In 1699, an act was passed for the punishment of privateers and pirates, which made it felony without benefit of clergy, to act by commission from any foreign state, &c. and directed that treasons, felonies, piracies, robberies, murders or confederacies on the high seas, or in any river, &c. where the admiral hath jurisdiction, should be tried within the province, in such like form as if the offence was committed on the land. A commission was to go to the judge or judges of the admiralty, and such other persons as by the governor should be named; to have the same power as those appointed in England, by a statute made 28 Hen. 8, Ch. 15, could exercise. The act for erecting a court of admiralty, which was among the 36 laws read in the session of 1637, had directed that piracies should be tried by a jury of 12 mariners. The act of 1699 was in a short time repealed.

The statute 11 and 12 W. and M. Ch. 7, for the more effectual suppression of piracy, was passed in 1700; it directed how, and where piracies, &c. might be tried, and in the 14th section it declared that the commissioners appointed according to 28 Hen. 8, Ch. 15, as to that statute, should have the sole power of hearing and determining the said crimes within all the plantations in America, governed by proprietors, or under charters from the crown. By the articles of confederation, the congress had the sole power of appointing courts for the trial of piracies and felonies committed on the high seas; and by the constitution of the United States the congress has power to define and punish piracies and felonies committed on the high seas, and an act for that purpose was passed at the first session.

32 *Hen.* 8.—*A. D.* 1540.

Chap. 1. The act of wills, wards, and *primer seisins*, whereby a man may devise two parts of his land.

The most concise account of the effect of this statute as explained by 34 Hen. 8, Ch. 5, is given in 2 Bl. Com. 375, to wit: that all persons being seized in fee-simple, (except feme-coverts, infants, idiots, and persons of non-sane memory,) might by will and testament in writing, devise to any other person, but not to bodies corporate, two thirds of their lands, tenements and hereditaments, held in chivalry, and the whole of those held in socage; which, by the alteration of tenures by the statute of Charles the second, amounted to the whole of their landed property except copyhold tenements.

It is not thought necessary to attempt a more particular description of those statutes, because, although they undoubtedly extended to the province, and continued in force in the state before the testamentary law, it is considered that (supposing them not repealed thereby,) it is not necessary or proper that they should be incorporated, &c. in addition to the comprehensive provisions that are made in that law.

The 14th section of the statute, 34 Hen. 8, Ch. 5, declared, that wills, &c. by any woman covert or person within the age of twenty-one years, idiot, or person of non-sane memory, should not be taken to be good or effectual in the law. In the testamentary law, women covert are not by name incapacitated, but in addition to what might be implied from the 1st section. The 3d prescribes that the person devising shall be capable of making a valid deed or contract, by which they must be considered as excluded. An alteration is made by permitting a female (by which must be understood a single woman,) to devise lands, &c, at the age of eighteen. Idiots, &c. are excluded by the direction, that the person devising is to be of sound mind. See further as to wills, in the note to the statute of frauds.