

duc'd to Writing afterwards, and seal'd on the Shore, it has been adjudg'd to be without the Admiralty Jurisdiction. My Lord Coke is so clear and full upon this Subject, and the Limits of the Admiralty Jurisdiction are so exactly describ'd in the several Acts of Parliament made for this End, to say nothing of the Cases in the Books, where great Damages are given for infringing the Rights of the common Law, that I shall refer to them * and pursue this Argument no further.

ANOTHER Thing alledg'd against the American Charters is, *That their Governments have made Laws repugnant to the Laws of Great-Britain, contrary to the Powers given them, and thereby have incurr'd a Forfeiture of the Charters.*

The fourth Objection, *That they have made Laws repugnant to the Laws of Great-Britain,* answer'd.

If the *Massachusetts* Charter were singly in Question, this Allegation would have no Place, because no Act pass'd by that Assembly has the Force of a Law 'till the King's Governour has assented to it, and then it comes Home for his Majesty's Approbation, who, if he pleases, annuls it. There is therefore no Danger of their making Laws repugnant to the Laws of *Great-Britain*; or if they should, there being a Remedy always at Hand, if it be not made use of, the Fault will lie somewhere else, and can't affect the Province.

BUT let us examine a little, whether any of the other Governments acting under Charters may deserve this Censure; in order to which, we must consider what this Phrase [REPUGNANT TO THE

* Vid. My Lord Coke's fourth Institutes, as also the several Statutes of 13 R. 2. Cap. 5. 15 R. 2. Cap. 3. By the Statute of the 2d of H. 4. Cap. 11. in case a Matter tryable at common Law be brought into the Courts of Admiralty, the Party griev'd shall recover double Damages. See the Statute of the 27th of ELIZ. Cap. 11, as also the Cases in the Books, particularly that of Sir Josiah Child and Sands in Salk. 31. 2. where an Action was brought on the Statutes of 13 R. 2. 15 R. 2. and 2 H. 4. for arresting a Ship by Admiralty Process, the Matter not being within the Connusance of that Court, and tho' there was no Suit, nor any Plaintiff or Defendant, yet it was held to be a Prosecution, and double Damages were recover'd, Error was afterwards bro't, and the Judgment affirm'd.