

than one year nor more than 3 years, and the jurisdiction to try and sentence offenders under this section is conferred upon district courts.

§ 31. All transient persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll over the country without lawful occasion, shall be held to be tramps within the meaning of this chapter.

§ 32. Every tramp who shall wilfully and maliciously injure any person, whose such offense is not punishable by imprisonment in the state prison, or who shall be found carrying any firearm or other dangerous weapon, shall be punished by imprisonment in the state prison not more than 3 years.

§ 33. Any sheriff, deputy-sheriff, constable, special constable or policeman, upon view of any offense described in the preceding 3 sections, or on speedy information thereof, may, without warrant, apprehend the offender and take him before any competent authority for examination, and on his conviction shall be entitled to a reward of \$5.00 therefor, to be paid by the state.

§ 34. Said reward shall be paid by the general treasurer upon the order of the state budget director and comptroller, and the state budget director and comptroller shall draw said order whenever he shall receive a certificate of final conviction from the justice or clerk of the court before which said offender was tried.

§ 35. The town councils shall appoint special constables for their respective towns, who shall arrest and prosecute all tramps in their respective towns.

§ 36. The preceding 5 sections shall not be so construed as to apply to any female or to any minor under the age of 16 years or to any blind person or to any beggar roving within the limits of the town in which he resides.

§ 37. Whoever prints, publishes, distributes, or circulates, or causes to be printed, published, distributed, or circulated, any circular, pamphlet, card, hand-bill, advertisement, printed paper, book, newspaper, or notice of any kind offering to procure or to aid in procuring any divorce, or the severance, dissolution, or annulment of any marriage, or offering to engage, appear, or act as attorney or counsel in any suit for alimony or divorce or the severance, dissolution, or annulment of any marriage, either in this state or elsewhere, shall be fined not exceeding \$100.00. This section shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this state.

§ 38. Every person who shall abandon his wife or children, leaving them in danger of becoming a public charge, or who shall neglect to provide according to his means for the support of his wife or children, or who, being an habitual drunkard, shall neglect or refuse to aid in the support of his family, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for not less than 6 months nor more than one year.

Purpose of statute. The chief purpose of penal statutes of this nature is, by fear of punishment, to deter husbands from failing to perform the marital obligation of support. *State v. Downing*, 54 R. I. 455, 175 Atl. 248.

Construction. The statute being penal is to be strictly construed. *State v. Downing*, 54 R. I. 455, 175 Atl. 248.

"According to his means." These words refer to the capacity to earn money as well as to property actually owned. *State v. Bartley*, 38 R. I. 414, 96 Atl. 305, L. R. A. 1916D, 441.

Non-support of wife and children. Complaint charging non-support of wife and children was not bad for duplicity, since acts forbidden disjunctively by statute may be charged conjunctively in one count. *State v. Wood*, 14 R. I. 151.

Where complaint charged conjunctively non-support of wife and children, verdict of jury was not invalid because finding him guilty of latter and not guilty of former. *State v. Sutcliffe*, 18 R. I. 53, 25 Atl. 654.

Non-support of children. See *State v. Peabody*, 25 R. I. 178, 55 Atl. 323.

Proof of guilt. Facts supporting the criminal prosecution must be proved as in any criminal proceeding. *State v. Downing*, 54 R. I. 455, 175 Atl. 248.

Misconduct of wife. Where the wife by her misconduct has forfeited her right to her husband's support, a criminal prosecution will not lie to enforce such support. *State v. Downing*, 54 R. I. 455, 175 Atl. 248.

Separation agreement. Separation agreement between husband and wife, in which wife agrees to make no further demands on husband and releases and surrenders all rights and privileges at law and in equity, is not bar to criminal prosecution against husband for non-support. *State v. Karagavoorian*, 32 R. I. 477, 79 Atl. 1111, Ann. Cas. 1912D, 1092.

§ 39. A person who is known to be a pickpocket, thief, or burglar, and having no visible or lawful means of support, if found prowling around any steamboat landing, railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop, crowded thoroughfare, car or omnibus, or at any public gathering or assembly, shall be deemed a vagabond, and shall be punished by imprisonment for not more than 12 months in the jail in the county of Providence, *provided, however*, sentences of 30 days or less may be served in other county jails upon the order of the court imposing the same. Sheriffs, deputy sheriffs, constables, and police officers shall take any such vagabond into custody without a warrant, and shall, within 24 hours after such arrest, Sundays and legal holidays excepted, take him before the proper tribunal and shall make complaint against him. (P. L., 1932, Chap. 1902, amending P. L., 1909, Chap. 378.)

