

## TITLE VIII.

## CRIMES AND PUNISHMENTS.

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## CHAPTER 1.

## PUNISHMENT OF CRIMES.

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An Act for the punishment of crimes.

Revision....Approved April 16, 1846.

- HAR. 221.  
 1833-4.  
 PAMPH. 158.  
 1834-5.  
 PAMPH. 89,  
 170.  
 1836-7.  
 PAMPH. 461.  
 1838-9.  
 PAMPH. 147.  
 1839-40.  
 PAMPH. 98.  
 1840-1.  
 PAMPH. 77.  
 1841-2.  
 PAMPH. 142.  
 1842-3.  
 PAMPH. 22.  
 1845.  
 PAMPH. 90.

Treason.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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 writing 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 favour, partiality, or treachery, yielding or surrendering to them, any town or fortress, castles, garrisons, 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 and 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.

2. *And be it enacted*, 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 misprison of treason, and shall suffer imprisonment at hard labour, 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.

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CHAP. I.Murder, who  
adjudged  
guilty of.

3. *And be it enacted*, 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, endeavouring to keep and preserve the peace or apprehend a criminal, knowing the authority of such assistant, or shall kill a private person endeavouring 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.

Murder, de-  
grees of.

4. *And be it enacted*, That all murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of wilful, deliberate, and premeditated killing, or which shall be committed in perpetrating, or attempting to perpetrate, any arson, rape, sodomy, robbery, or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder, shall be tried, shall, if they find such person guilty thereof, designate, by their verdict, whether it be murder of the first or second degree; but if such person shall be convicted on confession in open court, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and give sentence accordingly.

Jury to find  
which.Punishment  
of.

5. *And be it enacted*, That every person convicted of murder of the first degree, his or her aiders, abettors, counsellors and procurers, shall suffer death; and every person convicted of murder of the second degree, shall suffer imprisonment at hard labour for any term, not less than five nor more than twenty years; and in all cases in which judgment of death shall be given under this section, 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.

6. *And be it enacted*, 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 imprisonment at hard labour, not exceeding twelve months, or either of them, at the discretion of the court.

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Rescue of  
the body.

7. *And be it enacted*, 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 imprisonment at hard labour, not exceeding ten years, or either of them, at the discretion of the court.

Manslaughter.

8. *And be it enacted*, That in all cases wherein heretofore any person or persons would have been deemed or taken to have 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.

Petit treason,  
punished as  
murder.

9. *And be it enacted*, 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, not exceeding one thousand dollars, or imprisonment at hard labour, for any term not exceeding twenty-one years, or both.

Sodomy.

10. *And be it enacted*, 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, not exceeding one thousand dollars, or imprisonment at hard labour, for any term not exceeding fifteen years, or both.

Rape, etc.

Abuse of in-  
fant.

11. *And be it enacted*, 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, counselors, 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 punished by fine, not exceeding one thousand dollars, or imprison-

Abduction.

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Marriage  
void.

Seduction,  
etc., of in-  
fant.

Polygamy.

To whom  
this act does  
not extend.

ment at hard labour, for any term not exceeding twelve years, or both; 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.

12. *And be it enacted*, 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 not exceeding four hundred dollars, and imprisonment at hard labour, for any term not exceeding two years, or either of 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 not exceeding one thousand dollars and imprisonment at hard labour, for any term not exceeding five years, or either of them; *and further*, every such marriage shall be void.

13. *And be it enacted*, 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 not exceeding one thousand dollars, and imprisonment at hard labour, 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.

14. *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*, 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 labour, not exceeding four months, or both. *And be it further enacted*, that if any woman shall endeavour privately, by drowning or secret burying, or in 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 were murdered or not, then 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 labour, not exceeding one year, or both, at the discretion of the court before whom such conviction shall be had.

TITLE VIII.  
CHAP. I.Conceal-  
ment of preg-  
nancy and  
birth.Secreting  
such issue.

15. *And be it enacted*, 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 thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labour, not exceeding eighteen months, or both, at the discretion of the court before whom such conviction shall be had.

Incest.

16. *And be it enacted*, 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.

Adultery.

17. *And be it enacted*, That every person who shall commit fornication, and be thereof convicted, shall be punished by a 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 said township.

Fornication.

18. *And be it enacted*, 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

Lewdness.

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CHAP. I.

people, shall, on conviction, be liable to a fine, not exceeding one hundred dollars, and to an imprisonment at hard labour, not exceeding twelve months, or either of them, at the discretion of the court.

Witchcraft,  
etc., no pro-  
secution for.

19. *And be it enacted*, 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.

Pretenders  
to, punish-  
able.

20. *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 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, not exceeding three months, or both, at the discretion of the court.

Impostors in  
religion.

21. *And be it enacted*, That all impostors in religion, such as personate our Saviour Jesus Christ, or suffer their followers to worship or pay them divine honours, 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 imprisonment, not exceeding six months, or both, at the discretion of the court.

Blasphemy.

22. *And be it enacted*, 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 Testaments,) or by profanely scoffing at or exposing them, or any of them, to contempt and ridicule, then every person so offending shall, on conviction thereof, be punished by a fine, not exceeding two hundred dollars, or imprisonment at hard labour, not exceeding twelve months, or both, at the discretion of the court.

Perjury.

23. *And be it enacted*, 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, controversey, 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 pur-

suant 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 labour, 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 offender, shall be reversed.

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24. *And be it enacted*, That if any person who shall be sworn or affirmed before a commissioner, authorized by any commission issued out of any court of competent jurisdiction of the United States, or of any state or territory of the United States, to take the testimony of any witness in any cause named in such commission, or if any person who shall be sworn or affirmed before a commissioner appointed by authority of any other state or territory of the United States, to take affidavits, or the acknowledgment and proof of deeds, or sealed instruments of writing in this state, to be used in the state or territory, by authority of which such commissioner was appointed, in a judicial proceeding, or to prove the execution of a deed, or the identity of a grantor in any deed, shall, in taking such oath or affirmation, wilfully swear or affirm falsely before such commissioner, such person so wilfully swearing or affirming falsely, shall be deemed guilty of perjury, and on being convicted thereof, shall be punished as in the next preceding section is directed.

Before commissioner.

25. *And be it enacted*, 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, and 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.

Indictment for, what to contain,

26. *And be it enacted*, 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,

Subornation of, indictment for, what to contain.

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CHAP. I. 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.

Bribery. 27. *And be it enacted*, 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 influence 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 any wise 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 labour, 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 honour, trust, or profit under this state.

Extortion. 28. *And be it enacted*, That no judge, justice, sheriff, coroner, constable, jailer, 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, jailer, or other officer as aforesaid, shall receive or take, by colour 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 labour, or both, the fine not to exceed four hundred dollars, nor the imprisonment the term of two years.

Embracery. 29. *And be it enacted*, 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 favourable 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 before-hand, 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 be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labour, 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 labour, 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 juror.

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CHAP. I.

Juror, when  
punishable,  
and how.

30. *And be it enacted*, 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, not exceeding two thousand dollars, and imprisonment at hard labour, for any term not exceeding fifteen years, or either of them.

Arson.

31. *And be it enacted*, 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, jail, 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 punished by fine, not exceeding one thousand dollars, and imprisonment at hard labour, for any term not exceeding ten years, or either of them.

Burning  
buildings,  
etc.

32. *And be it enacted*, That if any person shall wilfully and maliciously set fire to, or aid, procure, or consent to the setting fire to any church, meeting-house, court-house, work-house, jail, 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,

Setting fire  
to, etc.

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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, not exceeding five hundred dollars, and imprisonment at hard labour for any term not exceeding five years, or either of them.

Burglary.

33. *And be it enacted*, That if any person shall, by night, wilfully and maliciously break and enter any church, meeting-house, dwelling-house, shop, ware-house, mill, barn, stable, out-house, or other building whatsoever, with intent to kill, rob, steal, commit a rape, mayhem, or battery, every such offender, his and their procurers, counsellors, aiders, and abettors, shall be deemed guilty of a high misdemeanor, and, on being thereof convicted in due course of law, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour, not exceeding ten years, or both, at the discretion of the court before whom such conviction shall be had.

Larceny under twenty dollars.

34. *And be it enacted*, That if any person shall steal of the money or personal goods and chattels of another, under the price or value of twenty dollars, he or she so offending shall be deemed guilty of a misdemeanor, and, on conviction of any such offence, shall be punished in the county where the conviction may be had, by fine or imprisonment, or imprisonment at hard labour in the common jail of the county, at the discretion of the court before whom such conviction shall be had, the fine not to exceed one hundred dollars, nor the term of imprisonment three months; 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; and no person hereafter convicted of larceny under the value of twenty dollars, shall be sent to the state prison for such offence.

Accused may be taken before two justices.

Trial by two justices.

35. *And be it enacted*, That if any person shall steal of the money or personal goods and chattels of another, under the sum or value of twenty dollars, such person being committed to jail for the same, for want of bail, and requesting to be tried before two justices of the peace, in the manner prescribed in the next preceding section, 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 to 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 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.

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Accusation  
in writing to  
be preferred.

36. *And be it enacted*, That if any person shall steal of the money or personal goods and chattels of another, of or above the price or value of twenty dollars, or shall steal 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 twenty dollars, or shall, in any church, meeting-house, or place of worship, or 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 twenty 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 labour, not exceeding ten years, or both.

Larceny  
over twenty  
dollars.

37. *And be it enacted*, That every person who shall be convicted before any court of record having criminal jurisdiction, at the same term, on two or more indictments, of having stolen the personal goods and chattels of the same person or persons at different times, or of different persons, of or above the price or value of twenty dollars in the whole, or who, having been once convicted of having stolen the personal goods and chattels of another, under the price or value of twenty dollars, shall be again convicted of the like offence, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labour, not exceeding seven years, or both.

Persons guilty  
of more  
than one lar-  
ceny.

38. *And be it enacted*, 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,

Robbery.

TITLE VIII.  
CHAP. I.

every person so offending, and his or her aiders, procurers and abettors, shall be adjudged guilty of a high misdemeanor, and, on conviction, shall be punished by a fine, not exceeding one thousand dollars, or imprisonment at hard labour, for any term not exceeding fifteen years, or both.

Assault or house breaking with intent to rob, etc.

39. *And be it enacted*, 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, warehouse, 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 imprisonment at hard labour, for any term not exceeding ten years, or both.

Assault with intent to murder, etc.

40. *And be it enacted*, That every person who shall be convicted of an assault with an intent to commit any murder, manslaughter, burglary, robbery, sodomy, or rape, or of an atrocious assault and battery, by maiming or wounding another, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment at hard labour, not exceeding ten years, or by a fine, not exceeding one thousand dollars, or both.

Entering building with intent to kill, etc.

41. *And be it enacted*, That if any person shall wilfully and maliciously enter, either by day or 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 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 by imprisonment at hard labour, for any term not exceeding five years, or both.

Poisoning.

42. *And be it enacted*, That all wilful poisoning of any person or persons, that shall hereafter be done, perpetrated or committed, or attempted to be done, perpetrated or committed, with intent to kill, although death shall not ensue therefrom, shall be adjudged a high misdemeanor, and the offender or offenders therein, on being thereof convicted, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labour, for any term not

exceeding fifteen years, or both, at the discretion of the court before whom such conviction shall be had.

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43. *And be it enacted*, 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, 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 adjudged guilty of a high misdemeanor, and, on being thereof convicted, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment at hard labour, 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.

Embezzlement, etc., by apprentice or servant.

Proviso.

44. *And be it enacted*, 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 labour, not exceeding two years, or both.

By lodger.

45. *And be it enacted*, That if any person shall steal or take by robbery any bank bill or note, bill of exchange, order, warrant, draft, check, bond, bill, or promissory note for payment of 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, draft, check, bond, bill, or promissory note, or certificate or other

Stealing bills, bonds, etc.

