

INDEX

A

- Aboo Dhebbec (Abu Dhabi) (Arab Sheikdom), 208, 210.
Achin (also Acheen, Atjeh) (Sumatran Sultanate), 221.
Adams, Sir Frederick (British High Commissioner in the Ionian Islands), 212.
Adams, John Quincy (American statesman and President), 161.
"Admiral," official title, 34
 convener of "Admiralty" courts, 34-35.
"Admiralty" (legal system), 66-67, 81-82, 85, 98.
Admiralty courts and "commissions," 36-38, 40, 42, 109.
Adventure Galley (Kidd's ship), 95, 97.
Aircraft hijacking (see Hijacking, aircraft).
Aircraft, as "piratical," 323, 326-327, 332.
Aix-la-Chapelle, Congress of (1818), 148, 203, 209, 211, note III-110.
Alfonso, Sr. (Chilean Minister of Foreign Affairs), 259-262, 266.
Algiers (see also Barbary States), 13, 15, 16, 29, 39, 68.
Amherst, Lord (British Governor-General of India), 224, 225.
Amy Warwick (Virginia brig condemned in The Prize Cases), 176.
Animo furandi, 82-86, 111, 112, 114, 142, 144, 153, 156, 169, 174, 209, 213, 229, 235, 242, 260, 267, 269,
 270, 272, 295, 297, 301, 303, 316, 317, 318, 320-321;
 in International Law Commission draft, 324;
 in League of Nations draft, 306;
 origin in English law, note II-49.
Anson, Col. Sir A.E.H. (Acting Governor of the Straits Settlements), 247, 249-253.
Antonio, Dom (Portuguese prince), 20-21, 73-74.
Arabs ("pacificated"), 208.
Aristotle (Greek philosopher), 309, note I-26.
Armed neutralities of 1780 and 1800, 296.
Arthur, mythical king of England, 2.
Articles of Confederation, 122, 123, 126.
Artigas, Jose Gervasio (Uruguayan statesman), 160-161.
ASEAN, reaction of members to mass exodus of "Boat People" from Viet Nam, 340, 342.
Ayala, Balthasar de (Habsburg jurist), 19.

B

- Bahrein (Arab Sheikdom), 208, 212.
Baldus (Ubaldu) (Postglossator), 18.
Ballads, 15-17.
Bannerman, (British Governor of Penang), 222.
Barbary States, 1, 18, 21, 28, 39, 48-49, 83, 106, 111, 154, 202, 237, 293, 307, 311, 321, 323, note III-143;
 as "piratical" according to Braudel 14, Bynkershoek 68, 106, Gentili 21, 24-25, 237, Grotius 28, Wooddeson 111;
 warship captured by England, 67-68.
Batavia (City in Java), 17.
Bathurst, Lord (British Colonial Secretary), 212.
Bayard, Thomas F. (American Secretary of State), 269.
Bellamont, Earl of (Irish Governor of New England), 94, 100.
Belli, Pierino (Italian scholar), 18-19.
Bentham, Jeremy (English scholar), note II-135.
Bertinatti, Cdr. (Italian Umpire in Accessory Transit Co. Claim (1863)), 173.
Bingham, Joseph W. (American scholar), 308.
Blackstone, Sir William (English scholar), 108-110, 113, 124, 126, 129, 135, 144, 145, 149, 150, 166, 305, 316.
Blockade, as act of "war," 175-176.

- Blomfield (Bloomfield?), Cmdr. (British naval officer), 249, 253.
 Blundell, E.A. (Governor of the Straits Settlements), 246.
 "Boat People," 340, 342.
 Bonham, Samuel G. (Governor of the Straits Settlements), 226.
 Bounty (see Acts of 1803, 1825, 1850), 204-206, 231, 232, 233, 235, 236, 239-240, 246.
 Bradberry, Cmdr. (British officer), 247-249.
 Braddell, Thomas (Attorney-General of the Straits Settlements), 257.
 Bradford, William (American Attorney General), 129.
 Braudel, Fernand (French historian), 14.
 Brigands (see "*Latrones*").
 Briggeho, Willelmus de (English pirate?), 34.
Brillante (Mexican barque condemned in The Prize Cases, q.v.), 177.
 British Law Officers Opinions, see Law Officers' Opinions (British) and Law Officers (English).
 Brooke, Sir James (British adventurer), 230.
 Brown (New York judge), 186.
 Burghley, Lord (Sir William Cecil, English official), 42, 44.
 Bustamente, P. (Peruvian Minister of War and Navy), 259.
 Butler, Benjamin (American Attorney General), 172.
 Bynkershoek, Cornelisz van (Dutch jurist), 68, 106, 111, considers Barbary states not "pirates," 68.

C

- Caesar, Julius (Roman soldier), 8, 10; captured by Cilician "pirates," note I-53.
 Caesar, Sir Julius (English Admiralty judge), 38-39, 50, 78, 168.
 Canada, rebellion of 1838, 174.
 Canning, Lord George (British Foreign Minister), 215.
 Carew, George (English privateer), Case discussed by Wooddson, 111.
 Castlereagh (Robert Stewart, Viscount), 149, 150, 203, 211.
 Charles II (king of England), 67, 88, 99.
 Chamberlain, John (English writer), 15.
 Chaytor, James (Diego?) (American adventurer), 166.
 Chile, and *Huascar* incident, 259-264, 266;
 and Magellan "pirates" incident, 232-233, 236, 240.
 China, accused of "piracy" by Poland, 320, 323, 324, 325.
 Cicero, Marcus Tullius (Roman politician and philosopher), 4, 20, 73, 111, 309, on oaths 8-9.
 Cilicia (area of Asia Minor), 6, 7, 10, 18, 19, 25, 27, note I-53.
 Cinque Ports, 41, 42.
 "Civil Law," 37, 38-39, 46-50, 66-67, 76, 124, note II-5.
 Civil War, United States, 1, 174-184, 215, 258, and Lieber Code 293-294;
 Rebels as pirates, 272-273, 297.
 Clarendon, Lord (G.W.F. Villiers, British Foreign Secretary), 238.
 Clarke, Sir Andrew (Governor of the Straits Settlements), 255-256, 257, 273.
 Clifford, Nathan (American jurist), 182-183.
 Cockburn, Lord (English judge), 32, 182.
 Codrington, Sir Edward (British Admiral), 217.
 Coke, Sir Edward (English jurist), 32, 44-47, 67, 83, 101, 109, 124, 317.
 Coleridge, John D. (British Law Officer), 243, 244.
 Collier, Robert P. (British Law Officer), 243.
 Colombia, insurgency of 1885, 185-186, 269.
 Common law, English, 34-35, 36-38, 46, 49, 66-67, 76-78, 82, 98, 109-110, 112, 124, 127;
 "Piracy" as offense under, 135, 136, 162, 168.
 Confederation, US Articles of, 122.
 Conflict of laws, "naturalist" approach of Joseph Story, 174, notes III-69, 113;
 British approach in Malaya, 229; in *Eliza Cornish (Segredo)* case, 232; in general, note IV-155;
 International Law Commission, 327-328.
 Congress, United States, authority, to declare war (see War, declaration of)
 to utter letters of marque and reprisal, 123, 125, 156;
 to establish maritime and prize courts 123, 125, 152, 153;