§ 40. It shall be unlawful for any person to secure, direct or transport, or offer to secure, direct or transport another for the purpose of prostitution, or for any other lewd or indecent act; or to loiter in or near any thoroughfare or public or private place for the purpose of inducing, enticing, soliciting, or procuring another to commit lewdness, fornication, unlawful sexual intercourse or any other indecent act; or to commit or in any manner induce, entice, or solicit, or procure a person in any thoroughfare, or public or private place or conveyance to commit any such act; or to receive or offer or agree to receive any person into any place, structure, house, building, room, or conveyance for the purpose of committing any such acts, or knowingly permit any person to remain therein for any such purposes, or to, in any way, aid or abet or participate in any of the acts or things enumerated herein.

Any person found guilty under this section, shall be subject to imprisonment in the state prison or county jail not to exceed 5 years; or to commitment to a reformatory or other correctional institution not to exceed 4 years. (P. L., 1925, Chap. 657, amending P. L., 1919, Chap. 1788.)

§ 41. Any person convicted for any violation of the foregoing section or of any other statute relating to lewd or lascivious behavior or unlawful sexual intercourse, and who shall be confined or imprisoned in the state prison or county jail or other institution for more than 10 days, may be examined by the department of public health, for venereal disease, through duly appointed, licensed physicians as agents; and any such person so examined may be detained until the result of such examination is duly reported; and if found with venereal disease in an infectious stage, such person shall be treated therefor, and, if a menace to the public, quarantined, in accordance with rules and regulations, not inconsistent with law, of the director of public health, who is hereby authorized to formulate and issue the same. Refusal to comply with or obey such rules or regulations shall constitute a misdemeanor and be punishable by fine, not to exceed \$250.00, or by imprisonment not to exceed 3 months or by both such fine and imprisonment. (P. L., 1919, Chap. 1788.)

§ 42. In the trial of any person charged with a violation of § 40, testimony concerning the reputation of the place wherein the violation occurred or of per-

sons who frequent or reside therein shall be admissible in evidence in support of the charge. (P. L., 1919, Chap. 1788.)

§ 43. The police commissioners of any city or town having a police commission, and the chief of police of any other city or town, may designate certain streets in such city or town as curfew streets. No minor under 16 years of age shall be allowed to loiter on any such curfew street after 9 o'clock P. M., unless accompanied by some adult person. (P. L., 1911, Chap. 718.)

§ 44. Any minor under 16 years of age not accompanied by an adult person, who shall loiter on any

such street after being directed by any police constable to cease therefrom, shall be fined not exceeding \$5.00. (P. L., 1911, Chap. 718.)

§ 45. Every person who shall tattoo any minor under the age of 21 shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not exceeding one year or be fined not exceeding \$300.00. For the purposes of this section tattooing shall mean the practise of marking the skin with indelible patterns or pictures by making punctures and inserting pigments. (Added by P. L., 1932, Chap. 1922.)

See Chap. 606, § 32.

CHAPTER 611.

(Gen. Laws, 1923, Ch. 400.)

OFFENSES AGAINST THE PUBLIC HEALTH.

- § 1. Sale of unwholesome provisions, how punished.
- § 2. Killing, etc., for sale, of calf not 4 weeks old, how punished.
- § 3. Penalty for carrying swill, etc., into Middletown, when.
- § 4. Meats and provisions not to be wrapped in unsanitary manner; second-hand wrapping paper not to be used except when.

§ 1. Except as otherwise provided, in respect to specific articles of meat or drink, every person who shall sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, shall be imprisoned not exceeding 6 months or be fined not exceeding \$200.00.

Adulterated milk. Section has no application to sale of adulterated milk. State v. Luther, 20 R. L. 472, 49 Atl. 9.

§ 2. Every person who shall kill or cause to be killed, for the purpose of sale, or who shall sell to any person engaged in the business of killing of animals to be used for food purposes, any calf less than 4 weeks old and the weight of which is less than 75 pounds, or shall sell, or have in his possession with intent to sell, the flesh of any calf which he knows to have been killed when less than 4 weeks old, or the weight of which calf before being killed he knows to have been

less than 75 pounds, shall be fined not exceeding \$50.00. (P. L., 1914, Chap. 1055.)

§ 3. No person shall hereafter carry any house offal or swill into the town of Middletown, or permit the swill or offal so carried to be fed to swine on his premises, or to be deposited on or spread upon his land, in said town; but nothing in this section contained shall be construed to prevent the carrying of swill or house offal through the said town of Middletown to any other town. Any person violating any of the provisions of this section shall be for every offense fined not exceeding \$20.00, or be imprisoned not exceeding 3 months.

