

goods belonging to him are seized as prize, such goods will *prima facie* be treated as enemy goods.⁴

§ 44. Territory in the occupation of the enemy is dealt with on the footing of enemy territory being considered as part of the domain of the conqueror so long as he remains in the possession of it. All persons domiciled within the occupied territory are consequently regarded as enemies.

Domicile
in territory
occupied by
the enemy.

The principle was departed from by the English Courts during the Crimean War, it being held by the Privy Council that the inhabitants of Moldavia had not been converted into enemies as the Russian occupation was only temporary.⁵

The rule was not, however, followed in the Great War. Belgium was treated in the British Prize Courts as enemy during its occupation by the German troops, even though such occupation was considered provisional by the Allied Powers.⁶

Egypt was likewise regarded an enemy territory, the Board's decision in *The Gütenfels* being that in view of the military occupation of Egypt by Great Britain, there was no doubt that the Egyptian ports were to be deemed enemy with reference to German and Austrian vessels.⁷

⁴ In the Trading with the Enemy (No. 2) Proclamation of September 9, 1914, the expression "enemy" was defined to mean any person of whatever nationality, resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country (S. R. & O. 1914, III., p. 327).

⁵ *The Gerasimo* (1857), 11 Moore P. C. 88.

⁶ The question was indirectly raised in *The Leonora*, [1918] P. 182; The Trading with the Enemy Proclamations of February 16 and September 14, 1915, also assimilate territory in hostile occupation to enemy territory (S. R. & O., 1915, III., pp. 273, 275).

⁷ [1916] 2 A. C. 113. Cf. *The Achaia*, [1916] 2 A. C. 198.