

inary power of the high admiral, the military power, to carry on warfare at sea, was an *extraordinary* power, given to him occasionally by special commission, or other temporary authority. It is not surprising therefore that the commission of this high officer, which has been continued in the same form for many centuries, should specify and relate to those duties, and rights, which are derived from his original authority; and are of a civil nature, and so little as to their military, or accessory duties; and that the ancient law books should be so full as to the one kind; so deficient and barren as to the other.

For the better performance of these civil and maritime duties, the high admiral was authorized by his patent, as the lords commissioners are at present, to constitute Vice-admirals under him. It was the usual practice formerly to appoint many of these officers in England, with jurisdiction over particular districts. I apprehend that there was a Vice admiral for each of the maritime counties, who exercised much of the same judicial powers as are now delegated to the courts of vice admiralty in instance causes, either by himself or his deputy. They were besides the collectors of the Droits and perquisites of the admiral and his ministerial officers for the seizure of prizes, and other disputed property, which came within his jurisdiction. This office in regard to maritime affairs seems to have resembled that of a Sheriff or a Justice of Peace. There is a letter extant from a very eminent person Sir Leoline Jenkins, who was Judge of the admiralty, Secretary of State, and Ambassador at the treaties of Nimeguen and Cologne in the reign of Charles the 2d, which shews pretty much the nature of this office, when it was in *viridi observantia*.

It is addressed to *the Honourable Mr. B. a vice admiral*. It seems that a salvage case of a vessel which had met with some casualty near the coast, had been brought before him. His deputy had decreed very unreasonable salvage, and had directed the vessel to be sold for the payment of it--the opinion of Sir Lionel was taken, and he determined that the contract of sale was absolutely void, on account of the unreasonableness and extortion. He expresses himself with great warmth, as to the case itself, which is immaterial to the present question, but in answer to some observations of the Vice admiral he proceeds to say, "as for your objection, sir, that you have undertaken a very ill province, if your commission of Vice admiral entitles the Merchants to your service at a hackney rate; I have this to say that a justice of peace on land hath but a very meagre employment in the several parts of his duty, especially those for preserving the public peace, and men's particular properties, against riots, and routs, and yet they (men of honour and probity I mean) never complain of it; a Vice admiral is plainly such another officer in relation to the sea, and under the same obligations with those at land; that is, represents the King's part in preserving his subjects and allies from violences, most especially in their distresses. Yet in some things every Vice admiral will confess that he hath a better prospect to a lucky hit;