

then Declared to them that he was Robbed by him and his professing a pistol upon the people and avours to Apprehend him threatening to shoot any that should draw near him; were all jointly his tained Reward for his Robbery upon him; and Insuper the parcel of death and Confiscation is September 1723 James Grant tain sufficient Evidence, that both the Prims was Committed and he guilty of it. But also a person Robbed and his servant, not being prisoners, were Received ad witness for proving the Robbery 10 September 1723 James Grant This follows Criminals were Received ad witnesses against a Robber 4 July 1693 Samuel Smith because in the case of Robbery where the Regard Commonly is to figure the facts; or Commit their pranks in the Night time, it is hard for any other person than their Accomplished to swear against them.

One Robber of Money or goods, is Intelligible upon the Robbers being found guilty and Condemned at law, to Claim the restitution of such Money and goods in the same Manner, as if they had been only stolen from him; and Supra pag. 513. farther by the law of England if a person Robbed may, if the Robber escape, sue an Action Damages against the hundred where the Crime was committed, and if done upon the Marches of two hundreds, against both those hundreds to make up his loss to him; yet if of Winchester 18 Edw. 1 cap. 2. 28 Edw. 3 cap. 11. But then for maintaining this Action, the Robbery must be Committed on the high Way or some open place, shewer Rega. for if a Man be Robbed in his house, he is without remedy against the hundred. Because every man and house is his Castle which he ought to keep and defend at his peril: And it is not lawful to Enter another's house to defend it; Nor is what is done within doors to be sent to the Country. 2^d of the Robbery must be committed on Sunday 29 Bar. 2 cap. 7 55. Because persons are supposed to be then all Churchmen and Travellers

on the other day should not be Encouraged. It must be Committed in the day time and Not by Night, shewer the Stat. Prae. Reg. Because in the Night men Rest from their labours, and Cannot Enquire for Offenders. 17th of the Reg. that the party Robbed give Notice of the Robbery with convenient Speed to some in the Nearest town village or Hamlet, to the end they may make him and Cry and Apprehend the Robbers 27 Eliz. cap. 13 511. 51st He must within 20 days before the Action brought make oath before a Justice of peace within or Near the hundred of the time and place of the Robbery, and of what he was Robbed, whether he knows the parties that Robbed him or any of them; and give bond to prosecute such of them as he owns himself to know 27 Eliz. cap. 13 511 styled Prae. Reg. 334. of the End of which call it top page the party of Confess away with the Robbers. He must Complain his suit within a Year after the Robbery committed 27 Eliz. cap. 13 59 and then the hundred is Chargeable if one at least of Robbers are not taken. ibid. 56. Because the Committers of open Robbery in the face of the Law may be Apprehended and brought to trial, by the Diligence and power of the place where the Crime was Committed if they do not both themselves in the Matter. Elsewhere who have Jurisdiction in Germany are bound to make up the loss of persons Robbed within their territorial Juris. 2. 67.

Section 2.

Of Piracy.

Piracy is a Robbery Committed at sea, which is a Crime that destroys all National Commerce. The offender is termed a privateer in Greek ΠΙΡΑΤΗΣ from ΠΙΡΑΙΝΩ to attempt, or ΠΙΡΑΙΩ to pursue, because Pirates rove on the seas for profit, from ship to ship, because they use to burn the Ship if they find it. Of the islands where they made their Depots, they Commonly had Towers, without any fixed place of Residence, and would be No foreigners, no laws, and No Enemies to Mankind. For which reason no faith is kept to them