- to define offenses, 123–127, 146, 152, 171, 184;
- to regulate foreign commerce, 147, 175.
- Constitution* (American naval vessel), 131.
- Constitution (US, 1787) (see under specific subjects).
- Counterfeiting, 123–124, 125, 126.
- Court, William à (British Envoy to the Barbary Powers 1813), 211.
- Courts, United States Federal, 127–128.
- Crenshaw* (Virginia schooner condemned in *The Prize Cases*, q.v.), 177.
- Crete, 7–8.
- Criminal law, 292, 297, 298–299, 304–305, of China 330.

D

- Dampier, William (British adventurer), 220.
- Dana, Richard Henry (American scholar), 183–184, 305.
- Dansekker, Simon (Dutch privateer under Barbary license), 15–17.
- Davis, Judge (American judge), 135, 136, 137.
- Deane, J. Parker (British Law Officer), 242.
- Derby, Lord (British Foreign Minister), 262, 265.
- Devon, Earl of (English Cabinet officer), 70, 71.
- Dia Oodin (Tunku, Selangor Rajah), 249, 250, 255–257.
- Diodorus Siculus (Greek historian of Rome), 5.
- Doctors' Commons, see Law Officers (English).
- Doddridge, Sir John (English Admiralty judge), 45–46.
- Drake, Sir Francis (English adventurer), 37, 111.
- Drummond-Hay, J. de V. (British Chargé d'Affairs in Chile), 262, 266, note IV–293.
- Dudley, Paul (Attorney General of New England), 102–103.
- Dun, Daniel (English Admiralty judge), 40.
- Dyaks (Borneo indigenous people), 230, 231.

E

- East India Company (Dutch), 17, 210.
- East India Company (English), 17, 40.
- Edmonds, Douglas L. (American Commissioner), 321.
- Edward I (king of England), 34.
- Edward II (king of England), 32.
- Edward III (king of England), 32, 35.
- Eleanor of Guienne (Aquitaine), 35.
- Eliza Cornish* (also the *Segredo*) (reflagged British ship), 232–233, 234, 235, 239–240.
- Elizabeth I (Queen of England), 40–43, 44, 100.
- “Ephori” (Ruling Council of Sparta), 217.
- Exmouth, Lord, expedition to Algiers (1816), 211.
- Extradition, 130, 138, 252, 256, 302.

F

- Fair Malacca* (British merchant ship), 254.
- Falkland, Anthony (Viscount) (English Lord of Admiralty), 72.
- Federalist Papers, 126–127.
- Felony, in English law, 85, 87, 101, 102, 122, 126, 127, 147, 150.
- Fish, Hamilton (American statesman), 184.
- Fitzmaurice, Sir Gerald (British scholar), 322, 329, 332, 333–334, 343.
- Ford, Gerald (American President), 339–340.
- Fox, H.S. (British Ambassador), 174.
- France, accepts American privateers in 1794, 155;
 - blockades Algiers (1830), 212;
 - at Conference of Aix-la-Chapelle, 149–150;

- decree of 1803, 155;
- and slave trade, 203-204;
- and Spanish insurrection of 1873, 144;
- undeclared war with US, 157, 160, 203.
- François, J.P.A. (French scholar), 319, 320-322, 329, 333, 336.
- Frelinghuysen, Frederick (American statesman), 185.
- Fullerton, Robert (British Governor of Penang), 223, 224.

G

- Galvão, Dr. Enrique (Portuguese rebel), 339.
- Garcia Amador, F.V. (Cuban scholar), 336.
- General Arismendi* (Spanish-Venezuelan slaver), 164, 165.
- "General principles," as source of "law," 150-151.
- Gentili, Alberico (Italian-British jurist), 20-21, 66, 67, 68, 75, 78, 152, 237; as Advocate for Spain in England, 23-25, 29, 305.
- Gifford, Robert (British Law Officer), 242.
- Gladstone, Sir W.E. (British Prime Minister), 244.
- Golden Rocket* (Union merchant ship destroyed by Confederate action), 177-178.
- Golding, John (Irish "pirate"), 74.
- Grabusa, bombardment of, 218.
- "Grace," (see Positivism, legal model).
- Granville, Earl (British Foreign Minister), 244.
- Greek language, 3-4.
- Gregory, Lieut. (American naval officer), 169-170.
- Grier, Robert (American jurist), 175-176, 178.
- Grotius, Hugo (Dutch scholar and statesman), 66, 67, 68, 70, 75, 78, 91, 145, 201, 305, 311;
 - cited by Story, 145;
 - disagrees with Cicero, 10, 11, notes I-50, 124;
 - founder of modern "naturalism," 26-27, 28, 67, 91, 311.

