

# APPENDICES

## I ENGLISH STATUES

### I.A Offences at Sea Act 28 Henry VIII c. 15 (1536) 2 Statutes at Large (1763 ed.) 258

#### For Pirates.

Where Traytors, Pirates, Thieves, Robbers, Murtherers and Confederates upon the Sea, many Times escaped unpunished, because the Trial of their Offences hath heretofore been ordered, judged and determined before the Admiral, or his Lieutenant or Commissary, after the course of the Civil Laws, (2) the Nature whereof is, that before any Judgment of Death can be given against the Offenders, either they must plainly confess their Offences (which they will never do without Torture or Pains) or else their Offences be so plainly and directly proved by Witness indifferent, such as saw their Offences committed, which cannot be gotten but by Chance at few Times, because such Offenders commit their Offences upon the Sea, and at many Times murther and kill such Persons being in the Ship or Boat where they commit their Offences, which should witness against them in that Behalf; and also such as should bear witness be commonly Mariners and Shipmen, which, because of their often Voyages and Passages in the Seas, depart without long tarrying and Protraction of Time, to the great Costs and Charges as well of the King's Highness, as such as would pursue such Offenders: (3) For Reformation whereof, be it enacted by the Authority of this present Parliament, That all Treasons, Felonies, Robberies, Murthers and Confederacies hereafter to be committed in or upon the Sea, or in any other Haven, River, Creek or Place where the Admiral or Admirals have or pretend to have Power, Authority or Jurisdiction, shall be inquired, tried, heard, determined and judged, in such Shires and Places in the Realm, as shall be limited by the King's Commission or Commissions to be directed for the same, in like Form and Condition, as if any such Offence or Offences had been committed or done in or upon the Land; (4) and such Commissions shall be had under the King's Great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, Deputy and Deputies, and to three or four such other substantial

Persons, as shall be named or appointed by the Lord Chancellor of *England* for the Time being, from Time to Time, and as oft as Need shall require, to hear and determine such Offences after the common Course of the Laws of this Realm, used for Treasons, Felonies, Murthers, Robberies and Confederacies of the same, done and committed upon the Land within this Realm.

II. And be it enacted by the Authority aforesaid, That such Persons to whom such Commission or Commissions shall be directed, or four of them at the least, shall have full Power and Authority to enquire of such Offences, and of every of them, by the Oaths of twelve good and lawful Inhabitants in the Shire limited in their Commission, in such like Manner and Form, as if such Offences had been committed upon the Land within the same Shire; (2) and that every Indictment, found and presented before such Commissioners, of any Treasons, Felonies, Robberies, Murthers, Manslaughters, or such other Offences, being committed or done in or upon the Seas, or in or upon any other Haven, River or Creek, shall be good and effectual in the Law; (3) and if any Person or Persons happen to be indicted for any such Offence done or hereafter to be done upon the Seas, or in any other place above limited, that then such Order, Process, Judgment and Execution shall be used, had, done and made, to and against every such Person and Persons so being indicted, as against Traytors, Felons and Murtherers, for Treason, Felony, Robbery, Murder or other such Offences done upon the Land, as by the Laws of this Realm is accustomed; (4) and that the trial of such Offence or Offences, if it be denied by the Offender or Offenders, shall be had by twelve lawful Men inhabited in the Shire limited within such Commission, which shall be directed as is aforesaid, and no Challenge or Challenges to be had for the Hundred; (5) and such as shall be convict of any such Offence or Offences, by Verdict, Confession or Process, by Authority of any such Commission, shall have and suffer such Pains of Death, Losses of Lands, Goods and Chattels, as if they had been attainted and convicted of any Treasons, Felonies, Robberies, or other the said Offences done upon the Lands.

III. And be it enacted by Authority aforesaid, That for Treasons, Robberies, Felonies, Murthers and Confederacies done upon the Sea or Seas, or in any Place above rehearsed, the Offenders shall not be admitted to have the Benefit of his or their Clergy, but be utterly excluded thereof and from the same, and also of the Privilege of any Sanctuary.

IV. Provided alway, That this Act extend not to be prejudicial or hurtful to any Person or Persons for taking any Victual, Cables, Ropes, Anchors or Sails, which any such Person or Persons (compelled by Necessity) taketh of or in any Ship which may conveniently spare the same, so the same Person or Persons pay out of Hand for the same Victual, Cables, Ropes, Anchors or Sails, Money or Money-worth to the Value of the Thing so taken, or do deliver for the same a sufficient Bill obligatory to be paid in Form following, that is to say, If the taking of the same Things be on this Side, the Straits of

*Marroke*, then to be paid within four Months, and if it be beyond the said Straits of *Marroke*, then to be paid within twelve Month next ensuing the making of such Bills, and that the Makers of such Bills well and truly pay the same Debt at the Day to be limited within the said Bills.

V. Provided alway, That whensoever any such Commission for the Punishment of Offences aforesaid, or of any of them, shall be directed or sent to any Place within the Jurisdiction of the Five Ports, that then every such Commission shall be directed unto the Lord Warden of the said Ports for the Time being, or to his Deputy, and unto three or four such other Person or Persons, as the Lord Chancellor for the Time being shall name and appoint; any Thing in this present Act to the contrary notwithstanding.

VI. Provided alway, That whensoever any Commission shall be directed unto the Five Ports for the Inquisition and Trials of any the Offences expressed in this Act, that every such Inquisition and Trial to be had by Virtue of such Commission, shall be made and had by the Inhabitants in the said Five Ports, or the Members of the same; any Thing in this act to the contrary thereof notwithstanding.

I.B Piracy Act  
 11 & 12 William III c. 7 (1700)  
 4 Statutes at Large (1769 ed.) 40

An Act for the more effectual Suppression of Piracy.

WHEREAS by an act of Parliament made in the twenty-eighth Year of the Reign of King HENRY the Eighth, it is enacted, That Treasons, Felonies, Robberies, Murders, and Confederacies committed on the Sea, shall be enquired of, tried, and determined according to the common Course of the Laws of this Land used for such Offences upon the Land within this Realm; whereupon the Trial of those Offenders before the Admiral, or his Lieutenant, or his Commissary, hath been altogether disused. And whereas, that since the making of the said Act, and especially of late Years, it hath been found by Experience, that Persons committing Piracies, Robberies, and Felonies on the Seas, in or near the *East and West Indies*, and in Places very remote, cannot be brought to condign Punishment without great Trouble and Charges in sending them into *England* to be tried within the Realm, as the said Statute directs, insomuch that many idle and profligate Persons have been thereby encouraged to turn Pirates, and betake themselves to that Sort of wicked Life, trusting that they shall not, or at least cannot easily, be questioned for such their Piracies and Robberies, by reason of the great Trouble and Expence that will necessarily fall upon such as shall attempt to apprehend and prosecute them for the same. And whereas the Numbers of them are of late very much increased, and their Insolencies so great, that unless some speedy Remedy be provided to suppress them, by a strict and more easy Way for putting the ancient Laws in that Behalf in Execution, the Trade and Navigation into remote Parts will very much suffer thereby; Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Piracies, Felonies, and Robberies committed in or upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard and determined, and adjudged, according to the Directions of this Act, in any Place at Sea, or upon the Land, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts or Factories, to be appointed for that Purpose by the King's Commission or Commissions under the Great Seal of *England*, or the Seal of the Admiralty of *England*, directed to all or any of the Admirals, Vice-Admirals, Rear-Admirals, Judges of Vice-Admiralties, or Commanders

of any of his Majesty's Ships of War, and also to all or any such Person or Persons, Officer or Officers, by Name, or for the Time being, as his Majesty shall think fit to appoint; which said Commissioners shall have full Power jointly or severally, by Warrant under the Hand and Seal of them, or any one of them, to commit to safe Custody any Person or Persons, against whom Information of Piracy, Robbery, or Felony upon the Sea, shall be given upon Oath (which Oath they or any one of them shall have full Power, and are hereby required to administer), and to call and assemble a Court of Admiralty on Ship-board, or upon the Land, when and as often as Occasion shall require; which Court shall consist of seven Persons at the least.

