

had vested heretofore in the person of his Cousin  
 with Duke of Lennox & Richmond; and continued in his  
 family till the Death of Charles Duke of Lennox in  
 the Year 1672 when it fell by right of Blood to King  
 Charles the second as his heir, who was served and  
 Retoured for 6 July 1680. This King Charles did  
 vend it heretofore to his Natural Son by the Dutches  
 of Portsmouth, Charles Duke of Lennox, with Reser-  
 vation of a life rent Right thereto in favour of James  
 then Duke of York afterwards King James 7, who enjoyed  
 it till the Revolution, and got ample priviledges to be  
 court from the Parliament 1688 where in his Grace  
 sat as Commissioner to his Brother King Charles 2  
 William Duke of Hamilton was made Lord high Ad-  
 miral of Scotland including the isles of Orkney and  
 Land in the Year 1693. After whose Death the Admir-  
 alty was Under the Management of Commissioners till  
 King James the 7<sup>th</sup> Death, when the Exercise of the Jur-  
 isdiction fell to Charles Duke of Lennox. Upon whose  
 Resignation of his heretofore offices in Queen Anne's  
 hand, David Earl of Winton was made Lord high Admi-  
 ral of Scotland, Excepting the isles of Orkney and  
 Land, and continued in that office till the Union of the  
 two Kingdoms. So that I want George Crawford's Vow  
 for saying (Chiss of the Lords great Chamberlain of  
 Scotland pag. 339) that King Charles 2 Reserued the  
 heretofore office of high Admiral of Scotland to him-  
 self and his Royal Successors for ever, and gave it out  
 for life to the Duke of York.

There being now since the Union one Lord high  
 Admiral of great Britain, our Lord Admiral bears  
 only the Character of Vice Admiral of Scotland.  
 Who never sits in Judgement, but has a Deputy  
 Judge in the high court of Admiralty at Edin-  
 burgh, and appoints Deputy Admirals in several  
 places

places of the Country, that hold Inferior courts of Ad-  
 miralty. The Judge of the high court of Admiralty hath  
 both a Judicial and Ministerial Capacity.

As to the first, causes are tried in the Admir-  
 al court according to the Civil law, and the Municipal law  
 of Scotland. And in Deciding particular cases, the Laws  
 of Rhodes, Oleron Wisbuy the laws towns and the later  
 Maritime Constitutions of France and Holland are much  
 regarded. This Judge hath both a Civil and Criminal  
 Jurisdiction, the latter whereof only is my present busi-  
 ness to Notice.

The Court wherein he Judges Crimes, is termed  
 the Court of Judicary of the Admiralty. The Privy  
 Council was in use in the case of Important Crimi-  
 nal trials before the Judge of Admiralty, to Name  
 assessor to Join with and assist him, and also ap-  
 point Advocates assistants to the procurator Fiscal,  
 for the better Hearing and Managing the trials: as  
 was done in October 1635 in the Trial of Bernard  
 Gilermo and some Spanish Dutch and French privateers,  
 and in March 1703 in the trial of Captain Thomas  
 Green & his Crew. The Judge Admiral may imprison  
 one of his Arrestments, and be forward of his officers,  
 and hath right to the fines and Amerciaments of his  
 own Court act 16 Parl. 3 Ch. 2. Which formerly belonged  
 to the foreigner. Persons injured are admitted adwit-  
 nesses for proving Crimes committed at sea, where  
 other witnesses cannot be had. Where is Criminal  
 2 Cit. 952.

The Admiral is the Kings Lieutenant and  
 Justice General upon the sea, and in all ports har-  
 bours and creeks thereof, and upon fresh  
 waters or Navigable Rivers below the first Bridges,  
 or within the highest flood Mark act 16 Parl. 3 Ch. 2.