

New Jersey - Legislature

LAWS.

OF THE

STATE OF NEW-JERSEY.

Revised and Published

UNDER THE AUTHORITY OF THE LEGISLATURE.



TRENTON:

PRINTED, FOR THE STATE, BY JOSEPH JUSTICE.

1821.

1796.

Certain acts
repealed.

33. *And be it enacted*, That the act, entitled "An act more effectually to secure the faithful execution of the office of sheriff," passed the twenty-ninth day of November, in the year of our Lord one thousand seven hundred and eighty-eight; and the act, entitled "An act to require sheriffs to give security, and for other purposes therein mentioned," passed the fifth day of October, in the year of our Lord one thousand seven hundred and eighty-one; and the act, entitled "An act to oblige the several sheriffs of this colony of New-Jersey to give security, take the oaths or affirmations therein directed for the discharge of their offices, and to prevent their too long continuance therein," passed the nineteenth day of January, in the year of our Lord, one thousand seven hundred and forty-seven-eight; and the act, entitled "An act for the removal of criminals for their more safe custody, and for other purposes therein mentioned," passed the twelfth day of June, in the year of our Lord one thousand seven hundred and seventy-nine; and the act, entitled "An act to direct the mode of prosecuting bonds given by sheriffs, for the due execution of their office," passed the eighteenth day of March, in the year our Lord one thousand seven hundred and eighty-six, be, and the same are hereby repealed: *Provided nevertheless*, That such repeal shall not affect any debt, demand, amercement, penalty, bond, forfeiture, fine, or sum of money already due, amerced, given, forfeited, or arisen, upon or by virtue of the said recited acts, or any of them, or any writ or writs, suit or suits, heretofore issued or instituted under or by virtue of the said acts, or any of them; but that all and every such debt, demand, amercement, penalty, bond, forfeiture, fine, or sum of money, and all and every such writ or writs, suit or suits, shall be proceeded upon and prosecuted to final judgment, execution and effect, in the same manner as if this act had not been made.

But the repeal
not to affect
antecedent
amercements,
or suits already
instituted.

See a supplemental act of the 10th of March, 1797.

PAT. 208.

AN ACT for the punishment of crimes.

Passed the 18th of March, 1796.

Treason, what
cases shall be
adjudged, how
proved, and
punished.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any person or persons, owing allegiance to this state, shall levy war against it, or shall adhere to its enemies, or to the enemies of the United States, giving them aid or comfort within this state, or elsewhere, or by giving them advice or intelligence by letters, or writings of any kind, or by messages, words, signs, or tokens, or in any way whatsoever, within this state, or elsewhere, or by procuring for, or furnishing to them, money, or any kind of provisions, arms or warlike stores, within this state, or elsewhere, or by bribery, or for reward or promise thereof, or through favor, partiality or treachery, yielding or surrendering to them any town or fortress, castle, garrison, troops, militia, citizen or citizens of this state, or of the United States, or any ship, boat

or vessel of this state, or of the United States, or by giving them aid or comfort in any other way, and shall be thereof convicted, or attainted on confession in open court, or on the testimony of two witnesses to the same overt act of the treason, whereof he, she or they shall stand indicted, such person or persons shall be adjudged guilty of treason, and shall suffer death.

1796.

2. *And be it enacted by the authority aforesaid,* That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal, and not as soon as may be disclose and make known the same to the governor of this state, or to some one of the justices of the supreme court thereof, or to some one of the justices of the peace in and for any of the counties of this state, such person or persons, on conviction, shall be adjudged guilty of misprision of treason, and shall suffer an imprisonment at hard labor for any term not exceeding seven years, or be fined not exceeding one thousand dollars, or both, at the discretion of the court, before whom such offender or offenders shall be convicted.

Misprision of treason, what, and how punished.

3. *And be it enacted by the authority aforesaid,* That every person, who shall commit murder, or shall aid, abet, counsel, hire, command, cause or procure any person or persons to commit murder, shall, on being thereof convicted or attainted, suffer death; and, in such case, the court may, at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the sheriff, who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid; provided, that such surgeon, or some person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

Murder punished with death; and court may order offender's body to be dissected.

4. *And be it further enacted by the authority aforesaid,* That if any person or persons, after such execution had, shall rescue or attempt to rescue the body of such offender out of the custody of the sheriff or his officers, or the surgeon or his agents, during the conveyance of such body to any place for dissection as aforesaid, or shall rescue, or attempt to rescue such body from the house of any surgeon, where the same shall have been deposited in pursuance of this act, every person, so offending, shall be liable to a fine not exceeding one hundred dollars, and an imprisonment at hard labor not exceeding twelve months, or either of them, at the discretion of the court.

Rescue of body ordered for dissection, punishment for.

5. *And be it enacted by the authority aforesaid,* That if any person or persons commit the crime of manslaughter, and be thereof convicted, such person or persons shall be liable to a fine not exceeding one thousand dollars, and an imprisonment at hard labor, not exceeding three years, or either of them, at the discretion of the court.

Manslaughter how punished.

6. *And be it enacted by the authority aforesaid,* That from and after the passing of this act, in all cases wherein heretofore any person or persons would have been deemed or taken to have

Petit treason to be deemed murder only, and punished accordingly.

1796.

committed the crime of petit treason, such person or persons shall be deemed and taken to have committed the crime of murder only, and shall be indicted and prosecuted to final judgment accordingly, and the same punishment and no other shall be inflicted as in case of murder.

Sodomy, how punished.

7. *And be it enacted by the authority aforesaid,* That sodomy, or the infamous crime against nature, committed with mankind or beast, shall be adjudged a high crime and misdemeanor, and be punished by fine and solitary imprisonment at hard labor, for any term not exceeding twenty-one years.

Rape, what, and how punished.

8. *And be it enacted by the authority aforesaid,* That any person, who shall have carnal knowledge of a woman, forcibly and against her will, or who shall aid, abet, counsel, hire, cause or procure any person or persons, to commit the said offence; or who, being of the age of fourteen years, shall unlawfully and carnally know and abuse any woman child, under the age of ten years, with or without her consent, shall, on conviction, be adjudged guilty of a high misdemeanor, and be punished by fine and solitary imprisonment at hard labor, for any term not exceeding fifteen years.

Carnal knowledge of a woman child under ten years, punishment for.

Forcible abduction of a woman, and marriage, or defilement, punishment for.

9. *And be it enacted by the authority aforesaid,* That if any person shall unlawfully take any maid, widow or wife, contrary to her will, and shall marry her himself, or cause, or procure her to be married to another, either with or without her consent, or shall defile, or cause her to be defiled, such person, so offending, his aiders, abettors, counsellors and procurers, and such as wittingly receive such woman, so taken against her will, and knowing the same, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined and sentenced to solitary imprisonment at hard labor, for any term not exceeding twelve years; and every such marriage shall be void; and also, the person, to whom such woman shall be so married, shall not receive, take, hold, possess or enjoy any part of her estate, real or personal, by any gift, grant, bequest or devise, of, from, or under her; but every such gift, grant, bequest or devise, so made to him, or for his use, shall be void and of no effect.

