

VI. And over that be it enacted by authority of this present parliament, That every gauger within this realm shall truly and effectually, within the limits of his office, gauge all the said tuns, butts, pipes, tierces, puncheons, tertians, barrels, hogsheads and rundlets, and shall plainly and truly mark upon the head of every such vessel the content of the same, (2) upon pain to forfeit to the party, to whose use the wine, oyl or other thing therein being shall be sold, four times the value of that that the vessel so marked shall lack of his lawful content above written; (3) the same forfeiture to be recovered over and beside the costs of the suit, by the King's original writ, or by bill in any of the King's courts of his common laws, or in any competent court having jurisdiction in the place where that offence shall be committed, by action or bill of debt; in which action or suit none essoin, protection nor wager of law shall be accepted, admitted or allowed to the defendant or defendants: (4) and that every merchant or other person selling the said wine, oyl or other things contained in the said vessel marked, shall allow of the price thereof to the buyer of the same, for every quantity of wine, oyl or other thing contained in the said marked vessel, the full value of the lack thereof, being by reason of default of full gauge of the vessel marked, or of default of filling of the same vessel, or by reason of default of any of them, after the rate of the whole price of the wine, oyl or other thing so being sold by that vessel marked, and that upon pain of forfeiture to the same buyer the double value of the same vessel and wine, oyl or other thing therein being so sold; the same forfeiture to be recovered, together with the costs of the suit, in manner and form as the forfeiture last before written is limited to be recovered.

Every vessel of wine, &c. shall be truly gauged and marked upon the head.

27 Ed. 3. c. 8.
23 H. 6. c. 16.

How he shall be recompensed which lacketh measure.

C A P. XV.

For pirates.

WHERE traytors, pirates, thieves, robbers, murderers 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 murder 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, murders

Mod. cases in law 74.
3 Inst. 48, 111, 112.
13 Co. 53.
1 Roll. 175.

Trial of offences committed upon the sea,

or within the
admiral's ju-
risdiction, by
the King's
commission.

Altered by 11
& 12 W. 3. c. 7.
3 Inst. 147.
Hob. 146.
Dyer 211.
pl. 33.

murders 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 enquired, 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, murders, robberies and confederacies of the same, done and committed upon the land within this realm.

The commis-
sioners autho-
rity.

1 Leon. 106,
270.
3 Bulstr. 28,
29.

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, murders, manslaughter, 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 traitors, felons and murderers, 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 convicted 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.

The punish-
ment of offen-
ders.

1 Salk. 85.
Co. Lit. 391. a.

Moor 756.
pl. 1044.

III. And be it enacted by authority aforesaid, That for treasons, robberies, felonies, murders 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

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 months 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.

Taking of things that may be ſpared upon neceſſity, and paying for them.

V. Provided alway, That whenſoever any ſuch commiſſion for the puniſhment of the 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.

Commiſſions directed into any place within the five ports.

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.

27 H. 8. c. 4.
1 Geo. 1. ſtat. 2.
c. 25.
4 Geo. 1. c. 11.
8 Geo. 1. c. 24.
28.

CAP. XVI.

A proviſion for diſpenſations and licences heretofore obtained from the ſee of Rome.

WHERE the biſhop of Rome and his predeceſſors, of his and their covetous and ambitious minds, to the intent to advance and enrich themſelves and the ſee of Rome, to the great impoveriſhing of this realm of England, and other the King's dominions, contrary to God's laws, the laws and ſtatutes of this realm, and in derogation of the imperial crown of this ſaid realm, have heretofore wrongfully pretended, extorted, uſed and exerciſed within the ſame divers and many uſurped powers, jurisdictions and authorities, during and by the which time the ſaid biſhop and his predeceſſors arrogantly and unjuſtly have taken upon them, for great ſums of money, and other profits to them given, to grant unto the King's ſubjects, and other inhabitants within this realm and other the King's dominions, many, divers and ſundry authorities, immunities, faculties, privileges, licences, indulgences and prebeminences of divers kinds, natures and qualities,

2 Roll. 451.

(2) which,