H

- Haiti (Hayti), insurgency of 1869, 184-185.
- Hale, Sir Matthew (English jurist), 67, 101, 246.
- Hamilton, Alexander (American statesman), 133.
- Hamilton, Capt. G.W. (British naval officer), 216.
- Harcourt, Sir William G.G.V. Vernon (British politician and scholar), 264, 266.
- Harding, Sir J.D. (British Law Officer), 238, 243, 245, 246.
- Harlan, John Marshall (American jurist), 182.
- Harvard Research in International Law, 308-317, 318;
 - Draft Convention on the Law of Piracy, 313-317, 319-323, 328.
- Hedges, Sir Charles (English Admiralty judge), 76, 85, 92-93, 102, 145, 241, 242, 317.
- Hegemony, Roman, 6, 7, 12, note I-35;
 - British, note I-35.
- Henry II (king of England), 35.
- Henry III (king of England), 35.
- Henry IV (king of England), 35.
- Henry VII (king of England), 35.
- Henry VIII (king of England), 36, 83, 100.
- Herodotus (Greek historian), 3.
- Hesiod (Greed poet), 3.
- Hiawatha* (British barque condemned in The Prize Cases, q.v.), 177.
- Higdon, Ranulf (English historian), 13.
- "High Sea," 137, 140, 142, 147, 151, 152.
- Hijacking, aircraft, 298-305.
- Holker, Sir John (British Attorney General), 242, 264, 265.
- Holt, Sir John (English judge), 76-77, 85.

Homer (Greek poet), 3.
 Hopkinson (American District Court Judge), 170-171.
 Hopton, John (English official), 36, 83, 100.
 Horsey, Admiral A.F.R. de (British naval officer), 260, 263-265, 268, 315.
Hostes humani generis, 11, 70, 82-85, 87, note I-61.
 Houdan, François de Villiers (French official), 40.
Huascar (Peruvian warship), 259-270, 307, 312, 315, 327, 334, 338, 343.

I

Ibbetson, Robert (British official), 224.
 Illyrian raiders, 312, note V-88.
 Irby, Charles L. (British naval officer), 217.
 Imperial Law (British), 207, 209, 210, 220, 229, 237, 246, 247, 257-260, 265.
Independencia (American slaver), 166, 167.
 International Law Commission, 319-337, ignores Schwarzenberger 338.
Invincible (Texas privateer), 172.
 Ionian Islands, British Protectorate, 211-212, 214, 216, 218-219.

J

Jackson, Andrew (American President), 172.
 James I (king of England), 17, 40.
 James II (king of England), 67, 74, 106, 148; legal effects of abdication (1688), 69-75.
 Java, English and Dutch rivalry, 2, 17.
 Jay, John (American statesman and judge), 132.
 Jay's Treaty (see Treaties, 1794).
Jeff Davis (Confederate raider), 177-178.
 Jefferson, Thomas (American Secretary of State and President), 129, 140.
 Jenkins, Sir Leoline (British scholar, judge and statesman), 48, 67, 73, 80-81, 86, 87-91, 92, 99, 111, 112, 135, 138, 145, 162, 225, 227, 305, 317.
 Jessel, Sir George (British Law Officer), 244.
[La] Jeune Eugenie (French slave vessel), 151-152, 169, 310, note III-113.
 John (king of England), 33, 35, 47, 76.
 Johnson, William (American jurist), 141, 145, 146-147, 163; dissent in *U.S. v. Palmer* 158; opinion in the *Bello Communes* (1821) 164, 303.
 Johore (Malay Sultanate), 222.
 Jones, John Paul (American naval officer), 144, notes III-140, 150.
Josefa Segunda (Spanish-Venezuelan slaver), 164, 165.
 Julio Rospigliosi, J.C. (Peruvian Minister of Foreign Affairs), 261-262, 264.
 Jurisdiction, in general
 Admiralty tribunals, 83-91, 97-98, 101-102, 106, 107, 292, 316;
 Of states to prescribe criminal law, 298-299, 301-303, 304-305, 314-315, 318-319, 327-328, 340-341;
 Prize courts, 327;
 "Universal," 87, 88, 93, 94, 103, 105, 107-108, 295, 297, 298, 302, 303-304, 310-311, 315-316, 319, 341-344.
 Jurisdiction, British courts, 180-182.
 Jurisdiction, United States Federal courts, 122, 127-128, 129, 140-141, 145, 151-152;
 States of the United States of America, 122, 128, 152;
 Admiralty courts, 123, 127, 132, 137-139, 147, 151-152, 170;
 Alien tort claims, 128, 129, note III-33;
 Over civil causes, 128-129, 168;
 Over criminal cases, 128-129, 132, 137-138, 151, 161, 168, 180-182;
 "Universal," 130, 138-139, 145, 149, 151, 170-171, 180-182.
Jus feciale, 104.
Jus gentium, 104.
Jus inter gentes, 104.
 Justinian's Code and Digest, 11, 19, 28, 264-265.

K

- Kane, Judge (American jurist), 148-149.
 Kedah (Malay Sultanate), 221, 225-229.
 Kellett, Admiral Sir Henry (British naval officer), 253, 254.
 Kent, James (American jurist), 153.
 Keppel, Capt. Henry (British naval officer), 230.
 Kidd, Captain William (English "pirate"), 81, 94-100, 103, 132, 145.
 Killie (French privateer/pirate?), 39.
 Kimberley, Lord (British Colonial Secretary), 249.
 Krylov, S.B. (Soviet Russian scholar), 323, 331-332, 333.

L

- Latin language, 4.
Latrones, 11, 19, 20, 26, 29-30, 66, 83-84.
 Lauterpacht, Sir Hersch (British scholar), 338.
 Law Officers (English), 69-73, note II-5.
 Law Officers' Opinions (British), after Magellan Pirates Case, 238-240; on Ottoman Turkish responsibilities, 242, 245; on *Huascar* incident, 264, 265-267.
 "Law of Nations," 87, 104-105, 108, 109, 124, 126, 127, 129, 137, 142, 144, 145, 148-150, 151, 162, 178-179, 181-182, 183, 184, 185, 187, 215, 232, 238, 344, note II-135;
 Offenses against, 109-148, 149, 203-204, 310, 311, 316.
 League of Nations, organization, 305-306, 308;
 Committee of Experts for the Progressive Codification of International Law, 306, 308;
 Draft Provisions for the Suppression of Piracy, 305-308, 317.
 Lee, Charles (American Attorney General), 130-131, 213; as "positivist," 134, 219; on the "neutrality" of mariners, 160-161.
 Letters of Marque and Reprisal (see Marque, Letters of).
 Levy, Uriah P. (American seaman), 135.
 Lewes, David (English Admiralty judge), 42-44, 50, 100.
 Liang, Yuen-li (United Nations official), 331.
 Licenses, 68, 79, 88-90, 98-99, 108, 112; as exercise of authority, 79; as reprisal, 80, 99; to pursue "pirates," 93, 94-95, 99.
 Lieber Code, 293-294.
 Lieber, Francis (American scholar), 293.
 Lincoln, Abraham (American President), blockade proclamations 175-176, 293; treats "pirates" as prisoners of war, 178.
 Littleton, Dr. F. (English jurist), 69-70, 72.
 Liverpool, Lord (Robert Banks Jenkinson, British Prime Minister).
 Livingston, Henry (American jurist), 146, 164-165.
 Livy (Roman historian), 4, 5-6; on "war," 8-10.
 Logan, David (Solicitor-General of the Straits Settlements), 254.
 Louis XIV (king of France), 67, 74, 106, 148.
 Low, Capt. James (British official), 223, 224.
 Lushington, Dr. Stephen (British Law Officer, later Admiralty Judge), 214-215, 216, 243-244, 246, 269, 292, 312, 317; and Serhassan (Pirates) case, 231-232; and Magellan Pirates case, 232-241.