Such marriage void; and the pretended husband not to take or hold any estate from the woman, to whom he is so married.

Taking women under 15 from the possession, and against the will of parents or guardians with intent to deflower, &c. how punished.

10. *And be it enacted by the authority aforesaid,* That if any person shall unlawfully convey or take away any woman child unmarried, whether legitimate or illegitimate, being within the age of fifteen years, out of or from the possession, custody or governance, and against the will of the father, mother or guardian of such woman child, though with her own consent, with an intent to seduce, deflower, or contract matrimony with her, such offender shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine and imprisonment at hard labor for any term not exceeding two years, or either them; and if he deflower such woman child, or, without the consent of her father, mother or guardian, contract matrimony with her, then, and in such case, he shall be deemed guilty of a high misdemeanor, and, on conviction, shall be punished by fine and imprisonment at hard labor for any term not exceeding five years; and further, every such marriage shall be void.

Punishment if deflowered or married, and such marriage void.

11. *And be it enacted by the authority aforesaid,* That if any person, being married, or who hereafter shall marry, shall marry any person, the former husband or wife being alive, then the person so offending shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine and imprisonment at hard labor for any term not exceeding ten years, or either of them, at the discretion of the court before whom such conviction shall be had; but neither this act, nor any thing therein contained shall extend to any person, whose husband or wife shall be continually remaining without the United States of America for the space of five years together, or whose husband or wife shall absent him or herself, the one from the other, for the space of five years together in any parts within this state, or the United States, the one of them not knowing the other to be living within that time; nor to any person who is or shall be, at the time of such marriage, divorced by the sentence or decree of any authority, or court, having cognizance thereof; nor to any person where the former marriage hath been, or shall be, by the sentence or decree of any such authority, or court, declared to be void and of no effect; nor to any person for or by reason of any former marriage had or made, or to be had or made, within the age of consent.

1796.

Polygamy, what, and how punished.

To what cases this act does not extend.

12. *And whereas* many lewd and dissolute women, being pregnant with bastard children, but regardless of natural affection, or to avoid shame, or escape punishment, conceal their pregnancy and the birth of such children, whereby many of them perish for want of the usual and necessary aid and assistance, and also conceal the death of such children, so that it cannot be known whether they were murdered or not: *Be it therefore enacted by the authority aforesaid,* That if any woman shall conceal her pregnancy, and shall willingly and of purpose be delivered in secret by herself of any issue of her body, male or female, which shall by law be a bastard, every such woman so offending, shall be adjudged to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment at hard labor, not exceeding four months, or both. *And be it further enacted,* That if any woman shall endeavor privately, by drowning or secret burying, or any other way, either by herself or the procurement of others, to conceal the death of any such issue of her body, which, if it were born alive, would by law be a bastard, so that it may not come to light, whether it were born alive or not, or whether it was murdered or not, then, and in every such case, the woman so offending, her aiders, abettors, counsellors and procurers, shall be adjudged to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding two hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both.

Women, pregnant with bastard children, concealing such pregnancy, and being delivered in secret, how punished.

Concealing the death of bastard child, punishment for.

13. *And be it enacted by the authority aforesaid,* That all persons who shall intermarry within the degrees prohibited by law, shall be adjudged to be guilty of incest and a misdemeanor, and on conviction, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding

Incest, what and how punished.

1796.

eighteen calendar months, or both, at the discretion of the court.

Adultery, how punished.

14. *And be it enacted by the authority aforesaid,* That every person who shall commit adultery, and be thereof convicted, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment, not exceeding the term of six months.

Fornication, how punished.

15. *And be it enacted by the authority aforesaid,* That every person who shall commit fornication, and be thereof convicted, shall be punished by the fine of fourteen dollars, to be paid to the overseers of the poor of the township where the offence was committed, for the use of the poor of the said township.

Open lewdness, &c. how punished.

16. *And be it enacted by the authority aforesaid,* That every person who shall be guilty of open lewdness, or any notorious act of public indecency, grossly scandalous, and tending to debauch the morals and manners of the people, shall, on conviction, be liable to a fine, not exceeding one hundred dollars, and to an imprisonment at hard labor, not exceeding twelve months, or either of them at the discretion of the court.

No suit to be carried on against any person for witchcraft, &c. or for charging another with such offence.

17. *And be it enacted by the authority aforesaid,* That no prosecution, suit or proceeding, shall be commenced or carried on in any court of this state, against any person for conjuration, witchcraft, sorcery or enchantment, or for charging another with any such offence.

Persons, pretending to exercise witchcraft, or by occult science to discover stolen or lost goods, how punished.

18. *And for the effectual prevention and punishment of any pretences to such arts or powers as are before mentioned, whereby ignorant persons are frequently deluded or defrauded, Be it further enacted,* That if any person shall pretend to exercise or use any kind of conjuration, witchcraft, sorcery or enchantment, or pretend, from his or her skill or knowledge in any occult or crafty science, to discover where, or in what manner any goods or chattels, supposed to have been stolen or lost, may be found, every person so offending, being thereof convicted, shall, for every such offence, be punished by fine, not exceeding fifty dollars, or imprisonment at hard labor, not exceeding three months, or both, at the discretion of the court.

Religious impostors, how punished.

19. *And be it enacted by the authority aforesaid,* That all impostors in religion, such as personate our Saviour Jesus Christ, or suffer their followers to worship or pay them divine honors, or terrify, delude, or abuse the people by false denunciations of judgments, shall, on conviction, be punished for every such offence by a fine, not exceeding one hundred dollars, or an imprisonment at hard labor, not exceeding six months, or both, at the discretion of the court.

Blasphemy, and how punished.

20. *And be it enacted by the authority aforesaid,* That if any person shall wilfully blaspheme the holy name of God, by denying, cursing or contumeliously reproaching his being or providence, or by cursing or contumeliously reproaching Jesus Christ, or the Holy Ghost, or the Christian religion, or the holy word of God, that is, the Canonical Scriptures contained in the books of the Old and New Testament, or by prophane scoffing at, or exposing them, or any of them to contempt and ridicule, then

every person so offending shall, on conviction, be punished by a fine, not exceeding two hundred dollars, or an imprisonment at hard labor, not exceeding twelve months, or both, at the discretion of the court.

1796.

21. *And be it enacted by the authority aforesaid,* That if any person shall wilfully and corruptly commit perjury, or shall by any means procure or suborn any person to commit corrupt and wilful perjury, on his or her oath or affirmation, in any action, plea, suit, bill, answer, complaint, indictment, controversy, matter, or cause depending, or which may depend in any of the courts of this state, or before any referees or arbitrators, or in any deposition taken, or to be taken pursuant to the laws of this state, every person so offending shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding eight hundred dollars, or by imprisonment at hard labor, not exceeding seven years, or both, at the discretion of the court, and be thereafter rendered incapable of giving testimony in any of the courts of this state, until such time as the judgment so given against the said offenders shall be reversed.

