

voyages from New York to Copenhagen with large cargoes of lard, hog and meat products, oil stocks, wheat and other food-stuffs; two of them had cargoes of rubber and one of them had a cargo of hides. One cargo of rubber was seized as absolute contraband; the remaining cargoes were seized on the ground that they were conditional contraband alleged to be confiscable in the circumstances. All questions relating to the capture and confiscability of the ships were left over to be argued and dealt with later. The claimants admitted that the goods seized partook of the character of absolute or conditional contraband under the Proclamations respectively in force at the time the vessels sailed, and also that they expected the great bulk of the goods ultimately to reach Germany. All that the Court had to decide, therefore, was, in the first place, whether the goods had been shipped to Copenhagen in pursuance of a bona fide contract of sale and with the intention of being imported on their arrival into the common stock of the neutral country, or with the intention on the part of the shippers of an ultimate hostile destination; and, secondly, whether, in the case of the articles that partook of the nature of conditional contraband, there was evidence of the special form of hostile destination required for goods of that class (see *infra*, pp. 170-1).

In the course of his judgement the President observed that 'prize courts are not governed or limited by the strict rules of evidence which bind and sometimes unduly fetter our municipal courts. Such strict evidence would often be very difficult to obtain, and to require it in many cases would be to defeat the legitimate rights of belligerents' (32 T. L. R. 23). Referring to the cases of the *Rosalie and Betty* (1800, 2 C. Rob. 343; 1 E. P. C. 246) and the *Stephen Hart* (*infra*, pp. 151, 152), he held that prize courts have always deemed it right to take cogni-