

the object of the voyage, or the port of destination, such an act of illegality as subjected both ship and cargo to confiscation as prize of war.*

31. *What is the rule concerning property in transitu, as to protection from capture?*—86.

That property which has a hostile character at the commencement of the voyage, can not change that character by assignment while it is *in transitu*, so as to protect it from capture. The ownership of the property is deemed to continue as it was at the time of the shipment, until actual delivery.

32. *Why is this?*—86.

It would lead to fraudulent contrivances, to protect the property from capture, by colorable assignments to neutrals. This illegality of transfer, during or in contemplation of war, is for the sake of the belligerent right, and to prevent secret transfers from the enemy to neutrals in fraud of that right, and upon conditions and reservations which it might be impossible to detect.

33. *What if property be shipped from a neutral to the enemy's country, under a contract to become the property of the enemy upon arrival?*—86.

It may be taken *in transitu* as enemy's property; for capture is considered as delivery. The captor, by the rights of war, stands in the place of the enemy.

* *The Julia*, 8 Cranch, R. 181. *The Aurora*, ib. 203. *The Hiram*, ib. 444. *The Ariadne*, 2 Wheat, R. 143. *The Caledonian*, 4 Wheat, R. 100.

LECTURE V.

OF THE RIGHTS OF BELLIGERENT NATIONS IN RELATION TO EACH OTHER.

1. *What means are allowed, by the law of nations, as requisite to the end of war?*—89.

The persons and property of the enemy may be attacked and captured, or destroyed, when necessary to procure reparation or security.

2. *How have the earlier writers regarded a state of war, as to the degree of violence and destruction allowed?*—89.

If we follow them, there is no limitation to the career of violence and destruction. They have considered a state of war as a dissolution of all moral ties, and a license for every kind of disorder and intemperate fierceness. An enemy was regarded as a criminal and an outlaw, who had forfeited his rights, and whose life, liberty and property lay at the mercy of the conqueror. Every thing done against an enemy was held to be lawful. He might be destroyed, though unarmed and defenceless. Fraud might be employed as well as force, and force without any regard to the means.

3. *Have these barbarous rights of war been questioned?*—89.

Yes; they have been questioned and checked in the progress of civilization.

4. *Is there a difference in the rights of war, as carried on by land and at sea?*—92.

There is.

5. *What is the object of a maritime war?*—92.

The destruction of the enemy's commerce and navigation, in order to weaken and destroy the foundations of his naval power. The capture or destruction of private property is essential to that end; and it is allowed in maritime wars by the law and practice of nations.

6. *What limitations are imposed upon the operations of war by land?*—92.

Great limitations, though depredations upon private property, and despoiling and plundering the enemy's territory are still too prevalent, especially when the war is assisted by irregulars. The general usage now is, not to touch private property upon land, without making compensation, unless in special cases, dictated by the necessary operations of war, or when captured in places carried by storm, and which repelled all the overtures for a capitulation. Contributions are sometimes levied upon a conquered country, in lieu of confiscation of property, and as some indemnity for the expense of maintaining order and affording protection.

7. *What if the conqueror goes beyond these limits wantonly?*—92, 93.

If he goes beyond these limits wantonly, or when it is not clearly indispensable to the just purposes of war, and seizes private property of pacific persons for the sake of gain, and destroys private dwellings, or public edifices, devoted to civil purposes only, or makes war upon monuments of art and models of taste, he violates the modern usages of war.

8. *To whom should retaliation be confined?*—93.

Retaliation, to be just, ought to be confined to the guilty individuals who may have committed some enormous violation of public law.

9. *What if subjects confine themselves to simple defence, and captures are made?*—94.

They are to be considered as acting under the presumed order of the state, and are entitled to be treated by the adversary as lawful enemies; and the captures which they make in such a case, are allowed to be lawful prize.

10. *May they engage in offensive hostilities, without the express permission of their sovereign?*—94.

They can not; and if they have not a regular commission, as evidence of that consent, they run the hazard of being treated by the enemy as lawless banditti, not entitled to the protection of the mitigated rules of modern warfare.

11. *When were commissions to cruise made necessary?*—95.

It was not until the fifteenth century that subjects were forbidden to fit out vessels to cruise against enemies without license.

12. *What is now the practice?*—95.