Perjury, and subornation of perjury, how punished.

22. *And be it enacted by the authority aforesaid,* That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken (averring such court, or person or persons to have competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, other than as aforesaid; and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

In prosecutions for perjury, it shall be sufficient to set forth the substance of the charge.

23. *And be it further enacted by the authority aforesaid,* That in every presentment or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

Also, in prosecutions for subornation of perjury.

24. *And be it enacted by the authority aforesaid,* That if any person shall, directly or indirectly, give any sum or sums of money, or any goods, chattels, lands or real estate, or any other bribe, present or reward, or give or make any promise, contract, covenant, obligation or security for the payment, delivery, alienation or transfer of any money, goods, chattels, lands or real estate, or other bribe, present or reward, to obtain, procure or in-

Bribery, what cases shall be adjudged, and how punished.

1796.

fluence the opinion, judgment, decree or behaviour of any judge or judges, justice or justices of this state, in any action, plea, suit, complaint, indictment, controversy, matter or cause depending, or which shall depend before him or them, such person so giving, promising, contracting, covenanting or securing to be given, paid, delivered, aliened or transferred, any sum or sums of money, goods, chattels, lands, real estate, or other present, reward or bribe as aforesaid, and the judge or judges, justice or justices, who shall in anywise receive or accept the same, shall be adjudged guilty of a high misdemeanor, and, on conviction thereof, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both; but such fine shall not exceed eight hundred dollars, and such imprisonment shall not exceed five years; and also shall for ever be disqualified to hold any office of honor, trust or profit under this state.

Extortion,
what, and how
punished.

25. *And be it enacted by the authority aforesaid, That no* judge, justice, sheriff, coroner, constable, gaoler, or other officer of this state, ministerial or judicial, shall receive or take any fee or reward to execute and do his duty and office, but such as is or shall be allowed by the laws of this state; and if any doth, he shall restore to the party grieved double damages and costs: *And further,* That if any such judge, justice, sheriff, coroner, constable, gaoler, or other officer as aforesaid, shall receive or take, by color of his office, any fee or reward whatsoever not allowed by the laws of this state for doing his office, and be thereof convicted, he shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both; the fine not to exceed four hundred dollars, nor the imprisonment the term of two years.

Embracery,
and attempts
to influence a
juror or jury,
how punished.

26. *And be it enacted by the authority aforesaid, That embracery,* and all attempts to corrupt or influence a jury, or any of them, or any way to incline such jury, or any of them, to be more favorable to the one side than to the other, by promises, persuasions, entreaties, threats, letters, money, entertainments, or other sinister means, and all indirect, unfair and fraudulent practices, arts and contrivances to obtain a verdict, and all attempts to instruct a jury or juror beforehand, or at any place or time, or in any manner or way, except only in open court, at the trial of the cause, by the strength of the evidence, the arguments of the parties, or their counsel, or the opinion or charge of the court, shall be deemed misdemeanors, and punished by fine or imprisonment or both, or by fine or imprisonment at hard labor, or both; the fine in such case not to exceed three hundred dollars, nor the imprisonment the term of one year: *And further,* If any juror take money, goods, chattels, or other reward of the one party or the other, or be so as aforesaid embraced, then every such juror shall, on conviction, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both; the fine in such case not to exceed six hundred dollars, nor the imprisonment the term of two years; and also shall be for ever disqualified to serve or act as a jurymen.

A juror, who
shall take an
illegal reward,
how punished.

27. *And be it enacted by the authority aforesaid, That if any*

person wilfully and maliciously shall burn or cause to be burned, or aid, counsel, procure, or consent to the burning of the dwelling-house of another, or any kitchen, shop, barn, stable, or other out-house, that is parcel thereof, or belonging or adjoining thereto, or any other building, by means whereof a dwelling house shall be burnt, then, and in every such case, the person so offending shall be adjudged guilty of arson, and be proceeded against for a high misdemeanor, and, on conviction, shall be punished by fine and solitary imprisonment at hard labor, for any term not exceeding fifteen years.

1796.

Arson, what,
and how punished.

28. *And be it enacted by the authority aforesaid,* That if any person wilfully and maliciously shall burn or cause to be burned, or aid, counsel, procure, or consent to the burning of any barn, stable, or other building of another, not parcel of the dwelling-house, or any shop, store-house, ware-house, malt-house, mill, or other building of another, or any ship, boat, or other vessel of another, lying within the body of any county in this state, or any church, meeting-house, court-house, work-house, gaol or other public building, then, and in every such case, the person so offending shall be adjudged guilty of a misdemeanor, and, on conviction, shall be liable to a fine and imprisonment at hard labor, for any term not exceeding ten years, or either of them.

Burning public
buildings, mills
and out-houses
how punished.

29. *And be it enacted by the authority aforesaid,* That if any person wilfully and maliciously shall set fire to, or aid, procure, or consent to the setting fire to any church, meeting-house, court-house, work-house, gaol, or other public building; or any dwelling-house, kitchen, shop, store-house, ware-house, malt-house, mill, barn, stable, or other house or building of another, or any ship, boat, or other vessel of another, lying within the body of any county in this state, with intent to burn the same, then, and in every such case, the person so offending shall be adjudged guilty of a misdemeanor, and, on being thereof convicted, shall be punished by fine and solitary imprisonment at hard labor, for any term not exceeding five years, or either of them.

Dwelling-
house, mills,
&c. setting fire
to, with inten-
tion to burn,
how punished.

30. *And be it enacted by the authority aforesaid,* That if any person shall, by night, wilfully and maliciously break and enter any church, meeting-house, or dwelling-house, with intent to kill, rob, steal, or commit a rape, every such offender, and his or her procurers, counsellors, aiders and abettors, shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine and solitary imprisonment at hard labor, for any term not exceeding ten years.

Burglary,
what, and how
punished.

31. *And be it enacted by the authority aforesaid,* That if any person shall steal of the money or personal goods and chattels of another, under the price or value of six dollars, he or she so offending, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both; the fine not to exceed thirty dollars, nor the imprisonment the term of one year.

Larceny, un-
der six dollars,
how punished.

32. *And be it enacted by the authority aforesaid,* That if any person shall steal of the money or personal goods and chattels of

1796.

Mode of trial
in cases of lar-
ceny under six
dollars.

See supple-
ment, passed
12th February
1818, and sup-
plement, 31st
May, 1820.

But such offen-
der may elect
to be tried in
the usual man-
ner.

Larceny of or
above six dol-
lars, or from
the person,
how punished.

