

neutral prizes is allowed under Articles 48 to 54 of the Declaration of London. Under Article 44 a vessel not herself liable to condemnation may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand the contraband over to the belligerent warship.

THE PENALTY

In order to punish a neutral for trafficking in contraband of war, it is the established practice to allow a belligerent to confiscate the noxious articles he intercepts, after they have been condemned by a properly constituted Prize Court, and this penalty is confirmed by Article 39 of the Declaration. In the case of conditional contraband, however, and also in the case of such absolutely contraband goods as are in an unmanufactured state and the produce of the country exporting them, it is the British practice to buy the goods (at an advance of 10 per cent. on the cost price) and to pay freight to the carrying vessel. The Declaration of London makes no similar provision for pre-emption, but Great Britain is freely exercising this milder right in the present war. She is also acting in accordance with Article 43 of the Declaration, which provides that when a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, or when the master, after becoming acquainted with these facts, has had no opportunity of discharging the noxious goods, the contraband can only be condemned on payment of compensation.

By the ancient law of Europe the penalty for engaging in contraband trade generally involved the forfeiture, not only of the contraband goods themselves, but also of the ship and any other articles, however innocent