

"(1) In consequence of this decision the following Proclamation was promulgated on September 14, 1915:-

'Whereas doubts have arisen as respects the position under the Proclamations for the time being in force relating to Trading with the Enemy of incorporated companies or bodies of persons which, though not incorporated in any enemy country or in territory in hostile occupation, carry on business in any such country or territory:

'And whereas it is expedient that the position of those companies or bodies for the purposes of those Proclamations should be defined:

'Now therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Proclamation declaring, and it is hereby declared, as follows:-

"For the purposes of the Proclamations for the time being in force relating to Trading with the Enemy, the expression 'enemy', notwithstanding anything in the said Proclamations, is hereby declared to include, and to have included, any incorporated company or body of persons (wherever incorporated) carrying on business in an enemy country or in any territory for the time being in hostile occupation." : "

It will be observed that the test adopted by the British Government was whether the incorporated company or body of persons wherever incorporated was carrying on business in an enemy country or in any territory for the time being in hostile occupation. In considering this judgment in relation to the present situation in France a number of interesting observations are to be found in the reasoning of their lordships. For instance, I extract the following from the judgment of Lord Cozens-Hardy, M.R. at page 421 of the report:-

"It will be observed from the language of that section that it does not in any way treat the whole territory, part of which is in the effective military occupation of an enemy, as being enemy country. On the contrary, I think it certainly implies, although it does not assert, that in the case of Belgium the mere fact that part of Belgium is in the effective military occupation of the Germans does not in any way affect the allegiance of Belgians to King Albert or constitute the whole of Belgium enemy country. It only makes certain provisions as to what may or may not be done with reference to persons in the part entirely in occupation."

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