

All the Officers of the Revenue are, *in the present State of Things*, appointed by the Crown ; all Breaches of the Acts of Trade, saving a single one excepted by Act of Parliament, are cognizable only in the Court of Admiralty, where the Judge and every inferiour Officer are created, either by Commissions under the Broad Seal, or by Warrants from the Lord High Admiral. The Laws of the Country are not pleaded in that Court, but Acts of Parliament, and where they are silent, the Civil and Maritime Laws take place. The Forms of Proceeding, were *they* of any Consequence, are regulated after the Manner of *Doctors Commons*. If then his Majesty should resume the Charters, nothing more could be done to preserve the Acts of Trade than is at present, and therefore how plausible soever this Pretext may appear at first Sight, it's plain upon a nearer View that there is no Weight in it.

I am appriz'd that the Judge of the Vice-Admiralty in *New-England*, has often complain'd home of the frequent Prohibitions serv'd on him from the Courts of Judicature there, which he says, *weaken and in a Manner suppress the Authority of that Court, and all the good Ends for which it was constituted*. But neither does this Matter in the least relate to the Charters, though there were Reason for the Complaint, as on the other Hand, I shall immediately show there is none. The Right of the Courts of Common Law within the Province of the *Massachusetts*, to restrain the Excesses of the Admiralty Jurisdiction, are not deriv'd from their Charter, but from subsequent Laws of the Province, confirm'd afterwards by the Crown ; which Power therefore, whether the Charters stand or fall, will remain unhurt, and still the same. But the Matter of this Complaint is wholly groundless, which I must particularly show, because a Handle has been taken from it to hurt *New-England* in its Charters. I therefore take Leave to say, That the Superiour Court of Judicature for the Province of the *Massachusetts-Bay*, has a legal Power to issue Prohibitions to the Court of Vice-Admiralty : That it is very fitting and necessary such a Power should be lodg'd in that Court : And, lastly, That the particular Cases wherein the Judges of that superiour Court have hitherto exercis'd this Power, were apparently without and beyond the Admiralty Jurisdiction.

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