

JANUARY, 1838.

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At the General Assembly of the State of Rhode Island and Providence Plantations, begun and holden by adjournment at Providence, within and for said State, on the second Monday of January, in the year of our Lord, one thousand eight hundred and thirty eight, and of Independence the sixty second.

PRESENT :

*His Excellency,*

**JOHN BROWN FRANCIS,**

GOVERNOR.

*His Honor,*

**BENJAMIN B. THURSTON,**

LIEUTENANT GOVERNOR.

AMASA SPRAGUE,  
JOHN R. WHEATON,  
RUSSELL CLARKE,  
SAMUEL WEATHERHEAD,  
ELISHA R. P. KINYON,  
THOMAS CORY, JR.  
DANIEL ANGELL,  
SAMUEL ARNOLD,  
JOSEPH SPINK,  
CHRISTOHER SPENCER.

} *SENATORS.*

*THE SECRETARY.*

## REPRESENTATIVES FROM THE SEVERAL TOWNS.

- Newport.*  
 Henry Y. Cranston,  
 Richard K. Randolph,  
 George G. King,  
 Joshua Sayer,  
 Benj. Marsh, jr.
- Providence.*  
 George Curtis,  
 John H. Clark,  
 James M. Warner,  
 Charles C. Mowry.
- Portsmouth.*  
 Joseph Childs,  
 John Manchester,  
 Henry Lawton,  
 John Rogers.
- Warwick.*  
 Gideon Spencer,  
 Peleg Rhodes,  
 William Warner,  
 Thos. R. Holden.
- Westerly.*  
 William Potter,  
 Benadam Frink.
- New Shoreham.*  
 Archibald Milliken,  
 George G. Sheffield.
- North Kingstown.*  
 Christopher Allen,  
 William Browning.
- South Kingstown.*  
 Wm. H. Hazard,  
 Stephen Browning, Jr.
- East Greenwich.*  
 Wm. G. Bowen.
- Jamestown.*  
 Andrew F. Potter,  
 Daniel S. Underwood.
- Smithfield.*  
 Sessions Mowry,  
 Jonathan Andrews.
- Scituate.*  
 Elisha Matthewson,  
 Wilmarth N. Aldrich.
- Glocester.*  
 Jeremiah Sheldon,  
 Allen Hawkins.
- Charlestown.*  
 George W. Cross,  
 James N. Kinyon.
- Hon. George Curtis, Speaker, and George Rivers and Edward H. Hazard. Esqrs.. Clerks.
- West Greenwich.*  
 John James,  
 Thomas T. Hazard.
- Coventry.*  
 Martin S. Whitman,  
 Obadiah Potter.
- Exeter.*  
 Thomas J. Hazard,  
 Pardon T. Greene.
- Middletown.*  
 John R. Peckham,  
 Benjamin Weaver.
- Bristol.*  
 Byron Diman.
- Tiverton.*  
 David Durfee,  
 Robert Gray,
- Little Compton.*  
 Nathaniel Church,  
 Christopher Brown.
- Warren.*  
 Henry H. Luther,  
 Simmons Cole.
- Cumberland.*  
 Otis Mason,  
 Willis Cook.
- Richmond.*  
 James G. Sisson,  
 David Clark.
- Cranston.*  
 Welcome Fenner,  
 Seneca Stone.
- Hopkinton.*  
 Henry M. Wells,  
 Edward Barber,
- Johnston.*  
 James F. Simmons,  
 Abraham C. Atwood.
- North Providence.*  
 Stephen Randall, Jr.  
 Nathan A. Brown.
- Barrington.*  
 Jeremiah S. Drown,  
 James Bowen.
- Foster.*  
 Richard Howard,  
 Gideon Burgess, Jr.
- Burrillville.*  
 Otis Eddy,  
 Esten Angell.

*An act concerning crimes and punishments.*

*Be it enacted by the General Assembly, as follows :*

CHAPTER FIRST.

OF OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

Section 1. Treason against this state shall consist only in levying war against the same, or in adhering to the enemies thereof, giving them aid and comfort.

Treason defined.

Section 2. Every person who shall be convicted of treason against this state, shall be imprisoned during life.