Robbery, how
punished.

another, under the sum of six dollars, such person being committed to gaol for the same, for want of bail, shall, and may by virtue of a warrant under the hands and seals of any two justices of the county, city or town-corporate, wherein such fact was committed, or wherein such money, goods or chattels were found on the person, or in his custody, to the sheriff or constable of such county, city or town-corporate directed, be brought before the said justices, at such time and place as in the said warrant shall be appointed, and such sheriff or constable shall attend the said justices, with the prisoner, during such reasonable time as the said justices shall direct; that the said justices shall then cause the clerk of the court of quarter-sessions of the county, city or town-corporate, or such other person as the said justices shall see fit to appoint and direct, to prefer to the said justices an accusation in writing, alleging the time, place and nature of the offence of the prisoner so as aforesaid brought before them, which they the said justices are hereby fully empowered and required to hear and determine; to which accusation the said prisoner shall plead, and on refusal to plead, or on trial and conviction in manner aforesaid, shall suffer and incur, by order of the said justices, the punishment, penalty and forfeiture prescribed and directed in the preceding section of this act, at the discretion of the said justices: *Provided always*, That if the person, so accused of committing such offence as aforesaid, shall make it his or her choice and request to the said justices, to be tried in such manner as other persons charged with the commission of the crimes and offences in this act enumerated are tried, he or she shall, for want of bail, be remanded by the said justices to the gaol aforesaid, there for that purpose to be kept and confined.*

33. *And be it enacted by the authority aforesaid*, That if any person shall steal of the money, or personal goods and chattels of another, of or above the price or value of six dollars; or shall steal of the money or personal goods and chattels of another from his or her person, whether privately or without his or her knowledge, or openly and in his presence, to any value whatever, above the sum of six dollars; or shall, in any church, meeting-house, or place of worship, or in any dwelling-house, shop, store-house, ware-house, mill, barn, stable, out-house, or other building, steal of the money or personal goods and chattels of another to any value whatever, above the said sum of six dollars, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding ten years, or both.

34. *And be it enacted by the authority aforesaid*, That if any person shall forcibly take from the person of another, money, or personal goods and chattels, to any value whatever, by violence, or putting him or her in fear, every person so offending, and his or her aiders, procurers and abettors, shall be adjudged guilty of

* By a supplemental act, of the 10th of March, 1797, the fines, imposed by virtue of this section, are to be paid to the overseers or trustees of the poor.

a high misdemeanor, and, on conviction, shall be punished by a fine and solitary imprisonment at hard labor, for any term not exceeding fifteen years.

1796.

35. *And be it enacted by the authority aforesaid,* That if any person shall unlawfully and maliciously assault another with any offensive weapon or instrument, or by menaces, or in and by other forcible and violent manner and means, demand of another any money, or personal goods and chattels, with intent to rob him or her; or shall, by day, wilfully and maliciously break and enter any dwelling-house, shop, ware-house, store-house, mill, barn, stable, out-house, or other building whatever, with intent to kill, rob, steal, or commit a rape, mayhem or battery, then, and in every such case, the person so offending, and his or her counsellors, procurers, aiders and abettors, shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine not exceeding five hundred dollars, or solitary imprisonment at hard labor, for any term not exceeding ten years, or both.

Assault with intent to rob, or house-breaking by day with intent to kill, rob, steal, &c. how punished.

36. *And be it enacted by the authority aforesaid,* That if any person shall wilfully and maliciously enter, either by day or by night, without breaking the same, any church, meeting house, or place of worship, or any dwelling-house, shop, ware-house, store-house, mill, barn, stable, out-house, or other building whatsoever, with intent to kill, rob, steal, or to commit a rape, mayhem or battery, then, and in every such case, the person so offending, and his or her counsellors, procurers, aiders and abettors, shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or solitary imprisonment at hard labor, for any term not exceeding five years, or both.

Entering dwelling-house, &c. without breaking, with intent to kill, &c. how punished.

37. *And be it enacted by the authority aforesaid,* That if any apprentice or servant, whether bound or hired, to whom any money, bank-bill or note, or goods or chattels, shall be by his or her master or mistress delivered to be safely kept, shall withdraw himself or herself from his or her said master or mistress, and go away with the said money, bank-bill or note, goods or chattels, or any part thereof, with intent to steal the same and defraud his or her said master or mistress thereof, contrary to the trust and confidence in him or her reposed, by his or her said master or mistress; or being in the service of his or her said master or mistress, without assent or commandment of his or her said master or mistress, shall embezzle the said money, bank-bill or note, goods or chattels, or any part thereof, or otherwise shall convert the same to his or her own use, with like purpose to steal the same, then, and in every such case, the person so offending shall be judged guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, for any term not exceeding two years, or both: *Provided,* That this clause or section shall not extend to any apprentice or servant, guilty of any of the premises therein mentioned, within the age of fourteen years.

Apprentices or servants, entrusted by their masters with money or goods, and who shall go away with them, with intent to steal, or who shall embezzle them, how punished

Not to extend to servants, under 14 years of age.

1796.

Lodger steal-
ing goods from
his lodging,
how punished.

38. *And be it enacted by the authority aforesaid,* That if any lodger shall take away, with intent to steal, embezzle or purloin, any bedding, furniture, goods or chattels, which, by contract or agreement, he or she is to use, or shall be let to him or her to use, in or with his or her lodging, then, and in such case, every person so offending, shall be deemed guilty of a misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding two hundred dollars, or imprisonment at hard labor, not exceeding two years, or both.

Stealing bills,
bonds, notes,
&c. or taking
them by rob-
bery, how
punished.

39. *And be it enacted by the authority aforesaid,* That if any person shall steal, or take by robbery, any bank-bill or note, bill of exchange, order, warrant, draught, check, bond, bill, or promissory note for payment of any money, or any certificate, or other public security of the United States, or of this state, or of any of the United States, for payment of money, or acknowledging the receipt of money or goods, being the property of any other person or persons, or of any corporation, notwithstanding the said particulars or any of them are or may be termed in law, choses in action, it shall be deemed and construed a misdemeanor of the same nature, in the same degree, and in the same manner as it would have been, if the offender had stolen, or taken by robbery, any other goods of like value, with the money due on such bank-bill or note, bill of exchange, order, warrant, draught, check, bond, bill, or promissory note, or certificate, or other public security, or secured thereby, and remaining unsatisfied; and such offender shall suffer such punishment as he or she should or ought to have done, if he or she had stolen, or taken by robbery, other goods of the like value with the money due on such bank-bill or note, bill of exchange, order, warrant, draught, check, bond, bill, or promissory note, or certificate, or other public security respectively, or secured thereby and remaining unsatisfied.

Stealing deeds
&c. how pun-
ished.

