

But the judicial department, in all the colonies, was poorly and badly organized. Yet, for the most part, it was so composed of justices, requiring the concurrence of juries, as to sympathize immediately with the people; and to act, most generally, according to the interests of the colonists, regardless of those of the mother country. After an angry struggle of many years it had been found, that the mere appellate power of the king in council, which had been established from the very beginning, was not alone sufficient, so to control the colonial tribunals, as to induce them to execute the acts of navigation and trade. Accordingly, for the purpose of affording judicial protection to the interests of the mother country in the colonies, Courts of Vice-Admiralty, with jurisdiction over each colony, were finally established about the year 1700; by whose powers the acts of trade were punctually executed. The Judges of these Courts were appointed and paid by the king during pleasure; and, were besides allowed sundry fees and perquisites of office. When England attempted to lay internal taxes upon the colonies, jurisdiction in cases arising under the laws passed for that purpose was given to those admiralty tribunals, in like manner as had been done in cases of external revenue. (*d*)

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(*d*) The navigation Acts, first introduced, in the year 1651 by the famous Long Parliament, with the intention of securing to England a monopoly of the trade of her colonies, (3 *Godw. Com. Eng.* 382; 1 *Blac. Com.* 418; *Pown. Adm. Colo.* 123, 4th edition, 1768;) being very injurious to their interests were warmly opposed by them; insomuch so, that those laws remained almost as a dead letter, (*Pown. Adm. Colo.* 109,) until, with a view to sustain the supremacy and monopoly of the mother country, a statute was passed in the year 1696, (7 & 8 *W. 3*, c. 22, s. 7,) sanctioning the establishment of Vice-Admiralty Courts in the colonies; which tribunals, although some extensions of their jurisdiction were for a time disputed, it seems to have been finally admitted, about the year 1700, might lawfully take cognizance of all cases arising under the statutes passed by the Parliament of England for the regulation of the external trade of this country, (2 *Chal. Opin. Em. Law*, 187, 193; 2 *Hutch. His. Mass.* 74, 78.)

Before the Revolution commenced there had been established a Vice-Admiralty Court for New Hampshire; another for Massachusetts and Rhode Island, (*Chal. Pol. Ann.* 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