

nourishment or support to the forces of the other. Hence food-stuffs, innocent though they be in themselves, may be made contraband.

Two important qualifications, however, have heretofore been insisted on, an examination of which will throw much light on the law relating to the recent seizures by British cruisers off the Portuguese port of Lorenzo Marquez. One is that otherwise innocent goods must be in transit to the enemy's forces. Hence Lord Salisbury's declaration that flour bound to a neutral port and not destined for the enemy, will not be deemed contraband, has given satisfaction to the American and German governments. The other qualification is that goods otherwise contraband, if bound to a neutral port are not deemed to possess a hostile quality. It is to be noticed that in the brief cabled reports of the position of the British Government two very significant positions are indicated, namely, that the destination of the goods is yet an element, though the ship be bound for a neutral port, and that a Prize Court must decide the questions involved. The latter proposition is elementary, but taken in connection with the former it may mean much. For it indicates that the British Government intend to secure recognition by the Prize Court of the doctrine involved in what are known as the American Civil War Cases. Broadly speaking, those cases laid down the principle that if a neutral vessel bound for a neutral port carries contraband of war, really in transit, beyond that port, to the enemy, the destination of the vessel did not protect the goods from capture and condemnation. In the *Peterhoff* (b) a British ship was, during the American civil war, proceeding to Metamoras, a neutral port in Mexico, carrying contraband of war. She was captured on the high seas and the United States Supreme Court, in appeal from the Prize Court, condemned part of her cargo on the ground that the neutral port was not the real destination of the goods. In this they applied to the carrying of contraband the principle of cases where ships were intending to break the blockade, such as the *Springbok* (c). In that case a British ship was seized on a voyage to a neutral port, Nassau, and her cargo was condemned on the ground that the goods were really intended to be carried beyond Nassau into a

(b) 5 Wallace 28.

(c) 5 Wallace 1.