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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, draft, check, bond, bill, or promissory note, or certificate or other public security, respectively, or secured thereby, and remaining unsatisfied.

Stealing  
deeds, etc.

46. *And be it enacted*, 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 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 labour, not exceeding ten years, or both.

Stealing or  
altering re-  
cords, etc.,  
if verdict,  
judgment,  
etc., be there-  
by reversed.

47. *And be it enacted*, 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 state, or of the office of the clerk of the supreme court, or court of chancery, or of the 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 labour, not exceeding seven

If not there-  
by reversed.

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 labour, 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.

Proviso.

48. *And be it enacted*, 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, draft, 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, damage, 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 not exceeding three thousand dollars, or imprisonment at hard labour for any term not exceeding ten years, or both.

49. *And be it enacted*, 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

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Forgery,

or uttering  
or publishing  
forged mat-  
ter as true.

Fraudulent  
acts commit-  
ted by per-  
sonation of  
others.

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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 imprisonment at hard labour, 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.

Proviso.

Embezzlement by public officer.

50. *And be it enacted*, That if any person holding an office of trust and profit under the authority of this state, shall embezzle any of the money, property or securities committed to his keeping, with intent to defraud the state, or any county thereof, any city, borough, township, body corporate, any person or persons, or shall fraudulently dispose of the same, he shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding five thousand dollars, or imprisonment at hard labour not exceeding five years, or both.

Unlawful detention of public property.

51. *And be it enacted*, That if any officer or agent of this state, into whose hands or possession any money, books, papers, evidences of debt or other instruments of writing, or other property, of whatever nature, real or personal, belonging to the state, may have come, or shall hereafter come, by virtue of his office or agency, shall refuse or neglect, on demand, to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, he shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labour not exceeding two years, or both.

Obtaining goods by false pretences.

52. *And be it enacted*, That all persons who knowingly and designedly, by colour 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 labour, not exceeding three years.

Obstructing execution of process.

53. *And be it enacted*, 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 thereof, shall be punished by fine, not exceeding eight hundred dollars, or by imprisonment at hard labour, not exceeding two years, or both.

54. *And be it enacted*, That if any sheriff, coroner, jailer, keeper of a jail, 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, jailer, keeper of a jail, 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, jailer, keeper of a jail, 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.

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Suffering escapes in capital cases.

Proviso.

55. *And be it enacted*, 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 labour, not exceeding three years, or both: *and further*, any sheriff, coroner, jailer, keeper of a jail, constable, or other officer who shall be guilty of any voluntary escape in any criminal case whatever, shall for ever be disqualified to hold any office of honour, trust or profit under this state.

Escapes in other cases.

Disqualification.

56. *And be it enacted*, 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 rescue as aforesaid, from being prosecuted and proceeded against for misdemeanor at common law.

Rescues in capital cases

Proviso.

57. *And be it enacted*, 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 punished by fine, not exceeding one thousand dollars, or imprisonment at hard labour, not exceeding three years, or both.

Rescues in other cases.

58. *And be it enacted*, That from henceforth no person, who

Breaking prison.

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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 labour, not exceeding three years, or both.

Aiding es-  
capes.

59. *And be it enacted*, That if any person shall by any means whatsoever, be aiding or assisting to any prisoner in jail, indicted for, or convicted of any offence against this state, or sentenced to imprisonment on such conviction, or lawfully committed or detained in such jail for any crime against this state, expressed in the warrant of his or her commitment or detainer, to make, or attempt to make his escape from any jail, 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, and be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour, not exceeding two years, or both; and if any person shall convey or cause to be conveyed, into any jail 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 jail 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 jail 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 judged to be guilty of a misdemeanor, and be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour, 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 jail 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, on being thereof convicted, shall be deemed and adjudged to be guilty of a misdemeanor,

and be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour, not exceeding two years, or both. TITLE VIII.  
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60. *And be it enacted*, That if any person take money, goods, chattels, lands or other reward, or promise thereof, to compound, or upon agreement to compound, any treason, misprison of treason, murder, manslaughter, sodomy, rape, arson, forgery, burglary, housebreaking, 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 thereof, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labour, not exceeding twelve months, or both. Compounding of crimes.

61. *And be it enacted*, That if two or more persons shall combine, unite, confederate, conspire, or bind themselves, by oath, covenant, agreement, or other alliance, to commit any offence, or falsely and maliciously to indict another for any offence, or to procure another to be charged or arrested for any such offence, or falsely to move and maintain any suit, or to cheat and defraud any person of any property, by any means which are in themselves criminal, or to cheat and defraud any person of any property by any means which, if executed, would amount to a cheat, or to obtaining money by false pretences, or to commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice, or the due administration of the laws, they shall, on conviction, be deemed guilty of a conspiracy, and shall be punished by imprisonment at hard labour, not exceeding two years, or by a fine, not exceeding five hundred dollars, or both; but no agreement to commit any offence, other than murder, manslaughter, sodomy, rape, arson, burglary, or robbery, shall be deemed a conspiracy, unless some act, in execution of such agreement, be done to effect the object thereof, by one or more of the parties to such agreement. Conspiracy.  
What agreement not a conspiracy.

62. *And be it enacted*, 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 or her father, mother, or guardian, or other person or persons intrusted 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 labour, not exceeding five years, or both. Kidnapping.

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CHAP. I.

Mayhem.

63. *And be it enacted*, That if any person, from premeditated design, evinced by lying in wait for the purpose, or in any other manner, or with intent to kill, maim or disfigure, shall cut out and disable the tongue, put out an eye, cut off or slit a lip, cut off, slit, or destroy the nose, or cut off or disable any limb or member of another, wilfully and on purpose, every person so offending shall, on conviction, be deemed guilty of a misdemeanor, and be punished by imprisonment at hard labour not exceeding seven years, or by a fine not exceeding one thousand dollars, or both.

Challenge and duelling.

64. *And be it enacted*, 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 way 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 labour, 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 labour, not exceeding four years, or both; and shall not, after such conviction, hold any office of profit or trust under this state.

Sending threatening letters.

65. *And be it enacted*, That if any person shall knowingly send or deliver any letter or writing, with or without a name subscribed thereto, or sign, with a fictitious name, any 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 moneys, wares, merchandise, goods, 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 things, 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 labour, not exceeding nine months, or both.

66. *And be it enacted*, 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 labour, not exceeding nine months, or both.

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CHAP. 1.

Stealing certain articles.

67. *And be it enacted*, That if any person shall dig, pull up, pick, or gather, with intent to steal, any turnips, potatoes, cabbage, parsnips, carrots, peas, beans, muskmelons, watermelons, apples, peaches, plums, cherries, or other roots, vegetables, or fruit of any kind, standing or growing, of another, under the value of twenty dollars, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding forty dollars, or imprisonment in the county jail, not exceeding three months, 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 the trial, such person shall, from the evidence produced, appear to be guilty, the said justices shall sentence him or her accordingly.

Stealing vegetables, etc.

68. *And be it enacted*, That every person who shall cut, break, dig, pull up, or gather with intent to steal, any apple tree, peach tree, cherry tree, pear tree, plum tree, quince tree, or other fruit tree, or any mulberry tree or other tree cultivated for the feeding of silk worms, the property of another, standing or growing in any field, orchard, garden, nursery-ground, hot-house, green-house, or conservatory, shall be deemed guilty of larceny, and be tried, and, on conviction, punished in the same manner as if he or she had stolen the personal goods and chattels of another, of the like price and value.

Stealing trees, etc.

69. *And be it enacted*, 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, indenture of apprenticeship, writing sealed, will, testament, bond, annuity, bill, writing obligatory, release, bank bill or note, check, draft, 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

Malicious destruction of deeds, etc.

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CHAP. I.

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 labour, not exceeding ten years, or both.

Malicious mischief.

70. *And be it enacted*, 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 any canal or raceway used for navigation or manufacturing purposes, or any gate, bank, lock, or plane necessary or appertaining thereto, or shall 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 burned 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 labour, not exceeding two years, or both.

Injuring rail-roads, etc.

71. *And be it enacted*, That if any person or persons shall wilfully and maliciously injure, hinder, obstruct, impair or destroy any railroad or roads, within this state, or any of the necessary works, carriages or machines used on said road or roads, such person or persons, so offending, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment at hard labour, not exceeding three years, or by fine, not exceeding five hundred dollars, or both.

72. *And be it enacted*, 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, harbour, 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 labour, not exceeding three years, or both.

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CHAP. I.

Receiving stolen goods, etc.

73. *And be it enacted*, That if any person or persons, having knowledge of the actual commission of murder, manslaughter, sodomy, rape, arson, burglary, 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 imprisonment at hard labour, not exceeding three years, or both.

Concealing crimes, having knowledge of their commission.

74. *And be it enacted*, 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.

Killing person attempting to murder, etc.

75. *And be it enacted*, That if any person kill another by misadventure, or in his or her own defence, or in the 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.

Killing by misadventure or in defence.

76. *And be it enacted*, 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 labour, or both, the fine not to exceed four hundred dollars, nor the imprisonment the term of one year.

Maintaining foreign authority, etc.

77. *And be it enacted*, That if a butcher or other person shall sell, offer, or expose to sale the flesh of any animal dying otherwise than by slaughter, or slaughtered while diseased, or any contagious or unwholesome flesh; or, if a baker, brewer, distiller, or other person shall sell unwholesome bread, drink, or liquor, he or she shall be adjudged guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding fifty dollars, or by imprisonment in the county jail, not exceeding four months.

Vending unwholesome provision.

TITLE VIII.  
CHAP. I.Selling or  
receiving  
counterfeit  
paper.

78. *And be it enacted*, That if any person shall sell or exchange, or offer for sale or exchange, or willingly receive, any forged or counterfeit promissory note, with intention to have the same uttered or passed, to defraud any person or body politic or corporate, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Engraving  
plates for  
forging.

79. *And be it enacted*, That if any person shall make or engrave, cause or procure to be made or engraved, any plate for forging or counterfeiting any promissory note for the payment of money, in the name of any person or body politic or corporate, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Possessing  
or receiving  
forged paper.

80. *And be it enacted*, That if any person shall have in his or her possession, or receive from any other person, any forged or counterfeited promissory note for the payment of money, with intent to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, with intention to defraud any person or body politic or corporate whatsoever, knowing the same to be forged or counterfeited, then every such person, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Having or  
filling up  
blank notes,  
with intent  
to defraud.

81. *And be it enacted*, That if any person shall have or keep in his or her possession any blank or unfinished note, made in the form and similitude of any promissory note for the payment of money, made to be issued by any incorporated bank of this state, or any of the United States, with intention to fill up and complete such blank or unfinished note, or to permit, cause, or procure the same to be filled up and completed, in order to utter or pass the same, or permit, cause, or procure the same to be uttered or passed, to defraud any person, or body politic or corporate whatsoever, the person in whose custody or possession such blank or unfinished note shall be found, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Having plate  
for forging,  
etc.

82. *And be it enacted*, That if any person shall have or keep in his or her custody or possession any plate for forging or counterfeiting any promissory note for the payment of money, in the form or similitude of any promissory note issued by any of the banks aforesaid, with intent to forge or counterfeit, or to assist in forging or counterfeiting, or to permit, cause, or procure to be counterfeited, any promissory note issued by any of the aforesaid banks, the person in whose possession or custody such plate shall be found, being thereof convicted by due course of law, shall be deemed guilty of a high misdemeanor.

Punishment.

83. *And be it enacted*, That any person convicted of any of the

offences mentioned and described in either of the five next preceding sections of this act, shall be punished by fine or imprisonment at hard labour, or both; *provided*, that such imprisonment shall not exceed the term of ten years, nor such fine the sum of two thousand dollars, at the discretion of the court.

TITLE VIII.  
CHAP. I.

Proviso.

