

Are the decisions of courts of maritime jurisdiction, like those of municipal law, to stand as sure land-marks to guide their successors? The Courts of Admiralty, of every maritime country, without exception, those of France, of Spain, and of Holland, as well as of Great Britain, have, for ages, recognized our principles as the rules of their judgments.

Is the law of nations, on the subject, to be found in the marine ordinances of belligerent powers? Those of France, which, from the first creation of her navy, have been continued down to the present hour, and have even been formally renewed in this war; those of Spain, acted upon by her, at this very moment; those of Holland, coeval with the establishment of the state itself, are all, in some respects, less favourable to neutral powers than the British system; but all adopt and recognize the validity of our principles, as forming the ground-work on which they all proceed\*.

Shall the ancient practice, on the subject, be taken, without inquiry, as the rule of present conduct? The ancient practice is confessedly in our favour. Are we to suppose it superseded by some modern usage, to be found in the conduct, or in the treaties of neutral powers? We deny both the principle and the fact.

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\* Appendix, A.