

REVISED STATUTES AND LAWS
OF THE
TERRITORY OF NEW MEXICO,

IN FORCE AT THE CLOSE OF THE
SESSION OF THE LEGISLATIVE ASSEMBLY

ENDING FEBRUARY 2, 1865

PUBLISHED BY AUTHORITY.

ST. LOUIS, MO.:
R. P. STUDLEY & CO., PRINTERS, LITHOGRAPHERS, AND BINDERS, COR. OLIVE & MAIN STS.
1865.

two dollars, or shall be imprisoned for a term not exceeding fifteen days nor less than five days.

Sheriff to enforce the law.

SEC. 21. That the sheriffs of the different counties and constables of the different precincts, are hereby required to enforce the observance and compliance of the provisions of the preceding section, having power to take with them two or more armed persons, when they are on patrol at night, in order to make themselves respected while on such duty, and it is hereby made the duty of the probate judges and justices of the peace to aid and assist such officers in the prompt discharge of their duties.

License balls, etc. for

SEC. 22. Any person desiring to give a ball or fandango, they shall apply to the probate judge or a justice of the peace for a license for the same; who after having granted such license, shall inform the applicant that he must maintain good order, and for this purpose he shall swear him to faithfully discharge his duties as police officer, and perform said duties during such ball or fandango, possessing the powers of sheriff, and that he will not permit any person to enter said ball or room adjoining said ball where liquors are sold, or to remain in said balls or fandangos with fire arms or other deadly weapons, whether they be shown or concealed upon their persons, and if any persons shall enter said balls or fandangos or ante-chamber, with deadly weapons upon their person, upon conviction for such offence before any probate judge or justice of the peace, they shall suffer the punishment prescribed in the first [20] section of this law.

Police officer.

Provided, that in case any person desires a licence for a ball or fandango, who shall not be competent, the probate judge or justice of the peace as the case may be, shall require him to present a competent person, who shall discharge the duties of a police officer, and shall swear him as prescribed in the foregoing section.

Penalties.

SEC. 23. That any person or persons giving balls or fandangos shall be liable to the punishments prescribed in the foregoing sections of this law, if they permit any person or persons armed to remain in said balls or fandangos, they shall also be subject to the same penalties of the police officers who fail to discharge their duties or violate the provisions of this law.

Fines.

SEC. 24. That all fines collected by the provisions of this law shall be applied to the use of the respective counties.

AN ACT PROHIBITING THE CARRYING OF WEAPONS, CONCEALED OR OTHERWISE.

Be it enacted by the Legislative Assembly of the Territory of New Mexico :

Carrying weapons prohibited

SEC. 25. That, from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, or any class of pistols whatever, bowie knife (cuchillo de cinto), Arkansas toothpick, Spanish dagger, slung-

ó será encarcelada por un tiempo que no exceda quince dias ni baje de cinco dias.

SEC. 21. Que los alguaciles de los condados y los soto-alguaciles de las demarcaciones cuidarán la observancia y cumplimiento de lo que previene la precedente seccion, pudiendo llevar, acompañandoles, dos ó mas personas armadas, cuando rondaren de noche, para hacerse respetar en los casos que lo requieran, y sera obligacion de los jueces de pruebas y jueces de paz, ayudar y excitar la actividad de dichos oficiales. Alguaciles es-
forzaran las
leyes.

SEC. 22. Que toda persona que haya de hacer bailes ó fandangos, precisamente deberá presentarse al juez de pruebas ó juez de paz para obtener la licencia, quien, habiendola concedida le impondrá al impetrante, que debe conservar el buen orden, y para esto le recibirá juramento de que procederá fielmente como un oficial de policia, que ejercerá durante el baile ó fandango poseyendo las facultades de un alguacil y que no permitirá él, que ninguna persona entre al baile ó pieza contigua donde se venda licor ó que permanezcan en ellas con armas, fierros ú otros instrumentos destructores, ya sean mostrados ú ocultos, sobre su persona, y si alguna persona ó personas entraren á dicho baile ó antesala, con armas peligrosas sobre su persona, al ser convicta de tal ofensa ante el juez de pruebas ó juez de paz sufrirá las mismas penas descriptas en la seccion primera [20] de este decreto. Licencias de
bailes.

Proveido, que si la persona que solicita la licencia para baile ó fandango, no fuera competente, el juez de pruebas ó el juez de paz como sea el caso, le impondrá que le presente una persona competente que deba funcionar como un oficial de policia y le recibirá el juramento como prescrito en la anterior seccion. Oficiales de
policia.