84. *And be it enacted*, That if any person or persons shall counterfeit, or cause or procure to be counterfeited, any of the species of gold or silver coins now current, or which hereafter shall be current in this state, or shall pass or give in payment, or offer to pass or give in payment, the same, knowing the same to be counterfeited, such person or persons so offending shall be deemed guilty of a high misdemeanor, and, being thereof convicted by due course of law, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before whom such conviction shall be had; *provided*, the imprisonment at hard labour shall not exceed the term of ten years, nor the fine the sum of two thousand dollars.

Counterfeit-  
ing current  
coin, or pass-  
ing the same.

Proviso.

85. *And be it enacted*, That if any person or persons shall, within this state, counterfeit any gold, silver, copper, or other metallic coin, of any foreign government or country, although the same be not current in this state, every such person or persons so offending shall be guilty of a high misdemeanor, and on conviction thereof by due course of law, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before whom such conviction shall be had; *provided*, the imprisonment at hard labour shall not exceed the term of ten years, nor the fine the sum of two thousand dollars.

Counterfeit-  
ing foreign  
coin.

Proviso.

86. *And be it enacted*, That if any person or persons shall have or keep in his, her or their possession or custody, any such counterfeit gold, silver, copper or other metallic coin, with the intent of exporting the same to injure or defraud any foreign government, or the subjects thereof, every such person or persons, so offending, shall be deemed guilty of a high misdemeanor, and on conviction thereof by due course of law, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before whom such conviction shall be had; *provided*, the imprisonment at hard labour shall not exceed the term of five years, nor the fine the sum of one thousand dollars.

Having coun-  
terfeit coin,  
with intent  
to export.

87. *And be it enacted*, That if any person or persons shall remove the body or bodies, or remains, of any deceased person or persons, from his, her, or their grave or graves, tomb or tombs, or other place or places of sepulture, for the purpose of dissection or of any surgical or anatomical experiments, or for the purpose of selling the same, or from mere wantonness, or shall open the grave, tomb,

Robbing or  
desecrating  
graves.

TITLE VIII.  
CHAP. I. or other place of sepulture, of any deceased person or persons, or the grave, tomb, or other place of sepulture where the body or bodies, or remains, of any deceased person or persons have been deposited, for the purpose of removing therefrom such body or bodies, or remains, of any deceased person or persons, for either of the purposes aforesaid, or from mere wantonness, without the consent of the surviving husband or wife, or, if there be no surviving husband or wife, of the next of kindred of such deceased person or persons, or shall in any way aid, assist, or procure the same to be done, every person so offending shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding two thousand dollars, or imprisonment at hard labour, not more than five years, or both, at the discretion of the court.

Prize fighting.

88. *And be it enacted*, That every person, who shall be engaged in any fight or combat, with fists, commonly denominated prize fighting, whether such fight or combat be for money or any other valuable thing, or merely to test the skill or bodily powers of the pugilists or combatants, and every person who shall be aiding, assisting, or abetting, in any such fight or combat, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by imprisonment at hard labour, not exceeding two years, or by fine, not exceeding one thousand dollars, or both.

Carrying passengers to such exhibitions.

89. *And be it enacted*, That if any captain, commandant, or owner of any steamboat, or other vessel, shall knowingly permit such boat or vessel to be used in, or for, the conveyance or transportation of persons into this state, for the purpose of being engaged in, or aiding, assisting, abetting, or witnessing any such fight or combat as is mentioned in the preceding section of this act, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment at hard labour, not exceeding two years, or by fine, not exceeding five hundred dollars, or both.

Being present at them.

90. *And be it enacted*, That every person, who shall be present at any such fight or combat, coming from a foreign state, for the purpose of witnessing the same, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment at hard labour, not exceeding one year, or by fine, not exceeding two hundred dollars, or both.

Obstructing firemen, etc., at fires.

91. *And be it enacted*, That if any person or persons shall, during an alarm of fire, wilfully hinder, prevent or deter, by any device whatsoever, any fireman or other person from rendering lawful assistance in abating or quelling such alarm of fire, if false; or from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds; or from aiding and assisting in extinguishing the burning of any

building or other property on fire; or shall wilfully obstruct or hinder the passage of any fire engine, hook and ladder truck, or hose-cart, in going to or from the place from which an alarm of fire proceeds or where any building or other property may be burning; or shall at any time wilfully cut, deface, or injure any fire engine, hook and ladder truck, hose-cart, hose, or any other apparatus or implement used for extinguishing fires, 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 by imprisonment at hard labour, not exceeding two years, or both.

TITLE VIII.  
CHAP. I.

92. *And be it enacted*, That assaults, batteries, false imprisonment, 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, shall be deemed misdemeanors, and the offender, on conviction, shall be punished by imprisonment at hard labour, or otherwise, not exceeding two years, or by a fine, not exceeding five hundred dollars, or both.

Offences indictable at common law deemed misdemeanors.

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

Convict escaping.

94. *And be it enacted*, That if any offender, who shall have been sentenced to imprisonment in the state prison, under the laws of this state, shall be convicted of a second offence, of the like nature, such offender shall be sentenced to imprisonment in the state prison, for any period not exceeding double the time for which said offender might have been sentenced on the first offence.

Conviction of second offence.

95. *And be it enacted*, 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, besides 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.

Offences bailable.

96. *And be it enacted*, 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 shall be found within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid; *provided*, that

Indictment, when to be found in capital cases.

Proviso.

TITLE VIII. nothing herein contained shall extend to any person or persons  
 CHAP. 2. fleeing from justice.

Mode of inflicting capital punishment.

97. *And be it enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck, until dead; and the said punishment shall be inflicted either in the prison where the convict shall be confined, or within an enclosed yard of such prison, if there be one, or within an enclosure erected for the purpose, adjoining such prison, at the discretion of the sheriff, whose duty it shall be to inflict the same; and the necessary expense attending an execution, shall be ascertained by the board of chosen freeholders of the county in which the same shall take place, and be paid upon their order by the county collector.

Expense, how paid.

No conviction to work disinheritance, etc.

98. *And be it enacted*, 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, disinheritance of heirs, loss of dower, or forfeiture of estate.

Benefit of clergy abolished.

99. *And be it enacted*, That the benefit of clergy is abolished and for ever done away.

Appeal, etc., abolished.

100. *And be it enacted*, That the suit or action of appeal for murder, manslaughter, rape, arson, larceny, mayhem, or other offence or wrong, whatsoever, is abolished and for ever done away.

## CHAPTER 2.

### FALSE STAMPS AND LABELS.

1. Counterfeiting labels.

| 2. Vending goods with forged labels.

PAMPH. 134. An Act to punish and prevent frauds in the use of false stamps and labels.

Approved March 24, 1846.

Penalty for counterfeiting labels.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares, or merchandise, the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares, or merchandise whatsoever, upon conviction thereof, shall be punished by imprisonment in a county jail for a term not exceeding six months.

Penalty for vending goods with forged labels.

2. *And be it enacted*, That every person who shall vend any goods, wares, or merchandise, having thereon any forged or counterfeited stamps or labels, purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or

counterfeited, without disclosing the fact to the purchaser, shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars.

3. *And be it enacted*, That this act shall take effect on the first day of April next ensuing.

TITLE VIII.  
CHAP. 3.

Act, when to  
take effect.

CHAPTER 3.

WRIT OF HABEAS CORPUS.

- |   |   |
|---|---|
| 1. How served and returned.                   | 8. Not extended to civil suits.         |
| 2. Marked and signed.                         | 9. How custody of prisoner transferred. |
| 3. By whom granted.                           | 10. Penalty for denying writ.           |
| “ Proceedings thereupon.                      | 11. Citizen not to be sent abroad.      |
| 4. When not allowed in vacation.              | 12. Limitation of suits under this act. |
| 5. Penalty on officer for neglect.            | 13. Pleading and evidence.              |
| 6. Prisoner not recommitted for same offence. | 14. When prisoner not to be removed.    |
| 7. When to be indicted and tried.             | 15. When information not sustained.     |

An Act for preventing the injury of illegal confinement, and better securing the liberty of the people.

REV. 193.

Passed March 11, 1795.

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 whensoever any person or persons shall bring any habeas corpus directed to any sheriff, jailer, or other person or persons whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or other person or persons, or left at the jail or prison with any of the under officers, under keepers, or deputy of the said officers or keepers, that the said officer or officers, his or their under officers, under keepers, or deputies, or other person or persons, shall within three days after the service thereof as aforesaid, (unless the commitment aforesaid were for treason, murder, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, or larceny, or for rescues, or voluntary escapes in such cases, or any of them, plainly and specially expressed in the warrant of commitment) upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same, and endorsed upon the said writ, not exceeding twelve cents a mile, and upon security given, by his own bond, to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge, to which he shall be brought, according to the true intent of this act, and that he will not make any escape by the way, make return of such writ; and bring, or

Writs of ha-  
beas corpus,  
how to be  
served and  
returned.

TITLE VIII  
CHAP. 3.

cause to be brought, the body of the party so committed or restrained unto or before the chancellor of this state for the time being, or the justices of the supreme court, or unto or before such of them, before whom the said writ is made returnable, according to the command thereof; and shall then likewise certify the true causes of his detainer or imprisonment, unless the commitment of the said party be in a place beyond the distance of twenty miles from the place or places where such chancellor, court, or justice is or shall be residing; and if beyond the distance of twenty miles, and not above one hundred miles, then within the space of ten days; and if beyond the distance of one hundred miles, then within the space of twenty days after such delivery as aforesaid, and not longer.

How to be marked, and by whom to be signed.

2. *And*, to the intent that no sheriff, jailer, or other officer, may pretend ignorance of the import of any such writ—*be it enacted by the authority aforesaid*, that all such writs shall be marked in this manner, “By the statute,” and be signed by the person who awards the same.

How and by whom to be granted in vacation.

3. *And be it enacted by the authority aforesaid*, That if any person or persons shall be or stand committed or detained as aforesaid, for any crime, unless for treason, murder, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, or larceny, or for rescues or voluntary escapes in any such case, plainly and specially expressed in the warrant of commitment, in the vacation time, and out of term, it shall and may be lawful to and for the person or persons so committed or detained, (other than persons convict or in execution by legal process) or any one on his or their behalf, to apply or complain to the chancellor, or any one of the justices of the supreme court; and the said chancellor or justices, or any of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise, upon oath or affirmation made, that such copy or copies were denied to be given by such person or persons, in whose custody the prisoner or prisoners is or are detained, are hereby authorized and required, upon request made in writing by such person or persons, or any person on his, her or their behalf, attested and subscribed by two witnesses, who were present at the delivery of the same, to award and grant an habeas corpus under the seal of such court, whereof he shall then be one of the judges, to be directed to the officer or officers, or person or persons in whose custody the party so committed or detained shall be, returnable immediately before the said chancellor or justice of the said supreme court; and upon service thereof as aforesaid, the officer or officers, his or their under officer or under officers, under keeper or under keepers, or their deputy, or person

Duty of sheriff or other officer on service of.

or persons, in whose custody the party is so committed or detained, shall, within the times respectively before limited, bring such prisoner or prisoners before the said chancellor or justices of the said supreme court, or one of them, before whom the said writ is made returnable, and in case of his absence, before any other of them, with the return of such writ, and the true causes of the commitment and detainer; and thereupon, within two days after the party shall be brought before him or them, the said chancellor, or such justice of the supreme court before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to his or their discretion, having regard to the quality of the prisoner and nature of the offence, for his or their appearance in the supreme court the term following, or at the next sessions of oyer and terminer or general jail delivery of and for such county or place where the commitment was, or where the offence was committed, or in such other court where the said offence is properly cognizable, as the case shall require, and shall then certify the said writ, with the return thereof, and the said recognizance or recognizances, into the said court where such appearance is to be made; unless it shall appear to the said chancellor, or justice or justices, that the party so committed is detained upon a legal process, order or warrant, out of some court which hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices, or some justice or justices of the peace, for such matters or offences for which, by law, the prisoner is not bailable.