Vessels are now fitted out and equipped by private adventurers at their own expense, to cruise against the common enemy. They are duly commissioned, and it is said not to be lawful to cruise without a regular commission.

13. *When only is title to hostile property captured acquired?*—95.

The doctrine of the law of nations is considered to be, that private citizens can not acquire a title to hostile property, unless seized under a commission.

14. *What if they depredate upon the enemy without a commission?*—95.

If they depredate upon the enemy without a commission, they act upon their peril, and are liable to be punished by their own sovereign; but the enemy is not warranted to consider them as criminals, and, as respects the enemy, they violate no rights by capture.

15. *How are captures by private armed vessels, without a commission, regarded?*—96.

The captors are lawful combatants, but they have no interest in the prizes they may take.

16. *In whose favor are such captures made?*—96.

It is the settled law of the United States, that all captures made by non-commissioned captors, are made for the government.

17. *What security are the owners of privateers required to give?*—97.

Adequate security that they will conduct the cruise according to the laws and usages of war, and the instructions of the government, and that they will regard the rights of neutrals, and bring their prizes in for adjudication.

18. *How far are the owners of private armed vessels liable, in damages, for illegal conduct?*—99.

We may consider it to be the settled rule of law and equity, that the measure of damages is the value of the property unlawfully injured or destroyed, and that each individual owner is responsible for the entire damages, and not ratably *pro tanto*.

19. *What is the law as to taking foreign commissions?*—100.

Vattel holds it to be inexcusable and base to take a commission from a foreign prince, to prey upon the subjects of a state in amity with one's native country. The laws of the United States have made ample provision on this subject, and they may be considered as in affirmance of the law of nations, and as prescribing specific punishment for acts which were before unlawful. An act of Congress prohibits citizens to accept, within the jurisdiction of the United States, a commission, or for any person, not transiently within the United States, to consent to be retained, or enlisted, to serve a foreign state, in war, against a government in amity with us. It likewise prohibits American citizens from being concerned, without the limits of the United States, in fitting out, or otherwise assisting, any private vessel of war, to cruise against the subjects of friendly powers.

20. *What if a cruiser have commissions from two different powers?*—100.

The better opinion is, that she is liable to be treated as a pirate; for, though the two powers may be allies, yet one of them may be in amity with a state with whom the other is at war.

21. *What is the law and practice as to the proceeds of captured property?*—101.

The right to all captures vests primarily in the sovereign, and no individual can have any interest in a prize, whether made by a public or private armed vessel, but what he receives under the grant of the state. But the general practice, under the laws and ordinances of belligerent governments, is, to distribute the proceeds of captured property, when duly passed upon, and condemned as prize, (and whether captured by public or private

commissioned vessels,) among the captors, as a reward for bravery, and a stimulus to exertion.

22. *When a prize is taken at sea, what follows?*—101.

It must be brought with due care into some convenient port, for adjudication by a competent court.

23. *Strictly speaking, as between the belligerent parties, when does the title pass?*—101.

It passes, and is vested, when the capture is complete.

24. *When, formerly, was the capture held to be complete?*—101.

It was held to be complete and perfect when the battle was over, and the *spes recuperandi* was gone.

25. *Between whom only does the question, when the title passes, arise?*—101.

It never arises but between the original owner and a neutral purchasing from the captor, and between the original owner and a recaptor.

26. *What if a captured ship escapes from the captor, or is retaken, or if the owner ransoms her?*—101.

His, the owner's, property is thereby re-vested.

27. *What if neither of these events happen?*—101.

The question as to the change of title is open to dispute.

28. *What, by the modern usage of nations, is sufficient to change the property, in the case of a maritime capture?*—102.

A judicial inquiry must pass upon the case. The present enlightened practice of commercial nations has subjected all such captures to the scrutiny of judicial tribunals, as the only sure way to furnish due proof that the seizure was lawful. The property is not changed in favor of a neutral vendee or recaptor, so as to bar the original owner, until a regular sentence of condemnation has been pronounced by some court of competent jurisdiction, belonging to the sovereign of the captor; and the purchaser must be able to show documentary evidence of the fact to support his title.

29. *Until the capture becomes invested with the character of prize by a sentence of condemnation, how is the right of property situated?*—102.

