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There has been some adverse criticism in this country upon the action of the United States in beginning hostilities against Spain by seizing her merchant shipping before making a formal declaration of war. There is, we think, no substantial reason to be urged in support of this view. While Grotius and others of the earlier writers on International Law undoubtedly favor the necessity of formal notice before the commission of an act of war, owing to the increased facilities of their times for communication between States and their representatives abroad, modern publicists hold that it is not necessary to make a solemn and formal challenge to the enemy in order to legitimate acts of hostility directed against him. (See Walker's Science of International Law, p. 242, and Hall's International Law.) Even so early as the seventeenth century the practice of making formal declarations of war began to fall into disuse. Blackstone, it is true, states that formal notice is necessary (1 Comm. 258); but the English repudiated his opinion by their unannounced seizure of the Danish fleet in 1807, and on other occasions. In *Oom v. Bruce*, 12 East 226, Lord Ellenborough said that "formal declarations of war only make the state of war more notorious; but though more convenient in that respect, are not necessary to constitute such a state." See also the "Nayade," 4 C. Rob. 251; the "Eliza Ann," Dods. 247; and the "Hiawatha," Blatch. (Prize Cas.). The fact that formal declarations were issued before the Italo-Austrian war in