

be free to repudiate the old rules of international law, founded upon considerations of elementary justice and humanity, governing the right of capture, because their observance would render the employment of such craft impracticable (cf. Garner in 9 A. J. (1915), 621-5; and Editorial Comment, *ibid.*, 679).

The foundation of the law of contraband is 'the right of a belligerent to prevent certain goods from reaching the country of the enemy for his military use' (32 T. L. R. 27). The conditions of modern commerce and transport which facilitate the infraction of this right by neutrals at the same time justify the belligerent in increasing the stringency of the measures taken to prevent such infractions. In order to give effect to the principles of contraband, the adoption of the rules of evidence followed on the Continent and by the American prize courts during the civil war (see *infra*, p. 217) has been found to be indispensable; an extended search of the captured vessel in port is similarly essential (see *infra*, p. 201). In seizing vessels on suspicion the belligerent runs the risk of having to compensate the neutral should he fail to discover evidence of illegitimate trading or of other circumstances justifying the seizure. If the delay and expense in bringing vessels into port for search and investigation has a deterrent effect upon trade ventures generally, owing to the risk of innocent vessels and cargoes being detained on mere suspicion, this is a hardship with which neutrals must put up (cf. Moore, Dig. vii. 699, quoted *infra*, p. 201). As long as war exists between the great powers, neutral interests must continue to be subordinated to the exigencies of the belligerents.

In the *Kim* case it was held that at the beginning of the present war the doctrine of continuous voyage had become part of the law of nations 'in accordance with the principles of recognized legal decisions, and with