

free as to room, and all prisoners shall have liberty to provide themselves bedding, food and other necessaries during their imprisonment; and that the said respective prisons shall be workhouses for felons, thieves, vagrants and loose and idle persons, whereof one shall be in each respective county of this province and territories; and that any person wrongfully imprisoned shall have double damages against the informer or prosecutor.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 151.

CHAPTER LXXXIV.

AN ACT AGAINST PIRATES AND SEA-ROBBERS.

Whereas several piracies and robberies at sea and on the sea coasts have of late years been committed in many parts of the world, to the great injury of trade and terror and ruin of people under governments in amity with the Crown of England, and to the horrid scandal of the English nation; and forasmuch as divers persons justly suspected to be guilty of having practised the aforesaid crimes (as well by the nature and quality of the treasures found about them as by their being unable to give a good account of themselves, their residence and commerce) have from time to time been observed to come on shore and scatter themselves through these northern English colonies in America, to the apparent mischief and insecurity of such places where those robbers come, being generally persons of loose principles as well as vicious lives, and often-times corrupting the youth as much by their ill-examples as the more aged with their treasures, hoping in a wilderness to find a safe retreat from the cry and reach of justice which they have deservedly provoked in remote parts of the world, as also to enjoy with impunity and safety their ill-gotten riches: now to the end that all such persons may be effectually discouraged from taking shelter in this province or counties annexed, and that those that

attempt it may be speedily detected and not escape the hand of justice:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That every captain, master or other person or persons taking charge of any ship or vessel arriving in any port or place within the limits of this government, shall before he lands any person or persons signify and declare in writing under his or their hands, unto the next justice of the peace or chief-magistrate where he or they arrive, the names of every passenger and mariner he or they bring or have taken on board the said ship or vessel during that voyage; and shall answer upon his or their solemn attest to such questions as the said justice or magistrate shall demand concerning the passengers or mariners, under the penalty of twenty pounds, to be recovered for the use of the proprietary and governor. And whosoever shall knowingly import or set on shore in any port or place of this province or counties annexed, any person or persons who by the quantity of East Indian, Arabian or other foreign goods or coins, or by any other means whatsoever, may be justly suspected to be robbers or pirates, and shall not secure or bring him or them so suspected before some one of the magistrates of the place (who are hereby required to secure them till they give notice thereof to the proprietary and governor of this province or to his lieutenant and governor for the time being, in order to be examined and proceeded against according to their demerits) shall be liable to be prosecuted as accessaries and confederates, and suffer such pains and penalties as in such cases by law is provided; and if any person or persons residing or coming into this province or counties annexed, shall be duly convicted of knowingly importing or setting on shore any pirate or pirates in any of the neighboring colonies, [he or they shall be adjudged as accessaries and confederates as above said.

But inasmuch as pirates and sea-robbers generally land in some of the neighboring colonies where they hide and secure their treasures, and disguise themselves in such manner that without strict care and inspection they may pass through or

settle in this country undiscovered, and others who pass and re-pass and cannot easily be detected by the abovesaid marks or grounds of suspicion, and yet may be guilty of piracies, robberies, murders and misdemeanors:

[Section II.] It is therefore enacted by the authority aforesaid, That all unknown persons coming to lodge, sojourn or take up their abode, or to ask for work or employment in any inn, tavern, ordinary or any other house in any part or place of this province or counties annexed, and cannot give a good and satisfactory account of themselves and of their former and present way of living, or have not a pass or testimonial under the hand and seal of at least one justice of the peace near the place of their first coming within the limits of this government (setting down the place of their first landing and last abode, and the place whither they are to pass, and the time of their passage) or having a pass or testimonial do exceed the time therein limited above ten days, or counterfeit a testimonial, or produce one that is counterfeited, shall in all or any of these cases be taken up, and if they resist or endeavor to make their escape, they shall immediately be pursued by the party that suspects them, either in person or by hue and cry, till they can be apprehended and brought before some magistrate to be examined and dealt with according to law; and if the person so apprehended shall be convicted of piracy, he or they that so pursued and apprehended him shall receive the sum of ten pounds from this government, as the governor and council shall direct.

