

could not refute the charge of incommoding latter, by disturbing the water. Such power have reasons that appear despicable and detestable at first when they are properly enforced.

FROM *this very principle* arose *her power*; and can *that power* now be *justly* exerted, in *suppression* of *that principle*? It cannot. Therefore, a power * of regulating our trade, involves not
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* This distinction between a supreme legislature and a power of regulating trade, is not a new one. We find it clearly made, by the judges of *England*, at a period, when the modern profitable mode of blending together in parliament the authorities of the crown and people, had not extinguished all reverence for the principles of the constitution.

By the statute of the 2d. of *Henry 6th* ch. 4th *Calais* was confirmed a staple place for the wool exported from *England, Wales* and *Ireland*. Some wool shipped from this last kingdom, was consigned to *Sluice*, in *Flanders*. The ship by stress of weather was forced into *Calais*, where the wool was seized as forfeited. The chief question in the exchequer chamber was, whether the statute bound *Ireland*. In *Rich: 3, 12*, the case is thus reported. “ Et ibi quoad ad primam questionem dicebant, quod terra *Hiberniæ* inter se *habet parliamentum* & omnimodo curias prout in *Anglia*, & per idem parliamentum faciunt leges & mutant leges, & NON OBLIGANTUR PER STATUTA IN ANGLIA, QUIA NON HIC HABENT MILITES PARLIAMENTI; sed hoc intelligitur DE TERRIS per REBUS IN TERRIS TANTUM EFFICIEND; sed PERSONÆ EORUM SUNT SUBJECTI REGIS et tanquam subjecti ERUNT obligati ad aliquam rem EXTRA TERRAM ILLAM FACIENDAM contra statutum, sicut habitantes in *Callesia, Gascognia, Guen*, &c. dum tuere subjecti; & obediētes erunt SUB ADMIRALITATE ANGLIÆ DE RE FACTA SUPER ALTUM MARE; et *similiter* breve de errore de iudiciis redditis in *Hibernia* in banco regis hic in *Anglia*.”

Brooke lord chief justice of the common pleas, mentions the case almost in the same words, title parliament 98—but