40. *And be it enacted by the authority aforesaid,* That if any person shall steal, or take by robbery, any letters patent, charter, testament, will or deed, whether indented or poll, covenant, assurance, lease, indenture of apprenticeship, articles of agreement, contract, letter of attorney, or other power, or any instrument of writing respecting any property, real or personal, or any release, acquittance, voucher, receipt, receipt-book, waste-book, day-book, journal, ledger or other book of accounts, of or belonging to another, every such offender shall be deemed guilty of a misdemeanor, and, on being convicted thereof, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding ten years, or both.

Persons steal-
ing or avoid-
ing records,
whereby any
judgment is re-
versed, how
punished.

41. *And be it enacted by the authority aforesaid,* That if any clerk, coroner, sheriff, justice or judge, or any other person, shall steal, embezzle, take away, alter, withdraw, falsify or avoid, any record or parcel of the same, writ, return, panel, process, minutes, documents, book or other proceeding, of or belonging to any of the courts of this state, or of or belonging to the office of the secretary of this state, or the office of the clerk of the supreme court, or of the inferior court of common pleas, or general quarter-sessions of the peace of any city or county in this state, by

means whereof any verdict, judgment, sentence or decree shall be reversed, annulled, made void, or lose its force and effect, then every such offender, his or her procurers, counsellors, aiders and abettors, shall be adjudged guilty of a high misdemeanor, and, on being convicted thereof, shall be punished by fine, not exceeding seven thousand dollars, or imprisonment at hard labor, not exceeding seven years, or both; and in case no verdict, judgment, sentence or decree, shall be reversed, annulled, made void, or lose its force and effect by any such stealing, embezzling, taking away, altering, withdrawing, falsifying, or avoiding of any of the records, proceedings, minutes, books, matters or things aforesaid, then every such offender, his or her procurers, counsellors, aiders and abettors, shall, on conviction, be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding four years, or both. *Provided always*, That this act shall not extend to any amendment or entry made or to be made by any rule, order, judgment or decree of any court.

1796.

And if judgment, &c. be not reversed, how punished.

But not to extend to any entry made by order of court.

Forgery, what and how punished.

42. *And be it enacted by the authority aforesaid*, That if any person shall falsely make, alter, forge or counterfeit, or cause, counsel, hire, command, or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any record, or other authentic matter of a public nature, charter, letters patent, deed, lease, writing sealed, will, testament, annuity, bond, bill, writing obligatory, bank-bill or note, check, draught, bill of exchange, promissory note for the payment of money, endorsement or assignment of any bill of exchange, or promissory note for the payment of money, or any acceptance of a bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for the payment of money, or any warrant, order or request for the payment of money, or delivery of goods or chattels of any kind, or any acquittance or receipt, either for money or goods, or any acquittance, release or discharge of any debt, account, action, suit, demand or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels or other property whatsoever, or any letter of attorney or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, sell, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, with intent to prejudice, injure, demand or defraud any person or persons, body politic or corporate, or shall utter or publish, or cause, counsel, hire, command or procure to be uttered or published, as true, any of the above false, altered, forged or counterfeited matters, as above specified and described, knowing the same to be false, altered, forged or counterfeited, with intent to prejudice, injure, damage or defraud any person or persons, body politic or corporate, then every such offender shall be deemed guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine or solitary imprisonment at hard labor, or both; provided such imprisonment shall not exceed the term of ten years.

1796.

Persons acknowledging fines, recoveries, deeds, bail, judgments, &c. in the names of others, not privy thereto, or personating others as bail, how punished.

43. *And be it enacted by the authority aforesaid,* That if any person shall acknowledge, or procure to be acknowledged, any fine or fines, common recovery or recoveries, deed or deeds, recognizance or recognizances, bail or bails, judgment or judgments, in the name or names of any other person or persons, not privy or consenting to the same; and if any person shall, before any person or persons authorized to take bail or bails, represent or personate any other person or persons, whereby the person or persons so represented or personated may be liable to the payment of any sum or sums of money, for debt or damages, to be recovered in the same suit or action wherein the person or persons are represented or personated, as if he, she or they had really acknowledged and entered into the same bail or bails, every such person or persons so offending, shall be adjudged guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding seven thousand dollars, or solitary imprisonment at hard labor, or both; provided such imprisonment shall not exceed the term of seven years; and provided also, that this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons, against whom any such judgment or judgments shall be had or given.

Persons using any false token or writing to obtain money or goods, with intent to cheat or defraud, how punished.

44. *And be it enacted by the authority aforesaid,* That all persons who knowingly and designedly, by color of any false token, counterfeit letter or writing, or false pretence or pretences, shall obtain from any person money, wares, merchandise, goods or chattels, or other valuable thing, with intent to cheat or defraud any person or persons, body politic or corporate, of the same, then every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding three years.

Persons obstructing the execution of process, how punished.

45. *And be it enacted by the authority aforesaid,* That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any sheriff, coroner, constable, or other officer of this state, or other person or persons duly authorized, in serving or attempting to serve or execute any mesne process, writ, warrant, rule or order of any of the courts of this state, or any other legal or judicial writ, warrant or process whatsoever, or shall assault, beat or wound any sheriff, coroner, constable or other officer or person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, or for having served or executed the same, every person so knowingly and wilfully offending in the premises, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding eight hundred dollars, or by imprisonment at hard labor, not exceeding two years, or both.

Sheriffs, and other officers guilty of voluntary escapes in capital cases, to suffer death.

46. *And be it enacted by the authority aforesaid,* That if any sheriff, coroner, gaoler, keeper of a gaol, constable, or other officer or person whatsoever, having any offender, guilty of treason, murder or other crime punishable with death, in his custody for any such crime, shall voluntarily permit or suffer such offender

to escape and go at large, then every such sheriff, coroner, gaoler, keeper of a gaol, constable, or other officer or person so offending, shall be adjudged guilty of a high misdemeanor, and, on being thereof convicted, shall suffer death. *Provided*, That nothing herein contained shall be construed to prevent any sheriff, coroner, gaoler, keeper of a gaol, constable, or other officer or person, so guilty of such voluntary escape as aforesaid, from being prosecuted or proceeded against for a misdemeanor at common law.

1796.

But not to prevent their being proceeded against for a misdemeanor at common law.

47. *And be it further enacted by the authority aforesaid*, That all voluntary escapes, in cases not punishable with death, and all negligent escapes of whatever kind, in criminal matters, shall be deemed misdemeanors, and punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding three years, or both. *And further*, Any sheriff, coroner, gaoler, keeper of a gaol, constable, or other officer, who shall be guilty of any voluntary escape, in any criminal case whatever, shall forever be disqualified to hold any office of honor, trust or profit under this state.

Voluntary escapes, in cases not capital, and negligent escapes, how punished.

48. *And be it enacted by the authority aforesaid*, That all rescues of any person or persons, guilty of treason, murder, or other crime punishable with death, shall be deemed high misdemeanors, and every person so offending shall, on conviction, suffer death. *Provided*, That nothing herein contained shall be construed to prevent any such rescuer as aforesaid, from being prosecuted and proceeded against for a misdemeanor at common law.