M

- Madison, James (American constitutionalist and President), 123-124, 126-127.
 Mahdie (Selangor Rajah), 247-249, 250.
 Malacca, 220-221.
 [The Brig] *Malek Adhel* (American rogue ship), 171.
 Malta, Knights of, 14;

- trial of "pirates" in, 218-219.
- Mansell, Sir Robert (English diplomat), 16.
- Maritime law (see Admiralty).
- Marque, Letters of, 14, 21, 22, 34, 80, 122, 128, 132, 156.
- Marsden, Reginald G. (English scholar), 32.
- Marshall, John (American jurist), 140-142, 144, 145, 163, 183, 204, 275, 303, 311;
 as Circuit Judge in *U.S. v. Hutchings*, 158;
 opinion in *U.S. v. Klinton*, 142;
 opinion in *U.S. v. Palmer*, 158-160;
 and *U.S. v. Smith*, 145;
 opinion in *Wiltberger cases*, 140-141.
- Marten, Henry (English Admiralty judge), 80, 81.
- Mary (daughter of James II, Queen of England), 69, 74, 75.
- Matsuda, M. (Japanese scholar), 306, 307, 308.
- Maxwell, Sir Peter Benson (Chief Justice of the Straits Settlements), 249-253, 255, 257.
- Mayagüez* incident (1975), 339-340.
- Medici, Cosimo de', 14.
- Mexico, War with United States, 1846-1848, 155.
- Minto, Lord (Gilbert Elliot, Governor General of India), 2.
- Mohamed Saad (Malay leader), See Saad, Tuanku Mohamed.
- Molloy, Charles (English scholar), 86-87, 90-91, 92, 103, 111, 136, 137, 162, 225, 238, 305, 309, 317, 329, 336.
- Mommsen, Theodore (German scholar), 312.
- Monroe, James (American President), 161.
- Moosa (Selangor Rajah), 247-249, 250.
- Morgan, Sir William (English licensee), 42-43.
- Morris, Gouverneur (also Gouverneur) (American constitutionalist), 124, 125.
- Morocco, 37, 44-45.
- Murder, 130-131, 133, 137.
- Musa (Selangor Rajah) (see Moosa).
- Mutiny, 67, 86, 101, 128, 181, 246, 322-323, 326, 330-331, 333, 334, note I-163.

N

- Nahuijs, Col. H.G. van B. (Dutch Governor of Malacca), 222.
- Naturalism, legal model, 26, 31, 67, 75, 79, 86-87, 105, 129, 135, 143, 150, 151-152, 160, 163, 170, 174-176, 183, 187-188, 214, 229, 270-271, 274-275, 301, 304, 309-310, 311, 317, 328-329;
 of Blackstone, 109-110;
 of Grotius, 26-30;
 in *Huascar* incident, 259-260, 267, 268;
 of Lushington, 232, 233;
 of Molloy, 90-92, 103-104;
 of Story, 139, 143, 144, 148, 150, 152, 163, 187, 188, 219, 267, 270, 301, 311, 326;
 of Wooddeson, 112;
 and slavery, 104, 147, 151, 203-204.
- Neale, Sir Barry (British Vice Admiral), 216.
- Nelson, Lord Horatio (British Admiral), 216.
- Nelson, Samuel (American jurist), 176, 179-180, 185.
- Netherlands approach to "piracy," 106-108;
 tries Scots privateers, 88-90.
- Neutrality, 155, 159, 160.
- Newporte, John (English adventurer), 40.
- Nicaragua, war with Costa Rica, 173.
- Nigre* (French? prize ship), 131.
- Norris, Sir William (British legal official), 227-230.

Nuremberg tribunal and war crimes, 338-339.

O

- Oldys (also Oldish), Dr. William (English jurist), 69-73, 76, 77, 82, note II-107.
 Oleron, Laws of, 35, 37.
 Oodin, Tunku Dia (Selangor Rajah), 249, 250, 255-257.
 Ord, Sir Harry St. G. (Governor of the Straits Settlements), 254.
 Ottoman Empire, 13.
 Owen, Sir E.W.C.R. (British Admiral), 225.

P

- Padilla-Nervo, L. (Mexican scholar), 335.
 Pal, Radhabinod (Indian scholar), 329.
 Palachie, Samuel (Moroccan Ambassador), 44-45, 102.
 Pangkor Island, 222, 223, 224.
 Pardon, William III general pardon of "pirates," 96, note II-97
 of Luke Ryan, note II-165.
 Parker, Capt. W.B. (British naval officer), 218.
 Passive personality, basis for jurisdiction, 272, 345, note V-33.
 Paul, George (King's Advocate in Admiralty), 82.
 Paulus (Roman jurist), 11.
 Pauncefote, Sir Julian (British statesman), 243.
Peirato [*peiraton*], 3-4, 5-6, 7, 8, 11, 27.
 Penang, 221-222, 224, 225, 226, 227, 237, 245, 249, note V-2.
 Perak (Malay Sultanate), 222, 223.
 Permanent Court of International Justice, 308.
 Persian Gulf, 1, 206-211, 212, 216, 237, 242-243, 266.
 Peru (see *Huascar*).
 Philip of Macedon (Greek autarch), 4.
 Philippine Islands, 318-319, 326.
 Phillipson, Coleman (British scholar), 3.
 Phipps, Mr. (Vaughan's attorney), 76.
 Pickering, Timothy (American Secretary of State), 130, 157.
 Pierola, Don Nicholas ("President of Peru"), 259, 263.
 Pinckney, Charles (American constitutionalist and statesman), 133.
 Pinckney, William (American lawyer), 161-162.
 Pinckney's Treaty (see Treaties 1795)
 Pinfold, Sir Thomas (English jurist), 69, 72-73.
 "Piracy" as act of war, 6, 7-8, 18; denied, 19;
 as "outlawry," 18-19, 83, 185, 230, 260.
Pirata, 4, 8, 11, 13, 20, 32-33, 83.
 "Pirates" as allies of Rome, 5, 10.
 "Pirates of Penzance," 273-274.
 Plato (Greek philosopher), 274, 309.
 Plutarch (Greek historian), 6-8, 18, 25, 27.
Pluto (British naval vessel), 247-248.
 Poland, accuses China of "piracy," 320, 323, 324.
 Polybius (Greek historian of Rome), 5, 27.
 Pompey the Great, 5, 6-8, 10, 19, 25, 27, 30;
 war with Cilician "pirates," 6-8;
 extensive authority, 7-8.
 Pomponius (Roman jurist), 11, 20, 27.
 Popham, Lord (British jurist), 49.
 Portugal, in Malay area, 30; and slave trade, 203-204.

