

no one can so well interpret his words as the speaker ; yet their ambiguity has been sufficient to create a deal of very grave discussion in the court itself, on a subject of no less magnitude than whether the court is, or is not, bound by an order of the privy council, which it should find contravening the law of nations. Why should the court hesitate to pronounce boldly on this question at once?—it was incidentally, if not pointedly, before it in the case of the Fox ; and we all know, that if an irrelevant point is raised in argument ; to settle that point, is one of those valuable practices of the learned Judge, that give to his decisions the character of lectures on Maritime law, and create an useful addition to the catalogue of cases that may on a future day be referred to his authority.—Such pronouncement would not of necessity decide the question, whether the orders in council were of this description ; though it is worthy of particular remark, that if the same indulgence of interpreting their own meaning were allowed to the administration that issued the orders of May, 1806, and January, 1807 ; the pernicious effects of the subsequent orders would have found no excuse in those.—It is worthy of particular remark, and fairly to be inferred from the debates on the subject, that not a man of that administration, on whom the sin of the initiative has been artfully thrown, would have allowed of the condemnation of any one of those ships, or have admitted a *Retorsio versus communem amicum*, Qui injuriam non fecit, to sanction a measure which, to be justified by the law of retaliation, should be exercised only against the perpetrator of the injury.

It is not intended, however, to bring any party question into discussion. The political sectary will look in vain in these pages for any personal com-