

LAWS AND ACTS
OF THE
Colony of Rhode Island

From its First Settlement

1636 - 1705

LAWS AND ACTS

OF

Her Majesties Colony of

RHODE ISLAND,

AND

Providence-Plantations

Made from the

First Settlement in 1636 to 1705.

WITH A

HISTORICAL INTRODUCTION

BY

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PROVIDENCE, RHODE ISLAND

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1896

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y^e Maj^r together wth y^e Maj^r part of y^e Cap^{ts} & Com^{miss}ion Officers of y^e Sever^{al} Train bands on Rhode Island & y^e Islands Adjacent und^{er} y^e Maj^r Command as also in all Other matters of y^e Nature as properly belonging unto them & it is furth^{er} Enacted by y^e authority afores^d y^e Maj^r & Com^{miss}ion officers on y^e Main wthin this Jurisdiction have y^e Like pow^{er} & Authority as y^e afores^d Maj^r & Com^{miss}ion Officers of y^e Island have in all Such cases as Afores^d any Act to y^e Contrary notwthstanding This assembly Takeing Unto Confid^{er}ations y^e Frequent Misbehaviours Committed in this Jurisdiction towards his maj^{ty}s officers in y^e due & Lawfull Execution of their offices & y^e former Laws in this Colony being very Short & not fully declareing w^t Shall be Accounted Misbehaviour

Be it Therefore Further Enacted by y^e auththority aforesaid, That where y^e Law of this Colony doth not fully declare w^t Misbehaviour is Towards his maj^{ty}s officers in this Colony in y^e due Execution of their s^d offices y^t every p^{er}son so Offending Shall be Iudged by y^e Laws of his maj^{ty}s Realm of England in Each case made & Provided

Att A Generall Assembly held for y^e Colony at Newport y^e 6th of may 1679

Be it Enacted by y^e Gover^{er} Council & Representatives in This p^{re}sent Sesion Assembled & by y^e authority of y^e Same be it Enacted y^t if any P^{er}son or P^{er}sons wthin this Jurisdiction Shall Imploy his Seruants or hire & Imploy any oth^{er} mans

[59] y^e P^{er}son or P^{er}sons So offending Shall upon Proove thereof made pay for every offence by him or them Committed five Shilings in Mony to y^e use of y^e poor of y^e Town or place in w^{ch} y^e offence or offences are Committed w^{ch} s^d five Shillings if y^e p^{er}son offending refufe upon Conuiction before one Majestrates to pay, a warrant und^{er} y^e hand of one majestrates directed to y^e Serjant of the town where y^e Offence was Committed Shall be his Sufficient Warrant to take by diftraint So much of y^e Estate of y^e offending Party together wth two Shilings for his Service therein

And be it Further Enacted by the authority aforesaid

That if any p^{er}son or Perfons Shall presume to sport game or play att any manner of game or games or Shooting out of any gun or Shall Sett tipling & drinking in any Tauern alehouf Ordinary or Vitling houfe one y^e first day of y^e Week more then Necesety Requireth & Upon Examination of y^e fact it Shall be Iudged by any Iustice of y^e Peace & y^e P^{er}son or P^{er}sons so offending as afores^d Upon Conviction before one Iustice of Peace Shall by y^e s^d Iustice of y^e Peace be Sentenced for every y^e afores^d offences to Sett in y^e Stocks three houres or pay five shillings in money for y^e use of y^e Poor of y^e Town or place where y^e Offences was Committed

And Whereas there hath been many Complaints by Masters of Ships & Oth^{er} uesells to y^e Authority in this Jurisdiction y^t y^e Seamen by them Shiped & retained, haue been Ent^{er}tained by p^{er}sons keeping Tauerns Alehoufes Ordinarys or Uictualing houfes to there great neglect & Hindrance in there Employments & at y^e time of there being Ready to Sail & put forth to Sea there men are by y^e p^{er}sons afores^d Attached Imprisoned & kept from their Lawfull Service to their great Losf & damage for Preuention of Which this Assembly Enacte

