

A C T S
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF WASHINGTON;
CONTAINING, ALSO, THE
MEMORIALS AND RESOLUTIONS
PASSED AT THE SEVENTH REGULAR SESSION, BEGUN AND HELD AT
OLYMPIA, DECEMBER 5, 1859.

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CHAPTER V.

OF OFFENCES AGAINST PUBLIC JUSTICE, AND BY AND AGAINST PUBLIC OFFICERS.

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 86. Officer performing duty before taking oath or filing bond, how punished.
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Sec. 69. Every person who, having taken a lawful oath or affirmation, in any matter in which by law an oath or affirmation may be required, shall upon such oath or affirmation swear or affirm wilfully, corruptly, and falsely, touching a matter material to the point in question, shall be deemed guilty of perjury.

Sec. 70. Every person who shall wilfully, corruptly, and falsely swear before any officer authorized to administer oaths, under oath or affirmation, voluntarily make any false certificate, affidavit, or statement of any nature, for any purpose, shall be deemed guilty of perjury.

Sec. 71. Every person who shall suborn or procure any person to commit perjury, he shall be deemed guilty of subornation of perjury.

Sec. 72. Every person duly convicted of perjury, or of subornation of perjury, shall be imprisoned in the penitentiary not more than twenty years, nor less than one year, and be fined in any sum not exceeding one thousand dollars.

Sec. 73. If any judge, justice of the peace, juror, commissioner, auditor, referee, arbitrator, or person summoned as a juror, shall accept,

receive, or agree for in any way, any bribe, present, or reward to him offered, for the purpose of obtaining or influencing his opinion, judgment, verdict, sentence, report or award, in any matter or cause depending, or to be tried before him alone, or before him with others, he shall, on conviction thereof, be imprisoned in the penitentiary not more than seven years, nor less than one year, or be imprisoned in the county jail not more than one year, nor less than one month, and be fined in any sum not exceeding one thousand dollars.

SEC. 74. If any executive, judicial, or ministerial officer, or member of the legislative assembly, shall accept or receive, or agree to accept or receive, in any way, any bribe, present, or reward to him offered, for the purpose of inducing or influencing such officer to appoint any person to office, to give any vote, or to execute any of the powers in him vested, or perform any duty of him required, with partiality or favor, or otherwise than is required by law, or in consideration that such officer hath appointed any person to any office, or voted or exercised any power in him vested, or performed any duty of him required with partiality or favor, or otherwise, contrary to law, he shall, on conviction thereof, be imprisoned in the penitentiary not more than ten years, nor less than one year, or in the county jail not more than one year, nor less than three months, and be fined in any sum not exceeding five thousand dollars.

SEC. 75. Every person who shall bribe, or offer or attempt to bribe, any of the officers mentioned in the two preceding sections, shall, on conviction thereof, be imprisoned in the county jail any length of time not exceeding one year, and be fined in any sum not exceeding two thousand dollars, or fined only.

SEC. 76. Every person who shall convey into any penitentiary, jail or house of correction, or house of reformation, any disguise, or any instrument, tool, weapon or other thing, adapted to, or useful, in aiding any prisoner there, lawfully committed or detained, to make escape, or shall by any means whatever aid or assist any such prisoner, in his endeavor to escape therefrom, whether such escape be attempted or effected or not; and every person who shall aid or assist any prisoner in escaping, or in attempting to escape from any officer or person who shall have the lawful custody of such prisoner, or who shall forcibly rescue any prisoner from lawful custody of such persons, shall, on conviction thereof, be imprisoned in the penitentiary not more than four years, nor less than one year, or imprisoned in the county jail any length of time not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

SEC. 77. If any jailor or other officer shall voluntarily suffer any prisoner in his custody, charged with or convicted of any criminal offense,

to escape, he shall suffer, unless the prisoner so charged with or convicted of any capital offense, the like punishment and penalties as the prisoner so suffered to escape, was sentenced to, or would be liable to suffer upon conviction for the crime or offence wherewith he stood charged, and if the prisoner was charged with or convicted of a capital offence, he shall be imprisoned in the penitentiary not more than twenty years, nor less than five years.

SEC. 78. If any jailor or other officer shall, through negligence, suffer any prisoner in his custody, upon conviction or upon any criminal charge, to escape, or shall wilfully refuse to receive into his custody any prisoner lawfully committed thereto, on any criminal charge or conviction, or on any lawful process whatever, he shall, on conviction thereof, be imprisoned in the county jail not more than two years, and be fined not more than five hundred, nor less than one hundred dollars, or fined only.

SEC. 79. Every person who shall obstruct the execution of any legal process, or who, on being required by any marshal, sheriff, or their deputies, or by any coroner, constable, or any conservator of the peace, to assist him in the execution of his office, or in the service of any process, shall fail to obey, without a valid cause for not obeying, shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars.

SEC. 80. If any officer authorized to serve process, shall wilfully and corruptly refuse to execute any lawful process to him directed, and requiring him to apprehend or confine any person charged with or convicted of an offence, or shall wilfully and corruptly omit or delay to execute such process, whereby such person shall escape and go at large, he shall, on conviction thereof, be imprisoned in the county jail, not more than one year, or be fined not exceeding three hundred, nor less than fifty dollars.

SEC. 81. If any sheriff, jailor, or other officer, shall be guilty of wilful inhumanity or oppression to any prisoner under his care or custody, he shall, on conviction thereof, be imprisoned in the county jail not more than one year, nor less than one day, and be fined in any sum not exceeding one thousand dollars.

SEC. 82. If any officer shall wilfully fail to perform any duty within the time and in the manner prescribed by law, or shall do any act which he shall be specially prohibited from doing by law, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, to which may be added imprisonment in the county jail, for any length of time not exceeding six months.

SEC. 83. If any officer or person required by law to collect, disburse, receive, or keep any public money, shall wilfully neglect or refuse to pay over such money, at the time prescribed by law, or shall wilfully

refuse to pay any warrant lawfully drawn, he shall, on conviction thereof, be imprisoned in the county jail not exceeding one year, nor less than one month, or be fined in any sum not exceeding five thousand dollars.

SEC. 84. If any auditor shall knowingly issue any warrant not authorized by law, he shall, upon conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding one thousand dollars, or be fined only.

SEC. 85. Every person who shall officiate in any place of authority, without being legally authorized, shall be deemed guilty of usurpation, and upon conviction thereof, be fined in any sum not exceeding one thousand dollars.

SEC. 86. If any person elected or appointed to an office, or his deputy, shall perform any of the duties of such office, without having taken an oath as prescribed by law, or before having given and filed the bond required of him, and in the manner prescribed by law, he shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars.

SEC. 87. If any officer, whose fees are stated by law, shall corruptly exact or extort any greater fees for any services than by law are stated and allowed, or shall levy, demand, receive, or take under color of his office, any bond, bill, or note, or other assurance or promise whatever, securing the payment of a greater sum of money for any service than he is by law authorized to demand and receive, he shall, on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding one thousand dollars.

CHAPTER VI.

OF OFFENSES AGAINST PUBLIC POLICY.

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- 89. Malicious prosecution, punishment.
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- 98. Lottery tickets, punishment for selling.
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