- Positivism, legal model, 19-21, 24-26, 31, 67, 75, 86, 87-90, 91, 105-107, 111, 134-135, 143, 145, 163, 165-166, 172-173, 176, 179-180, 182-184, 187-188, 213-214, 244, 274, 309-311, 328; and "grace," 79, 99, note II-165;
- in John Austin and H.L.A. Hart, note IV-261;
- in Blackstone, 109;
- in Bynkershock, 106, 107-108;
- in Gentili, 67, 91, 152, 244;
- in Harvard Research, 310-311;
- in Leoline Jenkins, 88-89;
- in John Marshall, 140, 275;
- rejected by Stephen Lushington, 232-233;
- and Joseph Story, 275.
- Postliminium, 11, 12, 13, 19, 21-23, 28, 50, 83, note I-62.
- Prædones*, 11, 20, 26, 29-30, 66, 83-84.
- Prado, M.J. (President of Peru), 259.
- Prisoners of war, 75.
- Privateering, as act of war, 14, 66-67, 69, 123, 154, 156, 164, 172; as licensed taking, 14, 16, 17, 18, 22, 69, 73, 77, 132, 154, 155, 162, 164, 180-182, 202, 204-205, 294; as reprisal, 34;
- abolished, note III-255;
- and International Law Commission, 333;
- and property law, 21-26.
- Prize (belligerent taking), 131-132, 165, 174.
- "Prize," as naval capture, 22-23.
- Prize cases, 175-176, 178, 182.
- Prize courts, 99.
- Proclamation of 1490, 35-36;
- of 1569, 40, 41, 43;
- of 1575, 41-42;
- by President Lincoln, 175.
- Property adjudications, 11, 80;
- in English law, 38-40, 43-44, 50, 66-67, 98-100; under Proclamation of 1490, 35-36; 19th century, 168-169, 202.
- See also Postliminium and privateering, 21-26.
- Province Wellesley (See Penang).
- Pufendorf, Samuel (German jurist), 104-105, 311.

Q

- Qawasim (Arab Sheikdom), 206.
- Quedagh Merchant* (Kidd's ship), 96, 98, 100.
- Quedah (see Kedah), 221.
- Quelch, John (American "pirate"), 79, 101-104.

R

- Rachado (Lighthouse in Selangor), 255.
- Raffles, Sir T.S. (British official), 1, 2, 12, 211, 222, 223.
- Raleigh (also Raleigh), Sir Walter (English adventurer), 44.
- Randolph, Edmund (American constitutionalist, Attorney General and Secretary of State), 124, 129, 133, 140.
- Rebellion as "piracy," 29, 30, 84, 297, 303, 312, 339;
- and Ayala, 19;
- and Gentili, 21, 29;
- and Harvard Research, 312;
- U.S. Civil war, 174-184, 215, 258, 273, note V-21 (see also Lieber Code).
- See also *Huascar*.
- Recognition (see Positivism, legal model).
- Reprisals, 17, 22; reprisal war, 80, 112, 157.

- Richard I (king of England), 35.
Rinaldo (British naval vessel), 247-254.
 Rivas-Walker Government in Nicaragua, 173.
 Robbery, "piracy" as sea-term for, 18, 20, 29, 32, 35, 72-73, 77, 81, 82, 84-85, 98, 106, 107, 112, 123, 135, 141, 147, 151, 153, 156, 159, 172-173, 202, 240, 317, 318.
 Robbers (see *Praedones*).
 Robinson, Cmdr. George (British naval officer), 250, 251.
 Roe, Sir Thomas (English negotiator), 15.
 Roman "hegemony," 6, 7-8, 12, 207, 211, 229, 237, note I-35.
 Roman law, 11, 12, 13, 20, 26, 66, 73, 102, 207, 264-265, 268.
Romp (privateer), 157, 158, 161.
 Rospigliosi (see Julio Rospigliosi).
 Rum running, note III-31.
 Rutledge (also "Rutledge"), John (American constitutionalist), 123.
 Ryan, Luke (British privateer), Case discussed by Wooddeson, 112, note II-165.

