

by an alien enemy is based on a cause of action alleged to have accrued after the war began, the objection was, and still is, a bar to the action. As to torts committed against an alien enemy or contracts made with him after hostilities began, the alien enemy, as we have seen, is entitled to no redress, and the objection is a bar to the action. But as to all rights of action, whether in contract or tort, which accrued before war, the objection of an alien enemy is only in the nature of a dilatory plea, and not a bar; and the right of action, therefore, is merely suspended by the war, unless the Crown shall see fit to exercise its right of confiscation.

If an action by an alien enemy were allowed to proceed, it would be subject, like any other action, to be dismissed for want of prosecution, if not carried to trial in due course. If dismissed for want of prosecution, the dismissal would not be a bar to another action for the same cause, but the Statute of Limitations might run in the meantime so as to bar any further action.

If the Crown definitely waives its right in respect of a forfeitable cause of action, there does not seem any good ground why the action should not be allowed to be prosecuted notwithstanding the war; and it would also seem reasonable that if the Crown did not choose to waive its rights, an action should be allowed nevertheless to proceed, and in case judgment should be recovered by the alien enemy, the amount might very properly be ordered to be paid into Court to abide the pleasure of the Crown.

THE ENFORCEMENT OF INTERNATIONAL LAW.

The impotence of international law arises from the fact that it lacks some coercive power behind it to meet out due punishment to those who wilfully violate it. And it must be perfectly clear to anyone that international law becomes a mere farce if those who have agreed to be bound by it may with impunity, nevertheless, if it suits them, wholly disregard it, when the time for carrying it out arrives. It is, therefore, an obvious fact that, in order to make international law a real and living rule of conduct, some means must be devised whereby punish-