II. And if so many of the Persons aforesaid cannot conveniently be assembled, Be it further enacted by the Authority aforesaid, That any three of the aforesaid Persons (whereof the President or Chief of some *English* Factory, or the Governor, Lieutenant Governor, or Member of his Majesty's Councils in any of the Plantations or Colonies aforesaid, or Commander of one of his Majesty's Ships, is always to be one), shall have full Power and Authority, by virtue of this Act, to call and assemble any other Persons on Ship-board, or upon the Land, to make up the Number of seven.

III. Provided, That no Persons but such as are known Merchants, Factors, or Planters, or such as are Captains, Lieutenants, or Warrant Officers in any of his Majesty's Ships of War, or Captains, Masters, or Mates of some *English* Ship, shall be capable of being so called, and sitting and voting in the said Court.

IV. And be it enacted by the Authority aforesaid, That such persons called and assembled as aforesaid, shall have full Power and Authority, according to the Course of the Admiralty, to issue Warrants for bringing any Persons accused of Piracy or Robbery, before them to be tried, heard, and adjudged; and to summon Witnesses, and to take Informations and Examinations of Witnesses upon their Oath; and to do all Things necessary for the Hearing and final Determination of any Case of Piracy, Robbery, and Felony; and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted and attainted as aforesaid, according to the Civil Law, and the Methods and Rules of the Admiralty; and that all and every Person and Persons so convicted and attainted of Piracy or Robbery, shall have and suffer such Losses of Lands, Goods and Chattels, as if they had been attainted and convicted of any Piracies, Felonies, and Robberies, according to the aforementioned Statute made in the Reign of King HENRY the Eighth.

V. Provided always, and be it further enacted by the Authority aforesaid, That so soon as any Court shall be assembled as aforesaid, either on Ship-board or upon the Land, the King's Commissions shall first be openly read, and the said Court then and there shall be solemnly and publicly called and proclaimed; and then the President of the Court shall, in the first Place, publicly in open Court take the following Oath, *viz.* I *A. B.* do swear in the Presence of Almighty God, That I will truly and impartially try and adjudge

the Prisoner or Prisoners which shall be brought upon his or their Trials before this Court, and honestly and duly, on my part, put his Majesty's Commission for the trying of them in Execution, according to the best of my Skill and Knowledge: And that I have no Interest, directly or indirectly, in any Ship or Goods, for the Piratically taking of which any Person stands accused, and is now to be tried: *'So help me God.'*

VI. And he having taken the Oath in Manner aforesaid, shall immediately administer the same Oath to every Person who shall sit, and have and give a Voice in the said Court upon the Trial of such Prisoner brought before them; and then the Register of the said Court shall openly and distinctly read the Articles against such Prisoner or Prisoners, upon which they or any of them is or are to be tried; wherein shall be set forth the particular Fact or Facts of Piracy, Robbery, and Felony, with the Time and Place when and where, and in what Manner it was committed; and then each Prisoner shall be asked, Whether he be guilty of the said Piracy and Robbery, or Felony, or not guilty? Whereupon every such Prisoner shall immediately plead thereunto, Guilty, or Not guilty, or else it shall be taken as confessed, and he shall suffer such Pains of Death, Loss of Lands, Goods, and Chattels, and in like Manner, as if he or they had been attainted or convicted upon the Oath of Witnesses, or his own Confession; but if any Prisoner shall plead Not guilty, Witnesses shall be produced by the Register, and duly sworn and examined openly, *viva voce*, in the Prisoner's Presence; and after a Witness hath answered all the Questions proposed by the President of the Court, and given his Evidence, it shall and may be lawful for the Prisoner to have the Witness cross-examined, by first declaring to the Court what Questions he would have asked, and thereupon the President of the Court shall interrogate the Witness accordingly; and every Prisoner shall have Liberty to bring Witnesses for his Defence, who shall be sworn, and examined upon Oath, as the Witnesses were that testified against him; and afterwards the Prisoner shall be fairly heard what he can say for himself; all which being done, the Prisoner shall be taken away and kept in safe Custody, and all other Persons, except the Register, shall withdraw from the said Court, and then the Court shall consider of the Evidence which hath been given, and debate the Matters and Circumstances of the Prisoner's Case, and the President of the Court shall collect all the Votes of the Persons who do sit and have Voices in the said Court, beginning at the Junior first, and ending with himself; and according to the Plurality of Voices, Sentence and Judgment shall be then given and pronounced publicly in the Presence of the Prisoner or Prisoners, being called in again; and according to such Sentence and Judgment the Person or Persons attainted shall be executed and put to Death, at such Time, in such Manner, and in such Place upon the Sea, or within the ebbing or flowing thereof, as the President, or the major Part of the Court, by Warrant directed to a Provost Marshal (which the President or said major Part shall have Power to constitute) shall appoint.

VII. And be it further enacted by the Authority aforesaid, That some Person, being a Publick Notary, shall be Register of the Court; and in case of his Absence, Death, or Incapacity, or for Want of a Person so qualified, the President of the Court shall and may appoint a Register, giving him an Oath (which he is hereby empowered to administer), duly, faithfully, and impartially to execute his Office; which Register shall prepare all Warrants and Articles, and take care to provide all Things requisite for any Trial, according to the substantial and essential Parts of Proceedings in a Court of Admiralty, in the most summary Way; and shall take Minutes of the whole Proceedings, and enter them duly in a Book by him to be kept for that Purpose; and shall from Time to Time, as Opportunity offers, transmit the same, with the Copies of all Articles and Judgments given in any such Cases, in any Court whereof he shall be Register, unto the High Court of Admiralty of *England*.

VIII. And be it further enacted, by the Authority aforesaid, That if any of his Majesty's natural-born Subjects, or Denizens of this Kingdom, shall commit any Piracy or Robbery, or any Act of Hostility, against others his Majesty's Subjects upon the Sea, under Colour of any Commission from any foreign Prince or State, or Pretence of Authority from any Person whatsoever, such Offender and Offenders, and every of them, shall be deemed, adjudged, and taken to be Pirates, Felons, and Robbers; and they and every of them being duly convicted thereof, according to this Act, or the aforesaid Statute of King HENRY the Eighth, shall have and suffer such Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to have and suffer.