TITLE VIII.  
CHAP. 3.

In what cases prisoners may be discharged on recognizance.

4. *Provided always, and be it further enacted by the authority aforesaid,* That if any person shall have wilfully neglected, for the space of two whole terms after his or her imprisonment, to pray an habeas corpus for his or her enlargement, such person so wilfully neglecting shall not have any habeas corpus to be granted in vacation time in pursuance of this act.

If a prisoner shall not apply for two terms for a writ of habeas corpus, it shall not be granted in vacation.

5. *And be it enacted by the authority aforesaid,* That if any officer or officers, his or their under officer or under officers, under keeper or under keepers, or deputy or other person or persons, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or any person in his behalf, shall refuse to deliver, or, within the space of six hours after demand, shall not deliver to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they is and are hereby required to deliver

Penalty on officers and others, who, in such cases, shall neglect or refuse to do their duty.

TITLE VIII.  
CHAP. 3.

accordingly, all and every of the head jailers and keepers of such prisons, and such other person or persons in whose custody the prisoner shall be detained, shall, for the first offence, forfeit to the prisoner or party grieved the sum of three hundred dollars, and for the second offence the sum of six hundred dollars, and shall, if an officer, be and is hereby made incapable to hold or execute his said office; the said penalties to be recovered by the prisoner or party grieved, his or her executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint, or information in any court of record, wherein no privilege, injunction, or stay of prosecution by non vult ulterius prosequi or otherwise, shall be admitted or allowed, or any more than one imparlance; and any recovery or judgment, at the suit of any party grieved, shall be a sufficient conviction for the first offence; and any after recovery or judgment, at the suit of a party grieved, for any offence after the first judgment, shall be a sufficient conviction to bring the officers or person or persons within the said penalty for the second offence.

Penalty, how  
and by whom  
recoverable.

Persons libe-  
rated on ha-  
beas corpus  
are not to be  
recommitted  
for the same  
offence, un-  
less by a  
court having  
cognizance  
of the cause,  
on forfeiture  
of \$1400.

6. *And*, for the prevention of unjust vexation by reiterated commitments for the same offence—*be it enacted by the authority aforesaid*, that no person who shall be delivered or set at large upon any habeas corpus, shall, at any time thereafter, be again imprisoned or committed for the same offence by any person or persons whatsoever, other than by the legal order and process of such court, wherein he or she shall be bound by recognizance to appear, or other court having jurisdiction of the cause; and if any other person or persons shall knowingly, contrary to this act, recommit or reimprison, or knowingly procure or cause to be recommitted or reimprisoned for the same offence or pretended offence, any person delivered or set at large as aforesaid, or be knowingly aiding or assisting therein, then he, she or they shall forfeit to the prisoner or party grieved the sum of fourteen hundred dollars, to be recovered as aforesaid, any colourable pretence or variation in the warrant or warrants of commitment notwithstanding.

Within what  
time persons  
committed  
for certain  
offences, are  
to be indict-  
ed and tried.

7. *And be it enacted by the authority aforesaid*, That if any person shall be committed for treason, murder, manslaughter, sodomy, rape, arson, burglary, robbery, forgery or larceny, or for rescues, or voluntary escapes in any such case, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term, or first day of the sessions of oyer and terminer or general jail delivery, to be brought to his trial, shall not be indicted some time in the next term, sessions of oyer and terminer or general jail delivery after such commitment, it shall and may be lawful to and for the justices

of the supreme court, and justices of oyer and terminer or general jail delivery, and they are hereby required, upon motion to them made in open court, the last day of the term, sessions or jail delivery, either by the prisoner or any one in his behalf, to set at liberty such prisoner upon bail, unless it appear to the justices, upon oath or affirmation made, that the witnesses against the prisoner could not be produced the same term, sessions or general jail delivery; and if any person committed as aforesaid, upon his prayer or petition in open court, the first week of the term, or first day of the sessions of oyer and terminer or general jail delivery, to be brought to his trial, shall not be indicted and tried the second term, sessions of oyer and terminer or general jail delivery, after his commitment, or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

TITLE VIII.  
CHAP. 3.

8. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this act shall extend to discharge out of prison any person charged in debt or other action, or with process in any civil cause; but after he shall be discharged of his imprisonment for such his criminal offence, he shall be kept in custody according to the law for such other suit.

This act not to discharge a prisoner from civil suits.

9. *And be it enacted by the authority aforesaid,* That if any person or persons, citizens of this state, shall be committed to any prison, or in custody of any officer or officers whatsoever, for any criminal, or supposed criminal matter, that the said person shall not be removed from the said prison or custody, into the custody of any other officer or officers, unless it be by habeas corpus, or some other legal writ or process, or where the prisoner is delivered to the constable, or other inferior officer, to carry such prisoner to some common jail, or where any person is sent, by order of any court, or judge, or justice of the peace, to any common workhouse, or house of correction, or where the prisoner is removed from one prison or place to another within the same county, in order to his or her trial, or discharge, in due course of law, or in case of sudden fire or infection, or other necessity; and if any person or persons shall, after such commitment aforesaid, make out or sign, or countersign any warrant or warrants for such removal aforesaid, contrary to this act, as well he or she, who makes, or signs, or countersigns such warrant or warrants, as the officer or officers, who obey or execute the same, shall, for every offence, forfeit to the prisoner or party grieved, the sum of five hundred dollars, to be recovered in manner aforesaid.

Criminals not to be removed from the custody of one officer to that of another, but by habeas corpus, on the penalty of \$500, except in certain cases.

Persons acting contrary to this act, what to forfeit.

10. *And be it enacted by the authority aforesaid,* That it shall and may be lawful to and for any prisoner or prisoners, as aforesaid, to move for and obtain his or their habeas corpus, as well out

Prisoner may have a habeas corpus from the chancery or supreme court.

TITLE VIII.  
CHAP. 3.

Chancellor  
or justice of  
the supreme  
court, refus-  
ing to issue  
habeas cor-  
pus, what to  
forfeit.

A citizen of  
this state  
shall not be  
sent out of it  
for any of-  
fence which  
he shall have  
committed  
in it; and if  
he be, he  
shall recover  
not less than  
\$1500 da-  
mages, with  
double costs.

The person  
writing, seal-  
ing, or sign-  
ing such  
warrant for  
removal,  
shall be dis-  
abled to hold  
any office.

Persons who  
contract to  
go out of the  
state, are not  
within this  
act.

of the court of chancery as out of the supreme court; and if the chancellor, or any justice of the supreme court for the time being, in the vacation time, upon view of the copy or copies of the warrant or warrants of commitment or detainer, or upon oath or affirmation made, that such copy or copies were denied as aforesaid, shall deny any writ of habeas corpus by this act required to be granted, being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved the sum of fourteen hundred dollars, to be recovered in manner aforesaid.

11. *And*, for preventing illegal imprisonments of the citizens of this state in prisons out of the state—*be it enacted by the authority aforesaid*, that no citizen of this state, who now is or hereafter shall be an inhabitant of or resident within this state, shall or may be sent prisoner to any place whatsoever out of this state, for any crime or offence committed within this state, and that every such imprisonment is hereby declared to be illegal; and that if any of the said citizens now is, or hereafter shall be so imprisoned, he or she so imprisoned shall and may, for every such imprisonment, maintain, by virtue of this act, an action or actions of false imprisonment in any court of record, against the person or persons by whom he or she shall be so committed, detained, imprisoned, sent prisoner, or transported, contrary to the true intent and meaning of this act, and against all or any person or persons, who shall frame, contrive, write, seal, sign or countersign, any warrant or writing for such commitment, detainer, imprisonment, or transportation, or shall be advising, aiding, or assisting in the same, or any of them; and the plaintiff in every such action shall have judgment to recover double costs, besides damages, which damages, so to be given, shall not be less than fifteen hundred dollars; in which action no delay, stay, or stop of proceeding, by rule, order, or command, nor injunction or privilege whatsoever, nor any more than one imparlance, shall be allowed, excepting such rule of the court, wherein the action shall depend, made in open court, as shall be deemed, in justice, necessary, for special cause to be expressed in the said rule. And the person or persons, who shall knowingly frame, contrive, write, seal, sign, or countersign, any warrant for such commitment, detainer, or transportation, or shall so commit, detain, imprison or transport any person or persons, contrary to this act, or be any wise advising, aiding or assisting therein, being lawfully convicted thereof, shall from thenceforth be disabled to bear any office of trust or profit under this state, and shall be fined or imprisoned at hard labour, or both, at the discretion of the court before whom the conviction shall be had; *provided*, that nothing in this act shall extend to give benefit to any person, who shall, by

contract in writing, agree with any merchant, or owner of any plantation, or other person whatsoever, to go, be transported, or sent to any place out of this state, or to any part beyond the seas, and receive earnest upon such agreement, although such person shall afterwards renounce such contract; *provided also*, that if any citizen of this state, or person or persons at any time resident in the same, shall have committed, or be charged with having committed any treason, felony, or misdemeanor, in any other of the United States where he or she ought to be tried for such offence, such citizen, person or persons, may be sent to such state having jurisdiction of such offence, there to receive such trial, in such manner as the same might have been had or used before the making of this act.

TITLE VIII.  
CHAP. 3.

A citizen of this state, who shall have committed an offence in another state, to be sent there for trial.

12. *And be it enacted by the authority aforesaid*, That no person or persons shall be sued or impleaded for any offence against this act, unless the party offending be sued or impleaded for the same within two years at farthest after such time wherein the offence shall be committed, in case the party grieved shall not be then in prison; and if he or she shall be in prison, then within the space of two years after the decease of the person imprisoned, or his or her delivery out of prison, which shall first happen.

Within what time suits for offences against this act shall be instituted.

13. *And be it enacted by the authority aforesaid*, That if any information, suit, or action shall be brought or exhibited against any person or persons for any offence committed, or to be committed against this act, it shall be lawful for such defendants to plead the general issue, that they are not guilty, or that they owe nothing, and to give the special matter in evidence; and if such special matter, in case it were duly pleaded, had been good and sufficient in law to have discharged the said defendant or defendants against the said information, suit, or action, the same, so given in evidence, shall be as available to him or them to all intents and purposes, as if he or they had sufficiently pleaded, set forth, or alleged the said matter in bar or discharge of such information, suit, or action.

In suits under this act, the defendant may plead the general issue, and give the special matter in evidence.

14. *And*, to the intent that no person may avoid his trial at the sessions of oyer and terminer, or general jail delivery, by procuring his removal at such time before the commencement of the court,—*be it enacted by the authority aforesaid*, that after the sessions of oyer and terminer, or general jail delivery, shall be proclaimed for that county, where the prisoner is detained, such prisoner shall not be removed from the common jail upon any habeas corpus granted in pursuance of this act; but, upon any such habeas corpus, shall be brought before the justice or justices of the said court of oyer and terminer, or general jail delivery, in open

Prisoners not to be removed by habeas corpus, after sessions of oyer and terminer and general jail delivery have been proclaimed for the county.

TITLE VIII.  
CHAP. 4.

court, who shall thereupon do what to justice appertains; *provided nevertheless*, that after the sessions of oyer and terminer, or general jail delivery are ended, any person detained may have his or her habeas corpus, according to the direction of this act.

In whose cases information shall not be exhibited or sustained.

15. *And be it enacted by the authority aforesaid*, That no information, for a matter merely criminal, for which an indictment will lie, and in which no civil right is involved, nor forfeiture or penalty given by law to any private person or common informer is prosecuted for, shall, from and after the passing of this act, be exhibited or sustained in any court of this state.

16. Repealer.

## CHAPTER 4.

### INDICTMENTS.

- |  |                                      |
|--|--------------------------------------|
| 1. When tried.                             | 3. Or, when not prosecuted.          |
| 2. Of costs, when indictment quashed, etc. | 4. Of costs, where jointly indicted. |

REV. 406.

### An Act relative to indictments.

Passed February 2, 1799.

