg is ready to assume all liability subsequent to 1918. How far the latter was responsible for bringing on the war remains to be seen. His offer to assume responsibility for acts of a later date will not relieve him from liability for prior misdeeds. Criminals are not usually permitted the privilege of selecting for what particular acts they shall be tried. It is needless to remark that the laws of Belgium against murder, robbery, arson and rape were not made *ex post facto*—but were in full force when they were violated wholesale by the ex-Kaiser and his fellow criminals.

INITIATORY PROCEEDINGS IN LITIGATION.

It used to be considered a matter of moment that litigants should initiate proceedings in the prescribed way, but it may almost be said that any formality on that point is in danger of disappearing, and we may soon be seeing the day when any parties having a dispute may, without the formality of any writ of summons or any other preliminary proceeding, just step into a Judge's room at Osgoode Hall, and move for judgment.

No less an authority than the Chief Justice of Ontario has declared: "It would be a startling thing, indeed, if, although a writ had not been issued, the parties had delivered their pleadings and gone down to trial and judgment had been pronounced and entered, the judgment must be held to be void because the action had not been commenced by the issue of a writ of summons, and the court which pronounced the judgment was therefore without jurisdiction." *Stothers v. Toronto General Trusts Corporation*, 44 O.L.R. p. 461. Mr. Justice Hodgins, who seems to be troubled by Rules of Court as to procedure, says: "'Action' is defined in the Judicature Act, R.S.O. (1897), c. 57, s. 2 (3), as meaning a civil proceeding commenced by writ, and that has been held to include proceedings commenced by notice of motion