IX. And be it further enacted, That if any Commander or Master of any Ship, or any Seaman or Mariner, shall in any place where the Admiral hath Jurisdiction, betray his Trust, and turn Pirate, Enemy, or Rebel, and piratically and feloniously run away with his or their Ship or Ships; or any Barge, Boat, Ordnance, Ammunition, Goods, or Merchandizes, or yield them up voluntarily to any Pirate, or shall bring any seducing Messages from any Pirate, Enemy, or Rebel, or consult, combine, or confederate with, or attempt or endeavour to corrupt any Commander, Master, Officer, or Mariner to yield up or run away with any Ship, Goods, or Merchandizes, or turn Pirate, or go over to Pirates, or if any Person shall lay violent Hands on his Commander, whereby to hinder him from fighting in Defence of his Ship and Goods committed to his Trust, or that shall confine his Master, or make, or endeavour to make a Revolt in the Ship, shall be adjudged, deemed, and taken to be a Pirate, Felon, and Robber, and being convicted thereof, according to the Directions of this Act, shall have and suffer Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to have and suffer.

X. And whereas several evil-disposed Persons, in the Plantations and elsewhere, have contributed very much towards the Increase and Encouragement

of Pirates, by setting them forth, and by aiding, abetting, receiving, and concealing them and their Goods, and there being some Defects in the Laws for bringing such evil-disposed Persons to condign Punishment; Be it enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, who, after the twenty-ninth Day of *September* in the Year of our Lord one thousand seven hundred, shall either on the Land, or upon the Seas, knowingly or wittingly set forth any Pirate, or aid and assist, or maintain, procure, command, counsel or advise any Person or Persons whatsoever, to do or commit any Piracies or Robberies upon the Seas, and such Person and Persons shall thereupon do or commit any such Piracy or Robbery, then all and every such Person or Persons whatsoever, so as aforesaid setting forth any Pirate, or aiding, assisting, maintaining, procuring, commanding, counselling or advising the same, either on the Land or upon the Sea, shall be and are hereby declared, and shall be deemed and adjudged to be accessory to such Piracy and Robbery done and committed; and further, That after any Piracy or Robbery is or shall be committed by any Pirate or Robber whatsoever, every Person and Persons, who knowing that such Pirate or Robber has done or committed such Piracy and Robbery, shall on the Land or upon the Sea, receive, entertain or conceal any such Pirate or Robber, or receive or take into his Custody any Ship, Vessel, Goods or Chattels which have been by any such Pirate or Robber piratically and feloniously taken, shall be and are hereby likewise declared, deemed and adjudged to be accessory to such Piracy and Robbery; and that after the said nine and twentieth Day of *September*, all such Accessories to such Piracies and Robberies shall and may be enquired of, tried, heard, determined and adjudged after the common Course of the Laws of this Land, according to the said Statute made in the twenty-eighth Year of King HENRY the Eighth, as the Principals of such Piracies and Robberies may and ought to be, and no otherwise; and being thereupon attainted, shall suffer such Pains of Death, Losses of Lands, Goods and Chattels, and in like Manner, as the Principals of such Piracies, Robberies and Felonies ought to suffer, according to the said Statute of King HENRY the Eighth which is hereby declared to be and continue in full Force; any Thing in this present Act contained to the contrary notwithstanding.

XI. And forasmuch as it will also conduce to the suppressing of Robberies on the Sea, if due Encouragement be given, and Rewards allowed to such Commanders, Masters, and other Officers, Seamen, and Mariners, as shall either bravely defend their own Ships, or take, seize and destroy Pirates, Sea Rovers, and Enemies; Be it further enacted by the Authority aforesaid, That when any *English* Ship shall have been defended against any Pirates, Enemies, or Sea Rovers by Fight, and brought to her designed Port in which Fight any of the Officers or Seamen shall have been killed or wounded, it shall and may be lawful to and for the judge of his Majesty's High Court of Admiralty, or his Surrogate in the Port of *London*, or the Mayor, Bailiff, or Chief Officer in the



several Out Ports of this Kingdom, upon the Petition of the Master or Seamen of such Ship so defended as aforesaid, to call unto him four or more good and substantial Merchants, and such as are no Adventurers or Owners of the Ship or Goods so defended, and have no Manner of Interest therein, and by Advice with them to raise and levy upon the respective Adventures and Owners of the Ship and Goods so defended, by Process out of the said Court, such Sum or Sums of Money as himself and the said Merchants, by Plurality of Voices, shall determine and judge reasonable, not exceeding two Pounds *per Centum* of the Freight, and of the Ship and Goods so defended, according to the first Costs of the Goods; which Sum or Sums of Money so raised, shall be distributed among the Captain, Master, Officers, and Seamen of the said Ship, or Widows and Children of the slain, according to the Direction of the Judge of the said Court, or his Surrogate in the Port of *London*, or the Mayor, Bailiff or Chief Officer in the several Out-ports of this Kingdom, with the Approbation of the merchants aforesaid, who shall proportion the same, according to their best Judgment, unto the Ship's Company as aforesaid, having special Regard unto the Widows and Children of such as shall have been slain in that Service, and such as have been wounded or maimed.

XII. And for the better and more effectual Prevention of Combinations and Confederacies, for the running away with or destroying of any Ship, Goods or Merchandizes; Be it further enacted by the Authority aforesaid, That a Reward of ten Pounds for every Ship or Vessel of one hundred Tuns or under, and fifteen Pounds for every Ship or Vessel of a greater Burthen, shall be paid by the Captain, Commander, or Master of every Ship or Vessel, wherein any such Combination or Confederacy shall be set on Foot, for the running away with or destroying any such Ship, or the Goods and Merchandizes therein laden, to such Person as shall first make a Discovery thereof, upon due Proof of such Combination or Confederacy; the same to be paid at the Port where the Wages of the Seamen of the said Ship are or ought to be paid, after such Discovery and Proof made.

XIII. Provided also, That this Act shall be in Force for seven Years, and to the End of the next Session of Parliament after the Expiration of the said seven Years, and no longer.

XIV. And for the more effectual Prosecution and Punishment of Piracies, Felonies and Robberies upon the Sea, and of all other Offences aforementioned; Be it declared and enacted by the Authority aforesaid, That the Commissioners appointed or to be appointed by the aforementioned Statute of King HENRY the Eighth, or the Commissioners for Trial of Pirates appointed by this Act, shall, from and after the said nine and twentieth Day of *September* one thousand seven hundred, have the sole Power and Authority of trying, hearing, and determining the said Crimes and Offences, within all or any of the Colonies and Plantations in *America*, governed by Proprietors, or under Grants or Charters from the Crown, and of bringing the Offenders to

condign Punishment; and shall and may issue forth their Warrant or Warrants for the seizing and apprehending of any Pirates, Felons, or Robbers upon the sea or their Confederates or Accessories, being within any of the said Colonies and Plantations, in order to their being brought to Trial within the same, or any other Plantation in *America*, according to this Act, or sent into *England* to be tried there; and that all and every Governor and Governors, Person and Persons in Authority in the said Colonies and Plantations governed by Proprietors, or under Charters as aforesaid, shall assist the Commissioners and the subordinate Officers in doing their Duty, and also in the Execution of such Warrants and otherwise, and shall deliver up to such Commissioner or Commissioners, Officer or Officers, any Pirates, Felons and Robbers upon the Sea, and their Confederates and Accessories, in order to their being tried or sent into *England* as aforesaid; any Letters Patents, Grants or Charters of Government, in and about the said Plantations, or other Usages heretofore had or made to the contrary notwithstanding.

XV. And be it hereby further declared and enacted, That if any of the Governors in the said Plantations, or any Person or Persons in Authority there, shall refuse to yield Obedience to this Act, such Refusal is hereby declared to be a Forfeiture of all and every the Charters granted for the Government or Propriety of such Plantation.