Rescuer of persons guilty of capital crimes, how punished.

But such rescuer may be proceeded against at common law.

49. *And be it enacted by the authority aforesaid*, That all rescues in criminal cases, not punishable with death, and in all civil cases, shall be deemed misdemeanors, and every such rescuer shall, on conviction, be liable to a fine, not exceeding one thousand dollars, or an imprisonment at hard labor, not exceeding three years, or both.

Rescues in criminal cases, not capital, and in all civil cases, how punished.

50. *And be it enacted by the authority aforesaid*, That from henceforth no person, who, being imprisoned, shall break prison, shall have judgment of life or member for breaking prison only; except the cause, for which such prisoner was taken and imprisoned, did require such judgment if he had been convicted thereupon; and if any person, being imprisoned for a crime not punishable with death, shall break prison and escape, or shall break prison, although no escape be actually made, he or she so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding three years, or both.

Prisoner, breaking prison, not to suffer death, unless confined for a crime punishable with death.

Prisoner confined for a crime not capital, breaking prison, how punished.

51. *And be it enacted by the authority aforesaid*, That if any person shall, by any means whatsoever, be aiding or assisting to any prisoner in gaol, indicted for or convicted of any offence against this state, or sentenced to imprisonment on such conviction, or lawfully committed or detained in such gaol, for any crime against this state, expressed in the warrant of his or her commitment or

Assisting a prisoner in gaol to escape, how punished.

1796.

Conveying to such prisoner any disguise or arms, proper to facilitate his escape, how punished.

Assisting a prisoner to escape from a constable, or other person, how punished.

Compounding of treason, and other crimes, how punished.

Conspiracy, what, and how punished.

detainer, to make or to attempt to make his escape from any gaol, although no escape be actually made, every person so offending as aforesaid, and being thereof convicted, shall be deemed to be guilty of a misdemeanor, for which he or she shall be liable to a fine, not exceeding five hundred dollars, or an imprisonment at hard labor, not exceeding two years, or both; and if any person shall convey, or cause to be conveyed into any gaol or house of correction, any mask, visor, or other disguise, or any instrument, or arms proper to facilitate the escape of such prisoners as aforesaid, and the same shall deliver, or cause to be delivered to any such prisoner in any such gaol or house of correction, or to any other person there, for the use of any such prisoner, without the consent or privity of the keeper of such gaol or house of correction, every such person, although no escape or attempt to escape be actually made, shall be deemed to have delivered such mask, visor, or other disguise, instrument or arms, with intent to aid or assist such prisoner to escape, and being thereof convicted, shall be deemed and adjudged to be guilty of a misdemeanor, for which he or she shall be liable to a fine, not exceeding five hundred dollars, or an imprisonment at hard labor, not exceeding two years, or both. *And further,* If any person shall aid or assist any prisoner to attempt to make his or her escape from the custody of any constable, officer, or other person, who shall have the lawful charge of such prisoner, in order to conduct or carry him or her to gaol, by virtue of a warrant of commitment for any crime against this state, expressed in such warrant, or to the house of correction, by virtue of any order, sentence or judgment of imprisonment on conviction of any crime against this state, then every person so offending, and being thereof convicted, shall be deemed and adjudged to be guilty of a misdemeanor, for which he or she shall be liable to a fine, not exceeding five hundred dollars, or an imprisonment at hard labor, not exceeding two years, or both.

52. *And be it enacted by the authority aforesaid,* That if any person take money, goods, chattels, lands, or other reward, or promise thereof, to compound, or upon agreement to compound any treason, misprision of treason, murder, manslaughter, sodomy, rape, arson, forgery, burglary, house breaking, robbery, larceny, kidnapping, escape, rescue, breach of prison, embracery, bribery, perjury, or subornation of perjury, every person so offending, shall be deemed to be guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding twelve months, or both.

53. *And be it enacted by the authority aforesaid,* That all such as combine, unite, confederate, conspire, or bind themselves by oath, covenant, agreement, or other alliance, that they shall and will mutually aid, support and help one another falsely and maliciously to indict, or cause or procure to be indicted, any person or persons, shall be deemed to be guilty of conspiracy, and, on conviction, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding two years, or both.

54. *And be it enacted by the authority aforesaid,* That if any person shall kidnap, or steal, or forcibly take away any man, woman or child, bond or free, and send or carry, or with intent to send or carry such man, woman or child from this state into another state or country; or shall spirit, persuade, or entice any child, within the age of fourteen years, to leave his father, mother or guardian, or other person or persons entrusted with the care of such child, and the same child shall secrete and conceal, then the person so offending in any of the premises, and his or her procurers, shall be adjudged to be guilty of a high misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding five years, or both; but neither this act, nor any thing therein contained, shall extend to oppose, obstruct or prevent any master or mistress, who may remove from this state into any other of the United States, from taking with him or her, his or her servants or slaves.

1796.

Kidnapping,
and spiriting
away children,
punishment
for.

To what cases
this section
does not ex-
tend.

55. *And be it enacted by the authority aforesaid,* That if any person shall voluntarily, unlawfully, and on purpose, cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, lip or ear, cut off the nose or lip, or cut off or disable any limb or member of any person, or brand any person, with intention in so doing, to murder or kill, to maim or disfigure such person, in any of the manners before mentioned, then, and in every such case, the person so offending shall, on conviction, be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding seven years, or both.

Cutting out or
disabling the
tongue, cut-
ting off or slit-
ting the nose,
lip, ear, &c.,
of any person,
how punished.

56. *And be it enacted by the authority aforesaid,* That if any person shall, by word, message, letter, or any other way, challenge another to fight a duel, with a rapier, or small sword, back sword, pistol, or other dangerous weapon, or shall accept a challenge, although no duel be fought, or knowingly be the bearer of such challenge, or shall any ways abet, prompt, encourage, persuade, seduce, or cause any person to fight a duel, or to challenge another to fight such duel, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labor, not exceeding two years, or both. *And further,* If any person shall engage in and fight a duel with another, with a rapier, or small sword, back sword, pistol, or other dangerous weapon, although death does not thereby ensue, or shall be a second in any such duel, then, and in such case, every person so offending shall be adjudged to be guilty of a high misdemeanor, and, on conviction, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, not exceeding four years, or both.

Challenging
to fight a duel,
though no duel
be fought, how
punished.

Duel, punish-
ment for fight-
ing, where
death does not
ensue.

