

conditions of the peace, though the treaty has not been formally broken with regard to its tenor."—This distinction can scarce be of use in these days, because treaties of peace are conceived in such a manner, that they include an engagement to live in amity for the future in all respects, so that the least occasion of war how *new* soever it be, may be deemed an infringement of the most important articles of the treaty. It will be found that the treaty of 1783 contained an engagement that there should be a firm and *perpetual* peace between the two countries, and that such engagement was violated by the declaration of the late war no human being can be permitted to doubt. I am therefore bound to declare, that the treaty of 1783, and all the privileges depending thereon have ceased.

I HAVE now fully considered the grounds of defence in this case, and as I do not perceive either truth in the distress, or strength in the right, set up by the claimant, I feel myself compelled to pronounce this vessel, and the goods laden on board of her, to be liable to confiscation, for a violation of the laws of trade and navigation.

IN pronouncing this judgment, I derive a consolation from the reflection, that my errors may be corrected by an appeal to one of the most upright and learned Judges the world ever saw. From the decisions of that tribunal I have humbly endeavoured to draw the principles which should govern me; and, I trust, that when the solemn scrutiny to which this decree is open shall be made, it will be found, that while my labours were directed by a sacred regard to the interests of an obscure and indigent foreigner, I did not forget the rights and the claims of every British subject, nor relax, by a feeble construction, that noble system of laws, upon which the wisdom of ages had reared our national prosperity and greatness.

FINIS.