S

- Saad, Tuanku (Lord) Mohamed (Malay leader), 226-228, 230, 237, 239.
 Salee (Rabat; see also Barbary States), 13, 17.
 Sandström, A.E.F. (Swedish scholar), 321-322, 334.
 Sankey, Viscount (Lord Chancellor), 317, 318.
Santa Maria incident (1961), 339.
Santofecino (privateer), 157-158.
 Scelle, Georges (French scholar), 321, 336.
 Schwarzenberger, Georg (British scholar), 338, 343.
 Scotland, privateers tried by The Netherlands, 88-90;
 judicial procedures in *R. v. Green*, 93-94.
 Scott, Sir William (Lord Stowell) (English Admiralty judge), 32, 149, 167-169, 202, 204, 237, note IV-9.
 Seal, legal formality, 208.
Segredo (also *Eliza Cornish*) (reflagged British ship), 232-233.
 Selangor (Malay Sultanate), 245, 246-258, 266; trial of "pirates" in, 257.
 Shadwell, Admiral Sir Charles F.A. (British naval officer), 254.
 Siack (Siak) (Sumatran Sultanate), 221.
 Singapore, piracy conviction in 1858, 312, note V-88.
 Slave trade, as piracy, 129, 147, 148-149, 203-204, 208, 232, 320, 324;
 as universal "crime," 138-139, 148-150, 151.
 Soviet Union and "piracy" in South China Sea, 342-343.
 Spain, condemns rebels as "pirates," 74, 244.
 Spiropoulos, Jean (Greek scholar), 329.
 Sprague, Judge (American judge), 178-179.
 Staines, Commodore Sir Thomas (British naval officer), 218.
 "Standing," 105, 142-144, 146, 156, 163, 244, 299, 304, 316, 341-342, 345.
 Stateless persons, 267, 272, 295.
 Statutes (Some statutes are mentioned in footnotes only. They are listed in the bibliography of statutes.
 This listing contains only those statutes discussed in the text):
 1351 (Statute of Treasons), 74, 75, 122, notes I-134, 201, II-19, III-139;
 1353 (Statute of the Staple), 108, notes I-176, 197;
 1535 (Offenses at Sea), 36-37, notes I-159, II-44;
 1536 (Offenses at Sea), 37-38, 43, 45, 46, 47, 50, 67, 73, 75-77, 82, 84, 85, 86, 92, 93, 98, 100, 102-103, 124, 135, 152, 168, 233, 240, 314, notes I-134, 160, 161, II-14, 44, 61, III-182;
 1543 (Treason), 75, note II-24;
 1689 (Mutiny), note I-163;
 1695 (Treason), 76, 77, note II-27;
 1700 (Piracy Act), 77, 82, 100-101, 102, 135, 152, 210, 233, 297, notes II-32, III-44, IV-43, 143, V-21;
 1706 (Scottish Act of Union), 93, note II-86;
 1707 (English Act of Union), 93, 101, notes II-86, IV-144;
 1777 (Habeas corpus suspension), 154, 202, note III-138;

- 1789 (US Judiciary Act), 127-128, 129, notes III-32, 33, 34;
 1790 (US Maritime Offenses), 128, 130, 134, 136-137, 138, 139-143, 153, 154, 155, 156, 161, 162, 170, 173, 179, 186, notes III-35, 44, 183; Sec. 8, 128, 138, 142, 158, 162; Sec. 9, 157, 161, 172, notes III-187;
 1794 (US Neutrality Act), 155, 160, 161, 162, 164, 166, notes III-149, 171;
 1794 (US Slave Trade), 147, note III-107;
 1797 (US implementing Pinckney's Treaty), 164;
 1798 (US abrogating French treaty), 157, note III-156;
 1800 (US Slave Trade), 147, note III-108;
 1803 (Bounty Act), 205, notes IV-21, 22;
 1817 (US Neutrality), 161, notes III-149, 175;
 1819 (US Piracy), 144-146, 147, 148, 151, 152, 153, 155, 171, 186, notes III-85, 87, 106, 109, 122, 211;
 1820 (US Piracy extension), 144, 147, 148, 152, 153, 155, 170, 171, 179-180;
 1822 (US recognizes independence of Latin American states), 180;
 1825 (Bounty Act), 101, 205-206, 216, 231, 233, 235, 292, notes II-124, IV-24, 25, 160, 164;
 1847 (US Piracy), 155, 179, note III-146;
 1850 (Bounty Act), 232, 233, 235, 238, 239, 240, 244, 246, notes III-166, 168, 169, 170;
 1861 (US Blockade Act), 175, 176, notes III-232, 233;
 1961 (US Aircraft Piracy Act), note V-30;
 1974 (US Anti-Hijacking Act), 300, 304-305.
- Stiel, Paul (German scholar), 311-313.
- Stockton, Lt. (American naval officer), 148.
- Story, Joseph (American scholar and jurist), 135-136, 138-141, 143-144, 145-153, 161-162, 163, 166-167, 174, 183, 187, 188, 204, 219, 233, 267, 270, 275, 301, 311, 324, 326;
 opinions: *The Independencia*, 166-167; *The Malek Adhel*, 180, 324; *The Palmyra*, 170; *U.S. v. Smith*, 145, 146;
 on universal jurisdiction, 137-140, 140-141, 151, 153, 169, 170-171, 219, 238-239, 299, 303.
- Stowell, Lord (See Scott, William).
- Strangford, Lord (British Ambassador to Turkey), 215.
- Straits Settlements (See Penang, Singapore, Malacca), 226.
- Submarine warfare, 273, 294, 295-296, 323.
- Sumter* (Confederate raider), 276.
- Supreme Government (British Government in India), 221, 222, 224, 225, 246.

T

- Terrorism, 322, notes IV-322, V-189.
- Teuta, Queen of Illyria, note V-88.
- Texas, 155, 171-173.
- Thailand, calls rebels "pirates," 226;
 British relations with, 227, 229-230.
- Thompson, Captain J.P. (East India Company official in Persian Gulf), 208-209.
- Thucydides (Greek historian), 3, 4-5.
- Tindall, Matthew (English jurist), 69, 72-74, 77, 82, 84.
- Tokyo Convention of 1963 (See under Treaties).
- Treason, "crime" as a species of, 37-38, 46-47, 48, 67, 73, 75, 85, 101, 122, 125, 133, 157, 187, 210, notes II-15, 24, 27;
 under English law, 72, 74, 75-76, 77, notes II-15, 24, 27;
 under American Civil War, 175, 179, 184;
 and Spanish insurgency of 1873, 185.
- Treaties (Some treaties are discussed in the footnotes only. They appear in the bibliography of treaties cited and not necessarily in this listing of treaties discussed in the text.):
 1667 (Great Britain-Netherlands), 80, notes II-77, 79;
 1662 (France-Netherlands), 108;
 1778 (United States-France), abrogated by Congress 157;
 1794 (United States-Great Britain), 130, 131-132, 133, 154;
 1795 (United States-Spain), 133-134, 154, 157, 164, 166, notes III-48-52, 160;
 1824 (Great Britain-Netherlands), 222, notes IV-111, 112;

