To oppose this attempt to lay *internal taxes* upon America, a colonial Congress was convened at New York, on the 7th of Octo-

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An. 282; 2 *Chal. Opin. Em. Law*, 208;) a third for Connecticut, New York, and New Jersey, (1 *Smith's His. N. York*, 383;) a fourth for Pennsylvania and Delaware, (2 *Chal. Opin. Em. Law*, 190;) a fifth for Maryland, (1715, *ch.* 48, *s.* 7; 1763, *ch.* 18, *s.* 97 *&* 98; *Kilt. Rep.* 163;) a sixth for Virginia, (3 *Virg. Stat.* 178;) a seventh for North Carolina, (1 *Chal. Opin. Em. Law*, 278;) an eighth for South Carolina, (6 *State Trials*, 157,) and a ninth for Georgia, (*Stokes' View Brit. Col.* 135.) These vice-admiralty courts were not only invested with authority to take cognizance of the ordinary *instance* and *prize cases;* but also with jurisdiction, according to the course of admiralty proceeding, without a jury, in all revenue cases; and of all prosecutions for the breach of the laws of navigation and trade; and also of the statutes for the preservation of pine trees for the use of the navy, (2 *Hutch. His. Mass.* 228; *Pown. Adm. Colo.* 312; 1 *Chal. Opin. Em. Law*, 111, 119; 9 *Anne*, *c.* 17; 8 *Geo.* 1, *c.* 12, *&* 2 *Geo.* 2, *c.* 35.) The colonists insisted, that their superior courts of common law had a superintending power, similar to that exercised by the English courts of Westmin ster Hall, to control and check the undue extension of the jurisdiction of these Vice Admiralty courts by writs of *prohibition;* but this was a controverted point which was never finally settled.—(2 *Chal. Opin. Em. Law*, 208.)

Appeals, from the tribunals of the last resort in the colonies to the king in council, seem to have been coeval with the regular organization of the colonial governments. Appeals from the courts of Virginia were taken to the king in council soon after that colony was placed under the government of the king; and before that time they were carried to the treasurer and council of the Virginia company in England, (*Chal. Pol. An.* 38, 41.) At the time of settling the colonies in this country, there was no English judicatory besides those within the realm of England; except those of Guernsey and Jersey, the remnants of the Dutchy of Normandy. According to the custom of Normandy, appeals lay to the duke in council; and upon that ground, appeals lay from the judicatories of those islands to the king of England, as duke in council; and upon that general precedent, without perhaps attending to the fact of the appeal being to the king, in his character of duke of Normandy, it was held, that an appeal should be allowed from the judicatories of the colonies to the king in council, (*Pown. Adm. Colo.* 61, 112.)

But England claimed an absolute supremacy over all her colonies, (*Chal. Pol. An.* 684, 690;) and, for the purpose of sustaining that supremacy, it was finally settled, as an inherent right, as well of the subject to prosecute as of the sovereign to receive appeals, without any reservation of such right in the colonial charters; for, as was said, without such appeal, the law made for, or permitted to a colony, might be insensibly changed within itself without the assent of the mother country; and judgments might be given in the colonies to the disadvantage, or the lessening of the supremacy of the mother country, or to make the superiority to be only of the king, not of the crown of England, (*Chal. Pol. An.* 304; *Stokes' View Brit. Col.* 27; 5 *Prank. Works*, 355; *Vaug. Rep.* 290, 402; *Show. P. C.* 33; 1 *P. Will.* 329; 2 *Meriv.* 143.) And as in many cases for the want of a full and accurate knowledge of the peculiar law of the colony it might be difficult or impossible for a party to obtain any benefit by an appeal, without a special verdict, it was thought, that it might be proper to authorize and require the judges in all important cases to compel the jury to find a special verdict. (1 *Chal. Opin. Em. Law*, 185.) Hence with a view to obtain relief by appeal, it appears, that during the provincial government of Maryland, much apparently unnecessary matter, such as acts of Assembly, &c. was introduced into the record in the form of bills of exceptions and special verdicts, (1 *H. & McH.* 67; 2 *H. & McH.* 279.) But it was