

to except in cases of imperious necessity and when all other means have failed.

The basis on which the legality of retaliatory orders rests before the Prize Courts, namely, that they should not impose on neutrals more inconvenience or prejudice than is reasonably necessary, is illusory, and does not afford any protection. Prize Courts are bound by the recitals in the Order enforcing reprisals, and those recitals are certain to allege a case sufficient to justify any action they enjoin.⁸ The great danger of retaliation is that it is a political, not a legal, measure, and that its justification depends entirely on considerations foreign to a Court of Justice.⁹ In the result, the neutral is left without any remedy. The objections to the right of retaliation are so overwhelmingly great that its exercise by belligerents must be subjected to strict control, and the conditions under which use may be allowed of this grave measure strictly regulated in advance. The whole subject requires, in fact, complete consideration and revision.

⁸ Sir Erle Richards, *The British Prize Courts and the War*, B. Y. I. L., 1920-1921, p. 30.

⁹ United States Supreme Court in *The Nereide* (1815), 9 Cranch. 388, 422.