

REVISED STATUTES

OF THE

TERRITORY OF IOWA,

REVISED AND COMPILED BY A JOINT COMMITTEE OF THE
LEGISLATURE--SESSION 1842-'43,

AND ARRANGED BY

THE SECRETARY OF THE TERRITORY.

PUBLISHED BY AUTHORITY.

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1843.

death ensues, it will be manslaughter or murder, according to the circumstances of the case : *And provided*, That all other instances which stand upon the same footing of reason and justice, as specified in this section, shall be considered as excuseable homicide, and provided always, the homicide appearing excuseable or justifiable, the person or persons so indicted upon his, her or their trial shall be fully acquitted and discharged.

ASSAULT WITH INTENT TO INFLICT A BODILY INJURY.

Sec. 20. If any person or persons, in this Territory, shall make an assault with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another, a bodily injury, where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant heart, shall be adjudged to be a high misdemeanor, and any person who shall be duly convicted thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the penitentiary, at hard labor, for a term not exceeding three years.

DUELLING.

Sec. 21. If any person shall challenge any other person to fight a duel in this Territory, or elsewhere, such person being a resident of this Territory, or shall accept a challenge to fight a duel, or shall knowingly be the bearer of a challenge, for the purpose aforesaid, or shall be a second to any person who fights a duel, or shall aid, promote, or assist any duel, every such person so offending, upon conviction thereof, shall forfeit and pay any sum not exceeding two thousand dollars, nor less than five hundred dollars, and shall moreover be rendered incapable of holding or being elected to any office of profit, trust, or emolument, either civil or military, in this Territory, or of voting at any election within the same, and shall be imprisoned in the penitentiary, at hard labor, not less than one nor more than three years.

Sec. 22. Every person who shall fight a duel with any deadly weapon or weapons, and death ensues, shall be adjudged guilty of murder.

Sec. 23. On the trial of any person for any offence under the provisions of the twenty-first section of this act, if there was a written challenge to fight, or any other paper, it shall not be necessary, on the part of the prosecution, to produce such challenge or paper, but shall

be sufficient to prove that there was a challenge or agreement to fight, either verbal or written, or that such person did fight or did agree to fight, as the case may be.

R A P E .

SEC. 24. Rape is the carnal knowledge of a female, forcibly and against her will.

SEC. 25. Every person who shall take unlawfully and against her will, any woman, and by force, duress, or menace, compel her to marry him or to marry any other person, or to be defiled, such offender, upon conviction thereof, shall be punished by imprisonment in the penitentiary, and kept at hard labor, not more than twenty years nor less than ten years, and be fined in any sum not exceeding one thousand dollars.

SEC. 26. Every person who shall take away any female, under the age of fifteen years, from her father, mother, guardian, or other person having the legal charge of her person, without their consent, either for the purpose of prostitution or concubineage, shall, upon conviction, be imprisoned in the penitentiary, and kept at hard labor, not less than three nor more than ten years.

SEC. 27. That if any person shall have carnal knowledge of any woman, forcibly and against her will, or if any male person, of the age of fifteen years, and upwards, shall carnally know and abuse any female child under the age of ten years, with her consent, every such person so offending, shall be deemed guilty of a rape, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty nor less than three years.

B I G A M Y .

SEC. 28. That if any married person having a husband or wife living, shall marry any other person, every person so offending, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven years, nor less than one year; but nothing contained in this section shall be construed to extend to any person whose husband or wife shall be continually and wilfully absent for the space of five successive years, next before the time of such marriage, and unheard from during that time.