

benefit he would otherwise have derived from the silence or permission of the law of America, notwithstanding the prohibitory enactments of Great Britain."

The doctrine in the "Fortuna," as laid down by Lord Stowell, then Sir William Scott, was: "that any trade contrary to the general law of nations, *although not tending to, or accompanied with, any infraction of the belligerent rights of that country* whose tribunals are called upon to consider it, may subject the vessel employed in that trade to confiscation. The slave trade is now deemed, by this country, contrary to the law of nations, unless tolerated by the municipal regulations of the state to which the owners of the vessel engaged in the trade may belong." (1 Dodson's adm. Reports, p. 81.)

The judgment of Sir William Grant in the previous case of the "Amedie" was referred to and endorsed by Sir William Scott in this case of the "Fortuna," in the following terms: "the case of the 'Amedie' will bind the conscience of this court to the effect of compelling it to pronounce sentence of confiscation."

See also condemnation of the "Africa," "Nancy," and "Anne," American slavers, 2 Acton's Adm. Rep., pages 1 to 11.

In the case of the "Diana," a Swedish vessel, condemned at Sierra Leone for being engaged in the slave trade, Sir William Scott, on appeal, reversed the decision, on the ground that Sweden had not abolished the slave trade.

This decision was given in 1813, four years prior to that of "Le Louis;" and as the cases are analogous, and the learned Judge refers in that of the "Diana" to the judgment of Sir William Grant in that of the "Amedie," as containing no principle at variance with his decision regarding the "Diana," we can easily see how the case of "Le Louis" has been tortured to an application which does not belong to it; and that the *principles* of Lord Stowell's judgment in "Le Louis" and Sir William Scott's in the