When indictments shall be tried.

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 every indictment shall be tried the term or session in which issue is joined, or the term after, unless the court, for just cause, shall allow further time for the trial thereof; and if such indictment be not so tried as aforesaid, the defendant shall be discharged.

When defendant shall not pay costs.

2. *And be it enacted*, That if an indictment be quashed, or a verdict pass, or judgment be given for the defendant in the said indictment, then no costs shall be awarded against such defendant.

If recognizor discharged for want of prosecution, not to pay costs.

3. *And be it enacted*, That if any recognizor, who is or shall be bound to answer any charge of a criminal nature, be discharged from his recognizance for want of prosecution, he shall not be liable to pay costs for such discharge.

On joint indictment against several, costs same as against one.

4. *And be it enacted*, That if several persons are or shall be jointly indicted for one and the same offence, and shall be thereof convicted, the costs, except caption fees, shall amount to no more than on an indictment against one person only.

5. Repealer.

CHAPTER 5.

PROCEEDINGS AND TRIALS.

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|---|--|
| 1. When copy indictment, etc., to be furnished. | 9. Talesmen, whence taken.                   |
| 2. When court to assign counsel.                | 10. Peine forte et dure abolished.           |
| 3. Evidence in treason.                         | 11. When indictor not to sit on inquest.     |
| 4. Plea of not guilty, effect of.               | 12. Words "force and arms" unnecessary.      |
| 5. Proceedings, if defendant stands mute.       | 13. Clerical errors, how taken advantage of. |
| 6. Defendant's right of challenge.              | 14. Plea of misnomer, effect of.             |
| 7. State only to challenge for cause.           | 15. Treason, how tried, and where.           |
| 8. How panel to be selected.                    | 16. Writ of error in criminal cases.         |

An Act regulating proceedings and trials in criminal cases.

REV. 184.

HAR. 371.

1836-7.

PAMPH. 356.

Revision.....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such jurors and witnesses, delivered unto him at least three entire days before the trial; and in murder, and other offences punishable with death, and also in misprison of treason, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, perjury or subornation of perjury, shall have such copy of the indictment and list of the jury, two entire days, at least, before the trial.

When copy of indictment, etc., furnished prisoner.

2. *And be it enacted*, That the court before whom any person shall be tried upon indictment, is hereby authorized and required to assign to such person, if not of ability to procure counsel, such counsel, not exceeding two, as he or she shall desire, to whom such counsel shall have free access at all seasonable hours.

When court to assign counsel.

3. *And be it enacted*, That no evidence shall be admitted or given against any person of any overt act of treason, that is not expressly laid in the indictment.

Evidence in treason.

4. *And be it enacted*, That, as well in treason and murder as in all other offences which are or may be committed against this state, when any person, on being arraigned, or called to answer the matter charged in the indictment against him or her, shall plead not guilty, every such person, so pleading, shall be deemed and taken to put himself or herself upon the inquest or country for trial, without any question being asked how he or she will be tried.

Effect of plea of not guilty.

5. *And be it enacted*, That if any person be indicted for any offence whatever against this state, and shall, on being arraigned, or called to answer the matter charged in such indictment, stand mute, a jury shall forthwith be empannelled to try and say, whether the person so standing mute, standeth mute obstinately and on purpose, or by the providence and act of God; and if they return

Proceedings if defendant stands mute.

TITLE VIII.  
CHAP. 5.

their verdict that such person standeth mute by the providence and act of God, the court shall thereupon cause him or her to be remanded to prison, and shall not proceed against him or her, until he or she shall have recovered therefrom; but if the jury shall return their verdict, that the person so standing mute, standeth mute obstinately and on purpose, then the court shall cause to be entered upon the indictment against such person, the plea of not guilty, and also shall cause the like plea of not guilty to be entered where any person, indicted as aforesaid, shall refuse to plead or answer to such indictment; and in all such cases shall proceed upon his or her trial, in like manner, in all respects, as if he or she had voluntarily pleaded the same plea thereto; except that such person, so standing mute obstinately and on purpose, or refusing to plead or answer as aforesaid, shall not be admitted to make any challenges to the jurors.

When right of challenge forfeited.

Defendant's right of challenge.

6. *And be it enacted*, That every person who shall be indicted for treason, murder or other crime punishable with death, or for misprison of treason, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, perjury or subornation of perjury, and shall voluntarily and duly plead the plea of not guilty to such indictment, shall be admitted peremptorily to challenge twenty of the jury, and no more; and if any person, indicted as aforesaid, after having voluntarily and duly pleaded as aforesaid, shall peremptorily challenge a greater number of the jury than twenty, the court shall disallow all such challenges, over and above the said number of twenty; and the jury shall be charged, and the trial shall proceed in like manner, in all respects, and the like judgment shall be given as would or ought to be had and given if the person so indicted as aforesaid, and having pleaded as aforesaid, had not peremptorily challenged a greater number of the jury than in and by this act he or she is admitted to challenge.

State only to challenge for cause, offenders only in specified cases.

7. *And be it enacted*, That neither the attorney general, nor any other person prosecuting for and in behalf of this state, shall be admitted in any case to challenge any juror, without assigning a cause certain, to be tried and approved by the court: *and further*, the privilege of such peremptory challenges shall not be allowed to offenders in any cases, but such as are specified in the section immediately preceding.

How panel to be selected.

8. *And be it enacted*, That in all cases where any prisoner or defendant, in or upon any indictment, is or may be by law entitled to peremptory challenges, and to have a copy of the panel or a list of the jury delivered to him previous to his trial, it shall be the duty of the sheriff, or other proper officer, to select such panel or list of forty-eight jurors from the general panel or list of jurors that may

have been drawn and summoned to attend as jurors, at the term at which such prisoner or defendant is to be tried; *provided*, a sufficient number of jurors shall have been so drawn and summoned to attend such court; but if forty-eight jurors have not been so drawn and summoned, then the said sheriff or officer shall add to the number so drawn and summoned, as many more freeholders of the body of his county, qualified to serve as jurors, as shall make up the number of forty-eight; which panel or list of jurors, if delivered by the sheriff, or other proper officer, to the prisoner or defendant entitled to the same, prior to the first day of the court at which such trial is to be had, shall be as good and effectual as if the same had been delivered to the prisoner or defendant after the opening of the court; *provided however*, that such prisoner or defendant shall not be put upon his trial without his consent, deliberately expressed in open court, unless he has had such panel or list of jurors delivered to him as many days prior to his trial as by law he is or may be entitled to have the same.

TITLE VIII.  
CHAP. 5.

Deficiency  
supplied.

9. *And be it enacted*, That in case a tales de circumstantibus shall be awarded in any case in which the defendant shall be entitled to such peremptory challenges, the talesman shall be taken from the general panel of jurors returned, for the term at which such defendant is to be tried; and if more talesmen should be required than the number of jurors remaining on the general panel, the sheriff or other proper officer shall forthwith summon from among the bystanders, or others, such additional number of freeholders qualified to serve as jurors, as may be necessary to complete the jury, and make return thereof immediately, and serve a copy thereof on the defendant, who shall thereupon proceed to make his challenges to such talesmen, if he has any to make.

Talesmen,  
whence taken.

10. *And be it enacted*, That the law relative to the peine forte et dure shall be, and hereby is abolished.

Peine forte  
et dure abol-  
ished.

11. *And be it enacted*, That no indictor of any person, for any crime or offence whatsoever, shall be put upon the inquest for the trial of such person, if he be challenged for the same cause by him or her so indicted.

Indictor not  
to sit on in-  
quest, if chal-  
lenged.

12. *And be it enacted*, That the words with force and arms, or any such like words, shall not of necessity be put or comprised in any inquisition or indictment of treason, murder, manslaughter, rape, robbery, trespass or any other offence; and that no person, being hereafter indicted of any offence, shall have or take any advantage, by writ of error, plea, or otherwise, to annul or avoid any such inquisition or indictment, for that the words with force and arms, or any such like words, shall not be put or comprised in the said inquisition or indictment, but that the

Words  
"force and  
arms" not  
necessary.

TITLE VIII.  
CHAP. 5.

same inquisition or indictment, without the words with force and arms, or any such like words, shall, from henceforth, be taken and adjudged to be as good and effectual in the law, as if the same inquisition or indictment had the said words with force and arms, or any such like words, inserted and comprised therein.

Clerical errors, how taken advantage of.

13. *And be it enacted*, That no indictment, nor any process or return thereupon, shall be quashed, on the motion of the offender, or his or her counsel, for miswriting, misspelling, false or improper English, unless exception concerning the same be taken and made in the court where such trial shall be, by the offender or his or her counsel, before any evidence given in open court upon such indictment; nor shall any such miswriting, misspelling, false or improper English, after conviction on such indictment, be any cause to stay or arrest judgment thereupon; but nevertheless, any judgment given upon such indictment, shall and may be liable to be reversed upon a writ of error, in the same manner as if this act had not been passed.

Plea of misnomer, effect of.

14. *And be it enacted*, That no indictment or information shall be abated by reason of any dilatory plea of misnomer of the party offering such plea, but if the court shall be satisfied by affidavit or otherwise, of the truth of such plea, in such case the court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Treason, how tried, and where.

15. *And be it enacted*, That all acts of treason against this state, which shall be committed or done upon the land, out of this state, or upon the sea, shall and may be inquired of, heard and determined in the supreme court of this state, by good and lawful men of the same county where the said court shall sit, in like manner and form, to all intents and purposes, as if the said treason had been committed or done within the same county.

Writ of error in criminal cases.

16. *And be it enacted*, That writs of error in all criminal cases not punishable with death, shall be considered as writs of right, and issue of course; and in criminal cases punishable with death, writs of error shall be considered as writs of grace, and shall not issue but by order of the chancellor for the time being, made upon motion or petition, notice whereof shall always be given to the attorney general, or the prosecutor for the state.

CHAPTER 6.

TRIAL OF MURDER IN CERTAIN CASES.

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| <p>1. Death and offence in different counties.</p> <p>2. Rule as to accessories.</p> |  | <p>3. Death in state, offence out of it.</p> <p>“ Offence in state, death out of it.</p> |
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An Act concerning the trial of murder, in cases where the stroke and death happen in different counties, and in cases where either the stroke or death only happens within this state. REV. 297.

Passed March 7, 1797.

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 where any person hereafter shall be feloniously stricken or poisoned in one county, and shall die of the same stroke or poisoning in another county, then an indictment thereof, found by jurors of the county, where the death shall happen, whether it shall be found before the coroner upon the view of such dead body, or before the justices of the peace, or other justices or commissioners, who shall have authority to inquire of such offences, shall be as good and effectual in the law, as if the stroke or poisoning had been given committed or done in the same county where the party shall die, or where such indictment shall be found: *and further,* that the justices of oyer and terminer and of general jail delivery in the same county, where such indictment shall be taken, and the justices of the supreme court, where such indictment shall be taken or removed before them, shall and may proceed upon the same in all points, as they might or could do in case such felonious stroke and death thereby ensuing, or poisoning and death thereby ensuing, had been committed and happened all in one and the same county.

Death in one county, of stroke or poison in another, indictment may be found in former.

2. *And be it enacted,* That where any murder or other offence shall be committed and done in one county, and other person or persons shall be accessory in any manner to any such murder, or other offence, in any other county, then an indictment, found and taken against such accessory or accessories, upon the circumstance of such matter, before the justices of the peace, or other justices or commissioners, having authority to inquire of such offences, in the county where the offence of accessory in any manner or wise shall be committed or done, shall be as good and effectual in the law, as if the said principal offence had been committed or done within the same county where the same indictment against such accessory or accessories shall be found; and the justices of oyer and terminer and of general jail delivery, or any three of them, of or in such county where the offence of any such accessory shall be committed and

Offence of principal committed in one county, and accessory in another, indictment against accessory may be found in latter.

