

ACTS
AND
LAWS,
Of His Majesties
COLONY
OF
Rhode-Island,
AND
Providence-Plantations
IN
AMERICA.



BOSTON, in NEW ENGLAND:
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BIBLE in Cornhill. 1179.

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A Traverse allowed to the Court of Tryals.

Bill against such Person or Persons, That if such Person or Persons, shall Offer to Traverse the said Complaint or Infomantion, and desire to Remove the same to the next General Court of Tryals of this Colony, there to Try the same, and give good and sufficient security to the said Assistants, Justices, or Wardens, for Prosecuting the same, And to Pay all intervening Charges and Damages in case they shall be Condemned at such general Court of Tryals. That then such Assistants, Justices, or Wardens, shall forbear to deliver Possession to the Party and Parties complaining, until they shall receive the Order or Judgment of such General Court of Tryals for their so doing.

Twenty Shillings Fine for every person that refuses to aid the Assistants, Justices, &c.

AND Be it Enacted by the Authority aforesaid. That the Assistants, Justices of the Peace, and Wardens, in case of any Resistance made in the due performing their Duties by this Act required about Forceable Entries or Detainers, may Command the Assistance of any of His Majesties Subjects of this Colony, who are Required to Aid them therein, under the Penalty of Twenty Shillings to each Person that shall refuse so to do; To be recovered by Suit, Information, before any one Assitant, Justice of the Peace, or Warden of this Colony.

AND the said Fine of Twenty Shillings so Recovered, to be Paid into the Town Treasury, for the Use of the Town, where such Forceable Entry, and Detainer shall be committed.

The Complainant to pay Costs if Cast.

AND Be it further Enacted by the Authority aforesaid, That in case the Jury of Inquest on inquiry as aforesaid, shall not find the said Bill or Complaint against the Person or Persons Complained of as aforesaid, That then the Person or Persons Complaining, shall be Condemned by the said Assistants, Justices, or Wardens, To pay the Costs of Courts as is Usual in other Cases.

Twenty Pound Fine to the Sheriff or his Deputy to disobey the Assitants Warrant.

AND be it further Enacted by the Authority aforesaid, That if the Sheriff or his Deputy, to whom such Assistants, Justices, or Wardens Warrant is delivered, doth not duly Execute the same; That he shall Forfeit the Sum of Twenty Pounds, Lawful Money, to be Recovered by Bill, Information, Suit, or Complaint, in any Court of Record within this Colony.

Rioters to suffer 12 months Imprisonment, or a Fine of Ten Pounds.

AND Be it further Enacted by the Authority aforesaid, That all Persons that shall be Lawfully Convicted of a Riot, shall Suffer Twelve Monthes Imprisonment, or Pay a Fine of Ten Pounds, to the Use of the Colony.

Fine for breach of Peace, not to exceed Twenty Shillings, or to be bound over to the Court of Tryals.

AND be it further Enacted by the Authority aforesaid, That any Assitant, Justice of the Peace, or Warden, in this Colony; upon Convicting any Person or Persons before him for Breach of the Peace, by Striking, &c. Shall and may Fine such Offender or Offenders at Discretion, not Exceeding Twenty Shillings, or Bind them over to the General Court of Tryals, with two sufficient Sureties according as the Nature of the Offence may require.

Affault and Battery to be Tried at Common Law.

AND be it further Enacted by the Authority aforesaid, That in all Cases of Assault or Battery, the Party Assaulted or Battered, shall have an Action of Trespas at the Common Law, against the Persons Committing such Assault, or Battery, shall Recover his Damage Received thereby.

Sodomy, Buggery or Rape, punished with Death.

AND be it Enacted by the Authority aforesaid, That whosoever shall Perpetrate and Commit the Detestable and Abominable Crimes of Sodomy, or Buggery; and be thereof Lawfully Convicted, shall suffer the Pains of Death; as in cases of Felony, with the benefit of Clergy. And

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AND Be it further Enacted by the Authority aforesaid, That whosoever shall Commit Fornication, and be thereof Lawfully Convicted before any two Assistants, Justices of the Peace, or Wardens of the Town where such Fact shall be Committed, (the Assistants, Justices, or Wardens, are hereby Impowered the Cognizance thereof,) shall be publickly Whipped in said Town where such Fact shall be Committed with Ten Stripes and no more, or pay a Fine of Forty Shillings into the Town Treasury, to and for the Use of the Poor of such Town.

Fornication how Tried.
The punishment thereof

AND Be it further Enacted by the Authority aforesaid, That whosoever shall Steal or Purloyn any Moneys, Goods, Wares, or Merchandize; And be thereof Lawfully Convicted, at the General Court of Tryals, (who are hereby fully Impowered to have Cognizance of the same) either by Confession, or by the Evidence of two persons upon Oath or Engagement, shall for the first Offence, Restore to the Owner of such Moneys, Wares, Goods, and Merchandizes, so stolen two fold; And shall be Whipp'd or Fined at the Discretion of the Judges of said Court; And upon a second Conviction of such Offence, to Restore two fold as aforesaid to the Owners of such Moneys, Wares, Goods, Merchandizes, so Stolen; and four fold to the Colony; And be Whipp'd, or Fined at Discretion, by the Judges of said Court.

Theft.
For the first Offence, to restore twofold to the Owner; or be Whipp'd; or Fined at Discretion.
For the second Offence, to restore twofold to the Owner; and fourfold to the Colony, to be Whipp'd; &c. as aforesaid.

AND Be it further Enacted by the Authority aforesaid, That if the person so Offending, and convict thereof as aforesaid, shall not have Goods and Chattels sufficient to satisfy and Pay the Judgement of such Court as aforesaid, That then and in such Cases, the Offender shall be Sold by the Sheriff, by the Direction of the Judges of said Court, to satisfy such Judgement as shall be given as aforesaid.

If there be not sufficient Estate to satisfy as aforesaid, the Offender shall be Sold to satisfy the same.

AND be it further Enacted by the Authority aforesaid, That if any Officer within this Colony, shall Exact or Extort any more or Greater Fees than by Law is stated him, or that under pretence of Executing his Office, shall Levy any more or Greater Sums of Monies, &c. Than by any Judgement, Execution, Order or Decree, he is Ordered or allowed to do, and be thereof Lawfully convicted, he shall Forfeit to the party agrieved treble Damages, which shall be (according to the Damage received) Recovered by the party agrieved, before any Court, or Judge of Record, by Action of Trespass upon the Case.

No Officer to take more than his Fees.
On the penalty of treble Damages.

AND be it further Enacted by the Authority aforesaid, That if any Person shall wrongfully and Maliciously, Spoil, Burn or Destroy any Frame prepared for Building of either House, Mill, or Barn, or spoil any Cart; or Wood heaped and prepared for Coals, or other Use; or cut out the Tongue of any Beast being alive; or shall barke Fruit Trees, or procure any of the said Offences to be done; The Person so Offending, shall pay the Owner thereof Treble Damages, with cost of Court, and pay a Fine to the Use of the Colony, according to the Direction of the Judges of the Court, where such Offender shall be convicted.

Wilful destroying of Houses Cart or Wood for Coals, barcking of Fruit Trees, to pay treble Damages.
And Fine to the Colony.

AND if any Person shall Wrongfully and Maliciously Cut or take away Corn growing, or Rob any Orchard or Garden, or break or cut any Hedge, Pale, Rail or Fence; or Digg up, Cut down, Spoil or carry away, any Fruit Trees, or shall Cut down or Destroy any other sort of Trees standing; or shall put any Beast into the Field of another, without the knowledge or consent of the

Trespasser.
Owner