§ 4. No dealer in groceries, meats, provisions or any articles of food whatsoever shall use or cause to be used newspapers, printed paper or other second hand paper for the purpose of wrapping up such articles of food, unless the same shall first be placed in paper carton boxes, jars, tins or other sanitary receptacles. Any person who violates the provisions of this chapter, shall be fined not exceeding \$20.00 for each offense. (P. L., 1911, Chap. 708.)

CHAPTER 612.

(Gen. Laws, 1923, Ch. 401.)

OFFENSES AGAINST PUBLIC POLICY.

- § 1. Setting up, drawing, etc., of lotteries, and selling lottery policies, etc., how to be punished.
- § 2. Sale of lottery tickets, how punished.
- § 3. Notes, etc., given for lottery tickets, void.
- § 4. Purchasers of lottery tickets, etc., to recover money paid, etc.
- § 5. Issuance of trading stamps illegal, when.
- § 6-8. Same subject.
- § 9. Keeping, etc., of place for gambling, or having devices for same, or dealing at faro or other banking game, how to be punished.
- § 10. Same subject; license of tavern-keeper, inn-holder, etc., to be void for violation of preceding section.
- § 11. Enticing another to gambling place, how punished.
- § 12. Complaint against gambling implements, search-warrants and proceedings for forfeiture of same.
- § 13. Same subject; such implements are to be destroyed, when and how.
- § 14. Same subject; officer complaining, not liable for costs, etc.
- § 15. Same subject; officer's fees.
- § 16. Persons playing may be compelled to testify.
- § 17. Betting on horse race, how punished.
- § 18. Horse forfeited, when.
- § 19. Encouraging fighting of birds or animals, or keeping place for same, how punished; what societies entitled to fines and forfeitures.
- § 20. Bonds, notes, etc., given for money won in gambling, betting, etc., are void.
- § 21. Bribery; corruptly accepting or attempting to obtain by any employee or public official, any gift for dishonest practise, forbidden.
- § 22. Same subject; no person to corruptly give or offer any gift to any employee or public official as a reward for dishonest practise.
- § 23. No document containing any false statement intended to deceive an employer to be given to any employee.
- § 24. Penalty for violating §§ 21 to 26.
- § 25. Remedy for person injured by violations of §§ 21 and 22.
- § 26. Evidence and witnesses; duty to testify and produce documents; immunity from prosecution.
- § 27. Penalty for frequenting gambling houses.
- § 28. Penalty for letting, etc., place for gambling or pool-selling.

band or wife living, shall be imprisoned not exceeding 5 years nor less than 1 year or be fined not exceeding \$1,000.00: *Provided*, that this shall not extend to any person whose husband or wife shall be continually remaining without the limits of this state for the space of 7 years together, the party being married after the expiration of said 7 years, not knowing the other to be living within that time, nor to any person who shall be divorced at the time of such second marriage, nor to any person by reason of any former or prior marriage, made when the man was less than 14 and the woman less than 12 years of age.

§ 2. Every person who shall commit adultery shall be imprisoned not exceeding one year or be fined not exceeding \$500.00; and illicit sexual intercourse between any 2 persons, where either of them is married, shall be deemed adultery in each.

§ 3. Whoever shall unlawfully and carnally know and abuse any girl under the age of 16 years shall be imprisoned not exceeding 15 years.

Charging offense "feloniously" done. Where indictment set out all essential elements of offense it was unnecessary to charge that offense was feloniously done. *State v. Tourjee*, 26 R. I. 234, 53 Atl. 767.

§ 4. Whoever shall attempt to have unlawful carnal knowledge of any girl under the age of 16 years shall be imprisoned not exceeding 10 years.

Uncorroborated testimony. See *infra*, § 5.

§ 5. Whoever by threats or intimidation procures or induces, or attempts to procure or induce, any woman or girl to have any unlawful carnal connection either with himself or with any other person, or by false pretences, false representations or other fraudulent means, procures or induces any woman or girl, not being a common prostitute or of known immoral character, to have unlawful carnal connection either with himself or with any other person, or applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower so as thereby to enable himself or any other person to have unlawful carnal connection with such woman or girl, or, being above the age of 18 years, shall by any means whatsoever procure or induce any girl under the age of 18 years, and not of known immoral character, to have any unlawful carnal connection either with himself or with any other person, shall be imprisoned not exceeding 5 years: *Provided, however*, that no person shall be convicted of an offense under this section upon the evidence of one witness only, unless such witness be corroborated by other evidence.

