

the captor's expenses.¹ For the innocent part of the cargo the British rule of similar ownership is adopted.² But the vessel and the remainder of the cargo are not liable to condemnation or to the captor's expenses when she is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband applicable to her cargo, or if after knowing thereof the master has had no opportunity to discharge the offending articles.³

As a general rule, when the hostile destination has been reached and the forbidden merchandise delivered—in technical language, 'deposited'—the vessel is no longer liable to capture and the belligerent cannot seize her on the return voyage or touch the proceeds of sale of the contraband cargo. The Anglo-American practice recognizes an exception to this rule where the vessel has carried contraband on her outward voyage with false or simulated papers,⁴ but Article 38 of the Declaration of London disallows capture on the return voyage under any circumstances. In the present war, however, Great Britain is adhering to her former practice, and the Order in Council of October 29 provides that 'a neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage'.

¹ Article 41.

² Article 42.

³ Article 43.

⁴ *The Margaret* (1810). 1 Acton, 333; 2 E. P. C. 311.