- 1825 (East India Company-Selangor), 256, note IV-256;
 1826 (Great Britain-Thailand), 226, 230, notes IV-126, 154;
 1831 (United States-Mexico), 172;
 1842 (United States-United Kingdom), 178, 180-182, note III-264;
 1843 (Great Britain-China), 241, note IV-215;
 1858 (Great Britain-China), 241, note IV-212-215;
 1899 (Hague Conventions on the Laws and Customs of War), 294, note V-7;
 1907 (Hague Conventions on the Laws and Customs of War), 294, note V-7;
 1907 (Hague Convention for the Pacific Settlement of Disputes), 308, note V-73;
 1922 (Washington Arms Limitation Agreement), 294, 295, notes V-8, 9, 14;
 1928 (Havana Convention on Civil Strife), 297-298, notes V-25-27;
 1930 (London Arms Limitation), 295, note V-15;
 1936 (London *Procès Verbal*), 295;
 1937 (Nyon), 295-297, 321, 323, 324-325;
 1937 (Geneva, supplement to Nyon), 296-297;
 1945 (Statute of the International Court of Justice), 151;
 1958 (Geneva Convention on the Law of the Sea), 298, 339, 341; article 14, 330; article 15, 332; article 16, 333-334; article 17, 334; article 18, 334; article 19, 335; article 20, 335; article 21, 336-337;
 1963 (Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft), 298-300, notes V-31, 32, 34, 35, 38;
 1970 (Hague Convention for the Suppression of Unlawful Seizure of Aircraft), 300-304, notes V-39-41, 48, 49;
 1971 (Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation), 304-305, notes V-55, 56;
 1982 (United Nations Convention on the Law of the Sea), article 100, 330; article 101, 332; article 102, 334; article 103, 334; article 104, 334; article 105, 335; article 106, 335; article 107, 336-337.
- Treaties, under the United States Constitution, 125, 127.
- Trenchard, Sir John (English politician), 70-72.
- Trengganu (Malay Sultanate), 226; tries "pirates," 245; resists British demands for reparations, 246.
- Trent* incident (1861), note III-242.
- Trevisa, John de (Oxford scholar), 13.
- Tripoli (see Barbary States), 13;
 undeclared war with United States, 154, 203, notes III-142, 143.
- Trotter, Lt. (British naval officer), 139.
- Tunis (see also Barbary States), 13, 15.
- Turton, Sir John (English judge), 76, 98.
- Twiss, Sir Travers (British Law Officer), 243.

U

- Ubaldu, Baldus (Postglossator), 18.
- Udin (see Oodin).
- Udin, Nakhoda (Malay "pirate"), 224-225.
- Ulpian (Roman jurist), 11, 20, 27.
- United Nations, organization, 319, 320;
 International Law Commission, 319-337.

V

- Vanderbilt, Commodore Cornelius (American investor), 173.
- Vattel, Emerich de (Swiss scholar), 203, note II-137.
- Vaughan, Captain Thomas (French "traitor"), 76-77, 85.
- Venezuela, rebels as "pirates," 243-244.
- Vernon Harcourt, Sir William G.G.V. (see under Harcourt).
- Viking raiders, 3, 8, 13, 307.
- Villiers Houdan, François de (French official), 40.
- Villiers, G.W.F. (Lord Clarendon) (British Foreign Secretary), 238.

W

- Walker, William (American adventurer), 173.
- Walton, Dr. Robert (English Law Officer), 70, 84.
- Wang Chung-Hui (Chinese scholar), 306.
- War, laws of
 “Lieber Code” (1863), 293-294;
 Brussels Rules (1874), 294;
 Oxford Manual (1880), 294;
 Hague Conventions (1899, 1907), 294.
- “War,” legal status, 4, 5, 8-10, 11, 12, 20, 27, note I-46;
 crimes, as “piratical,” 293-294, 295-297, 323, 338-339;
 declaration of, 9-10, 122, 123, 125; legislation equivalent to, 175, 177;
 undeclared, 203;
 Great Britain-Canadian rebels (1838), 174;
 Mexico-Texas (Texan independence), 171-172;
 Spain-Latin American “colonies,” 157, 159-160, 163-167, 180;
 US-Confederate States (Civil War), 174-184;
 US-France, 1798-1800, 131, 156-157;
 US-Barbary “Pirates,” 1802-1805, 154.
- Ward, Sir Edward (English jurist), 76, 96, 99.
- Ward, John (English privateer under Barbary license), 15-16, 39.
- Warrant of 1569, 48.
- Warrant of 1577, 41, 47, 48.
- Warwick, Earl of, 78.
- Washington, Bushrod (American jurist), 136-137, 140, 158, 162, 163; opinion in *U.S. v. Jones* (1813), 162.
- Webster, Daniel (American statesman), counsel in the *Bello Communes* case (1821), 164; denies rebels can be “pirates,” 174.
- Wellesley, Sir Henry (British Ambassador to Austria), 215.
- Wharton, Francis (American jurist), 185.
- Wheaton, Henry (American scholar), 140-141, 153, 163, 164, 183, 267; counsel in the *Bello Communes* case (1821), 164, 303, 305.
- William II (king of England), 32.
- William III (Prince of Orange, king of England), 69, 74, 75, 83, 93, 94; pardons all “pirates” except Every and Kidd, 96.
- Williamson, Sir Joseph (English official), 88.
- Wilson, James (American constitutionalist), 125, 126.
- Wiltberger, Peter (American pirate?), 140, 141.
- Wirt, William (American Attorney General), 160-162.
- Wolff, Christian (German publicist), 203.
- Wooddeson, Richard (English scholar), 108, 110-113, 145, 162, 305; discusses Carew case, 111; discusses Ryan case, 112.

Z

- Zegarra, Sr. (Peruvian Chargé d’Affaires in Chile), 259-262, 264, 266, 268.
- Zouche, Richard (English jurist), 104, 109, 113, 126, 149, 150, 204.
- Zourek, Jaroslav (Czech scholar), 321, 323, 331-332.
- Zyah (Arab Sheikhdome), 209.

INDEX OF CASES

Some cases are discussed in footnotes only. They appear in the bibliography of cases cited. This list contains only those cases discussed in the text.

