

Independence National Historical Park #7093
(P. 10)

Samuel Chase: Notes of Debates of Maryland Convention,

[23-28 April 1788]¹

1st. Admiralty jurisdiction by Constitution is not to extend to waters within body of Country.

East's pleas of [Cr^{own}?] 103 Piracy--

For meaning of words in Constitution is meaning they had acquired by the use of Admiralty law here as part of British Empire.--

The Stat² therefore cannot extend to it.--

The true meaning does not. -

The clause respectg. Jurisdiction of particular State means nothing on such construction.--

It wd. have been surplusage--

The clause "which if committed in the body of a Country" conclusive.

2d. If not Stat² Offence it is more.

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Why it is not Examine Piracy & Robbery --Rescue Riot

All power not given expressly is

retained.

No Common law of U S.

Where get it? not in being before 1776..

Did Com. Law of Engd. instantly attach?

All or what part?

Confederation had no judiciary!

If present Constitution gives it, not direct.

Can implication--Otherwise, for legislative restricted,

not the Com. Law, as to treason.

Objection: this applies equally to civil ruler. Agreed

& Congress have adopted State [^{Ru}les?]

Congress can make criminal Code.

It wd. be *monstrous* to adopt whole code of a foreign
nation.

Shall Judiciary legislate thus monstrously?

Difficulty no argument agt. me

Congress must surmount it or not exercise the Constitutional power.

They have exercised part, & have left residue with State Govt.--

Like *Suit* by *Assignee* of bankrupt in State Court. who ever thought Courts of U S had incidental Jurisdiction given?

Suppose marblehead felbw Citizen indicted for affray when he got black eye.--

Policies of Insurance & Charter parties are of Admiralty Jurisdiction--Must Court of U S have Jurisdiction?

#7093,
1. ^ Draft, PPin.