57. *And be it enacted by the authority aforesaid,* That if any person shall knowingly send or deliver any letter or writing, with or without a name subscribed thereto, or signed with a fictitious name, letter or letters, threatening to accuse any person of a crime of an indictable nature by the laws of this state, with intent to extort from him or her any money, wares, merchandise, goods

Sending letter,
or other writ-
ing, threaten-
ing to accuse
of an indicta-
ble offence,
with intent to
extort money,

1796.

or demanding money, or threatening to maim, kill, or to burn houses, &c., how punished.

or chattels, or other valuable thing; or demanding money, goods or chattels, or other valuable thing; or threatening to maim, wound, kill, or murder any person, or to burn his or her house, out-house, barn or other building, or stack or stacks of corn, grain or hay, though no money, goods or chattels, or other valuable thing be demanded by such letter or writing, then every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding nine months, or both.

Stealing lead or iron, fixed to a house, or grass or grain standing and growing, how punished.

58. *And be it enacted by the authority aforesaid,* That if any person shall steal, or shall rip, cut or break, with intent to steal, any lead or iron bar, iron rail, iron gate, or iron palisado, or any lock fixed to any dwelling-house, out-house, stable, or any other building; or shall pull, cut, gather, or take away with intent to steal, any flax, grass, or indian corn, wheat, rye, barley, oats, or grain of any kind, standing and growing, of another, then every person, offending in any of the premises, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding fifty dollars, or imprisonment at hard labor, not exceeding four months, or both.

Stealing in the night-time, vegetables or fruit standing or growing, how punished.

See supplement, 31st of May, 1820.

59. *And be it enacted by the authority aforesaid,* That if any person shall, in the night-time, dig, pull up, pick or gather, with intent to steal, any turnips, potatoes, cabbages, parsnips, carrots, peas, beans, musk-melons, water-melons, apples, peaches, plumbs, cherries, or other roots, vegetables, or fruit of any kind, standing or growing, of another, every person, so offending, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding twelve dollars, or by imprisonment, not exceeding one month, or both; and that every person accused of offending as aforesaid, may be taken before any two of the justices of the peace of the county, city, or town-corporate, where the offence was committed, who are hereby authorized and required to hear and determine the same, if the person accused shall consent thereto; and if, on trial, such person shall, from the evidence produced, appear to be guilty, the said justices shall sentence him or her accordingly.

Persons maliciously destroying deeds, bonds and other writings, how punished.

60. *And be it enacted by the authority aforesaid,* That if any person shall wilfully, unlawfully and maliciously tear, cut, burn, or in any way whatever destroy any letters patent, charter, deed indented, or poll, lease, indentures of apprenticeship, writing sealed, will, testament, bond, annuity, bill, writing obligatory, release, bank-bill or note, check, draught, bill of exchange, promissory note for the payment of money, endorsement or assignment of any bill of exchange, or promissory note for the payment of money, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for the payment of money, or any warrant, order, or request for the payment of money, or the delivery of goods or chattels of any kind, any certificate, or other public security of the United States, or of this state, or of any of the United States, for the payment of money, or acknowledging the

receipt of money or goods, or any acquittance or receipt either for money or goods, or any acquittance, release or discharge of any debt, account, action, suit, demand, or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property whatsoever, or any letter of attorney, or other power to receive money, or to receive or transfer stock, or annuities, or to let, lease, sell, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or any day-book, journal, ledger, or book of accounts, or any agreement or contract in writing, whether sealed or not, respecting any estate, real or personal, with intent to prejudice, injure, damage or defraud any person or persons, body politic or corporate, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding eight hundred dollars, or imprisonment at hard labor, not exceeding ten years, or both.

1796.

61. *And be it enacted by the authority aforesaid,* That if any person shall wilfully, unlawfully and maliciously cut down, break down, level, demolish, or otherwise destroy or damage any bridge, or sea or river bank, or any meadow-bank or mill-dam, or break or destroy the windows or doors of any dwelling-house, or other house or building, or set fire to, or burn or destroy, or procure or cause to be burnt or destroyed, any barrack, cock, crib, rick or stack of hay, corn, wheat, rye, barley, oats, or grain, of any kind, or any fences, piles of wood, boards or other lumber; or shall wilfully, unlawfully and maliciously kill or destroy any horse, mare or gelding, or any bull, ox, steer, bullock, cow, heifer or calf, or any sheep or lamb, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred and fifty dollars, or imprisonment at hard labor, not exceeding two years, or both.

Malicious mischief to bridges, houses, horses, cattle, grain, lumber, &c., how punished.

62. *And be it enacted by the authority aforesaid,* That if any person or persons shall receive or buy any goods or chattels, that shall be stolen or taken by robbery, from any other person, knowing the same to have been so stolen or taken by robbery; or shall receive, harbor or conceal any thief or thieves, robber or robbers, knowing him, her or them to be so, he, she or they so offending shall be deemed guilty of a high misdemeanor, and, on conviction, be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding three years, or both.

Receivers of goods stolen or taken by robbery, and harborers of thieves or robbers, how punished.

63. *And be it enacted by the authority aforesaid,* That if any person or persons, having knowledge of the actual commission of murder, manslaughter, sodomy, rape, arson, burglary, larceny, robbery, or forgery, within the jurisdiction of this state, shall conceal, and not, as soon as may be, disclose and make known the same to some one of the justices of the supreme court, or one of the justices of the peace in and for any of the counties of this state, such person or persons, on conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be fined, not exceeding five hundred dollars, or suffer an imprisonment at hard labor, not exceeding three years, or both.

Concealment of burglary, robbery, &c., how punished.

1796.

Persons killing others attempting to rob, murder, &c., to be acquitted.

Persons killing others by misadventure, or in their defence, &c., to be acquitted.

If persons attempting to commit robbery, burglary, arson, &c., shall kill another, or death shall ensue, or if any officer of justice be killed in the execution of his office, &c., such killing shall be murdered.

Persons maintaining the authority of foreign powers over this state, how punished.

Assaults, batteries, and other offences at common law, not provided for by this or some other act, how punished.

See sec. 4, May 31, 1820.

In what case corporal pun-

64. *And be it enacted by the authority aforesaid,* That if any person shall attempt to commit murder, sodomy, rape, robbery, arson, or burglary, and in such attempt shall be slain, the slayer shall be deemed faultless, be liable to no forfeiture, and be totally acquitted and discharged.

65. *And be it enacted by the authority aforesaid,* That if any person kill another by misadventure, or in his or her own defence, or in defence of his or her husband, wife, parent, child, master, mistress, or servant, then the person so killing shall be deemed guiltless, be liable to no forfeiture, and be totally acquitted and discharged.

66. *And be it enacted by the authority aforesaid,* That if any person or persons, in committing or attempting to commit sodomy, rape, arson, robbery or burglary, or any unlawful act against the peace of this state, of which the probable consequence may be bloodshed, shall kill another, or if the death of any one shall ensue from the committing or attempting to commit any such crime or act as aforesaid; or if any person or persons shall kill any judge, justice of the peace, sheriff, coroner, constable, or other commonly known officer of justice, either civil or criminal, of this state, or the marshal, or other commonly known officer of justice, either civil or criminal, of the United States, in the execution of his office or duty, or shall kill any of his assistants, whether specially called to his aid or not, endeavoring to keep and preserve the peace, or apprehend a criminal, knowing the authority of such assistant, or shall kill a private person, endeavoring to suppress an affray, or to apprehend a criminal, knowing the intention with which such private person interposes, then such person or persons, so killing as aforesaid, on conviction, shall be adjudged to be guilty of murder, and shall suffer death.

