

Lake Ontario when, on the 5th June, 1812 (before the declaration of war), it was seized by a United States officer and carried into Sackett's Harbour.

On the 26th August, 1812, the vessel was libeled at the suit of the United States Government, in the District Court of the District of New York, and an interim decree was made ordering the vessel to be sold, and the proceeds to be paid into Court, to abide the result of the libel. A sale took place and the vessel was bought by the United States Government, refitted, and subsequently used as a vessel of war against the British in the war of 1812. The price paid for the vessel was \$2,999.25, which was duly paid into the District Court; but the Government did not bring the libel to trial until 11th July, 1817, when the seizure was pronounced to have been illegal, and the proceeds of the sale were directed to be paid to the owner of the vessel. During the five years delay in bringing the case to trial, the Clerk of the District Court of New York had absconded and stolen the funds entrusted to his care, and the decree of the Court could not be carried out. Ultimately some of the money embezzled by the Clerk was recovered, of which \$183.50 was attributable to the proceeds of the vessel in question. It was well established by a Congressional Committee and judicial investigation, that the sale had been made at an undervalue and that the true value of the vessel at the time of its seizure and sale was \$5,000. The claimant now contends that he should be paid the \$5,000 with interest from the date of seizure.

Some of the Judges who have investigated the claim have, as we have said, held it to be valid and just, and are of the opinion that it should be paid; some thought with full legal interest, others with interest at $\frac{1}{2}$ per cent., and one thought that all the claimant should get was the \$183.50 recovered from the defaulting Clerk.

The claimant's contention is, that as the United States Government was a wrongdoer from the beginning (and that that is so is admitted on all hands), therefore the claimant can in no wise be prejudiced by the legal proceedings which, as the issue