It is in abeyance, or in a state of legal sequestration. It can not be alienated, or disposed of, but the possession of it by the government of the captor, is a trust for the benefit of those who may be ultimately entitled.

30. *To what courts belong the question of prize or no prize?*—103.

It belongs exclusively to the courts of the country of the captor, sitting either in the country of the captor, or of his ally. The prize court of an ally can not condemn.

31. *May the prize court of the captor sit in a neutral territory?*—103.

It may not. Neutral ports are not intended to be auxiliary to the operations of the powers of war; and the law of nations has clearly ordained, that a prize court of a belligerent captor can not exercise jurisdiction in a neutral country.

32. *May a prize court exercise jurisdiction over prizes lying in a neutral port?*—104.

It may. Our Supreme Court* has followed the English rule, and has held valid the condemnations, by a belligerent court, of prizes carried into a neutral port, and remaining there.

33. *When circumstances will not permit property captured at sea to be sent into port, what choice has the captor in disposing of it?*—104.

He may either destroy it, or permit the original owner to ransom it.

34. *What is a ransom bill?*—104.

It is, when not locally prohibited, a war contract, protected by good faith and the law of nations; and notwithstanding that the contract is considered in England as tending to relax the energy of war, and deprive cruisers of the chance of recapture, it

* Whenever, in the course of this work, the Supreme Court, without addition, is alluded to, the Supreme Court of the United States is intended.

is, in many views, highly reasonable and humane. Other maritime nations regard ransoms as binding, and to be classed among the few legitimate *commercias belli*. They have never been prohibited in this country.

35. *What is the effect of a ransom?*—105.

It is equivalent to a safe conduct granted by the authority of the state to which the captor belongs, and it binds the commanders of other cruisers to respect the safe conduct thus given.

36. *What does the safe conduct implied in a ransom bill require?*—105.

That the vessel should be found within the course prescribed, and within the time limited by the contract, unless forced out of her course by stress of weather, or unavoidable necessity.

37. *What if the vessel ransomed perishes by a peril of the sea, before arrival in port?*—105.

The ransom is nevertheless due, for the captor has not insured the prize against the perils of the sea, but only against recapture by cruisers of his own nation, or of the allies of his country.

38. *How may the captor be deprived of the entire benefit of his prize, as well as of the ransom bill?*—107.

Either by recapture, or rescue.

39. *To what do the questions arising out of them lead?*—107.

To the consideration of postliminy and salvage.

40. *What was the jus postliminii?*—108.

It was a fiction of the Roman law, by which persons or things taken by the enemy, were restored to their former state, upon coming again under the power of the nation to which they formerly belonged. It is a right recognized by the law of nations, and contributes essentially to mitigate the calamities of war.

41. *What if property taken by the enemy is either recaptured, or rescued from him, by the fellow-subjects or allies of the original owner?*—108.

It does not become the property of the recaptor or rescuer,

as if it had been a new prize, but it is restored to the original owner, by right of postliminy, upon certain terms.

40. *Are movables entitled to the full benefit of postliminy?*—108.

They are not by the strict rules of the law of nations, unless retaken from the enemy promptly after the recapture, for then the original owner neither finds a difficulty in recognizing his effects, nor is presumed to have relinquished them.

41. *Does the right of postliminy take effect in neutral countries?*—109.

It does not, because the neutral nation is bound to consider the war on each side as equally just, so far as relates to its effects, and to look upon every acquisition, made by either party, as a lawful acquisition; with the exception of cases, where the capture itself is an infringement of the jurisdiction and rights of the neutral power.

42. *Where only does the right of postliminy take place?*—109.

Only within the territories of the nation of the captor, or of his ally.

43. *What if a prize be brought into a neutral port by the captors?*—109.

It does not, by the law of postliminy, return to the former owner, because neutrals are bound to take notice of the military right which possession gives, and which is the only evidence of right acquired by military force, as contradistinguished from civil rights and titles. They are bound to take the fact for the law.

44. *With respect to persons does the right of postliminy take place?*—109.

It does, even in a neutral country.

45. *What if a captor bring his prisoners into a neutral port?*—109.

He may, perhaps, confine them on board his ship, as being by fiction of law part of the territory of his sovereign, but he has no control over them on shore.

