

The following pages were in print before Sir Samuel Evans delivered his judgement in the case of the *Kim and others* (32 T. L. R. 10), and before the publication of the United States Note of November 5, 1915, the Proclamations of August 20, 1915, specifying various forms of cotton to be treated as absolute contraband, and of October 14, 1915, containing the revised lists of contraband at present in force, and the Declaration of London Order in Council, 1915, discontinuing the adoption of Article 57 of the Declaration and providing that in lieu thereof British prize courts shall apply the rules and principles which they formerly observed.

Reference should be made to this Order in Council in connexion with what is said on p. 17 to the adoption of the Declaration of London by Great Britain and her Allies; while the general statement on p. 6 that the neutral or enemy character of a vessel is determined by the flag she is entitled to fly now needs qualification. As regards vessels sailing under the enemy flag, the British rule is that the flag is conclusive (the *Vrow Elizabeth* (1803), 5 C. Rob. 4; 1 E. P. C. 409; the *Industrie* (1854), Spinks, 54; 2 E. P. C. 297); but where a ship is flying a neutral flag, it is permissible to go behind the flag and inquire into the nationality of the owners (see Hol. N. P. L. § 51; and the *dictum* of Dr. Lushington in the *Industrie*, 2 E. P. C. p. 300).

A cursory reference to the two Contraband Proclamations mentioned above will be found on p. 182; they have also been included, with the earlier Proclamations, in Appendix C.

The decision in the *Kim* case, and the objections to the British naval policy raised in the latest American Note, should be referred to in connexion with the subject-matter of Chapter XIV. The *Kim* case was concerned with four neutral vessels which had been captured on