XVI. Provided always, and be it enacted by the Authority aforesaid, That whensoever any Commission for the Trial and Punishment of the Offences aforesaid, or any of them, shall be directed or sent to any Place within the Jurisdiction of the Cinque Ports, that then every such Commission shall be directed unto the Lord Warden of the Cinque Ports for the Time being, or to his Lieutenant, and unto such other Persons as the Lord High Chancellor, or Keeper of the Great Seal of *England* for the Time being, or Commissioners for the Custody of the Great Seal, shall name and appoint; and likewise that every Inquisition and Trial, to be had by virtue of such Commission so directed and sent to any Place in said Cinque Ports, shall be made and had by the Inhabitants of the said Cinque Ports, or the Members of the same; any Thing in this Act to the contrary thereof notwithstanding.

XVII. And for the Prevention of Seamen deserting of Merchant Ships abroad in Parts beyond the Seas, which is the chief Occasion of their turning Pirates, and of great Detriment to Trade and Navigation in general; Be it enacted by the Authority aforesaid, That all such Seamen, Officers or Sailors, who shall desert the Ships or Vessels wherein they are hired to serve for that Voyage, shall for such Offence forfeit all such Wages as shall be then due to him or them.

XVIII. And be it further enacted by the Authority aforesaid, That in case any Master of a Merchant Ship or Vessel shall, after the nine and twentieth Day of *September* one thousand and seven hundred, during his being abroad, force any Man on Shore, or wilfully leave him behind in any of his Majesty's

Plantations, or elsewhere, or shall refuse to bring Home with him again all such of the Men which he carried out with him as are in a Condition to return, when he shall be ready to proceed in his Homeward-bound Voyage, every such Master shall, being thereof legally convicted, suffer three Months Imprisonment without Bail or Mainprize.

I.C The Bounty Act  
6 George IV c. 49 (1825)  
Statutes at Large 1825, 453

An Act for encouraging the Capture or Destruction  
of piratical Ships and Vessels. [22d June 1825]

WHEREAS it is expedient to give Encouragement to the Commanders, Officers, and Crews of His Majesty's Ships of War and hired armed Ships to attack and destroy any Ships, Vessels, or Boats, manned by Pirates or Persons engaged in Acts of Piracy: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act there shall be paid by the Treasurer of His Majesty's Navy, upon Bills to be made forth by the Commissioners of the Navy, to be paid according to the Course thereof, without Fee or Reward, unto the Officers, Seamen, Marines, Soldiers, and others, who shall have been actually on board any of His Majesty's Ships or Vessels of War, or hired armed Ships, at the actual taking, sinking, burning, or otherwise destroying of any Ship, Vessel, or Boat, manned by Pirates or Persons engaged in Acts of Piracy, since the First Day of *January* One thousand eight hundred and twenty, the Sum of Twenty Pounds for each and every such piratical Person, either taken and secured or killed during the Attack on such piratical Vessel, and the Sum of Five Pounds for each and every other Man of the Crew not taken or killed, who shall have been alive on board such Pirate Vessel at the beginning of the Attack thereof; the Numbers of such piratical Men respectively to be proved by the Ships Papers taken on board such piratical Ship, Vessel, or Boat, verified by the Oaths of Two or more of the Persons who shall have found and taken Possession of such Papers, or by such other Evidence as under the Circumstances of the Case shall, by the Judge of the High Court of Admiralty, or by the Judge of any other Court authorized to take Cognizance of such Matter, be deemed sufficient Proof thereof.

II. And for the more speedy Distribution of such Reward payable in respect of Pirates or Pirate Vessels, taken or destroyed in distant Parts; be it further enacted, That when and so soon as the Amount of the Bounty so to be paid, and the Numbers of Men in respect of whom it shall be payable, shall have been ascertained in manner aforesaid, it shall and may be lawful for the Commissioner of the Navy resident at any of His Majesty's Dock Yards abroad, or in the Absence of a Commissioner of the Navy, for the Naval Officer and Storekeeper, or if there shall be no such Commissioner or Naval

Officer, then for the Commander in Chief or Senior Officer of His Majesty's Ships and Vessels at the Port or Place into which the piratical Ship, Vessel, or Boat shall be taken to be proceeded against, or in case of the Destruction of the Vessel, the Place into which the piratical Persons seized shall be carried, to draw upon the Commissioners of the Navy a Bill or Bills Thirty Days Sight for the Amount of such Bounty, which Bill or Bills shall, upon the said Commissioners being satisfied of the Correctness and Amount thereof by the Production to them of the Proof herein-before required, be by them assigned for Payment on the Treasurer of the Navy, and when paid be charged as an Imprest on the Person so drawing the same; and that all Bills so to be made out by the Commissioners of the Navy, or to be drawn upon them as aforesaid, shall be made payable to such Person or Persons as shall be authorized and appointed Agents for the Appraisalment and Sales of such piratical Ships or Boats in respect of which such Bounty shall be payable, or for the Receipt of such Bounty only, in case such piratical Ships, Vessels, or Boats shall have been sunk, burnt, or destroyed, in like manner as by an Act made in the Forty-fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the Encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy during the present War*, was directed with respect to the Appointment of Agents for the Appraisalment and Sale of Prizes taken from the Enemy; and that the same Bounty shall be paid, distributed, and divided by such authorized and appointed Agent or Agents, to and amongst such Persons, and in such Manner, Form, and Proportion as His Majesty, His Heirs or Successors, by any Order or Orders in Council for that Purpose, shall think fit to declare and direct.

III. And be it further enacted, That if any Ship, Vessel, Boat, Goods, Merchandize, or other Property found and taken in the Possession of Pirates, shall be duly proved in and adjudged by Court of Admiralty or other Court having competent Jurisdiction therein to have belonged to and to have been taken from any of His Majesty's Subjects, then such Ship, Vessel, Boat, Goods, Merchandize, and other Property, and every Part thereof so proved, shall by the Decree of the said Court be adjudged to be restored, and shall be accordingly restored to the former Owner or Owners, Proprietor or Proprietors thereof respectively, he or they paying for or in lieu of Salvage a Sum of Money equal to One-eighth Part of the true Value of such Ship, Vessel, Boat, Goods, Merchandize, and other Property respectively; which Money shall be paid to and divided and distributed amongst such Persons, and in such Manner, Form, and Proportion, as shall by any Proclamation or Order of His Majesty in Council be directed for the Distribution of the Produce of any Ship, Vessel, Boat, Goods, or other Property of Pirates.

IV. And be it further enacted, That no Person or Persons who shall desert from any of His Majesty's Ships or hired armed Vessels, or otherwise from

His Majesty's Service, shall be entitled to receive any Proportion of Bounty Money, Salvage, or other Monies payable by virtue of this Act; but that the Shares of all such Persons, as well as all other Shares which shall not be legally demanded within the Times prescribed by the said Act of the Forty-fifth Year of his late Majesty's Reign for the Demand of Prize Money, shall be paid over to the Treasurer of the Royal Hospital at *Greenwich*, within such Times, in such Manner, and to and for such Uses and Purposes, and subject to such Provisions, Regulations, and Exceptions, as in the said Act is mentioned with respect to Prize Money.

