

the inferences made on the three previous grounds. In the case of the *Arabia*, which came before the Russian prize courts during the Russo-Japanese war, the claimants only recovered their goods by tendering ample proof of their innocent destination (cf. *infra*, p. 217). In the absence of evidence for the shippers it is sufficient for the captor to prove a 'highly probable' destination for the enemy. The Court also held, in connexion with the description of a cargo of rubber as 'gum', that, apart from fraud or false papers, 'any concealment or misdescription, or device calculated and intended by neutrals to deceive and hamper belligerents in their undoubted right of search for contraband' would 'weigh heavily against those adopting such courses when any presumptions or inferences have to be considered' (32 T. L. R. 25). But a claimant was not affected who proved that he had taken no part in the attempt to mislead, and that the transaction was a bona fide purchase by him for his trade in the neutral country.

With regard to the proof of the special form of hostile destination required for the goods which partook of the nature of conditional contraband, the Court assumed that the Order in Council of August 20, 1914, had ceased to have any effect upon the promulgation of the subsequent Order of October 29, and that therefore, owing to the date of sailing, the cargoes on the *Kim* were the only ones to which an Order in Council applied, and that the cases relating to the cargoes on the other vessels must be decided in accordance with the general principles of international law. As to the binding character of the Orders in Council, Sir Samuel Evans referred to the views he had expressed in the case of the *Zamora* (1915, 31 T. L. R. 513; B. & C. P. C. 309). In that case he did not find it necessary to decide whether he was bound to obey an Order in Council which might run contrary to