

COSTS.—If the plaintiff is domiciled in a country in a state of war with England, he cannot, so long as that state of war lasts, be required to furnish security; but the Court must suspend all proceedings in the case until peace is restored: *Re Rozarijout v. B. & A. Asbestos Co.*, 16 Que. P.R. 213.

It was questioned, in the case of *Robinson & Co. v. Mannheim Continental Ins. Co.*, [1915] 1 K.B. 155, 31 T.L.R. 20, whether, if an alien enemy is successful, he is entitled to an order for the payment of costs. In the judgment, Bailhache, J., remarked: "I mention this point now because, in considering my judgment, it occurred to me as a possible difficulty in the way of allowing the action to proceed. I think, however, the difficulty, if it arises, is sufficiently met by suspending the defendant's right to issue execution."

ARBITRATION.—In the case of *Smith, etc., v. Becker, etc.*, 31 T.L.R. 59, the right of an alien enemy to proceed with an arbitration under the arbitration clauses in a contract made before the outbreak of the war was upheld.

NATURALIZATION.—According to the principles of public international law recognized in England in time of war, the subjects are enemies as are the states, "*jus standi in judicio*"; but if the subjects of a belligerent state are allowed to remain in this country, they are relieved from their disabilities. The proclamation of August 15, 1914, which confirmed to the Germans and Austro-Hungarians residing in Canada the enjoyment of all rights which the law had accorded them in the past, upon condition of their good conduct, is in conformity with art. 23b of the Hague Conference, and, consequently, such aliens who live in this country during the war preserve their civil rights, and particularly that of applying for naturalization: *Re Herzfeld*, 46 Que. S.C. 281.

The *Herzfeld* case, *supra*, was not followed in *Re Cimonian*, 23 D.L.R. ante, 34 O.L.R. 129, and it was held, following *King v. Lynch*, [1903] 1 K.B. 444, and *Porter v. Freudenberg*, [1915] 1 K.B. 857, that an alien enemy has no right to naturalization, and his application therefor will be dismissed by the Court of its own initiative.

ARREST AND DETENTION.—In performing the duty of arresting and detaining persons of a nationality at war with Great Britain who attempt to leave Canada, and in regard to whom there is reasonable ground to believe that their attempted departure is with a view of assisting the enemy, a wide discretion is left to the military commanding officers, which will not ordinarily be reviewed or interfered with by the Courts under a *habeas corpus* process: *Re Chamryk*, 19 D.L.R. 236, 25 Man. L.R. 50.