

their nature, found on board at the same time. By the end of the eighteenth century, however, it had become the general practice to confine confiscation, in ordinary cases, to the contraband merchandise alone and to the freight due upon it to the neutral carrier, who suffered no further penalty except the loss of time caused by the detention and payment of the captor's expenses. But, according to British prize law, the vessel carrying contraband was liable to condemnation if she belonged to the owner of the contraband cargo; if the carriage of the articles on board was prohibited by a treaty with the country to which she belonged; if her owner was privy to the carriage of the contraband goods; or if she sailed with false or simulated papers, or there were other circumstances amounting to fraud. The destruction or 'spoliation' of papers also *per se* inferred condemnation, since it raised a presumption that it was done for the purpose of fraudulently suppressing evidence; and, as we have seen, a vessel was always subject to confiscation if she forcibly resisted the captor. Innocent goods belonging to the owner of the contraband on board the same vessel were also condemned; but similar articles belonging to another shipper were released, though no compensation was paid to their owner for the detention and loss of market.

The American Prize Courts followed the same rules, but continental Powers generally laid the criterion in the proportion of the guilty part of the cargo to the whole. After prolonged debates at the London Conference, it was decided to adopt the 'proportion' rule in the case of the ship, which, according to Article 40, may be confiscated if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo. If she is released she may be condemned to pay