V. And be it further enacted, That all and every Person and Persons who shall be so nominated and appointed Agent or Agents as aforesaid, for the Appraisalment and Sale of any piratical Ships, Vessels, or Boats taken by any of His Majesty's Ships or Vessels, or hired armed Ships, or for the Distribution of the Bounty Money by this Act given, shall exhibit and cause to be registered their Letter or Letters of Attorney in the respective Courts wherein the Proceedings touching the Vessels so taken, or touching such Bounty or Salvage, shall be had; and all such Agents shall be subject to such Forfeitures and Disqualifications for not registering the same as in and by the said Act of the Forty-fifth of His late Majesty's Reign are enacted and provided.

## II American Statutes

II.A Piracy Act of March 3, 1819  
 15th Cong., 2nd Sess., ch. 77  
 3 Statutes at Large (1850 ed.) 510

CHAP. LXXVII.—*An Act to protect the commerce of the United States, and punish the crime of piracy.* (a) [See Peters's notes at end.]

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and hereby is, authorized and requested to employ so many of the public armed vessels, as, in his judgment, the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations.

SEC. 2. *And be it further enacted,* That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

SEC. 3. *And be it further enacted,* That the commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel owned as aforesaid by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States; and may subdue and capture the same; and may also retake any vessel, owned as aforesaid, which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

SEC. 4. *And be it further enacted,* That whenever any vessel or boat, from which any piratical aggression, search, restraint, depredation or seizure shall have been first attempted or made, shall be captured and brought into any port of the United States, the same shall and may be adjudged and condemned to their use, and that of the captors, after due process and trial, in any court having admiralty

jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at their discretion.

SEC. 5. *And be it further enacted*, That if any person or persons soever, shall, on the high seas, commit the crime of piracy, as defined by the law of nations, and such offender or offenders, shall afterwards be brought into or found in the United States, every such offender or offenders shall, upon conviction thereof, before the circuit court of the United States for the district into which he or they may be brought, or in which he or they shall be found, be punished with death.

SEC. 6. *And be it further enacted*, That this act shall be in force until the end of the next session of Congress.

APPROVED, March 3, 1819.

(a) [Note by Peters from 3 Statutes at Large 510-513 (1850)]

The decisions of the courts of the United States upon prosecutions for piracy, have been:

*Piracy*.—A robbery committed on the high seas, although such robbery, if committed on land, would not, by the laws of the United States, be punishable with death, is piracy, under the act of Congress of 1790; and the circuit courts have jurisdiction thereof. *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

The crime of robbery, as mentioned in the act, is the crime of robbery as recognized and defined at common law. *Ibid.*

The crime of robbery, committed by a person who is not a citizen of the United States, on the high seas, on board of a ship belonging exclusively to subjects of a foreign state, or on persons in a foreign vessel, is not piracy under the act, and is not punishable in the courts of the United States. *Ibid.*

When a civil war rages in a foreign nation, one part of which separates itself from the old established government, and erects itself into a distinct government, the courts of the United States must view such newly constituted government as it is viewed by the legislative and executive departments of the government of the United States. If that government remains neutral, but recognises the existence of a civil war, the courts of the Union cannot consider as criminal, those acts of hostility which war authorizes, and which the new government may direct against its enemy. *Ibid.*

The same testimony which would be sufficient to prove that a vessel or person is in the service of an acknowledged state, is admissible to prove that they are in the service of such newly created government. Its seal cannot be allowed to prove itself, but may be proved by such testimony as the nature of the case admits; and the fact that a vessel or person is in the service of such government may be established otherwise, should it be impracticable to prove the seal. *Ibid.*



A commission issued by Aury, as “brigadier of the Mexican republic,” (a republic whose existence is unknown and unacknowledged,) or as “generalissimo of the Floridas,” (a province in the possession of Spain,) will not authorize armed vessels to make captures at sea. *United States v. Klintock*, 5 Wheat. 144; 4 Cond. Rep. 614.

*Query*, Whether a person, acting with good faith under such a commission, may be guilty of piracy? *Ibid.*

However this may be, in general, under the particular circumstances of this case, showing that the seizure was made not *jure belli*, but *animo furandi*, the commission was held not to exempt the prisoner from the charge of piracy.

The act of the 30th of April, 1790, ch. 9, extends to all persons, on board all vessels, which throw off their national character by cruising piratically, and committing piracy on other vessels. *Ibid.*

The act of the 3rd March, 1819, ch. 77, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619.

The crime of piracy is defined by the law of nations with reasonable certainty. *Ibid.*

Robbery, or forcible depredation, upon the sea, *animo furandi*, is piracy by the law of nations and by the act of Congress. *Ibid.*

The eighth section of the act of the 30th of April, 1790, ch. 9, for the punishment of certain crimes against the United States, is not repealed by the act of the 3d of March, 1819, ch. 77, to protect the commerce of the United States, and to punish the crime of piracy. *United States v. Furlong, alias Hobson et al.*, 5 Wheat. 184; 4 Cond. Rep. 623.

In an indictment for a piratical murder (under the act of the 30th of April, 1790, ch. 9 sec. 8), it is not necessary that it should allege the prisoner to be a citizen of the United States, nor that the crime was committed on board a vessel belonging to citizens of the United States; but it is sufficient to charge it as committed from on board such a vessel, by a mariner sailing on board such a vessel. *Ibid.*

The words “out of the jurisdiction of any particular state,” in the act of the 30th of April, 1790, ch. 9, sec. 8, are construed to mean, out of the jurisdiction of any particular state of the Union. *Ibid.*

A vessel lying in an open roadstead of a foreign country, is “upon the high seas” within the act of 1790, ch. 9, sec. 8. *Ibid.*

A citizen of the United States fitting out a vessel in a port of the United States, to cruise against a power in amity with the United States, is not protected by a foreign commission from punishment for any offence committed against the property of citizens of the United States. *Ibid.*

The courts of the United States have jurisdiction of a murder committed on the high seas from a vessel belonging to the United States, by a foreigner

being on board such vessel, upon another foreigner being on board of a foreign vessel. It is not necessary to produce documentary evidence, in order to prove the national character of a vessel, on an indictment for piracy. *Ibid.*

The courts of the United States have not jurisdiction of a murder committed by one foreigner on another foreigner, both being on board a foreign vessel. *Ibid.*

It is competent in an indictment for piracy, for the jury to find that a vessel within a marine league of the shore, at anchor, in an open roadstead, where vessels only ride under shelter of the land at a season when the course of the winds is invariable, is upon the high seas. *Ibid.*

The act of the 3d of March, 1819, ch. 77, sec. 5, furnishes a sufficient definition of piracy; and it is defined to be "robbery on the seas." *Ibid.*

A vessel loses her national character by assuming a piratical character; and a piracy committed by a foreigner from on board such a vessel, upon any other vessel whatever, is punishable under the eighth section of the act of the 30th of April, 1790, ch. 9. *Ibid.*

On an indictment for piracy, the jury may find the national character of a vessel upon such evidence as will satisfy their minds; without the certificate of registry, or other documentary evidence being produced; and without proof of their having been seen on board. *Ibid.*

On an indictment for piracy, the national character of a merchant vessel of the United States may be proved without evidence of her certificate of registry. *Ibid.*

The courts of the United States have jurisdiction under the act of the 30th of April, 1790, ch. 9, of murder or robbery committed on the high seas; although not committed on board a vessel belonging to citizens of the United States, as if she had not national character; but was held by pirates, or persons not lawfully sailing under the flag of any foreign nation. *United States v. Holmes*, 5 Wheat. 412; 4 Cond. Rep. 708.

