

pause for a moment to refer to the great loss which our courts in England have sustained by the untimely death of Lord Parker; his was one of the acutest intellects that has ever been brought to bear upon the study of law, whether municipal or international. It was decided in that case that there is no power in the Crown by order-in-council to prescribe or alter the law which Prize Courts administer. The decision on this point followed the principles which were often enunciated by Lord Stowell while it over-ruled a dictum to the contrary which proceeded from that great Judge on one occasion. What Lord Parker said was that the court will give the utmost weight to every such order, short of treating it as a binding declaration of law, and he defined the position of the courts with reference to orders-in-council in the following terms:

"An order authorizing reprisals will be conclusive as to the facts which are recited as shewing that a case for reprisal exists and will have due weight as shewing what, in the opinion of His Majesty's advisors, are the best or only means of meeting the emergency. But this will not preclude the right of any party aggrieved to contend, or the right of the Court to hold, that these means are unlawful as entailing on neutrals a degree of inconvenience unreasonable considering all the circumstances of the case."

If the right of neutrals to carry on trade were absolute, it would make the right of reprisals a mere simulacrum, to borrow a phrase once used in this connection by Lord Sumner. The question always is, is the amount of interference with neutrals unreasonable?

In the present war, Germany entirely threw into the shade the action of Napoleon and the decrees of Berlin and Milan. Napoleon's decrees, outrageous as they were, when compared with the submarine campaign seem innocence itself. The British waters were declared by the German Government to be a "military zone." All vessels trading within that area—British and neutral alike—were to be sunk. There was vast loss of life and untold suffering as the result of this submarine campaign. The provocation offered by Napoleon was nothing to that occasioned by these measures of the Kaiser. Any retaliation in kind by Great Britain was impossible, for two reasons: in the first place, there were no