67. *And be it enacted by the authority aforesaid,* That if any person, owing allegiance to this state, shall, by speech, writing, open deed or act, advisedly and wittingly, maintain and defend the authority or jurisdiction of any foreign power, potentate, republic, king, state or nation whatsoever, in and over this state, or the people thereof, such person so offending shall, on conviction, be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, so that the fine exceed not four hundred dollars, nor the imprisonment the term of one year.

68. *And be it enacted by the authority aforesaid,* That assaults, batteries, false imprisonments, mayhems, affrays, riots, routs, unlawful assemblies, nuisances, cheats, deceits, and all other offences of an indictable nature at common law, and not provided for by this or some other act of the legislature of New-Jersey, shall be deemed and taken to be misdemeanors, and punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, or by fine or solitary imprisonment at hard labor, or both, at the discretion of the court, before whom the conviction shall be had.

69. *And be it enacted by the authority aforesaid,* That the court or justices, before whom any negro, Indian or mulatto slave

shall be convicted, of any offence not punishable with death, shall have authority to impose, instead of the punishment by this act prescribed, such corporal punishment, not extending to life or limb, as such court or justices in their discretion shall direct.

70. *And be it enacted by the authority aforesaid,* That if any offender, sentenced to hard labor, shall escape, he or she shall, on conviction thereof, suffer such additional confinement at hard labor as the court shall direct.

71. *And be it enacted by the authority aforesaid,* That if any offender, sentenced to imprisonment at hard labor for manslaughter, sodomy, rape, arson, burglary, robbery, or forgery, shall be convicted of a second offence of the like nature, such offender shall suffer death.

72. *And be it enacted by the authority aforesaid,* That if any person be convicted of any offence against this state, not punishable with death, it shall be lawful for the court, before whom such conviction shall be had, to order, beside the punishment prescribed by law, that such offender shall find surety to keep the peace, or be of good behaviour, or both, in such sum for such time, and in such number and sufficiency, as they shall judge proper.

73. *And be it enacted by the authority aforesaid,* That no person or persons shall be prosecuted, tried or punished for treason, or other offence punishable with death (murder excepted) unless the indictment for the same shall be found by a grand jury, within three years next after the treason or other offence, punishable with death, shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence not punishable with death, unless the indictment for the same shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided,* That nothing herein contained shall extend to any person or persons fleeing from justice.

74. *And be it enacted by the authority aforesaid,* That the manner of inflicting the punishment of death, shall be by hanging the person convicted, by the neck, until dead.

75. *And be it enacted by the authority aforesaid,* That no conviction or judgment for any of the offences aforesaid, or any other offence against this state, shall make or work corruption of blood, disinherison of heirs, loss of dower, or forfeiture of estate.

76. *And be it enacted by the authority aforesaid,* That the benefit of clergy shall be, and the same hereby is abolished and for ever done away.

77. *And be it enacted by the authority aforesaid,* That the suit or action of appeal for murder, manslaughter, rape, arson, larceny, mayhem, or other offence or wrong whatsoever, shall be, and the same hereby is abolished and for ever done away.

78. *And be it enacted by the authority aforesaid,* That until proper buildings are erected for the confinement of persons to hard labor, according to the directions of this act, the sentence of imprisonment in all cases shall be considered as extending to confinement in the gaols in the respective counties of this state.

1796.

ishment may be imposed on negroes.

Offenders sentenced to hard labor, and escaping, how punished.

Conviction of a second offence shall, in certain cases, be punishable with death.

Court may order offenders to find surety to keep the peace, or be of good behaviour.

No prosecution for treason or other capital offence, murder excepted, unless indictment be found within three years, nor in other cases, unless within two years; except the offender flee.

Punishment of death, how to be inflicted.

No conviction or judgment to work corruption of blood, forfeiture of estate, &c.

The benefit of clergy abolished.

The action of appeal for murder, &c. abolished.

Until buildings be erected for hard labor, prisoners to be confined in gaol.

1796.

Certain acts
repealed.

79. *And be it enacted by the authority aforesaid*, That the act, entitled "An act for suppressing immorality," except the first section, passed the twelfth day of December, in the year of our Lord, one thousand seven hundred and four; and the act, entitled "An act for continuing an act, entitled an act for the trial and punishment of persons guilty of larceny under the value of twenty shillings," passed the fourth day of November, in the year of our Lord, one thousand seven hundred and forty-one; and the act, entitled "An act to prevent the destroying and murdering of bastard children," passed the day and year last aforesaid; and the act, entitled "An act for the more effectually preventing the counterfeiting the bills of credit of the neighboring governments, or uttering the same in this colony, knowing them to be so counterfeit," passed the twenty-eighth day of June, in the year of our Lord, one thousand seven hundred and sixty-six; and the act, entitled "An act for the more effectual discovery and punishment of the crime of horse-stealing," passed the sixth day of December, in the year of our Lord, one thousand seven hundred and sixty-nine, and a supplementary act thereto, passed the eleventh day of March, in the year of our Lord, one thousand seven hundred and seventy-four; and the act, entitled "An act for more effectually preventing horse-stealing," passed the twelfth day of June, in the year of our Lord, one thousand seven hundred and eighty; and the act, entitled "An act to punish traitors and disaffected persons," passed the fourth day of October, in the year of our Lord, one thousand seven hundred and seventy-six, and a supplement thereto, passed the seventh day of June, in the year of our Lord, one thousand seven hundred and seventy-seven; and the act, entitled "An act more effectually to prevent the passing of counterfeit bills of credit," passed the thirteenth day of June, in the year of our Lord, one thousand seven hundred and eighty; and the act, entitled "An act for the punishment of certain crimes in the state of New-Jersey," passed the fifteenth day of November, in the year of our Lord, one thousand seven hundred and ninety-one, be, and the same are hereby repealed. *Provided always*, That such repeal shall not affect the prosecution, conviction and punishment of any person, who hath offended against the said acts previous to the repeal thereof.

See supplement, passed 31st May, 1820.

PAT. 222.

A SUPPLEMENT to an act, entitled "An act to prescribe the manner of appointing senators of the United States, and electors of the president and vice-president of the United States, on the part of this state."

Passed the 31st of October, 1796.

Preamble.

WHEREAS in and by the act, entitled "An act to prescribe the manner of appointing senators of the United States, and electors of the president and vice-president of the United States, on the part of this state," passed the twelfth day of November,