In the same case, and under the same act, if the offence be committed on board of a foreign vessel by a citizen of the United States; or on board a vessel of the United States by a foreigner; or by a citizen or foreigner on board of a piratical vessel; the offence is equally cognisable by the courts of the United States. *Ibid.*

It makes no difference in such a case, and under the same act, whether the offence was committed on board of a vessel, or on the sea; as by throwing the deceased overboard and drowning him, or by shooting him when in the sea though he was not thrown overboard. *Ibid.*

In such a case, and under the same act, where the vessel from on board of which the offence was committed, sailed from Buenos Ayres, where she had enlisted her crew; but it did not appear by legal proof that she had a commission from the government of Buenos Ayres, or any ships' papers or documents from that government, or that she was ever recognised as a ship of

that nation, or of its subjects, or who were the owners, where they resided, or when or where the vessel was armed and equipped; but it did appear in proof, that the captain and crew were chiefly Englishmen, Frenchmen, and citizens of the United States; that the captain was by birth a citizen of the United States, domiciled at Baltimore, where the privateer was built: *Held*, that the burthen of proof of the national character of the vessel, was on the prisoners. *Ibid.*

General piracy, or murder, or robbery, committed by persons on board a vessel, not at the time belonging to the subjects of any foreign power, but in possession of a crew, acting in defiance of all law, and acknowledging obedience to no government whatever, is within the 8th section of the act of Congress of April 30th, 1790, ch. 9, and is punishable in the courts of the United States. *United States v. Furlong*, 5 Wheat. 185; 4 Cond. Rep. 623.

There is a distinction between the crimes of murder and piracy. The latter is an offence within the criminal jurisdiction of all nations: not so with murder, it is punishable under the laws of each state. *Ibid.*

It is not necessary to produce documentary evidence, to prove the national character of a vessel, on an indictment for piracy. *Ibid.*

Upon a piratical capture, the property of the original owners cannot be forfeited for the misconduct of the captors, in violating the municipal laws of the country where the captors have carried the property. *The Josefa Segunda*, 5 Wheat. 338; 4 Cond. Rep. 672.

Pirates may be lawfully captured by the public or private ships of any nation, in peace or in war; for they are *hostes humani generis*. *The Marianna Flora*, 11 Wheat. 1; 6 Cond. Rep. 201.

On a question of probable cause of seizure, under the piracy acts of 3d of March, 1819, ch. 77, and of the 15th of May, 1820, ch. 113; although the crew may be protected by a commission *bona fide* received, and acted under, from the consequences attaching to the offence of piracy by the general law of nations; although such commission was irregularly issued; yet if the defects in the commission be such as, connected with the insubordination and predatory spirit of the crew, to excite a justly founded suspicion, it is sufficient, under the act of Congress, to justify the captors for bringing in the vessel for adjudication, and to exempt them from costs and damages. *The Palmyra*, 12 Wheat. 1; 6 Cond. Rep. 397.

Whatever difficulty there may be, under our municipal institutions, in punishing as pirates, citizens of the United States who take from a state at war with Spain, a commission to cruise against that power, contrary to the 14th article of the Spanish treaty: yet there is no doubt that such acts are to be considered as piratical acts for all civil purposes, and the offending parties cannot appear, and claim in our courts the property thus taken. *The Bello Corrunes*, 6 Wheat. 152; 5 Cond. Rep. 45.

To constitute the offence of piracy, within the act of 1790, ch. 9, by “piratically and feloniously” running away with a vessel, personal force and violence is not necessary. *United States v. Tully*, 1 Gallis. C. C. R. 247.

The “piratically and feloniously” running away with a vessel, within the act, is the running away with a vessel, with an intent to convert the same to the taker’s own use, against the will of the owner. The intent must be *animo furandi*. *Ibid.*

The circuit court has cognisance, under the act of 1790, ch. 9, sec. 8, of piracy on board an American ship, although committed in an open roadstead, adjacent to a foreign territory, and within half a mile of the shore. *United States v. Ross*, 1 Gallis. C. C. R. 624.

Where the defendant was indicted for robbery and piracy, on the high seas, on board a brig called *L’Eclair*, a foreign vessel, belonging exclusively to French owners, and sailing under the French flag: *Held*, that under the acts of Congress, the circuit court had no jurisdiction to try and punish the offence. *United States v. Kessler*, 1 Baldwin’s C. C. R. 25.

Whether the offence was committed within or without a marine league of the coast of the United States, makes no difference. *Ibid.*

The defendant who was the first lieutenant of an American privateer, the *Revenge*, was indicted for piracy committed on a Portuguese vessel, and for assaulting the crew, and putting them in bodily fear, &c. The defendant was charged with boarding the vessel, and by force and intimidation, taking from her money and other articles, not claiming the vessel as prize; but pretending that the *Revenge* was an English vessel, and that the articles would be paid for by an order on the English consul. *Held*, that the eighth section of the act for the punishment of certain crimes, makes murder and robbery on the high seas acts of piracy. The words, “which if committed in the body of a county,” do not relate to “murder and robbery,” but to the words immediately preceding them, or any other offence. *United States v. Jones*, 3 Wash. C. C. R. 209.

To define the meaning of “robbery,” the common law must be resorted to: wherever a statute of the United States uses a technical term, which is known, and its meaning clearly ascertained by the common law or civil law, from one or other of which it is obviously borrowed, it is proper to refer for its meaning to the source from which it is taken. *Ibid.*

The act of Congress of 1812, for the government of the navy of the United States, does not repeal the provisions of the law relating to piracy, contained in the act of Congress passed 30th April, 1790. The general rule of law, that robbery on the high seas is piracy, has no exception or qualification in favour of commissioned privateers, in any act of Congress, in the common law, or in the law of nations. Robbery is the felonious taking of goods from the person of another; or in his presence by violence; or by putting him in fear, and against his will. *Ibid.*

As there was not proof under the indictment, that in the first instance any unlawful acts were meditated by the commander of the *Revenge*, and his officers; it was held to be insufficient to charge the defendants, who were part of the crew, with piracy, by proving acts of robbery committed by the crew in general. It must be proved that the defendants, who were part of the crew, participated in the taking; and that they did it feloniously. The captain of the *Revenge* may have been guilty of robbery, and those who executed his orders may have been innocent. *Ibid.*

The crimes of piracy mentioned in the 8th section of the act for the punishment of certain crimes, passed 30th April, 1790, are such as are committed by citizens of the United States, or on board of vessels of the United States; and the 10th and 11th sections of the act, which refer to accessaries, refer to acts of piracy mentioned in the 8th section. *United States v. Howard et al.*, 3 Wash. C. C. R. 340.

An endeavour by a mariner to corrupt the master of a vessel, and to induce him to go over to pirates, is within the provisions of the eighth section of the law. *Ibid.*

To establish the crime of confederacy, there must some proof of criminal intentions in the persons charged. *Ibid.*

The language of the 12th section of the law, implies compact and association with pirates, as well in relation to the past as to the future. Any intercourse with them which is calculated to promote their views, is within the provisions of the law. *Ibid.*

In order to affect all the officers and crew of a piratical vessel with guilt, the original voyage must have been undertaken with a piratical design; and the officers and crew have acted upon such design; otherwise those only are guilty who co-operated actively in the piracy. *United States v. Gilbert*, 2 Sumner's C. C. R. 19.