46. *When is the acquisition of real property, by the conqueror, fully consummated?*—110.

It is not fully consummated until confirmed by the treaty of peace, or by the entire submission, or destruction of the state to which it belonged.

47. *What if it be recovered by the original sovereign?*—110.

It returns to the former proprietor, notwithstanding it may, in the meantime, have been transferred by purchase.

48. *What if the real property, as a town or portion of the territory, for instance, be ceded to the conqueror by the treaty of peace?*—110.

The right of postliminy is gone for ever, and a previous alienation by the conqueror would be valid.

49. *When, in a land war, is the acquisition of movable property consummated?*—110.

After it has been in complete possession of the enemy for twenty-four hours, it becomes absolutely his, without any right of postliminy in favor of the original owner. It goes by the name of booty.

50. *What if the treaty of peace makes no particular provision relative to captured property?*—111.

It remains in the same condition in which the treaty finds it, and is tacitly conceded to the possessor.

51. *Does the right of postliminy cease with the conclusion of peace?*—111.

It no longer exists after the conclusion of the peace. It is a right which belongs exclusively to a state of war. The intervention of peace cures all defects of title.

52. *Is every power obliged to observe these rules of the law of nations relative to postliminy?*—111.

It is, where the interests of neutrals are concerned. But, in cases arising between its own subjects, or between them and those of its allies, the principle may undergo such modifications as policy may dictate.

53. *What is the rate of salvage?*—112.

It is different, as allowed by different nations.

54. *Is the allotment of salvage, on recapture or rescue, a question of municipal law merely?*—112.

It is not, except as to the particular rates of it. It is a question of the *jus gentium*, when the subjects of allies or neutral states claim the benefit of the recaption.

LECTURE VI.

OF THE GENERAL RIGHTS AND DUTIES OF NEUTRAL NATIONS.

1. *What principle, as to neutrals, has the public law of Europe established?*—115.

That, in time of war, countries not parties to the war, or interposing in it, shall not be materially affected by its action; but they shall be permitted to carry on their accustomed trade, under a few necessary restrictions.

2. *Should neutrals stand impartial between the belligerent parties?*—115, 116.

The neutral is not to favor one of them to the detriment of the other; and it is an essential character of neutrality, to furnish no aids to one party, which the neutral is not equally ready to furnish to the other.

3. *Is a loan of money to one of the belligerent parties a violation of neutrality?*—116.

It is so considered.

4. *Does the neutral duty prohibit the fulfillment of antecedent engagements?*—116.

It does not extend so far. They may be kept consistently

with an exact neutrality, unless they go so far as to require the neutral nation to become an associate in the war.

5. *What if a nation be under a previous stipulation, made in time of peace, to furnish a given number of ships or troops to one of the parties at war?*—116.

The contract may be complied with, and the state of peace preserved except so far as the auxiliary forces are concerned.

6. *What if a neutral power be under contract to furnish succors to one of the parties at war, an ally, and that ally was the aggressor?*—116, 117.

He is said not to be bound, in such case, if his ally was the aggressor; and in this solitary instance the neutral may examine into the merits of the war, so far as to see whether the *casus fœderis* exists.

7. *Has a neutral a right to pursue his ordinary commerce, and without risk?*—117.

A neutral has a right to pursue his ordinary commerce, and he may become the carrier of the enemy's goods, without being subject to any confiscation of the ship, or of the neutral articles on board; though not without the risk of having the voyage interrupted by the seizure of the hostile property.

8. *Is the property of a neutral inviolable, though it be found in the vessels of enemies?*—117.

It is.

9. *Does the general inviolability of the neutral character protect the property of the belligerents, when within neutral jurisdiction?*—117.

It does. It is not lawful to make neutral territory the scene of hostility, or to attack an enemy while within it.

10. *What if the enemy be attacked, or any capture made, under neutral protection?*—117.

The neutral is bound to redress the injury, and effect restitution.

11. *What is the doctrine of the United States, as to the inviolability of neutral territory?*—118.

That no use of neutral territory for the purposes of war, can be permitted.

12. *What if a belligerent cruiser inoffensively passes over a portion of water lying within neutral jurisdiction?*—119.

That fact is not usually considered such a violation of the territory as to affect and invalidate an ulterior capture made beyond it. To vitiate a subsequent capture, the passage must at least have been expressly refused, or the permission to pass obtained under false pretenses.

