

Milan, a blockade which was partially relaxed by order-in-council of 26th April, 1809. A very lucid account of these various decrees and orders-in-council will be found in Manning's Law of Nations, Book III. c. 10, a work which I have found most useful.

In the very recent case of the "*Leonora*," in which judgment was given by the Judicial Committee of the Privy Council on the 31st July last, reference was made to these orders-in-council in the following terms: In delivering judgment, Lord Sumner said:

"With the terms of the proclamations and orders-in-council from 1806 to 1812, their Lordships are not now concerned. They were such that the decisions on them in many cases involved not merely the use of the term 'blockade,' but discussion of or at least allusion to the nature of that right. It is, however, in their opinion a mistake to argue, as has been argued before them, that in those decisions the right to condemn was decreed to arise from the fact that the cases were cases of blockade, although the occasion for the blockade was the passing of a retaliatory order. In their opinion Sir William Scott's doctrine consistently was that retaliation was a branch of the rights which the law of nations recognizes as belonging to belligerents and that it is as much enforceable by Courts of Prize as is the right of blockade. They find no warrant or authority for holding that it is only enforceable by them when it chances to be exercised under the form or conditions of a valid blockade. When once it is established that the conduct of the enemy gave occasion for the exercise of the right of retaliation, the real question is whether the mode in which it has been exercised is such as to be invalid by reason of the burden which it imposes on neutrals, a question pre-eminently one of fact and of degree."

There has been a great deal of controversy as to these orders-in-council. The right of retaliation, even to the prejudice of neutrals, is unquestioned. Sir William Scott asserted it in the case of the "*Fox*" (Edwards 311) and pointed out that retaliation might occasion inconvenience to neutrals, and that if the inconvenience occasioned was greater than was necessary and reasonable, it was not enforceable as against them.

The exercise of the right of retaliation is always subject to review in the Prize Court. This is a real safeguard, as is shewn by the decision in the case of the "*Zamora*" (1916), 2 A.C. 77, which was delivered by Lord Parker of Waddington. I may