

If a nation refused to submit itself to the international judgment and should resort to war, then if those whom it attacked should automatically by international authority have the right to close the seas in any way they should see fit, and be able to accomplish, in order to frustrate the efforts of the recalcitrant nation and to compel it to abide by its international obligation, there could not be much objection by any law-abiding nation.

If this be the meaning of the exception, it might not in any way interfere with any nation's right adequately to protect itself in time of war provided that in engaging in war it was not itself acting contrary to the judgment of the international authority.

But, if it should mean that when war has been entered upon by one nation, in disregard of the judgment of the international authority, the freedom of the seas may not be restricted by any belligerent without the concurrence of the international authority first specifically had and obtained, that might occasion a delay which might prove fatal to the just necessities of the law-abiding belligerent and be a source of comfort and assistance to his opponent; because in time of war it is absolutely necessary that measures of defence, as well as measures of attack, shall be taken with the utmost despatch.

Thus, in the case put, if the exception means what has been suggested, the nation wrongfully refusing to abide by the international judgment would be precluded from interfering with the freedom of the seas, whereas those whom it attacked would have a perfect right to do so, with the result that at the conclusion of the war any injury occasioned to other nations by the restriction of the freedom of the seas, whether by the recalcitrant nation, or by its opponent, would be the subject of a claim for compensation against the recalcitrant nation.

For the sake of avoiding all misunderstanding as to the meaning of the exception, it should be made clear that the international action therein referred to is to be an automatic action, and not the result of conferences and debates and negotiations after the emergency has distinctly arisen.

We can never forget that although Britannia has for many a century past "ruled the waves," she has never yet ruled them,