SEC. 23. Que la persona ó personas que den fandangos ó bailes serán suceptibles á las penas designadas en las anteriores secciones de este decreto, si permiten que permanezcan persona ó personas armadas en dicho baile y así tambien está sujeto á las penas el oficial de policia que falte ó quebrante lo prevenido en este decreto.

SEC. 24. Que todas las multas que resulten de las provisiones de este decreto serán cobradas para el uso del respectivo condado. Penas.

UN ACTO PROHIBIENDO EL PORTE DE ARMAS OCULTAS O DE OTRA MANERA.

Decretese por la Asamblea Legislativa del Territorio de Nuevo Mejico:

SEC. 25. Que desde y despues del pasaje de este acto no será legal para que ninguna persona porte armas sobre sus personas, ninguna pistola de cualesquiera clase que sea, ni bowie knife (cuchillo de cinto), Arkansas toothpick, daga española, huracana Porte de ar-
mas prohibido.

shot, or any other deadly weapon, of whatever class or description they may be, no matter by what name they may be known or called, under the penalties and punishment which shall hereinafter be described.

First conviction, fine.

SEC. 26. *Be it further enacted*, That if any person shall carry about his person, either concealed or otherwise, any deadly weapon of the class and description mentioned in the preceding section, the person or persons who shall so offend, on conviction, which shall be by indictment in the district court, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court trying the cause, on the first conviction under this act; and for the second conviction, the party convicted shall be imprisoned in the county jail for a term of not less than three months, nor for more than one year, also at the discretion of the court trying the cause.

Second conviction, imprisonment.

Penalty for discharging or drawing weapons.

SEC. 27. *Be it further enacted*, That if any person shall discharge or draw any deadly weapon, of the class or description set forth in the first [25] section of this act, in any baile or fandango, or in any other public assembly whatever, the person who shall so offend, on conviction thereof, which shall be by indictment in the district court, shall be fined in any sum not less than one hundred dollars, nor more than three hundred, at the discretion of the court trying the cause, or imprisoned in the county jail for a term not less than three months nor more than one year.

Penalty for cutting or wounding assemblies.

SEC. 28. *Be it further enacted*, That if any person in any baile or fandango, or in any public assembly of whatever class or description it may be, shall fire off or discharge any firearm of the class mentioned in the first [25] section of this act, or shall cut or wound any person with any description of deadly weapon mentioned in the first [25] section of this act, in any baile or fandango, or in any other public assembly, and any death shall result from said cut or wound so given, the person who shall so wound or cut, on conviction, shall be considered guilty of murder in the first degree, and shall suffer the penalty of death in the said first degree.

In case of death, to be deemed murder.

Duty of sheriff and constables to arrest.

SEC. 29. *Be it further enacted*, That it shall be the duty of the sheriffs, their deputies, or constables, to arrest and take all persons who shall be found with deadly weapons of the class and description mentioned in the first [25] section of this act, and present them to some justice of the peace, or other authority, to be examined; and it shall also be the duty of the judges of the district courts to cause, at the first term to be held in each county, the sheriffs and their deputies to take an oath that they will truly and faithfully comply with the provisions of this act, and that they will arrest at all times every person who shall violate any of the provisions of this act.

Sheriffs and constables take oath.

Officers excused.

SEC. 30. *Be it further enacted*, That none of the provisions of this act shall be applied to the sheriffs, their deputies, or constables, in the execution of any process of the courts, or to

ó cualesquiera otra arma mortífera de cualesquiera clase ó descripción que sea, no importa el nombre que tuviere con que fuere conocida ó llamada, bajo las penas y castigos que sean en este acto después descritas.

SEC. 26. Decrétese además: Que si cualesquiera persona portare sobre su persona, ya sea oculta ó de otra manera, cualesquiera arma mortífera de la clase y descripción mencionada en la sección anterior, la persona ó personas que así ofendan, sobre convicción, la cual será por querrela legal en la corte de distrito, será multada en cualesquiera suma que no baje de cincuenta pesos, ni pase de cien pesos, á la discreción de la corte que conozca la causa en la primera convicción bajo esta ley; y por la segunda convicción, la parte convicta será encarcelada en la cárcel del condado por un término que no baje de tres meses ni pase de un año, también á la discreción de la corte que conozca en la causa.

Primera convicción, multa.

Segunda convicción, encarcelamiento.