And to the end that all such persons may be effectually detected and discovered:

[Section III.] Be it enacted by the authority aforesaid, That every one keeping an inn, tavern, public house, inmates or lodgers, or any other person whatsoever within this province and counties annexed, who shall not forthwith acquaint some magistrate or (in case there be no magistrate within two miles) two sufficient housekeepers with the names and circumstances of all such suspected persons coming to their house to lodge, with a description of them and their horses, shall forfeit five pounds money of this province for every such neglect.

[Section IV.] And be it enacted by the authority aforesaid,

That if any person or persons within this province or counties annexed shall knowingly entertain, conceal, aid, abet, convey or carry away by land or water any such person or persons, or their goods and treasure, that shall be as aforesaid suspected or otherwise deemed or adjudged to be sea-robbers or pirates, within the construction of this act; and whosoever shall knowingly trade or hold any correspondence by letter or otherwise with any person or persons so suspected as aforesaid, and shall not readily endeavor to the best of his or their power to apprehend such offenders, seize and secure their goods and treasure, and have them forthcoming to the proprietary and governor of this province and counties annexed, or his lieutenant and governor for the time being, shall be liable to be prosecuted and suffer as accessaries and confederates as above said.

Provided always, That nothing in this act contained shall be construed to affect or charge any person or persons inhabiting in this government, that have an open and fair commerce with such as have been suspected of piracy or privateering, whom this or other governments under the Crown of England have seen or may see cause to bail and suffer to go at large.

And for the better and more effectual putting this act in execution:

[Section V.] Be it further enacted by the authority aforesaid, That all magistrates and officers in their several precincts within this government, and all other officers more immediately under the King's commission, whether of the admiralty or by appointment of the commissioners of the King's customs, are hereby required and empowered upon his or their knowledge or notice given that any persons suspected to be robbers or pirates are in any place within their respective precincts, immediately to empower and require the sheriff or other officer to call to his assistance such a number of men as he shall think needful for the seizing, apprehending and carrying to gaol all and every such person or persons; and in case any shall refuse to yield obedience to such magistrate or officer respectively (being convicted thereof) shall be fined in any sum not less than ten pounds nor more than twenty pounds money aforesaid; and every magistrate or

officer that shall omit or neglect his duty therein shall forfeit fifty pounds like money for every such offense, to be recovered in any of the courts of this government, for the use of the proprietary and governor. And that all proclamations and warrants of pursuit coming from any of the neighboring colonies or counties annexed, against pirates and felons, shall be complied with as if they were under the seal and authority of this province, so as the person or persons so pursued and apprehended be brought before some magistrate within this government, to be dealt with according to the laws thereof.

And whereas we are informed that the island of Madagascar, Natal and parts adjacent are the resort of pirates, and magazine of their spoil and plunder committed on the East India seas and other parts, and although we neither know nor have heard of any vessel or person of this province or counties annexed that ever was concerned directly or indirectly in trading to or from any of the said places, yet lest any person or persons under pretense of a lawful trade with the natives of those parts may or shall countenance or strengthen the pirates there, by furnishing them with provisions and ammunitions and transporting their ill-gotten goods:

[Section VI.] Be it enacted by the authority aforesaid, That if any person or persons within this province or counties annexed shall, for the space of three years next after the tenth day of the twelfth month called February last passed, in the year one thousand six hundred and ninety-nine, directly or indirectly trade to Madagascar or Natal by sending, freighting, fitting out or navigating any ship or vessel to either of the aforesaid places under any pretense whatsoever, he shall forfeit every such ship or vessel, goods and merchandises; and every person that shall knowingly and willingly be anyways concerned therein shall forfeit one hundred pounds, one-half thereof to the proprietary and governor or to his lieutenant and governor, and the other half to such as shall sue for the same.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II.