TITLE VIII.  
CHAP. 6.

done, upon suit to them made, shall write to the clerk or keeper of the records, where such principal shall be attainted or convicted, to certify them, whether such principal be attainted or convicted, or otherwise discharged of such principal offence, who, upon such writing to them or any of them directed, shall make sufficient certificate, in writing, under his or their seal or seals, to the said justices, whether such principal be attainted, convicted, or otherwise discharged of such offence or not; and after that the said clerk or keeper of the records do certify, that such principal is attainted, convicted, or otherwise discharged of such offence by the law, then the said justices of oyer and terminer or of general jail delivery, or other justices thereunto authorized, shall proceed against any such accessory or accessaries, in the county they or either of them so became accessory, in such manner and form as if both the principal offence and accessory had been committed and done in the said county, where the said offence of accessory was or shall be committed or done: *and further*, that every such accessory, and other offenders aforesaid, shall answer upon their arraignments, and have the like defences, advantages, and exceptions, and shall receive the like trial, judgment, order, and execution, and suffer such forfeitures, pains, and penalties, as if both the principal offence and accessory had been committed and done in one and the same county.

If a person die in this state of a stroke or poison, given out of it, or if he die out of this state of a stroke or poison, given in it, where indictment found.

3. *And be it enacted*, That where any person shall be feloniously stricken or poisoned upon the sea, or at any place out of the jurisdiction of this state, and shall die of the same stroke or poisoning within the jurisdiction of this state, or where any person shall be feloniously stricken or poisoned within the jurisdiction of this state, and shall die of such stroke or poisoning upon the sea, or at any place out of the jurisdiction of this state, in either of the said cases, an indictment thereof, found by jurors of the county within the jurisdiction of this state, in which such death, stroke or poisoning shall happen respectively as aforesaid, whether it shall be found before any coroner upon view of such dead body, or before the justices of the peace, or other justices or commissioners, who shall have authority to inquire of murders, shall be as good and effectual in the law, as well against the principal or principals in any such murder, as against the accessory or accessaries thereto, as if such felonious stroke and death thereby ensuing, or poisoning and death thereby ensuing, and the offence of such accessory or accessaries had happened in the same county where such indictment shall be found; and that the justices of oyer and terminer and of general jail delivery in the same county, where such indictment shall be found, and also the supreme court, in case such indictment

shall be taken or removed before them, shall and may proceed upon the same in all points, as well against the principal or principals in any such murder, as the accessory or accessaries thereto, as they might or could do in case such felonious stroke and death thereby ensuing, or poisoning and death thereby ensuing, and the offence of such accessory or accessaries had happened in the same county where such indictment shall be found; and that every such offender, as well principal as accessory, shall answer upon their arraignments, and have the like defences, advantages and exceptions, and shall receive the like trial, judgment, order and execution, and suffer such forfeitures, pains and penalties, as they ought to do if such felonious stroke and death thereby ensuing, or poisoning and death thereby ensuing, and the offence of such accessory or accessaries had happened in the same county where such indictment shall be found.

TITLE VIII.  
CHAP. 8.

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## CHAPTER 7.

### REPRIEVES.

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#### An Act concerning reprieves.

Revision....Approved April 16, 1846.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a reprieve shall be granted by the governor or person administering the government, to any convict sentenced to the punishment of death, and such convict shall not be pardoned, it shall be the duty of the said governor or person administering the government, to issue his warrant to the sheriff of the proper county, commanding him to execute the sentence at such time as shall be therein appointed and expressed; which warrant shall be transmitted to said sheriff at the expense of the state.

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## CHAPTER 8.

### FUGITIVES FROM JUSTICE.

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#### An Act respecting fugitives from justice.

HAR. 73.

Passed December 21, 1824.

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 whenever a person charged in this state with treason, murder,

Compensation for removal.

TITLE VIII.  
CHAP. 9.

arson, rape, burglary, robbery, or forgery, shall flee from justice and be found in another state, and the attorney general shall recommend to the governor, or person administering the government of this state, to demand the said fugitive, so that he may be brought into this state for trial; and the said fugitive shall on the demand of the executive authority of this state, be delivered up and removed to this state, the expenses of such removal being first ascertained to the satisfaction of the governor or person administering the government, shall on warrant from him, be paid by the treasurer of this state, out of any moneys in his hands, not otherwise appropriated.

2. Repealer.

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### CHAPTER 9.

#### FORFEITED RECOGNIZANCES.

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| 1. In supreme court, etc., how prosecuted. | 4. Penalty for refusal or neglect. |
| 2. In oyer and terminer, how.              | 5. Duty of sheriff, compensation.  |
| 3. Duty of attorney general, etc.          | " Penalty for refusal or neglect.  |

REV. 210.  
1838-9.  
PAMPH. 52.

An Act regulating proceedings on forfeited recognizances, and appropriating the moneys arising from the same, and from fines and amerements.

Revision....Approved April 15, 1846.

In supreme court or court of general quarter sessions, how prosecuted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person hath been or shall be bound by recognizance to the state of New Jersey, or to the governor, for the use of the state, with condition for his or her appearance at the supreme court, or at the general quarter sessions of the peace, to be held in and for any county within the state, and if such person hath not appeared, or shall not appear agreeably to the condition of such recognizance, then the court in which such recognizor may be bound to appear, shall be and they are hereby empowered and directed, on motion of the attorney general, prosecutor of the pleas, or attorney appointed by the court to prosecute the pleas in his absence, to award a writ of scire facias against such recognizor, to show cause why the recognizance ought not to be forfeited, judgment to be entered against the recognizor, and execution to issue thereon; and if such recognizor shall appear at the return of such writ, and not show or allege any matter sufficient to discharge him or her from his or her recognizance, or, the said writ having been returned served, or if no service thereof can be made, having been published as prescribed by law, shall make default, thereupon the recognizance shall be forfeited, judgment

Forfeiture and judgment.

final shall be given against the said recognizor as in case of debt, and execution shall issue thereon accordingly; and in every such action, suit, or writ of scire facias, against every such recognizor, costs shall be awarded and allowed.

TITLE VIII.  
CHAP. 9.

2. *And be it enacted,* That if any person hath been, or shall be bound by recognizance to the state of New Jersey, or to the governor, for the use of the state, with condition for his or her appearance at the sessions of oyer and terminer and general jail delivery, to be held in any county of this state, and if such person hath not appeared, or shall not appear, agreeably to the condition of such recognizance, and his or her default hath been or shall be recorded in the minutes of said court, then it shall and may be lawful for the supreme court, or the circuit court of the county in which such forfeiture hath been or may hereafter be had, the same being certified to such court, on motion of the attorney general, prosecutor of the pleas, or attorney appointed to prosecute the pleas in his absence, to award a writ of scire facias against such recognizor to show cause why the recognizance should not be forfeited, judgment be entered against the recognizor, and execution issue thereon; and to cause such further proceedings to be had thereupon with costs, as are mentioned and directed in the first section of this act.

In oyer and  
terminer,  
how prose-  
cuted.

3. *And be it enacted,* That it shall be the duty of the attorney general, prosecutor of the pleas, or attorney appointed to prosecute the pleas of the state in his absence, to move the court having jurisdiction of such forfeited recognizance, for one or more writ or writs of scire facias, and the same, if awarded, to prosecute to judgment and execution; and if such attorney general, prosecutor of the pleas or attorney shall neglect or refuse to move in proper time and place for such writ or writs of scire facias, or to prosecute the same to effect, he shall be deemed guilty of a misdemeanor in office.

Duty of at-  
torney gene-  
ral, etc.

4. *And be it enacted,* That if on return of the amount of any debt, fine, penalty or forfeiture, due or belonging to this state, made agreeably to any law of the state to the attorney general by the treasurer or other officer for prosecution, such attorney general shall refuse, or for the space of three months neglect to prosecute any person or persons for such debt, fine, penalty, or forfeiture so to him returned, he shall be deemed guilty of a misdemeanor in office.

Penalty for  
refusal or  
neglect to  
prosecute.

5. *And be it enacted,* That every sheriff shall, annually, at the close of his office, or within one month thereafter, pay into the treasury of this state such sums of money as he shall have collected or received in virtue of executions issued against recognizors, or

Duty of she-  
r.f.

TITLE VIII.  
CHAP. 10.

Compensation.

Forfeit for neglect or refusal.

arising from fines and amercements awarded by any court against any offender or offenders, excepting fines received by him on conviction upon any indictment, or which may be imposed by any two justices, retaining after the rate of five per centum for his trouble in collecting, receiving and paying the same; and every sheriff who shall neglect or refuse to pay all such sums of money into the treasury agreeably to the directions of this act, shall forfeit for every offence two hundred dollars, to be recovered by and in the name of the treasurer of the state for the time being, in any court of record where the same shall be cognizable, with costs of suit, and applied to and for the use of the state, and shall also be subject to an action of debt or trespass on the case, at the suit of the said treasurer on behalf of the state, for recovery of the whole sum so by him received, with interest and costs of suit.

### CHAPTER 10.

#### STATE PRISON.

- |                                |  |
|--------------------------------|--|
| 1. Convicts to be confined in. | 5. Principal keeper, and his subordinates. |
| 2. Fees for transportation.    | 6. Rules and regulations.                  |
| 3. Costs of conviction paid.   | 7. Deputies and clerk to give bond.        |
| 4. Inspectors appointed.       | 8. Officers to take oath.                  |

#### An Act for the government and regulation of the state prison.

1837-8.  
PAMPH. 195.

1845.  
PAMPH. 195.

Convicts to be conveyed to state prison.

Revision....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person sentenced to hard labour and imprisonment under the laws of this state, for any time not less than six months, shall, within twenty days after such sentence, be transported at the expense of the state, by the sheriff of the county where such conviction may be had, or by his lawful deputy, to the state prison, and there delivered into the custody of the keeper of said prison, together with a copy of the sentence of the court ordering such punishment, and of the taxed bill of costs of prosecution against such offender, certified under the hand and seal of the clerk of the court where such conviction was had; and said person so delivered to the keeper of said prison, shall be safely kept therein, until the term of his or her confinement shall have expired, and the fine or fines and costs of prosecution be paid or remitted, or until he or she shall be otherwise discharged according to law; and every person sentenced to imprisonment for any time less than six months, shall be confined in the common jail of the county where the conviction was had, and there safely kept until the

and safely kept,

or, for less than six months, in county jail.

term of his or her confinement shall expire and the fine and costs of prosecution be paid, or until he or she shall be discharged by due course of law. TITLE VIII.  
CHAP. 10.

2. *And be it enacted*, That the several sheriffs or their deputies shall transport to the state prison, at the same time, all offenders sentenced as aforesaid, during any one term of the court pronouncing such sentence; and that for transporting, sustaining, and securing such offenders, they shall be entitled to receive the following, and no other compensation, to wit: Fees for transportation.

For a single offender, thirty cents per mile;

For two offenders, twenty-five cents per mile, each;

For three offenders, twenty cents per mile, each; and

For four or more offenders, fifteen cents per mile for each one;

Which sums shall be certified by the keeper of said prison, and said certificate shall be delivered to the treasurer of this state, who shall, upon the same and the order of said keeper, pay the said sheriffs the amount so certified, out of any moneys in his hands not otherwise appropriated. How certified and paid.

3. *And be it enacted*, That the costs of conviction of every offender sentenced to hard labour and imprisonment in the state prison, shall hereafter be paid by the treasurer of this state, on a certificate of the taxed bill of costs, signed by the clerk of the court where such conviction shall be had, and countersigned by the keeper of the prison; *provided*, that if the treasurer aforesaid shall have reason to believe that any such bill of costs is improperly taxed, it shall be his duty to return the same to the court where such conviction was had, that the same may be re-examined and retaxed by the court. Costs taxed and paid.  
Proviso.

