

chusetts Turnpike Corporation, and the same shall be paid over to the treasurer thereof, at the expiration of every three months, by the treasurer of the Alford and Egremont Turnpike Corporation. And it shall be the duty of both said corporations, in their annual exhibits, to be made, according to the ninth section of the act, defining the general powers and duties of turnpike corporations, to note and distinguish particularly, the amount of the same. And the said fifth part of the toll, so to be received as aforesaid, by the Twelfth Massachusetts Turnpike Corporation, shall be deemed and taken as part of their income, to all intents and purposes.

[This act passed March 13, 1806.]

An act providing for the punishment of the crime of Rape, and for the prevention thereof.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any man shall ravish, and carnally know any woman, by force, and against her will, or shall unlawfully and carnally know and abuse any woman child, under the age of ten years, every such offender, and any person present, aiding and consenting in such rape, or accessory thereto before the fact, by counselling, procuring or commanding such rape to be committed, who shall be duly convicted in the Supreme Judicial Court, of either of the felonies and offences aforesaid, shall suffer the punishment of death.

Every person committing a rape, and every person present, aiding and consenting to such rape, &c. to be punished with death.

Punishment of accessory's after the fact.

SECT. 2. *Be it further enacted,* That if any person, after any rape, committed as aforesaid, shall knowingly harbour, conceal, maintain or assist any principal offender therein, or any accessory thereto before the fact, and shall be thereof duly convicted in the Supreme Judicial Court, every such accessory after the fact, shall be punished by solitary confinement, for such term, not exceeding three months, and by confinement to hard labour, for such term thereafter commencing, not exceeding ten years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for an attempt to commit a rape, or for aiding & consenting to such attempt.

SECT. 3. *Be it further enacted,* That if any man, with intent to commit a rape as aforesaid, shall make an assault upon a woman, or female child, every such offender, and any person who shall consent, aid or assist therein, and shall

shall be thereof duly convicted in the Supreme Judicial Court, shall be adjudged guilty of a felonious assault, and shall be punished by solitary imprisonment for such term, not exceeding three months, and by confinement afterwards to hard labour, for such term, not exceeding ten years, or by a fine, not exceeding *five hundred dollars*, and by imprisonment in the common gaol for such term, not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

SECT. 4. *Be it further enacted*, That from and after the passing of this act, all acts and parts of acts heretofore passed, so far as they come within the purview of this act, shall be, and they hereby are repealed; provided, that the same acts and parts of acts shall be, and remain in force for the cognizance, trial, and punishment of all such crimes and offences as therein are mentioned, which have been committed before the passing of this act, and all proceedings thereon arising, this repeal notwithstanding.

Former laws
repealed.

[This act passed March 13, 1806.]

An act for preventing public Stage Plays, Interludes, and other Theatrical Entertainments, in certain cases.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall hereafter erect or build any house or other building, for the purpose of having the same used or improved for acting or carrying on any Stage Play, Interlude, or other Theatrical Entertainment, in any county within this Commonwealth, without the licence of the Court of General Sessions of the Peace, for such county, first obtained, upon the approbation of the Selectmen of the town in which the same be intended, he shall forfeit and pay a sum not exceeding *two thousand dollars*, for each and every offence, to be recovered by indictment, before the Supreme Judicial Court, holden within and for the county in which such offence shall be committed, to the use of the Commonwealth.

Penalty for erecting a building for Theatrical Exhibitions, without a licence.

SECT. 2. *Be it further enacted*, That if any person or persons, shall hereafter, in any county within this Commonwealth, for profit, gain or other valuable consideration, let to hire any house or other building, or suffer any house or other building, in his or their possession, to be used or improved for acting, or carrying on

Penalty for letting a building for Theatrical Performances, without a licence.