- Accessory Transit Co. Arbitration (1863), 173.
 The *Ambrose Light* (1885), 185-186, 317.
 Attorney General of Hong Kong and Kwok-A-Sing (1873), 240-242, 330-331.
 Baker and others, U.S. v. (1861), 179-180, 185.
 Beebee, Howard and, U.S. v. (1818), 136.
 The *Bello Comunes* (1821), 164.
 Bowers and Mathews, U.S. v. (1820), 146.
 Brailsford, Griffen and, U.S. v. (1820), 146, 162.
 Dalton, Tully and, U.S. v. (1812), 135, 137, 138, 147, 299.
 Darnaud, U.S. v. (1855), 146.
 Dawson, R. v. (1696), 85, 92, 145, 241, 317.
 The *Diana* (1585), 39.
 Dole v. Merchants' Mutual Ins. Co. (1863), 177.
 Dole v. New England Mutual Marine Ins. Co. (1863), 177.
 The *Eliza Cornish* (1853), 232-235, 240.
 Fifield v. Ins. Co. of Pennsylvania (1864), 177, 179.
 Ford v. Surget (1878), 182-183.
 The *Franconia* (R. v. Keyn) (1876), 32, 33, 38, 42, 48, note I-132.
 Furlong (Hobson), U.S. v. (1820), 146.
 Gilbert, Pedro and Others, U.S. v. (1834), 138, 139, 220, 310.
 Green, R. v. (1704), 93-94, 108, 145, 317, 328.
 Griffen and Brailsford, U.S. v. (1820), 146, 162.
 The *Helena* (1801), 237, note IV-9.
 The *Hercules* (1819), 167-169.
 Hildebrand, Brimston & Baker's Case (1615), 45-46, note I-198.
 Hobson (alias Furlong), U.S. v. (1820), 146.
 Holmes, U.S. v. (1820), 162, 170.
 Howard and Beebee, U.S. v. (1818), 136.
 Hutchings, U.S. v. (1817), 158, 159, 161.
 Ins. Co. of Pennsylvania, Fifield v. (1864), 177, 179.
La Jeune Eugenie (1822), 151-152, 169, 310, note III-113
 Jones, U.S. v. (1813), 162.
 The *Josefa Segunda* (1820), 164-165, 167.
 Kessler, U.S. v. (1829), 170.
 Keyn, R. v. (The *Franconia*) (1876), 32-33, 38, 42, 48, note I-132.
 Kidd, R. v. (1701), 94-100, 145, 162, 227.
 Klintock et al., U.S. v. (1820), 137, 142, 144, 146, 156, 163, 170, 234.
 Kwok-A-Sing, Attorney General of Hong Kong and (1873), 240-242, 330-331.
 Lol-Lo and Saraw, People v. (1922), 318-319, 326.
 Magellan Pirates (1853), 232-241, 244, 246, 269, 293, 317.
Malek Adhel, U.S. v. Brig (1844), 171, 324.
 Marche's Case (1615), (See Palachie's Case).
 The *Marianna Flora* (1826), 169.
 Mathews, Bowers and, U.S. v. (1820), 146.
 Merchants' Mutual Ins. Co., Dole v. (1863), 177.
 Mohamed Saad and ors., R. v. (1840), 226-227, 230, 237, 239, 245, 246.
 New England Mutual Marine Ins. Co., Dole v. (1863), 177.
 Palachie's Case (1615) 44-45, 112, 227.
 Palmer et al., U.S. v. (1818), 136-137, 141, 142, 143, 144, 146, 158, 160, 161, 164, 170, 171.
 The *Palmyra* (1827), 169-170.
 Pedro Gilbert and Others, U.S. v. (1834), 138, 139, 220, 310.
 Pennsylvania, Ins. Co. of, Fifield v. (1864), 177, 179.
 People v. Lol-Lo and Saraw (1922), 318-319, 326.
 In re Piracy *jure gentium* (1934), 317.
 Pirates, U.S. v. (1820), 146.
 The Prize Cases (1862), 175-176, 178, 182.

- Quelch, R. v. (1704), 101-104.
 R. v. Dawson (1696), 85, 92, 102, 145, 241, 317.
 R. v. Green (1705), 93-94, 108, 145, 317, 328.
 R. v. Keyn (*The Franconia*) (1876), 32, 38, 42, 48, note I-132.
 R. v. Kidd (1701), 94-98, 100, 145, 162, 227.
 R. v. Quelch (1704), 101-104.
 R. v. Mohamed Saad and ors. (1840), 226-227, 230, 237, 239, 245, 246.
 Ross, U.S. v. (1812), 137, 147.
The Santissima Trinidad (1822), 166.
The St. André (1822), 166.
The Segredo (1853), 232-235, 240.
 Serhassan (Pirates) (1845), 231-232, 236-237, 312, 317, 322, 325.
 Smith, U.S. v. (1820), 145-146, 147, 153, 162, 233-234.
 Surget, Ford v. (1878), 182-183.
 In re Tivnan and others (1864), 180-182, 241, 267, note III-264.
 Tully, and Dalton, U.S. v. (1812), 135, 137, 138, 147, 299.
 U.S. v. Baker and others (1861), 179-180, 185.
 U.S. v. Bowers and Mathews (1820), 146.
 U.S. v. Darnaud (1855), 148-149.
 U.S. v. Furlong (Hobson) (1820), 146.
 U.S. v. Griffen and Brailsford (1820), 162.
 U.S. v. Holmes (1820), 162, 170.
 U.S. v. Howard and Beebee (1818), 136.
 U.S. v. Hutchings (1817), 158, 159, 161.
 U.S. v. *La Jeune Eugenie* (1822), 151, 169, 310, note III-113.
 U.S. v. Jones (1813), 162.
 U.S. v. Kessler (1829), 170.
 U.S. v. Klintock, et al. (1820), 137, 142, 144, 146, 156, 163, 170, 234.
 U.S. v. Brig *Malek Adhel* (1844), 324.
 U.S. v. Palmer et al. (1818), 136-137, 141, 142, 143, 146, 158, 160, 161, 164, 170, 171.
 U.S. v. Pedro Gilbert & Others (1834), 138-139, 220, 310.
 U.S. v. Pirates (1820), 146.
 U.S. v. Ross (1812), 137, 147.
 U.S. v. Smith (1820), 145-146, 147, 153, 162, 233-234.
 U.S. v. Tully and Dalton (1812), 135, 137, 138, 147, 299.
 U.S. v. Wiltberger (1819), 140-142.
 Wiltberger, U.S. v. (1819), 140-142.