Treason

Section 3. If any person shall have knowledge of the commission of treason against this state, and shall conceal the same, and shall not, as soon as may be, disclose and make known such treason to the governor, or to some magistrate, such person shall be deemed guilty of misprision of treason against this state, and upon conviction thereof, shall be imprisoned not exceeding twenty years, nor less than five years, or be fined not exceeding ten thousand dollars.

Misprision of Treason.

Section 4. No person shall be convicted of treason against this state, but by the testimony of two lawful witnesses to the same overt act, for which he shall then be on trial, unless he shall, in open court, confess the same.

Two witnesses necessary.

CHAPTER SECOND.

OF OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

Section 1. Every person who shall be convicted of murder shall suffer death.

Murder.

Section 2. Every person who shall be convicted of manslaughter, shall be imprisoned not exceeding ten years.

Manslaughter

Section 3. Every person who shall be convicted of robbery, shall be imprisoned for life, or for any term not less than five years.

Robbery.

Section 4. Every person who shall be convicted

Rape.

of rape, shall be imprisoned for life, or for any term not less than ten years.

Putting out  
an eye, &c.

Section 5. Every person who shall be convicted of putting out an eye, slitting the nose, ear, or lip, or of cutting off, or of biting off, or of disabling any limb or member of another, with malice aforethought, and with intent to maim or disfigure such other, shall be imprisoned not exceeding ten years, nor less than one year.

Duelling.

Section 6. Every person who shall be convicted of voluntarily engaging in a duel, with any dangerous weapon, to the hazard of life, shall be imprisoned not exceeding seven years, nor less than one year.

Same subject.

Section 7. Every person who shall be convicted of challenging another to fight a duel with any dangerous weapon to the hazard of life, and every person who shall be convicted of accepting any challenge to fight such duel, though no duel be fought, shall be imprisoned not exceeding seven years nor less than one year.

Same subject.

Section 8. Every person, being an inhabitant of or resident in this state, who shall fight a duel without the jurisdiction of this state, by previous appointment or engagement made within the same, and in such duel shall inflict a mortal wound upon any person, whereof the person so injured shall afterward die within this state, shall be deemed guilty of murder within this state, and may be indicted, tried, convicted, and sentenced in the county in which such death shall happen.

Same subject.

Section 9. Every person being an inhabitant of or resident in this state, who shall, by previous appointment or engagement made within the same, be the second of either party in any such duel as is mentioned in the next preceding section, and shall be present as a second when such mortal wound is inflicted, whereof death shall ensue within this state, shall be deemed to be an accessory before the fact to the crime of murder within this state, and may be indicted, tried, convicted, and sentenced, within the county where the death shall happen.

Section 10. Any person indicted under either of the two next preceding sections, may plead a former conviction or acquittal of the same offence in the state or country in which such duel was fought, and such plea, if admitted or established, shall bar all further proceedings against such person, for the same offence, within this state.

Previous conviction a bar.

Section 11. Every person who shall mingle any poison with any food, drink, or medicine, with intent to kill, or injure any person; and every person who shall wilfully poison any spring, well, or reservoir of water, with such intent, and shall be thereof convicted, shall be imprisoned for life, or for any term of years.

Poison'g wells

Section 12. If any person shall maliciously threaten to accuse another of any offence, or shall, by any written or printed communication, threaten any injury to the person or property of another, with intent thereby to compel the person so threatened, to do any act against his will, or with intent to extort money, or any pecuniary advantage, and shall be thereof convicted, he shall be imprisoned not exceeding two years, or fined not exceeding five hundred dollars.

Extort'g money by threats

Section 13. Every person who shall be convicted of making an assault, with intent to commit murder, robbery, rape, burglary, or the abominable and detestable crime against nature, shall be imprisoned not exceeding ten years nor less than one year.

Assault with intent to kill, &c.

Section 14. Every person who shall be convicted of pulling out, or putting out an eye of another, voluntarily, maliciously and of purpose, or of cutting off, or otherwise disabling any limb or member of any other person, maliciously, and of purpose, shall be imprisoned not exceeding five years, nor less than one year.

Mayhem.

Section 15. Every person who shall be convicted of making an assault, or battery, or both, shall be imprisoned not exceeding six months or fined not exceeding five hundred dollars.

Assault and Battery.

Section 16. Every person who shall be convicted of transporting or carrying, or of causing to be trans-

Kidnapping