It would not be sufficient to affect them with such, if they had known the voyage was to be an illegal one, as in the slave trade, contrary to the laws of Spain. *Ibid.*

The simple fact of presence on board the piratical vessel, where there was no original piratical design, is not of itself sufficient to affect a party with the crime. All who are present, acting and assisting in the piracy, are to be deemed principals. *Ibid.*

The act of 1790, ch. 9, sec. 8, for the punishment of certain crimes, passed by Congress, as well as the act of 1820, ch. 113, applies to all murders and robberies committed on board of, or upon American ships on the high seas. *Ibid.*

The indictment charged the piracy to have been committed "on the high seas within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of a particular state." Held, that this was a sufficient statement of the venue, without a further specification of the place. *Ibid.*

Under the act of Congress of 1819, ch. 77, any armed vessel may be seized which shall have attempted or committed any piratical aggression, &c., and the proceeds of the vessel when sold divided between the United States and the captors at the discretion of the court. *Harmony et al. v. The United States*, 2 Howard, 210.

It is no matter whether the vessel be armed for offence or defence, provided she commits the unlawful acts specified. *Ibid.*

To bring a vessel within the act, it is not necessary that there should be actual plunder or intent to plunder; if the act be committed from hatred or an abuse of power, or a spirit of mischief, it is sufficient. *Ibid.*

The word "piratical" in the act is not to be limited in its construction to such acts as by the laws of nations are denominated piracy, but includes such as pirates are in the habit of committing. *Ibid.*

A piratical aggression, search, restraint or seizure, is as much within the act, as a piratical depredation. *Ibid.*

The innocence or ignorance on the part of the owner of the vessel, of these prohibited acts, will not exempt the vessel from condemnation. *Ibid.*

The condemnation of the cargo is not authorized by the act of 1819. Neither does the law of nations require the condemnation of the cargo for petty offences, unless the owner thereof co-operates in and authorizes the unlawful act. An exception exists in the enforcement of belligerent rights. *Ibid.*

Where the innocence of the owners was established, it was proper to throw the costs on the vessel which was condemned, to the exception of the cargo which was liberated. *Ibid.*

II.B Piracy Act of May 15, 1820  
 16th Cong., 1st Sess., ch. 113  
 3 Statutes at Large (1850 ed.) 600

CHAP. CXIII.—*An Act to continue in force “An act to protect the commerce of the United States, and punish the crime of piracy,” and also to make further provisions for punishing the crime of piracy.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the first, second, third, and fourth, sections of an act, entitled “An act to protect the commerce of the United States and punish the crime of piracy,” passed on the third day of March, one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, from the passing of this act for the term of two years, and from thence to the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That the fifth section of the said act be, and the same is hereby, continued in force, as to all crimes made punishable by the same, and heretofore committed, in all respects as fully as if the duration of the said section had been without limitation.

SEC. 3. *And be it further enacted,* That, if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship’s company of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate: and, being thereof convicted before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruise or enterprise, or being of the crew or ship’s company of any piratical ship or vessel, shall land from such ship or vessel, and, on shore, shall commit robbery, such person shall be adjudged a pirate: and on conviction thereof before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death: *Provided,* That nothing in this section contained shall be construed to deprive any particular state of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance, for the same offence, in a state court.

SEC. 4. *And be it further enacted,* That if any citizen of the United States, being of the crew or ship’s company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship’s company of any ship or vessel, owned in the whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land, from any such ship

or vessel, and, on any foreign shore, seize any negro or mulatto, not held to service or labour by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate; and, on conviction thereof before the circuit court of the United States for the district wherein he may be brought or found, shall suffer death.

SEC. 5. *And be it further enacted,* That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel, any negro or mulatto not held to service by the laws of either of the states or territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer to attempt to sell, as a slave, any negro or mulatto not held to service as aforesaid, or shall, on the high seas, or any where on tide water, transfer or deliver over, to any other ship or vessel, any negro or mulatto, not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold, such negro or mulatto, as a slave, such citizen or person shall be adjudged a pirate; and, on conviction thereof before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death.

APPROVED, May 15, 1820.



II.C Title 18 United States Code (1982 ed.)

CHAPTER 81—PIRACY AND PRIVATEERING

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|-------|---|
| Sec.  |   |
| 1651. | Piracy under law of nations.                        |
| 1652. | Citizens as pirates                                 |
| 1653. | Aliens as pirates.                                  |
| 1654. | Arming or serving on privateers.                    |
| 1655. | Assault on commander as piracy.                     |
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HISTORICAL AND REVISION NOTES

In the light of far-reaching developments in the field of international law and foreign relations, the law of piracy is deemed to require a fundamental reconsideration and complete restatement, perhaps resulting in drastic changes by way of modification and expansion. Such a task may be regarded as beyond the scope of this project. The present revision is, therefore, confined to the making of some obvious and patent corrections. It is recommended, however, that at some opportune time in the near future, the subject of piracy be entirely reconsidered and the law bearing on it modified and restated in accordance with the needs of the times.

1651. Piracy under law of nations

Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United states, shall be imprisoned for life.

1652. Citizens as pirates

Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is a pirate, and shall be imprisoned for life.

1653. Aliens as pirates

Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is a pirate, and shall be imprisoned for life.

1654. Arming or serving on privateers

Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm or is concerned in furnishing, fitting out, or arming any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States of their property; or

Whoever takes the command of or enters on board of any such vessel with such intent; or

Whoever purchases any interest in any such vessel with a view to share in the profits thereof—

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

1655. Assault on commander as piracy

Whoever, being a seaman, lays violent hands upon his commander, to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life.

1656. Conversion or surrender of vessel

Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of \$50 or over; or

Whoever yields up such vessel voluntarily to any pirate—

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

1657. Corruption of seamen and confederating with pirates

Whoever attempts to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or any goods, wares, or merchandise, or to turn pirate or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such; or

Whoever furnishes such pirate with any ammunition, stores, or provisions of any kind; or

Whoever fits out any vessel knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or

Whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or

Whoever, being a seaman, confines the master of any vessel—

Shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

1658. Plunder of distressed vessel

(a) Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

(b) Whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or

Whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger or distress or shipwreck—

Shall be imprisoned not less than ten years and may be imprisoned for life.

1659. Attack to plunder vessel

Whoever, upon the high seas or other waters within the admiralty and maritime jurisdiction of the United States, by surprise or open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

1660. Receipt of pirate property

Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, shall be imprisoned not more than ten years.

1661. Robbery ashore

Whoever, being engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, lands from such vessel and commits robbery on shore, is a pirate, and shall be imprisoned for life.

### III CODIFICATIONS

#### III. A Harvard Research in International Law Draft Convention on Piracy

26 American Journal of International Law Supplement 743 (1932)

#### PIRACY

##### *Article 1*

As the terms are used in this convention:

1. The term "jurisdiction" means the jurisdiction of a state under international law as distinguished from municipal law.
2. The term "territorial jurisdiction" means the jurisdiction of a state under international law over its land, its territorial waters and the air above its land and territorial waters. The term does not include the jurisdiction of a state over its ships outside its territory.
3. The term "territorial sea" means that part of the sea which is included in the territorial waters of a state.
4. The term "high sea" means that part of the sea which is not included in the territorial waters of any state.
5. The term "ship" means any water craft or air craft of whatever size.

