

and Cargo to be sequestered and Confiscated to the King
 15th & December 1610 Captain Lewis & others 2 Feb. 1613
 John David son & John Lewis 21 March 1705 Captain Lewis
 & his Crew. The Ship and goods are Confiscated, because the
 Pirate is presumed to have the Ship and all in that he
 Commands, and the Ship is the Instrument, as the goods, or
 the effect of the Piracy. But a Ship being freighted by
 Merchant who put therein three Young Men to be put
 of his goods at the Port of Discharge, and the Shipper
 with his accomplices having for Appropriating the goods
 to themselves, thrown over board these Young Men in the
 sea, and then diverted the ships Course to another port
 where they sold the Cargo and parted the Money among
 themselves; the said Shipper and his Crew being
 that Treacherous Murder and Robbery, were charged
 the Bishops of Edinburgh and their Coads afterwards
 up on priels of Iron 3 November 1624 John Brown and
 others.

The King may pardon Piracy. But then it ought
 to be specially done. For a General pardon of all felonies
 is not Extended to Piracy Books 3 Phill. 112. Hale pl. b. 1
 Hawkins pl. b. 1 lib. 1 chap 37 § 6 Not only for that
 Common law of England took no Notice of Piracy as
 felony tho' it be now tried and punished as such
 to that law; but also because piracy being a Crime
 which all trading Nations are bound to have
 equally punished, it should not Escape Under the
 of a General Clause, without being specially Mentioned.

Tit. 8. Of Apprehension and Extortions

Apprehension in a strict and proper sense is a
 being by him who forces Nothing, or the putting a
 person Under a Necessity to give. So something which
 is obliged to give, or do Nothing of what is Claimed
 and Extortion is properly the taking of Money
 by an Officer Under Colour of his office, or the

None at all it due, or Not so Much as it due, or where it is not
 yet due Cokes; just. 868. 6. And Apprehension and Extortion
 are Mostly Confounded as Equivalent terms, signifying
 in General, the doing or taking by Violence or force what
 is not Warranted by law. By force is meant, the which
 Controls and Imposes a Necessity upon the Will. The
 punishment of this Crime is sometimes Arbitrary
 Act 34 Parl. 3 Ch. 3. and sometimes Capital Act 42 Parl. 4
 Ch. 4. Act 38 Parl. 11, Ch. 6. Apprehension is ordinarily labelled
 as an Aggravating quality of other Crimes. But it is
 often pursued as a Crime per se.

Apprehension is done either 1^o by Magistrates or Mi-
 nisters of Justice or other persons in office Under Colour
 of law. 2^o by private persons in Manifest Contempt
 and Defiance of law and Justice.

Sec. 1. Of Apprehension Committed under Colour of law or Authority.

Such apprehension Under Colour of law or Authority
 answers to what is termed Concession in the Civil law
 l. 1 § 1 De Concessionibus l. 3 § 1 ff. quod Mat. caus. l. 3 § 1 De Con-
 d. ob. p. caus. l. 6 § 3. 5. 6. ff. de offic. Præsid. l. 1. Co-
 de Super. Exact. Nov. 124 cap. 8.

Such or Wrongful arrest or Imprisonment is a
 Notable Instance of Apprehension Under Colour of law
 or Authority: Whereof there are several kinds Viz.
 1^o the Arrest or Commitment of a private person
 who by law cannot be Arrested or Imprisoned
 2^o the Arrest or Commitment of any Ambassador or publick Minister
 of any foreign Prince or State authorized and
 received by his Majesty or their Domestic
 servant 7. c. 12. 12. Provs of the Realm are at all
 times provided for from Arrest or Imprisonment for