4. *And be it enacted*, That at the first joint meeting in each year, after the accounts of the state prison are settled, five suitable persons shall be chosen as inspectors of the state prison, who shall continue in office one year, and until others are chosen and legally qualified to act in their stead; and if any vacancy shall happen by the death, removal, resignation, or refusal to act, or other inability of said inspectors, the governor or person administering the government, shall appoint a person or persons to fill the vacancy; and said inspectors shall be entitled to receive one dollar and fifty cents per day, for every day necessarily employed in the duties of their office, to be paid to them by the treasurer of this state, upon orders drawn by said inspectors. Inspectors appointed, and when.  
Vacancies supplied.  
Compensation.

5. *And be it enacted*, That at the joint meeting aforesaid, in each year, a suitable person shall be appointed to be the principal keeper of the said prison, who shall hold his office for one year from the date of his appointment, and until a successor is chosen Principal keeper appointed.

TITLE VIII.  
CHAP. 10.

and legally qualified to act; and said keeper shall reside at said prison during the term of his office, and shall receive a salary of one thousand dollars, with fuel and light, per annum, and at that rate for a shorter period, to be paid quarterly, by the treasurer of this state, upon orders drawn on him by any two of the inspectors; and said keeper shall have power to appoint as many assistants and deputies as the said inspectors shall deem necessary and proper, to enable him to execute the duties of his office; which said deputies and assistants shall have such compensation and allowances as the inspectors shall deem just and proper; which allowances shall be paid by the treasurer, quarterly, upon orders drawn by any two of said inspectors; and the said keeper shall dismiss all or any of his said deputies and assistants, whenever he shall think proper, or shall be required so to do, by the inspectors, or a majority of them; and before said keeper shall exercise any part of his office, he shall give bond to this state, with two sufficient sureties, to be approved by the treasurer of the state, in the sum of five thousand dollars, with condition that he and his deputies and assistants shall well and faithfully perform the duties imposed on them by law; and said keeper, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor, or one of the justices of the supreme court of this state, and shall then deliver the same to the treasurer of this state, who shall cause the same to be recorded and filed in the office of the secretary of this state; and copies of said record, legally exemplified by said secretary, shall be legal evidence in all courts of this state, in any suit against said keeper and his sureties, or any of them; and if any vacancy shall occur during the recess of the legislature, by the death, resignation, or removal, or refusal to act, of the keeper, the inspectors shall elect a suitable person to fill his place, until another shall be appointed by the joint meeting; and said keeper so appointed by the inspectors, shall give bond in manner above mentioned.

6. *And be it enacted*, That the following rules and regulations for the better ordering of said state prison, shall be in force until altered by the legislature, or in the manner hereinafter directed, viz:

ARTICLE I....*Of the inspectors, and their duties.*

## Meetings.

The said inspectors shall hold stated meetings once a month at the said prison, and special meetings whenever they deem necessary: they shall at their first meeting after their appointment, elect out of their number a president and secretary, and two acting inspectors, who shall continue such for so long a time as a majority

of said inspectors shall direct; and at said meetings they shall also elect a suitable person to be the physician of said prison, and a suitable person to be clerk of said prison, who shall hold their offices respectively for one year and until others are chosen, subject to removal by the inspectors upon good cause shown, and shall receive such compensation as the inspectors shall deem just, to be paid to them quarterly by the treasurer of this state, upon orders drawn by said inspectors or any two of them : they shall keep full and regular minutes of their proceedings : they shall see that the duties of the keeper and the several officers and attendants of the prison are duly performed, so as to prevent all oppression, peculation or other abuse or mismanagement : they shall, on or before the third Tuesday in January in each year, make a report to the legislature, of the state of the prison ; which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, time of commitment, and term of imprisonment, noticing those who have escaped or died, the diseases which have prevailed, and proved mortal, and the names of those who have been pardoned or discharged, designating also the offence for which each has been committed, and whether for the first or repeated offence, and by what court, or by whose order ; and in said report, said inspectors shall make such remarks and statements respecting the system of separate confinement and the efficiency of the same, as shall be the result of their own observation, and give such information as may be useful in making the institution more effectual in the punishment and reformation of offenders ; and they shall also report the rules adopted by them for the government and regulation of the prison, and to what extent the provisions of this act have been complied with.

TITLE VIII.  
CHAP. 10.

Physician  
and clerk.

Compensa-  
tion.

Keep min-  
utes, etc.

Make annual  
report.

Report rules,  
etc.

They shall have power to make such rules and regulations for the internal government and regulation of said prison, as they may deem necessary and proper, consistent with the principles of separate confinement and the laws of this state, and they shall cause the same to be written or printed, and copies thereof furnished to the keeper and his deputies and assistants, and to the physician and clerk of said prison.

May make  
rules.

They shall cause the keeper from time to time to lay before them his accounts and other books of the prison, and shall carefully inspect and examine the same.

Inspect ac-  
counts.

They shall have power to examine, under oath or affirmation, any person or persons, relative to any abuse or breach of duty in any of the officers of said prison.

Examine in-  
to abuses.

They shall cause such repairs and improvements to be made in said prison and the walls and grounds belonging to it, as may from

Make im-  
provements.

TITLE VIII. time to time be necessary and proper; which expenses shall be  
 CHAP. 10. paid by the treasurer of the state, upon orders drawn by said in-  
 spectors or any two of them.

May remit  
 costs and  
 debts.

They shall have power to remit the costs of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper, certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing and maintenance, or that such prisoner has conducted himself in an orderly and proper manner.

Quorum.

A majority of the inspectors shall constitute a quorum for the transaction of business.

Visitation of  
 the prison-  
 ers.

The acting inspectors shall, at least once a week, visit the cell or place of confinement of each prisoner, out of the presence and hearing of the keeper and all other persons employed in the prison. They shall examine into the truth of all complaints of oppression or ill treatment of the prisoners. On such visits, said inspectors shall be furnished by the keepers with a list of all the prisoners, and shall ascertain, by actual inspection, whether all prisoners named in the list, are in the situation therein stated; and they shall make a report of the result of such visits and examinations, and of all such matters and things connected with said prison, as they may deem necessary, to the meetings of the inspectors, and oftener if by them required; which reports shall be entered in the minutes of said inspectors.

Proceedings  
 if officers ne-  
 glect their  
 duty.

If it shall appear by the report of the acting inspectors, or otherwise, to the satisfaction of the board of inspectors, that the keeper of the prison, or any of his deputies or assistants, do not strictly perform their respective duties, or do in any way mismanage the affairs of the prison, then it shall be the duty of the board forthwith, in writing, to notify the keeper thereof, and of their disapproval of such neglect or failure, particularly specifying the conduct, neglect or failure complained of and disapproved. And if said keeper shall continue, or suffer his deputies or assistants to continue such conduct, neglect or failure, the said board shall immediately petition the governor, or one of the justices of the supreme court of this state, to remove said principal keeper from office. And it shall be the duty of the governor or justice, upon such petition being presented to him, to institute in a summary way, such inquiry into the truth of the facts charged, as he may think fit. And if upon hearing the allegations of the board, and the defence of the keeper, he shall be of opinion that said keeper has wilfully continued, or suffered to be continued such conduct, neglect or failure, he shall forthwith declare said keeper to be removed from his office, and thereupon all his authority as keeper shall immedi-

Keeper may  
 be removed.

ately cease, and a successor shall be appointed by the inspectors as before directed.

TITLE VIII.  
CHAP. 10.

ARTICLE II....*Of the principal keeper, and his duties.*

The keeper of said prison shall receive from the hands of the sheriff or other proper officer, every person convicted under the laws of this state, and sentenced to imprisonment and hard labour for any term not less than six months, and safely keep him in said prison, according to the laws of this state and the rules and regulations of the prison, until he is discharged according to law: he shall receive and safely keep in said prison, at the expense of the United States, all persons committed under the authority of the United States, until they shall be discharged by due course of the laws thereof.

Shall have the custody of prisoners of the state

and United States.

He shall visit every cell and apartment in the prison, at least twice a week, and shall, at least once in each week, make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; he shall keep a journal in which shall be regularly entered the reception, discharge, death, pardon, or escape of every prisoner, and also the complaints that are made, and the punishments that are inflicted, for the breach of prison discipline, as they occur, the visit of the inspectors and physician, and such other occurrences of importance as concern the state of the prison.

Visit cells.

Keep journal.

He shall not absent himself from the prison except on business of the prison, without permission in writing from two of the inspectors; but the board of inspectors may, by rule, make such modification or alteration in this item, as they may find necessary from time to time.

Not be absent, except, etc.

He shall at the expense of the state, furnish each prisoner with a copy of the bible and such other books, as he, with the approbation of the acting inspectors, may deem useful in producing the moral reformation of the convicts.

Furnish bible and books.

He shall, with the assistance and advice of the acting inspectors, provide a sufficient quantity of stock and materials, working tools and implements for the said prisoners, for which, when received, the keeper shall be accountable: he shall, with the acting inspectors, have power to advertise for all or any of the supplies and articles required under the laws of this state, in three or more newspapers, at least thirty days, and to make contracts with any person or persons for the clothing, provisions, and all articles necessary for the proper support and maintenance of the prisoners, and for the implements and materials of any kind of manufacture or labour in which the prisoners may be employed, and for the sale of all arti-

Provide stock and materials.

Advertise for supplies, etc., and make contracts.

TITLE VIII.  
CHAP. 10.

cles there manufactured or prepared, always taking the best offer for supplies, and the best terms for sales.

Cause accounts to be kept.

He shall cause all accounts respecting the maintenance of the prisoners, to be entered regularly in a book or books, and shall also cause to be kept full and regular accounts of the stock and materials, tools and implements provided for the prisoners, and of the articles manufactured or prepared in the prison, and sold or disposed of, and the sums for which they were sold, and to whom, in books to be provided by him for the purpose; all which books and accounts shall be open to the examination of the inspectors, and shall be, by the keeper, regularly laid before them at their monthly meetings, and at such other times as they shall direct.

Lay books before inspectors.

Receive and pay moneys.

He shall receive all moneys for articles sold and for work done in the prison, and shall pay the same from time to time to the treasurer of this state, except so much as may, in the opinion of the acting inspectors, be necessary to defray the actual expenses, and carry on the operations of the prison.

Settlement of his accounts.

He shall have his accounts ready for examination and settlement on the second Tuesday of January in every year, and for that purpose may close his accounts for the year, on the thirty-first day of December.

What they are to embrace.

He shall prepare, on or before the second Tuesday of January annually, an abstract of all expenditures and receipts of money for the prison, the amount of labour done, the raw materials purchased, the articles manufactured or prepared and sold, all the bills of transportation and the taxed bills of costs which have been certified by him, and shall lay the same before the committee annually appointed by the legislature to settle the accounts of the state prison, and before the legislature itself, at such times as it shall direct.

Be laid before committee.

Letters of prisoners.

He shall suffer no letter or communication in writing, to be conveyed or delivered to or for any prisoner, or from him, without first inspecting and approving it.

Escapes.

If any prisoner shall escape, the keeper shall advertise a reasonable reward for his or her apprehension, and with the advice and assistance of the acting inspectors, shall take all proper measures to effect his arrest, of all which, he shall make a written report to the board of inspectors at their next meeting, which reward shall be paid by the treasurer of this state, upon an order drawn by the inspectors, or any two of them.

Sunday.

He shall on Sunday, at all proper hours, admit to the hall of the prison, a sufficient number of pious, intelligent persons, competent to give instruction to the prisoners in the doctrines of the christian religion, and desiring to be admitted for that purpose, and shall, with his deputies, give such persons every attention and aid, to enable them to perform that office in a suitable manner.

He shall assign to each deputy keeper, a certain number of prisoners, to be under the particular care of such deputy, for such length of time as he shall direct. TITLE VIII. CHAP. 10. Assign duty of deputies.

He may, by and with the advice and consent of the inspectors, appoint one or more agents, in any place they may deem proper, for the sale of any articles manufactured in the prison, and allow them reasonable commissions. Appoint agents.

He shall obey the instruction of the physician with regard to the treatment and disposition of the sick prisoners, unless inconsistent with their safe keeping. Medical treatment.

