

1820.

U. States
v.
Pirates.

(CONSTITUTIONAL LAW, and LAW OF NATIONS.)

The UNITED STATES v. FURLONG, *alias* HOBSON.

The UNITED STATES v. The SAME.

The UNITED STATES v. The SAME.

The UNITED STATES v. The SAME.

The UNITED STATES v. GRIFFEN and BRAILSFORD.

The UNITED STATES v. BOWERS and MATHEWS.

THE UNITED STATES v. The SAME.

The 8th section of the act of the 30th of April, 1790, c. 36. for the punishment of certain crimes against the United States, is not repealed by the act of the 3d March, 1819, c. 76. to protect the commerce of the United States, and punish the crime of piracy.

In an indictment for a piratical murder, (under the act of the 30th of April, 1790,) c. 36. s. 8. it is not necessary that it should allege the prisoner to be a citizen of the United States, nor that the crime was committed on board a vessel belonging to citizens of the United States; but it is sufficient to charge it as committed from on board such a vessel, by a mariner sailing on board such a vessel.

A citizen of the United States, fitting out a vessel in a port of the United States, in order to cruise against a power in amity with the United States, is not protected, by a commission from a belligerent, from punishment for any offence committed *against vessels of the United States*.

It is competent, in an indictment for piracy, for the jury to find, that a vessel within a marine league of the shore, at anchor, in an open road stead, where vessels only ride under shelter of the land at a season when the course of the winds is invariable, is upon *the high seas*.

The words "out of the jurisdiction of any particular *State*;" in the act of the 30th April, 1790, c. 36. s. 8. must be construed to mean out of the jurisdiction of any particular *State of the Union*.

The act of the 3d of March, 1819, c. 76. s. 5. furnishes a sufficient definition of piracy; and it is defined to be *robbery on the seas*.

A vessel loses her national character by assuming a piratical character; and a piracy committed by a foreigner, from on board such a vessel, upon any other vessel whatever, is punishable under the 8th section of the act of the 30th of April, 1790, c. 36.

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On an indictment for piracy, the jury may find the national character of a vessel upon such evidence as will satisfy their minds, without the certificate of registry, or other documentary evidence, being produced, and without proof of their having been seen on board.

On an indictment for piracy, the national character of a merchant vessel of the United States may be proved without evidence of her certificate of registry.

Each count in an indictment is a substantive charge; and if the finding of the jury conform to any one of the counts, which, in itself, will support the verdict, it is sufficient, and judgment may be given thereon.

THESE were several indictments in the Circuit Court of Georgia and South Carolina. The following are the cases as stated for the decision of this Court :

THE UNITED STATES, v. JOHN FURLONG, *alias*
HOBSON.

THE prisoner was indicted before the Circuit Court of Georgia, for the piratical murder of Thomas Sunley, on the act of Congress of the 30th April, 1790, c. 36. Verdict, guilty. The offence was committed on a vessel and crew, all English. The person murdered was an English subject. The piratical vessel was a vessel of the United States, and run away with by the captain and crew. The prisoner is an Irishman, and a subject of the king of Great Britain. It was moved by the prisoner's counsel, that the judgment be arrested on the following grounds, viz. :