##### *Article 2*

Every state has jurisdiction to prevent piracy and to seize and punish persons and to seize and dispose of property because of piracy. This jurisdiction is defined and limited by this convention.

##### *Article 3*

Piracy is any of the following acts, committed in a place not within the territorial jurisdiction of any state:

1. Any act of violence or of depredation committed with intent to rob, rape, wound, enslave, imprison or kill a person or with intent to steal or destroy property, for private ends without bona fide purpose of asserting a claim of right, provided that the act is connected with an attack on or from the sea or in or from the air. If the act is connected with an attack which starts from on board ship, either that ship or another ship which is involved must be a pirate ship or a ship without national character.
2. Any act of voluntary participation in the operation of a ship with knowledge of facts which make it a pirate ship.
3. Any act of instigation or of intentional facilitation of an act described in paragraph 1 or paragraph 2 of this article.

*Article 4*

1. A ship is a pirate ship when it is devoted by the persons in dominant control to the purpose of committing an act described in the first sentence of paragraph 1 of Article 3, or to the purpose of committing any similar act within the territory of a state by descent from the high sea, provided in either case that the purposes of the persons in dominant control are not definitely limited to committing such acts against ships or territory subject to the jurisdiction of the state to which the ship belongs.

2. A ship does not cease to be a pirate ship after the commission of an act described in paragraph 1 of Article 3, or after the commission of any similar act within the territory of a state by descent from the high sea, as long as it continues under the same control.

*Article 5*

A ship may retain its national character although it has become a pirate ship. The retention or loss of national character is determined by the law of the state from which it was derived.

*Article 6*

In a place not within the territorial jurisdiction of another state, a state may seize a pirate ship or a ship taken by piracy and possessed by pirates, and things or persons on board.

*Article 7*

1. In a place within the territorial jurisdiction of another state, a state may not pursue or seize a pirate ship or a ship taken by piracy and possessed by pirates; except that if pursuit of such a ship is commenced by a state within its own territorial jurisdiction or in a place not within the territorial jurisdiction of any state, the pursuit may be continued into or over the territorial sea of another state and seizure may be made there, unless prohibited by the other state.

2. If a seizure is made within the territorial jurisdiction of another state in accordance with the provisions of paragraph 1 of this article, the state making the seizure shall give prompt notice to the other state, and shall tender possession of the ship and other things seized and the custody of persons seized.

3. If the tender provided for in paragraph 2 of this article is not accepted, the state making the seizure may proceed as if the seizure had been made on the high sea.

*Article 8*

If a pursuit is continued or a seizure is made within the territorial jurisdiction of another state in accordance with the provisions of paragraph 1 of Article 7,

the state continuing the pursuit or making the seizure is liable to the other state for any damage done by the pursuing ship, other than damage done to the pirate ship or the ship possessed by pirates, or to persons and things on board.

*Article 9*

If a seizure because of piracy is made by a state in violation of the jurisdiction of another state, the state making the seizure shall, upon the demand of the other state, surrender or release the ship, things and persons seized, and shall make appropriate reparation.

*Article 10*

If a ship seized on suspicion of piracy outside the territorial jurisdiction of the state making the seizure, is neither a pirate ship nor a ship taken by piracy and possessed by pirates, and if the ship is not subject to seizure on other grounds, the state making the seizure shall be liable to the state to which the ship belongs for any damage caused by the seizure.

*Article 11*

1. In a place not within the territorial jurisdiction of any state, a foreign ship may be approached and on reasonable suspicion that it is a pirate ship or a ship taken by piracy and possessed by pirates, it may be stopped and questioned to ascertain its character.

2. If the ship is neither a pirate ship nor a ship taken by piracy and possessed by pirates, and if it is not subject to such interference on other grounds, the state making the interference shall be liable to the state to which the ship belongs for any damage caused by the interference.

*Article 12*

A seizure because of piracy may be made only on behalf of a state, and only by a person who has been authorized to act on its behalf.

*Article 13*

1. A state, in accordance with its law, may dispose of ships and other property lawfully seized because of piracy.

2. The law of the state must conform to the following principles:

(a) The interests of innocent persons are not affected by the piratical possession or use of property, nor by seizure because of such possession or use.

(b) Claimants of any interest in the property are entitled to a reasonable opportunity to prove their claims.

(c) A claimant who establishes the validity of his claim is entitled to receive the property or compensation therefor, subject to a fair charge for salvage and expenses of administration.

*Article 14*

1. A state which has lawful custody of a person suspected of piracy may prosecute and punish that person.

2. Subject to the provisions of this convention, the law of the state which exercises such jurisdiction defines the crime, governs the procedure and prescribes the penalty.

3. The law of the state must, however, assure protection to accused aliens as follows:

(a) The accused person must be given a fair trial before an impartial tribunal without unreasonable delay.

b) The accused person must be given humane treatment during his confinement pending trial.

(c) No cruel and unusual punishment may be inflicted.

(d) No discrimination may be made against the nationals of any state.

4. A state may intercede diplomatically to assure this protection to one of its nationals who is accused in another state.

*Article 15*

A state may not prosecute an alien for an act of piracy for which he has been charged and convicted or acquitted in a prosecution in another state.

*Article 16*

The provisions of this convention do not diminish a state's right under international law to take measures for the protection of its nationals, its ships and its commerce against interference on or over the high sea, when such measures are not based upon jurisdiction over piracy.

*Article 17*

1. The provisions of this convention shall supersede any inconsistent provisions relating to piracy in treaties in force among parties to this convention, except that such inconsistent provisions shall not be superseded in so far as they affect only the interests of the parties to such treaties *inter se*.

2. The provisions of this convention shall not prevent a party from entering into an agreement concerning piracy containing provisions inconsistent with this convention which affect only the interests of the parties to that agreement *inter se*.

*Article 18*

The parties to this convention agree to make every expedient use of their powers to prevent piracy, separately and in co-operation.

*Article 19*

1. If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present

convention, and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the parties to the dispute providing for the settlement of international disputes.

2. In case there is no such agreement in force between the parties to the dispute, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the parties to the dispute, be referred to the Permanent Court of International Justice, if all the parties to the dispute are parties to the Protocol of December 16, 1920, relating to the Statute of that Court; and if any of the parties to the dispute is not a party to the Protocol of December 16, 1920, to an arbitral tribunal constituted in accordance with the provisions of the Convention of the Pacific Settlement of International Disputes, signed at The Hague, October 18, 1907.



III.B United Nations Convention  
on the Law of the Sea  
Montego Bay, December 10, 1982  
U.N. Doc. A/CONF.62/122, 7 October 1982

*Article 100*

*Duty to co-operate in the repression of piracy*

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any place outside the jurisdiction of any State.

*Article 101*

*Definition of piracy*

Piracy consists of any of the following acts:

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

*Article 102*

*Piracy by a warship, government ship or government aircraft  
whose crew has mutinied*

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

*Article 103*

*Definition of a pirate ship or aircraft*

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

*Article 104**Retention or loss of the nationality of a pirate ship or aircraft*

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationalities determined by the law of the State from which such nationality was derived.

*Article 105**Seizure of a pirate ship or aircraft*

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

*Article 106**Liability for seizure without adequate grounds*

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

*Article 107**Ships and aircraft which are entitled to seize on account of piracy*

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.