

excusable ignorance on the part of the master might be presumed. In every one of the seven, in which the ship was not condemned, the captor was decreed his expenses, which is tantamount to a decision that the capture was not without probable cause, and not unlawful. So erroneous—if Lord Stowell was not deliberately and persistently wrong—is the position (borrowed probably from Hautefeuille and De Martens) which has been so confidently asserted of late, that a neutral ship ought always to be permitted to pursue her voyage without further molestation, as soon as it is ascertained that she is sailing to a neutral port; on the contrary, it is established law, so far as the repeated and careful decisions of this great judge can make it, that this is no protection, if there be reasonable suspicion that the ship is carrying despatches^d.

This is a feature of the distinction which it is important to observe between the case of despatches and that of munitions of war. It is well settled that munitions of war consigned to a neutral port are not contraband, and that “a possible ultimate destination” to a hostile country will not make them so. The reason is plain. The transaction, on the face of it, is innocent. The transit of the goods will be over when they are in the hands of the consignee, and it is not the carrier’s busi-

^d M. Hautefeuille observes on these cases:—“L’avis de Sir W. Scott ne saurait avoir aucun poids à mes yeux. Organe officiel de l’Amirauté Anglaise, il a dû soutenir les doctrines de son pays: il les a revêtues de tout le prestige de sa science et de son talent. Mais si on adoptait son système, toute correspondance deviendrait impossible en temps de guerre entre les neutres et les belligérants, et même très difficile entre les nations restées spectatrices loyales de la lutte, si ce n’est par l’intermédiaire du belligérant le plus puissant sur mer.”—*Droits et Devoirs des Nations Neutres*, ii. 187.