SEC. 27. Decrétese además: Que si cualesquiera persona disparare ó sacare cualquier arma mortífera, de la clase ó descripción citada en la primera sección de este acto, en cualesquiera baile ó fandango, ó en cualesquiera otra reunión pública, de la clase que sea, la persona que así ofenda, sobre convicción de lo mismo, la causa será por querrela legal en la corte de distrito, será multada en una suma que no baje de cien pesos, ni pase de trescientos, á la discreción de la corte que conozca en la causa, ó será encarcelada en la cárcel del condado por un término que no baje de tres meses, ni pase de un año.

Disparando armas, pena de.

SEC. 28. Decrétese además: Que si cualesquiera persona en algún baile ó fandango, ó en otra concurrencia pública de la clase y descripción que sea, disparare ó descargare alguna arma de fuego de la clase mencionada en la sección primera de este acto, ó que cortare ó hiriere á alguna persona con cualesquiera descripción de armas mortíferas mencionadas en la primera sección de este acto, en algún baile ó fandango, ú otra concurrencia pública, y resultare alguna muerte de la tal herida ó cortada así dada, la persona que así hiriere ó cortare, sobre convicción, será considerada culpada de muerte en el primer grado, y sufrirá la pena de muerte en dicho primer grado.

Hiriendo en reuniones públicas, pena de.

Muerte en primer grado.

SEC. 29. Decrétese además: Que será el deber de los alguaciles mayores, sus diputados, ó condestables, de arrestar y tomar toda persona que sea hallada con armas mortíferas, de la clase y descripción mencionadas en la primera sección de este acto, y presentarlas á algún juez de paz, ú otra autoridad, para su examinación; y también será el deber de los jueces de distrito de causar, en la primera corte que sea tenida en cada condado, que los alguaciles mayores y sus diputados presten juramento que ellos bien y fielmente cumplirán con las provisiones de este acto, y arrestarán en todo tiempo á todas las personas que violaren cualesquiera de las provisiones de este acto.

Deberes de los alguaciles, y ofensores de dar fianzas.

SEC. 30. Decrétese además: Que ninguno de los provisos de este acto serán aplicables al alguacil mayor, sus diputados, ó condestables, en la ejecución de un proceso de las cortes, ó con-

Viajeros, etc., exceptuados.

conductors of the mail, or to persons when actually on trips from one town to another in this Territory; *provided*, that nothing in this act shall be so construed as to permit the conductors of mails, or travellers, to carry any deadly weapons, as mentioned in the first [25] section of this act, on their persons, after they shall have arrived at the town or settlement.

Travellers excused.
Judges to give this act in charge.
SEC. 31. *Be it further enacted*: That it shall be the duty of the several judges of the district court to give this act specially in their charges to the grand juries at each term of the court; and further, it shall be the duty of the grand juries at each term of the court, to make a special report whether there has been any violation of the provisions of this act in their counties since the last term of the court.

Repealing clause.
SEC. 32. That all laws or parts of laws in conflict with this act are hereby repealed, and this act shall be in force and take effect from and after its passage.

To be published.
SEC. 33. That the Secretary of the Territory of New Mexico be required to have this law published in the Santa Fé Gazette, as soon as possible, for six successive weeks, for the information of the people.

Approved, February 2d, 1860. [Translation.]

AN ACT PUNISHING THOSE PERSONS WHO MAY USE FALSE WEIGHTS AND MEASURES, SALE OF SILVER AND GOLD METALS, AND OTHER EFFECTS.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Penalty for altering weights and measures.
SEC. 34. Any person or persons who shall, with malice and to the injury of the people or to any individual, alter or reduce the legal weights and measures, regulated according to the standard established in this Territory, by an act entitled an act "for the adoption, determination and establishment of a standard of weights and measures for the Territory of New Mexico," approved January 12th, 1852, or use any false measures, on conviction thereof before the court of a justice of the peace, or upon indictment before the district court, shall be tried and sentenced as is provided by said act.

Penalty for cheating in the sale of goods.
SEC. 35. Any person or persons who may sell jewelry, either gold, silver, or other metals, and it being sold as the finest quality, resulting to be inferior, which the vender represents falsely and maliciously to be of greater value than it really is, or shall sell false stones for fine ones, or any other counterfeit merchandise as genuine, or shall commit, in injury to the purchaser, any other cheat relative to the nature of the goods he may sell, or which may have been intrusted to them in virtue of their office, and shall substract for the purpose of cheating or reducing the