

zance of well-known facts which have come to light in other cases, or as matters of public reputation.

In the United States Note objection is taken to the fact that British prize courts are no longer precluded from receiving extrinsic evidence for which no suggestion has been laid in the preparatory evidence (cf. *infra*, p. 217), and to the practice of seizing neutral vessels at sea upon suspicion and bringing them into port for the purpose, by search or otherwise, of obtaining evidence of the carriage of contraband (cf. *infra*, p. 201). But, as Sir Samuel Evans pointed out in the case before us, 'international law, in order to be adequate as well as just, must have regard to the circumstances of the times, including the circumstances arising out of the particular situation of the war or the condition of the parties engaged in it' (32 T. L. R. 27; cf. *infra*, pp. 118-19; and Editorial Comment in 9 A. J. (1915), 212: 'international law, to be adequate, must take note of facts'). In applying the rules of international law it is necessary to take into account the economic and other conditions prevailing at the time. Old rules may be adapted to altered circumstances, provided such adaptations are necessary to the effective enforcement of the belligerent right and are consistent with the general principles upon which the right is based and with the universally recognized rules of international law which are founded upon considerations of justice and humanity (cf. Mr. Bryan's letter, referred to *infra*, pp. 186-7).

This is a very different claim from that put forward by Germany in support of the enforcement of her war-zone proclamation by submarines through indiscriminate destruction instead of by regulated capture. Submarines, it is argued, may destroy at sight because they cannot always give warning without exposing themselves to the danger of destruction; that is to say, they are to