Comparison with former law. Section has much broader scope than former law. *Wrynn v. Downey*, 27 R. I. 454, 63 Atl. 401, 4 L. R. A. (N. S.) 615, 114 Am. St. Rep. 63, 8 Ann. Cas. 912.

Uncorroborated testimony. There can be no conviction upon uncorroborated testimony of particeps criminis. See *Wrynn v. Downey*, 27 R. I. 454, 63 Atl. 401, 4 L. R. A. (N. S.) 615, 114 Am. St. Rep. 63, 8 Ann. Cas. 912.

§ 6. It shall be unlawful for any person to secure a female for a house of ill-fame, or to procure for a female a place as inmate of a house of ill-fame, or by any promise, threat, or by abuse of person, or by any other device or scheme, to cause, induce, persuade or encourage a female to become a prostitute, or enter upon or lead a wanton or dissolute life, or become an inmate of a house of ill-fame, or enter a place in which prostitution is encouraged or allowed, or remain there in as such inmate, or come into this state or leave this state for the purpose of prostitution. It shall be unlawful for any person to receive or give, or agree to receive or give, any money or thing of value for procuring or attempting to procure any female to become a prostitute, or enter upon or lead a wanton or dissolute life, or become an inmate of a house of ill-fame, either within or without this state, or come into this state or leave this state for the purpose of prostitution. It shall be unlawful for any person by any means to keep, hold or detain against her will or re-

strain any female in any place for the purpose of prostitution, or in a house of ill-fame or other place where prostitution is practised or allowed for any purpose, or to directly or indirectly keep, hold, detain or restrain, or attempt to keep, hold, detain or restrain in any house of ill-fame or other place where prostitution is allowed or practised, any female by any means for the purpose of compelling such female, directly or indirectly, to pay, liquidate, or cancel any debt, dues, or obligations incurred or said to have been incurred by such female. Every person who commits any of the aforesaid offenses, or who assists, abets or aids another to commit any of such offenses, shall be guilty of pandering, and for the first offense shall be punished by imprisonment for not less than 6 months and not more than 5 years, and for every subsequent offense shall be punished by imprisonment for not less than one year and for not more than 10 years. In any prosecution for any offense under this section, any female shall be a competent witness against the offender in relation to any such offense committed by such offender upon or against her, or by such offender against or upon another person or persons in her presence, notwithstanding such female may have been married to the offender before or after the commission of such offense, and notwithstanding such female be called as a witness during the existence of the marriage or after its dissolution. It shall not be a defense to any prosecution for any of the offenses described in this section, that such offense or any part thereof shall have been committed outside the state, and any offense described in this section may be alleged to have been committed, and the offender may be prosecuted and punished therefor in any county in which the offender or the female upon or against whom such offense was committed may be found, or in which the offense was consummated, or in which any overt acts in furtherance of the offenses shall have been committed. (P. L., 1915, Chap. 1219.)

§ 7. Whenever there is reason to believe that any female has been inveigled, enticed, induced, persuaded or encouraged to enter a house of ill-fame or other place where prostitution is allowed or practised, or is being kept, held, detained or restrained in any house of ill-fame or other place where prostitution is allowed or practised, upon complaint being made thereunder or practised, upon complaint being made thereunder or by any director of public welfare, member of the division of state police, sheriff, deputy sheriff, chief of police, town sergeant or constable, or by the parent, master or guardian of such female, to any justice or clerk of a district court authorized to issue warrants, such justice or clerk may issue his warrant, to enter by day or night, such house of ill-fame or other place as aforesaid, and to search for such female, and to bring her and the person in whose possession or keeping she may be found, before such district court, who may, on examination, order her to be delivered to such director of public welfare, parent, master or guardian, or to be placed in charge of a probation officer, or to be discharged in accordance with law. (P. L., 1915, Chap. 1219.)

Arrestment or trial upon complaint. Nothing in statute to indicate that persons in possession of female are to be arraigned or tried upon complaint which was foundation for search warrant. *State v. Hand Brewing Co.*, 32 R. I. 54, 73 Atl. 493.

§ 8. Any person who shall be indicted for rape may also be charged in the same indictment with either or all of the offenses described in §§ 3, 4, 5, and 6 of this chapter, and if upon trial the jury shall acquit such person on the charge of rape, and shall find him guilty of either of the other offenses, judgment and sentence may be awarded against him accordingly. (P. L., 1915, Chap. 1219.)

§ 9. Every person who shall commit fornication shall be fined not exceeding \$10.00. Persons within the degrees of consanguinity, within which marriage is by law prohibited or declared to be null and void, who shall intermarry, or commit adultery or fornication