13. *Upon what depends the right of a refusal of a pass, over neutral territory, to the troops of a belligerent power?*—119.

It depends more upon the inconvenience falling on the neutral state, than on any injustice committed upon the third party, who is to be affected by the permission or refusal.

14. *What if the intermediate neutral state grants a passage to belligerent troops?*—119.

It is no ground of complaint against the neutral state, though inconvenience may thereby ensue to the adverse belligerent. It is a matter resting in the sound discretion of the neutral power, who may grant or withhold the permission without any breach of neutrality.

15. *May a belligerent power claim the right of passage through neutral territory?*—119.

It can not, unless founded upon a previous treaty, and it can not be granted by a neutral, where there is no antecedent treaty, unless an equality of privilege be allowed to both belligerents.

16. *When only has a neutral the right to inquire into the validity of a capture?*—121.

In cases only, in which the rights of neutral jurisdiction are violated.

17. *In such cases, will the neutral restore the property?*—121.

He will restore it, if found in the hands of the offender, and

within its jurisdiction, regardless of any sentence of condemnation by a court of a belligerent captor.

18. *Who may raise the objection to a capture and title founded on the violation of neutral rights?*—121.

It belongs solely to the neutral government to raise the objection. The adverse belligerent has no right to complain, when the prize is duly libeled before a competent court.

19. *In the case of prizes brought within a neutral port, how far does the neutral sovereign exercise jurisdiction?*—121, 122.

So far as to restore the property of its own subjects, illegally captured.

20. *What were the rules of neutrality declared by Congress in 1793, to be observed by the belligerent powers in their intercourse with this country?*—122.

These rules were, that the original arming or equipping of vessels in our ports, by any of the powers at war, for military service was unlawful; and no such vessel was entitled to an asylum in our ports. The equipment by them of government vessels of war, in matters which, if done to other vessels, would be applicable equally to commerce or war, was lawful. The equipment by them of vessels fitted for merchandise and war, and applicable to either, was lawful; but if it were of a nature solely applicable to war, it was unlawful. And if the armed vessel of one nation should depart from our jurisdiction, no armed vessel, being within the same, and belonging to an adverse belligerent power, should depart until twenty-four hours after the former, without being deemed to have violated the law of nations.

21. *Have Congress made other provisions on the subject of neutrality?*—123.

Congress have repeatedly, by statute, made suitable provision for the support and due observance of similar rules of neutrality, and given sanction to the principle of them, as being founded on the universal law of nations. It is declared to be a misdemeanor for any citizen of the United States, within the territory or ju-

risdiction thereof, to accept and exercise a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace; or for any person, except a subject or citizen of any foreign prince, state, colony, district, or people, transiently within the United States, on board of any foreign armed vessel, within the territory or jurisdiction of the United States, to enlist, or enter himself, or hire, or retain another person to enlist, or enter himself; or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted, or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or mariner, or seaman; or to fit out and arm, or to increase or augment the force of any armed vessel, with intent that such vessel be employed in the service of any foreign power at war with another power, with whom we are at peace; or to begin, or set on foot, or provide, or prepare the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince, or state, or of any colony, district, or people, with whom we are at peace; or to hire or enlist troops, or seamen for foreign military, or naval service; or to be concerned in fitting out any vessel, to cruise or commit hostilities in foreign service, against a nation at peace with us; and the vessel, in the latter case, is made subject to forfeiture.

22. *What has been decided by the Supreme Court, as to captures made by a vessel so illegally fitted out to cruise or commit hostilities, in foreign service, against a nation at peace with us?*—123.

That such captures, whether made by a public or private armed ship, were torts, and that the original owner was entitled to restitution, if the property was brought within our jurisdiction, but that an illegal outfit did not affect a capture made after a cruise to which the outfit had been applied, had terminated. The offense was deposited with the voyage, and the *delictum* ended with the termination of the cruise.

23. *May a belligerent vessel bring her prize into a neutral port, and sell it?*—123.

She may, consistently with a state of neutrality, until prohibited by the neutral power.

24. *Is the neutral power at liberty to refuse this privilege?*—123, 124.

She is, provided the refusal be made, as the privilege ought to be granted, to both parties, or to neither.

