

does not come on board ticketed with his final destination. That his journey is not ended till he gets there, is as clear in his case as it is in that of the despatch; an officer going to India is only forwarded towards that ultimate goal by the railway which carries him to Marseilles. His character, and the place to which he is proceeding, *may* be wholly unknown to the captain, as well as to the owner of the ship, and it may be justly said that these are matters into which they are not called upon to enquire. They *may*, on the other hand, be perfectly notorious. We have seen that in the case of persons, as in that of despatches, the true ground of condemnation is *the nature of the service*, and I think it a just inference from Lord Stowell's decisions, and the principles they involve, that where the conveyance of persons is the alleged offence, and even where the ship is not proved to have been specially chartered for the purpose, her destination is but one element in determining the question, whether she is serving the enemy or no. It is an element, however, of such importance that it would probably be quite conclusive in by far the larger proportion of cases*.

I suggest, on the whole, the following general conclusions, some of them with more or less of doubt.

* This is not inconsistent with the case of the "Hendric and Alida," decided by Sir George Hay, (*Marriott's R.*, 96). This Dutch ship was carrying to St. Eustatius, a Dutch island, a cargo consigned to Dutch merchants, part of which consisted of arms and powder, and also five persons going to serve in the army of the revolted American colonies, though it does not appear that they had their commissions on board. The character of the passengers does not seem to have been much insisted on in the argument, and is only referred to in the judgment (which is very meagrely reported) as bearing on the question of costs. There was *some* evidence that the ship was to go on to New England.