

the people of England in the House of Commons of their parliament.(c)

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)

(c) "The whole fabric of English liberty rose step by step, through much toil, and many sacrifices; each generation adding some new security to the work, and trusting that posterity would perfect the labour as well as enjoy the reward. A time perhaps was even then foreseen, in the visions of generous hope, by the brave knights of parliament, and by the sober sages of justice, when the proudest ministers of the crown should recoil from those barriers, which were then pushed aside with impunity."—(2 *Hal. Mid. Ages*, 179, *Phil. edit.*)

(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.*