[60] Declare y^t if any P^{er}son or P^{er}sons y^t Shall keep tauern alehoufe Ordinary or Uictualing houfe wthin this Jurisdiction & Shall giue Credite Unto & trust any Seamen or Seaman y^t Shall be Shiped & Ratained by any mast^{er} of a Ship or oth^{er} uesell wthout Ord^{er} from y^e Mast^{er} of y^e s^d Ship or Uesell aboute y^e Sum of five Shilings no Action or Suit Shall Lye or be for y^e Same

And be it Further Enacted by the authority aforesaid

That If any p^{er}son or P^{er}sons Keeping all or any of y^e houfes afores^d Shall P^{re}sume to Arrest attach or Imprison any Seaman or Seamen Contrary to this Act he or they & every of them Shall be Liable to pay y^e mast^{er} of y^e s^d Ship or oth^{er} uesell y^e damage or damages y^e he or they Shall Sustain thereby who by himselfe or his Authority may have his action against any p^{er}son or P^{er}sons So Offending for y^e Same as in Action Debt

Att a Generall Asembly held for y^e Colony att Newport y^e 5th of May 1680

Be it Enacted by y^e Gov^{er} Councill & Representatives in this p^{re}sent Sessioⁿ Asembled & by y^e authority of y^e Same it is Enacted y^e in all Actionall Cafes brought to y^e Generall Court of Tryalls if y^e Plaintiff or Defendant be agrieved aft^{er} Iudgement Entred In Court upon reuiew they may & have liberty to Make there Appeal to y^e next Gener^{al} assembly for Relief provided Such appeal be made in y^e Recorders Office ten days time Aft^{er} Iudgement Entred as afores^d as Also Such P^{er}son or P^{er}sons So appealing Shall first Pay Cost of Court & give in Bond as In cafe of Review & thereupon Execution Shall be Stopped till y^e determination of y^e assembly be Known

And it is further Enacted by y^e authority aforesaid That y^e p^{er}son Appealing Shall Enter his reason of appeall tenn days before y^e Court appealed Unto and [61] the Defendant hath Liberty to take out y^e Reasons of appeal & give in his answer at y^e Court & that y^e Plaintiff take Coppys of y^e Cafe from y^e Recorder & Present y^e whole Cafe to y^e Court Appealed Unto paying y^e Ufuall fees to y^e Record^{er} y^e he hath for Coppys at y^e Gener^{al} Court of Tryalls & pay oth^{er} fees according to y^e Custom of o^r Courts of Tryalls to y^e Serjant for calling y^e Cafe & no oth^{er} fees to y^e Record^{er} nor Serjant Except new Euidence be presented y^e was not in y^e former Courts

And Be it further Enacted be the Authority Aforesaid

That if y^e Freemen inhabitants of any Town or village in this Colony do or Shall neglect to assemble together in Such former order as by Law or Custom they are bound or ufed to do & Chuse Such & So many officers as by Law or Custom they are to Chuse y^e then it shall & may be Lawfull for y^e Govern^{or} or Dep^y Gov^{er} wth six afsif^{es} to Ord^{er} appoint & Constitute und^{er} thei hands Such Officer or Officers in y^e s^d Town Uilage or place as Shall to them Seem Meet for y^e Carrying on the affaires depending & being between y^e Colony & y^e s^d Town Uilage or Place from time to time & also for y^e Carrying on y^e affair of y^e s^d Town Uilage or Place any Law or Laws in this Colony to y^e Contrary hereof in any wise notwthstanding [& for y^e Regulating of all Disord^{er}ly Selling of all Sorts of Strong licquors Wine & Strong drink & setting up tipling houfes wthout licence in any of y^e Respective towns Uillages & Places of this Colony

Be it Enacted by y^e Authority aforesaid

That y^e Town Counsell of Each Respective town Vilage or Place or maj^r part of them on Legall Warnings & meeting are hear by authorized to grant Licences & to Suppress any Person that Shall Sell by Retail as aforesaid without [62] or Contrar To there ord^{er} & y^e y^e Offender or Offenders shall be liable to be dealt wth all According to y^e Laws of England & Pay for y^e first offence a fine of forty Shilings for their Transgression in or as money but in cafe y^e Respective town Councils neglect then two Majestrates Upon Just Complaint are authorized to give licence as well as to Suppress those y^e disord^{er}ly Sell Drink as afores^d any law to y^e Contrary hereof in any wise notwithstanding