He may, with the consent of the acting inspectors, contract with any person or persons, for the labour of the prisoners, or any part of them. Contract for prison labour.

He may, with such consent, permit such contractor or contractors to name and employ such instructor or instructors, as the keeper and said inspectors shall approve, to direct the work of the prisoners whose labour is so contracted for, which instructors, before they enter upon their duties, shall enter into bond to the principal keeper, in such sum, and with such security, as he shall deem reasonable, for the due observance of all the laws and rules of the prison. He shall, in the name of the keeper of the prison, under the advice and direction of the acting inspectors, prosecute all debts due to the institution. Contractor may employ instructor, who must give bond. Sue for debts.

ARTICLE III... *Of the duty of the deputy keepers.*

It shall be the duty of each deputy keeper, to inspect the condition of each prisoner under his care, at least three times a day, to see that the meals are regularly furnished according to the prison allowance, and to superintend the work of the prisoners, and at least once a day, make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape. Supervision of prisoners, etc.

The deputy keepers on guard at night, shall, at least once between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of cells and the main building. Guards.

Whenever any prisoner shall complain of sickness to any deputy keeper, he shall give immediate notice to the principal keeper, or to the physician of the prison. Report sickness.

Each deputy shall give full and particular care and attention to the prisoners assigned to his charge, by the principal keeper, and shall make a daily report to the keeper, of their health and conduct, and a like report to the inspectors when required. Report daily.

The deputy keepers shall punctually and promptly obey all legal orders given by or through the principal keeper, and all rules established by the board of inspectors for the government and regulation of the prison. Obeys rules and orders.

TITLE VIII.  
CHAP. 10. All orders to the deputy keepers must be given by or through the principal keeper.

How orders given. The deputy keepers shall not absent themselves from the prison without the permission of the principal keeper.

Not be absent, nor converse with prisoner, They shall not converse with the prisoners further than may be absolutely necessary for the performance of their duties; and shall in no case, give information to any prisoner, of any thing that occurs out of his cell.

nor allow prohibited articles in cells. They shall not furnish any prisoner, nor permit a prisoner to have in his cell, any other article than such as is allowed by the rules of the inspectors.

Letters and messages. They shall not deliver to, or receive from any prisoner, any letter, communication in writing, or message, but to or from the principal keeper.

May designate a deputy as principal pro tem. The principal keeper shall designate one of the deputy keepers to act in his stead, in case of his absence from the prison, and all the duties and powers of the principal keeper, so far as the same relate to the safe keeping of the prisoners and the discipline of the prison, shall devolve upon and be executed by the deputy keeper so designated, until the principal keeper return to the prison.

#### ARTICLE IV....*Of the duties of the physician.*

Visit weekly. The physician of the prison shall visit each prisoner, once in each week, and as much oftener as the state of the health of any prisoner may, in his opinion, require; and shall report once in each month, to the board of inspectors.

Report monthly. Attend the sick. He shall attend immediately on being notified that any prisoner is sick.

Give directions incident to health, etc. He shall give such directions for the health and cleanliness of the prisoners, and when necessary, for such alteration in their diet as he shall deem proper; all which, the principal keeper shall observe, and cause to be obeyed, unless the same shall be contrary to law, or inconsistent with the safe custody of the prisoners.

#### ARTICLE V....*Of the clerk.*

Keep books, etc. The clerk of the prison shall keep the books and accounts of the same, and of each prisoner, and perform the necessary and proper writing of the establishment, under the direction of the inspectors and keeper.

#### ARTICLE VI....*Of the reception and treatment of prisoners.*

Examination and description of prisoner, etc. Each convict, upon being received at the prison, shall be examined by the principal keeper, clerk, and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, his or

her name, height, apparent and alleged age, place of nativity, trade, TITLE VIII.  
CHAP. 10. complexion, colour of hair and eyes, and length of feet, together with such natural and other marks, and such peculiarity of features or appearance, as may serve to identify such convict; all which shall be entered in a book provided for that purpose, and if the convict can write, he or she shall sign his or her name, under such description of his or her person. And in such description shall be stated, the clothes and other articles brought to the prison by such convict; all which shall be taken from him, and carefully preserved, to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the inspectors.

Every convict shall be confined in one of the cells of the prison, Treatment  
of prisoners. separate and alone, except in such cases of sickness as are by this act provided for, and shall be comfortably clothed in habits of coarse materials, uniform in colour and make; the males shall have their hair cut short at least once a month, and their beards close shaven at least once in every week; each convict shall be sustained upon plain food at the discretion of the keeper, with the approbation of the inspectors, and shall every day except Sundays, be kept as far as may be consistent with their sex, age, health and ability, strictly at hard labour of some sort in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and in which the materials cannot be easily embezzled or destroyed; if the work to be done requires previous instruction or constant oversight of the convict, the keeper shall, with the approbation of the acting inspectors, employ suitable persons for the purpose, and fix for them a just compensation, which shall be paid by the treasurer upon orders drawn by the keeper, and countersigned by said inspectors.

In order to encourage industrious and proper habits, a separate Keep acc't  
with each  
prisoner. account shall be opened and kept in books to be provided for that purpose, for each convict, in which he shall be credited with the amount of labour performed by him, over and above what, in the opinion of the keeper and acting inspectors, he ought to perform, due regard being had to his ability for labour; which sums so credited, shall, at the discharge of such convict, be paid to him, or laid out in decent raiment for him, or otherwise applied to his use as the acting inspectors shall direct; but no credit shall be given for overwork, to any convict, whose whole weekly earnings do not exceed the whole weekly expense of his maintenance in the prison.

No convict shall be employed or act as under keeper; nor shall any convict act as clerk, cook, or servant, in the said prison, except Convict not  
to be em-  
ployed as as-  
sistant, etc. in such manner as is consistent with the principles of separate confinement.

TITLE VIII.  
CHAP. 10.Tobacco,  
etc., prohi-  
bited.Employment  
to be desig-  
nated.

Supplies.

Nothing to  
be taken out.Treatment  
of sick.

Discipline.

When inva-  
lid not to be  
discharged.Money to be  
paid dischar-  
ged prison-  
ers.

No convict shall be allowed to use tobacco in any form, or to receive or have any other clothing or food, than is prescribed by law, and the rules of the inspectors.

The particular employment of each convict, shall be such as the keeper may consider best adapted to his state and condition, having due regard to that employment which is most profitable.

The convicts shall be supplied as far as practicable and consistent with the interest of the state, with articles manufactured by the prisoners.

No person shall take any thing into or out of the prison for any prisoner, without the consent of the keeper.

If the physician shall report to the keeper, that any prisoner is in such a situation as to need the care of a nurse, the keeper may, with the approbation of the acting inspectors, employ one of the prisoners as nurse, so long as the physician shall deem necessary. And whenever in the opinion of the physician, the enlargement of any prisoner confined in the cells of said prison, shall be absolutely necessary to the preservation of life, the keeper shall, from time to time, and for such length of time as the physician shall direct, cause said prisoner to be removed from his or her cell, but the prisoner shall in every such case be kept from the society of the other prisoners, except such as may attend as nurses, and shall in no case be permitted to go beyond the walls of the prison.

If any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him said prisoner and deputy keeper who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with a chain on the leg, or handcuffs, or both, for six days. And if in his opinion the convict should receive further punishment, he shall refer the case to the acting inspectors, who shall order such further punishment as they shall think proper, provided that corporal punishment shall in no case be inflicted.

If a prisoner, entitled to his discharge by expiration of his term of confinement, or by pardon, shall be labouring under an acute or dangerous disease, so as to render him, in the opinion of the physician, unable to take care of himself, or unfit to be set at large, he shall not be discharged, except at his own request, until the physician shall deem that it may be done with safety to the prisoner and others.

Upon the discharge of each prisoner, who has not money to the amount of five dollars, the keeper shall pay him any sum not

exceeding that amount, out of the moneys of the state, to the end that all temptation to commit offences against society, before employment or the means of living can be procured, may be removed. TITLE VIII.  
CHAP. 10.

Each prisoner, upon his discharge, shall take off the prison dress, and have restored to him the clothes and all other articles which he brought to the prison, and which were then taken from him; unless the same have been sold or disposed of by the keeper, under the direction of the inspectors; and then, such prisoner shall have the value thereof paid to him by the keeper. Clothing to  
be restored.

ARTICLE VII.... *Of visitors.*

The official visitors of the state prison shall be the governor, the members of the legislature and secretary of state, the treasurer of the state, the chancellor, the six judges of the court of errors and appeals, the justices of the supreme court, and the attorney general. Official visit-  
ors.

The official visitors may, at any time, visit the said prison, and examine the same, and the cells thereof, and the keeper shall give them every facility for so doing.

The board of inspectors shall make such rules and regulations, and shall give the keeper such authority, respecting the admission of other visitors than the official visitors, as they shall deem proper. Other visit-  
ors.

7. *And be it enacted,* That each deputy keeper and assistant shall hereafter give a bond to the principal keeper, in such sum as he shall require, not exceeding two thousand dollars, and with such sureties as he shall approve, and the clerk of said prison shall give bond to the inspectors, with two sufficient sureties to be approved by them, in any sum required by said inspectors, not exceeding the amount before mentioned, which bond shall be conditioned for the faithful performance of the duties of said officers respectively. Deputies and  
clerk to give  
bonds.

8. *And be it enacted,* That the said inspectors, keeper, deputy keepers, and assistants, and the clerk of said prison, shall not be authorized to enter upon the duties of their respective offices, until they shall have taken and subscribed, before a justice of the peace, and delivered to the secretary of state, to be filed in his office, the following oath or affirmation, viz: "I, ———, do solemnly swear (or affirm as the case may be), that I will well and faithfully serve the state of New Jersey, in the office of ———, and will faithfully and diligently execute all the duties required of me as said officer, and carry into execution all the laws and regulations of the state prison of New Jersey, so far as they pertain to my said office, according to the best of my ability: so help me God."

## CHAPTER 11.

## PRISONERS OF UNITED STATES.

1. Jailers, etc., to take custody of. | 2. List and account of expenses.

REV. 457. An Act for the confinement of prisoners, under the authority of the United States, in the jails of this state.

Passed June 6, 1799.

Preamble. WHEREAS it hath been recommended by congress to the legislatures of the several states to pass laws, making it expressly the duty of the keepers of their jails, to receive and safe keep therein all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such states respectively; the United States to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoner shall be therein confined; and also to support such of said prisoners as shall be committed for offences—therefore,

Prisoners committed by authority of U. States. 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 the sheriff and keeper of every jail, in any county of this state, shall be, and he is hereby authorized and commanded to receive all prisoners committed to his custody, by the authority of the United States, and to keep them safely, until discharged by the due course of the laws of the same. And if any sheriff or jail-keeper shall neglect or refuse to perform the services and duties required of him by this act, or shall offend in the premises, he shall be liable to the like penalties, forfeitures, and actions, as if such prisoners had been committed under the authority of this state; *provided always,* that every prisoner, who shall be committed for any offence, by the authority of the United States, shall be supported by the same during his confinement in the said jail.

List to be made out annually. Account, etc. 2. *And be it enacted,* That the sheriff or keeper of every jail, shall, on the first day of October, annually, make out, under oath, the name of all prisoners, who, within the year then last past, shall have been committed to his custody, under the authority of the United States, and the time that they shall have been respectively confined, with an account of the amount thereof, at fifty cents per month, for the use and keeping of such jail, for every person so committed, together with an account of their subsistence, at the rate established by law for state prisoners, unless provided for by

the United States, and transmit the same to the treasurer of this state, who is hereby authorized and required to pay the said account out of any public money in his hands; and the said treasurer is hereby required to exhibit the several accounts, by him received and paid as aforesaid, against the United States, on or before the fifteenth day of November, annually, for allowance.

3. Repealer.

TITLE VIII.  
CHAP. 11.