

by some text writers, but may be regarded as established in modern use. For the purposes of the present war, it must be assumed that all sorts of things may be contraband according to their destination, the exigencies of the belligerent at the port to which they are addressed, and a hundred other varying circumstances. Coal, for instance, may fairly be considered contraband if conveyed to a port in which belligerent steam-rans are lying. Resin, rope, and other articles capable of being "naval stores" may be contraband when shipped for a belligerent dockyard port. Horses may be contraband if shipped out to be landed for belligerent use. Provisions may be contraband if intended for the same end (some writers have maintained that such necessities ought to be incapable of being contraband, but that is not the rule now at any rate). Some articles are from their nature more capable of being contraband than others; thus it is very easy to understand the circumstances under which a cargo of saltpetre might be contraband, but (except, of course, as exported from or imported into a blockaded port) it is almost impossible to conceive how a cargo of violins could be contraband.

It may be useful to give a few notes of "contraband" cases decided by our own Courts during the last French war.

In *The Jonge Margaretha* (1 Rob. 193), Sir W. Scott (afterwards Lord Stowell) observing that provisions "generally are not contraband, but may become so under circumstances arising out of the particular situation of the war, or the conditions of the parties engaged in it," held that a cargo of cheese shipped by a Papenberg merchant from Amsterdam to Brest was contraband, Brest being a naval arsenal of France, in *The Zelden Rust* (6 Rob. 93), a cargo of cheese shipped from Amsterdam to Corunna was held contraband, Corunna being, "from its vicinity to Ferrol, a place of naval equipment, almost identified with that port." In these cases notice was taken of the fact that the cheese was of the quality served out in the French navy. But in *The Frau Margaretha* (6 Rob. 92) similar cheese shipped from Amsterdam to Quimper was held not contraband, on a presumption that Quimper, though near Brest, was sufficiently remote for carriage purposes to rebut a presumption of the cheese being destined thither. In *The Range* (6 Rob. 127), it appearing that a cargo of biscuit for Cadiz was shipped under false papers, and had come from the public stores at Bordeaux, both ship and cargo were condemned. In *The Edward* (4 Rob. 69) wine was seized in a Prussian ship, ostensibly bound from Bordeaux to Embden, but hovering near the French coast. Here the Court examined the ship's log, and arriving, by the assistance of the Trinity Elder Brethren, at the conclusion that the intention was to get into Brest condemned the cargo.

In *The Charlotte* (Nock) (5 Rob. 275), Swedish copper, in sheets, but not adapted for ship-sheathing, was held not contraband.

In *The Graeffen Van Gottland* (H. of L. not reported), a shipment of masts in a Russian ship for Cadiz, was condemned. The latter decision was commented on in the judgment in *The Charlotte* (Koltzenburg), 5 Rob. 305, in which a cargo of masts in a Russian ship for Nantes (a mercantile port), was condemned, the Court holding that with regard to an article such as masts, the character of the port of destination was immaterial, since even in a mercantile port masts might be fitted into privateers (but note that privateering is not on foot as between France and Prussia). In *The Twee Geffrowen* (4 Rob. 242), Sir William Scott laid it down that pitch and tar are universally contraband "unless protected by treaty, or unless it is shown that they are the produce of the country from which they are exported." Similarly, in *The Neptunus* (Rob. 108) it was held that sailcloth is universally contraband, even when destined for ports of mere mercantile equipment.

We may also remind the reader that as regards mixed cargoes, "to escape from the contagion of the contraband, the innocent articles must be the property of a different owner" (Bynkershoek, and see *The Staat Embden*, 1 Rob. 30). Where a doubtful cargo is seized and afterwards released by the Prize Court, it is a frequent practice to saddle it with the captor's expenses (see *The Gute Gesellschaft Michael*, 4 Rob. 95).—*Solicitor's Journal*.

HUMOROUS PHASES OF THE LAW.

THE CONDUCT OF COURTS.

It is popularly supposed that the study and pursuit of the law are unattractive. It is true that the court room is not a prepossessing apartment. To those unfortunates of our race who seem to have an innate bias toward depravity, its interior must be quite forbidding. It is somewhat awful, even to those unaccustomed litigants who approach it in a harmless way, to contest civil rights. It is peculiarly a bugbear to nervous women. To some sickly ladies the height of human infelicity seems to be an imaginary liability to be dragged to the witness stand. They know they never could live through it. We often wonder that their husbands do not contrive to have them subpoenaed, for the sake of the experiment.

But on more familiar acquaintance, these horrors wear away. The associations of the court room are apt to degenerate into dullness, and its visitants are more prone to gape than to tremble; and yet, to one who is an habitual frequenter of its precincts, its lessons are not unmixed with the humorous. On entering its venerable portals, how quiet and drowsy is the aspect of every thing! The hall is shrouded in a dim, irreligious light; the sun, that usually unblushing orb, seems diffident about looking in upon this mysterious realm of green baize and red tape. Long rows of corpulent books, almost buried in dust, suggest forgotten researches of scholars and jurists. The flies on