

To begin with the Power it self: 'Tis founded on an Act of the Assembly pass'd in the 11th Year of King WILLIAM, and by him confirm'd, entitled, *An Act for establishing a superiour Court of Judicature, Court of Assize, and General Goal Delivery.* The Act after a Recital of several Powers vested in the Court, has this general Clause: *And the said Court is hereby vested with the same Power as fully and amply to all Intents and Purposes whatsoever, as the Courts of King's Bench, Common-Pleas and Exchequer within His Majesty's Kingdom of England have or ought to have.* By Consequence then, if the Court of King's-Bench has a Power to restrain the Court of Admiralty in England, this Court of Judicature must have the same in New-England.

THE Reasons for such a restraining Power are as strong in New-England as in Great-Britain. It has been ever boasted as the peculiar Privilege of an *Englishman*, and the grand Security of his Property to be try'd by his Country and the Laws of the Land; Whereas this Admiralty Method of Trial deprives him of both, as it puts his Estate in the Disposal of a single Person, and makes the civil Law the Rule of Judgment; which tho' it may not perhaps properly be call'd Foreign, being the Law of Nations, yet 'tis what he has not consented to himself, or his Representative for him. A Jurisdiction therefore so founded ought not to extend beyond what Necessity requires, that is, to nothing but what is really transacted on the high Seas, which not being *infra Corpus Comitatus*, is not triable at common Law. If some Bounds are not set to the Jurisdiction of the Admiralty, beyond which it shall not pass, it may in Time, like the Element to which it ought to be confin'd, grow outrageous and overflow the Banks of all the other Courts of Justice. This Danger is still greater in the Plantations, where neither the Judge nor any of the inferiour Officers of the Admiralty have Salaries, or perhaps other Dependance than upon what they get by their Fees, and therefore must be strongly tempted to receive all Business that comes before them, however improper for their Cognizance.

IN vain do the Advocates for the Admiralty urge on this Occasion that an Appeal lies Home, and therefore if a Cause try'd there be found

To