

of Prize to consider himself as stationed here to administer with indifference that justice which the Law of Nations holds out without distinction to independent States, some happening to be neutral and some belligerent. But it went further than Lord Stowell was prepared to go in a later decision,<sup>8</sup> for it definitely told both the Government of this country and the whole world that there was sitting in the Capital of an Empire engaged in a life-and-death struggle a Court free from the control of the Executive, constituted by the terms of its Commission to administer justice in accordance with the Law of Nations, and that in ascertaining what that law was the Court would inform itself, as Courts of law always do, by hearing counsel and by their own researches. Even such an executive act as the means of carrying out an Order for Reprisals was to be tested by the same impartial means.

In the course of his judgment Lord Parker stated that, "according to International Law, every belligerent Power must appoint and submit to the jurisdiction of a Prize Court to which any person aggrieved by its acts has access and *which administers international as opposed to municipal law.*" This *dictum* appears to be of too sweeping a character. Before 1914 Continental writers, such as Bulmerincq, Dupuis, and De Boeck, had shown that in most countries the Prize Courts were bound by Regulations issued by the Executive Government, and only by rules of International Law so far as the latter did not conflict with the former. Dr. Colombos, from the decisions of the belligerent Courts, and from the Prize Regulations of these States during the War of

---

<sup>8</sup> *The Fox*, Edwards, 311.