

Where a patent is vested in an English and also in an enemy firm, the English firm having the right to sue and to join the enemy firm as co-plaintiffs, an action by the English firm will not be suspended during the war (*Mercedes, etc., Co. v. Mandslay Motor Co.* (1915), 31 T.L.R. 178).

Where the cause of action is unexceptionable, though the person interested is an enemy—as where the claim accrued before he became an enemy, a person entitled to sue upon it in his own name may do so, although it is for the benefit of the enemy; but having regard to the trading with the enemy of the Act, 1914, and the Proclamation of Sept. 9, which made it a criminal offence to remit money to an enemy, a judgment will not be pronounced having that effect. In such a case there will be a stay of execution until an arrangement can be made for handing over the money to the custodian of enemy property (*Schmidt v. Van der Veen* (1915) 31 T.L.R. 214).

A subject of an enemy state who is interned as a prisoner of war in England may bring actions (*Schaffens v. Goldberg* (1915) 32 T.L.R. 31, 133).

In *R. v. London County Council* (1915), 31 T.L.R. 249, three judges of the King's Bench Division left open the question whether a proxy issued by an alien enemy shareholder during the war to a British subject to vote in this country for the alien enemy was not against the law and therefore null and void. In a later case (*Robson v. Premier Oil & Pipe Line* (1915) 31 T.L.R. 385), Sargant, J., expressly held that no such proxy could issue.

In *Halsey v. Lowenfeld* (*Leigh & Curzon* third parties) ((1915) W.N. 400) it was held that the rule that an alien enemy may be sued in the King's Courts is not confined to causes of action accruing before the commencement of war, and that an alien enemy could not take third party proceedings, for in doing so he was an actor who was invoking the assistance of the court in support of an independent claim, and not merely setting up matter of defence to the claim of plaintiffs.