

CHAPTER XV.

AN ACTE for punysshement of Pyrotes and Robbers of the See.

WHERE Traitours Piotes Theves Robbers Murtherers and Confederatours upon the See, many tymes escape unpunysshed because the triall of their offences hath heretofore ben ordered judged and deſmyned before the Admyrall or his Lyeutenant or Cōmiſſary, after the course of the civile Lawes, the nature wherof is that before any judgement of Death canne be yeven ayenst the Offendours, either they must playnly confesse their offences (which they will never doo without torture or paynes) or els their offences be so playnly and directly pved by witnes indifferente, suche as sawe their offences cōmytted, which cannot be gotten but by chaunce at fewe tymes by cause such offendours cōmytt their offences upon the See, and at many tymes murder and kill suche psons being in the Shippe or Bote where they cōmytt their offences which shulde wytnes ayenst them in that behalfe, and also suche as shulde bere witnes be cōmonly Maryners and Shipmen, which by cause of their often viages and passages in the Sees departe without long taryng and ptraction of tyme to the great cost^e and charges as well of the Kynges Highnes as suche as wolde pursue such offendours: For reformation wherof be it enacted by the auctoritie of this p̄sent parliament, That all treasons felonies robberies murders and confederacies, hereafter to be cōmytted in or upon the See, or in any other haven ryve creke or place where the Admyrall or Admyralls have or p̄tende to have power auctoritie or jurisdiction, shall be enquired tried harde deſmyned and judged in such Shires and Places in the Realme as shall be lymytted by the Kynges Cōmission or Cōmissions to be directed for the same, in like fourme and condicion as if any such offence or offences hadd ben cōmytted or done in or upon the lande; And such Cōmissions shall be hadd under the Kinges greate Seale directed to the Admyrall or Admyrals, or to his or their Lieutenaunt Deputie [or¹] Deputies, and to iij or iiij such other substanciall psons as shall be named or appoynted by the Lorde Chauncellour of Englande for the tyme being from tyme to tyme and as often as nede shall require, to here and deſmyne suche offences after the cōmon course of the lawes of this Lande, used for tresons felonies robberies murders & confederacies of the same done and cōmytted upon the lande within this Realme.

AND be it enacted by the auctoritie aforsaid, that such psonnes to whom such Cōmission or Cōmissions shall be directed, or iij of them at the leaste, shall have full power and auctoritie to enquire of suche offences and of evy of them by the othes of twelve good and lafull inhitaunt^e in the Shire lymytted in their Cōmission, in suche like maner and fourme as if suche offences hadd ben cōmytted upon the lande, within the same Shire; and that evy inditement founde and p̄sented before such Cōmissioners, of any treasons felonies robberies manslaughter or such other offences cōmytted or done in or upon the Sees, or in or upon any other Haven River or Creake, shall be good and effectuell in the lawe; And if eny pson or psons happen to be indited for eny such offence done or hereafter to be done upon the Sees, or in any other places above lymytted, that then suche order p̄cesse judgement and execucion shall be used hadd done and made, to and agaynst evy such pson and psons so being indited, as agaynst traytours felons and murderers for treason felony robbery murder or other such offences done upon the lande, as by the lawes of the Realme is accustomed; And that the triall of such offence or offences, if it be denyed by the offendour or offendours, shall be had by xij lafull men inhabited in the Shere lymytted within such Cōmission which shall be directed as is aforsaid, and noo chalenge or chalenges to be hadd for the Hundred; and such as shall be convycte of any suche offence or offences, by verdite confession or p̄cesse by auctoritie of any such Cōmission, shall have and suffer such paynes of Death losses of landes goodes and catalles, as if they hadd ben atteynted and convycted of any treasons felonies robberies or other the said offences doon upon the landes.

AND be it enacted by auctoritie aforsaid, that for treasons robberies felonies murders and confederacies, doon upon the See or Sees or in any place above rehersed, the offendours shall not be admytted to have the benefite of his or their clergy, but be utterly excluded therof and from the same, and also the privilege of any Sayntuary.

PROVIDED alway that this Acte extende not to be p̄judiciall or hurtfull to any pson or psons, for takyng any vitaille gables ropes ancars or sayles which any such pson or psons, (compelled by necessitie,) taketh of or in any Shippe which may conveniently spare the same, so that the same pson or psons paye out of hande, for the same vitaille gables ropes ancars or sailes, money or money worth to the valew of the thing so taken, or to delyve for the same a sufficient bille obligatori to be payed in fourme folowyng; that is to say, if the takyng of the same thinges be on this side the Straytes of Marroke then to be payde within iiij monethes, And if it be beyond the said Straites of Marroke then to be payde within xij monethes, next ensuyng the making of such billes; and that the makers of suche billes well and truly pay the same dett at the day to be lymytted within the said billes.

PROVIDED alway that whan so evy any such Cōmission, for the punysshment of the offences aforsaid or of any of them, shall be directed or sent to any place within the jurisdiction of the fyve portes, that then evy such Cōmission shall be directed unto the Lorde Wardeyn of the said Portes for the tyme being or to his Deputie, and unto iij or iiij such other pson or psons as the Lorde Chauncellour for the tyme being shall name and appoynte, any thing in this p̄sent Acte to the contrary notwithstanding: Provided alway that whan so evy any Cōmission shall be directed unto the fyve portes for the inquisicion and trials of any the offences exp̄ssed in this acte, that evy such inquisicion and triall to be hadd by vertue of such Cōmyssyon shall be made and hadd by the inhitaunt^e in the said fyve portes, or the membres of the same, any thing in this Acte to the contrary therof notwithstanding.

Deficiency of the Admiralty Jurisdiction, in trial of Offences according to the Civil Law:

All Offences committed at Sea, &c. shall be tried according to the Common Law, under the King's Commission, to be directed to the Admiral and others within the Realm.

II. Offenders shall be proceeded against, tried, convicted, and punished, before such Commissioners, in any Shire of the Realm, as for Offences committed upon Land.

III. Offenders shall not have any Benefit of Clergy.

IV. Proviso for taking Provisions or Ship's Stores in Cases of Necessity; paying for them.

V. Commissions within the Cinque Ports shall be directed to the Lord Warden;

and Trials thereunder by a Jury of the Inhabitants.

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