

port in the Confederate States then blockaded by the Federal navy. This seizure elicited an emphatic protest from the British Government, and the Law Officers of the Crown, Sir William Atherton, Sir Roundell Palmer, and Dr. Phillimore advised that the facts afforded no ground for the seizure. The charge was, however, that they intended to break the blockade instituted by the Federal Government against Confederate ports. Under such conditions, intent has always been held to be of the first importance, and the offence was complete if the vessel sailed for the blockaded port with knowledge of the blockade (*d*). But in the *Peterhoff* case the port of destination was a neutral port. Metamoras was on the south bank of the Rio Grande and across the river was Confederate territory. The Supreme Court distinctly held that the voyage was to a neutral port, and it refused to condemn the ship or the neutral cargo for intended breach of blockade, holding that there could be no blockade of a neutral port. But the contention which was ultimately given effect to as the contraband part of the cargo was, that although the goods were to be landed on the south side in neutral territory they were intended for the Confederate States, to which they could be transported with great ease, either with or without the connivance of the Mexican authorities.

Chief Justice Chase says (*e*):—"Contraband merchandise is subject to a different rule in respect to ulterior destination than that which applies to merchandise not contraband. . . . The former" (is liable to capture) "when destined to the hostile country or to the actual military or naval use of the enemy whether blockaded or not. . . . Hence . . . articles of a contraband character, destined in fact to a State in rebellion, or for the use of the rebel military forces, were liable to capture though primarily destined to Matamoras."

Duer, an American writer, in his work on insurance (1845) states this proposition. "Although the ship, in which the goods are embarked, is destined to a neutral port, where the goods are to be unladen, yet if they are to be transported thence, whatever may be the mode of conveyance, to an enemy's port or territory,

(*d*) *The Columbia*, 1 C. Rob. 154. Walker's Science of International Law (1893) 524.

(*e*) p. 59.