25. *Do neutral ships afford protection to enemy's property?*—124.

They do not, and it may be seized if found on board of a neutral vessel, beyond the limits of the neutral jurisdiction. This is now a clear and well-settled principle of the law of nations.

26. *How is enemy's property, in such case, seized and condemned?*—125.

It is said to be seized and condemned, not *ex delicto*, but only *ex re*. The capture of it by the enemy is a delivery to the person who, by the rights of war, was substituted for the owner.

27. *Are the effects of neutrals found on board of enemy's vessels, free?*—128, 129.

They are, and the property of the neutral is to be restored without any compensation for detention, and the other necessary inconveniences incident to the capture. The belligerent flag communicates no hostile character to neutral property. The character of the property depends upon the fact of ownership, and not upon the character of the vehicle in which it is found.

28. *Upon what rests the rule of public law, that the property of an enemy is liable to capture in the vessel of a friend?*—130.

It is declared, on the part of our government, to have no foundation in natural rights; and, that the usage rests entirely on force.

29. *Is the captor of the enemy's vessel entitled to freight from the owner of neutral goods found on board and restored?*—131.

This has been a matter of discussion. Under certain circumstances, the captor has been considered to be entitled to freight, even though the goods were carried to the claimant's own country and restored; and he clearly is entitled to freight, if he performs the voyage, and carries the goods to the port of original destination.

30. *Does the principle of immunity extend to neutral property on board an armed belligerent vessel?*—132.

In this country, the Supreme Court has decided that it does, and that the goods do not lose their neutral character even if resistance be made by the armed vessel, provided the neutral had not aided in such armament or resistance, notwithstanding he had chartered the whole vessel, and was on board at the time of the resistance. In England, the High Court of Admiralty made a cotemporary decision of an opposite character.

LECTURE VII.

OF RESTRICTIONS UPON NEUTRAL TRADE.

1. *What is the principal restriction imposed, by the law of nations, on the trade of neutrals?*—135.

The prohibition to furnish the belligerent parties with war-like stores, and other articles which are directly auxiliary to war-like purposes. Such goods are denominated contraband of war.

2. *What goods are contraband of war?*—135.

In the attempt to define them the authorities vary, or are deficient in precision, and the subject has long been a fruitful source of dispute between neutral and belligerent nations.

3. *What does Grotius define contraband of war?*—135.

He distinguishes between things which are useful only in war, as arms and ammunition, and things which serve merely for pleasure, and things which are of a mixed nature, and useful both in peace and war. He agrees with other writers in prohibiting neutrals from carrying articles of the first kind to the enemy, as well as in permitting the second kind to be carried. As to articles of the third class, which are of indiscriminate use in peace and war, as money, provisions, ships, and naval stores, he says, that they are sometimes lawful articles of neutral com-

merce, and sometimes not; and the question will depend upon circumstances existing at the time. They would be contraband if carried to a besieged town, camp, or port.

4. *What become contraband in a naval war?*—136.

In a naval war, it is admitted that ships, and materials for ships, become contraband, and horses and saddles may be included.

5. *What are contraband according to Vattel?*—136.

He says, in general terms, that commodities particularly used in war are contraband, such as arms, military and naval stores, timber, horses, and even provisions, in certain junctures, when there are hopes of reducing the enemy by famine.

6. *What is held as to sail cloth?*—136.

It is now held to be universally contraband, even on a destination to ports of mere mercantile naval equipment.

7. *Are materials for the building, equipment, and armament of ships of war, contraband?*—137.

The executive government of this country has frequently conceded, that such materials as timber and naval stores were contraband. But it does not seem that ship timber is, *in se*, in all cases, to be considered a contraband article, though destined to an enemy's port.

8. *Are provisions regarded as contraband?*—139.

The modern established rule is, that provisions are not generally contraband, but may become so, under circumstances arising out of the particular situation of the war, or the condition of the parties engaged it.

9. *What are the principal circumstances which tend to preserve provisions from being liable to be treated as contraband?*—139.

One is, that they are the growth of the country which produces them. Another circumstance, to which some indulgence is shown by the practice of nations, is when the articles are in their native and unmanufactured state. Wheat is not considered as so objectionable a commodity, when going to an enemy's