

GENERAL LAWS,
AND
MEMORIALS AND RESOLUTIONS
OF THE
TERRITORY OF MONTANA,
PASSED AT THE FOURTH SESSION
OF THE
LEGISLATIVE ASSEMBLY,

BEGUN AT VIRGINIA CITY NOV. 4 AND CONCLUDED DEC. 13,
1867; ALSO, AT THE EXTRAORDINARY SESSION,
BEGUN DEC. 14 AND CONCLUDED
DEC. 24, 1867,

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES

AND THE ACTS ORGANIZING THE TERRITORY

PUBLISHED BY AUTHORITY.

VIRGINIA CITY, MONTANA TERRITORY

D. W. TILTON & CO., PUBLIC PRINTERS

1868.

same, or either of them, or shall wilfully or maliciously make or cause to be made, any aperture in such dam, canal or flume, aqueduct, reservoir, embankment or structure, with intent to injure or destroy the same, shall, on conviction thereof, be fined in any sum not more than one hundred dollars, or imprisoned in the county jail, for not more than six months, or both such fine and imprisonment.

SEC. 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 3. This act to take effect from and after its passage and approval by the Governor.

[Approved December 3d, 1867.]

AN ACT to amend an act concerning Crimes and Punishments.

Be it enacted by the Legislative Assembly of the Territory of Montana: Dec. 7, 1867.

SECTION 1. That Section thirty-nine of said act be so amended as to read as follows:

That any person in this Territory having, carrying, or procuring from another person, any dirk, dirk-knife, sword, sword-cane, pistol, gun, or other deadly weapon, who shall, in the presence of one or more persons, draw or exhibit any of said deadly weapons in a rude, angry or threatening manner, not in necessary self-defence, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof, in any criminal court in any county in this Territory, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, or imprisoned in the county jail not less than three nor more than six months, at the discretion of the court, or both such fine and imprisonment, together with the costs of prosecution, which said costs shall in all cases be computed and collected in the same manner as costs in civil cases, and all fines and forfeitures arising under the provisions of this act, shall be paid into the county treasury for school purposes; provided, nevertheless, that no sheriff, deputy sheriff, constable, marshal, or other peace officer, shall be held to answer under the provisions of this act, for drawing or exhibiting any of the weapons hereinbefore mentioned, while in the lawful discharge of his or their duties. It shall be the duty of all military, civil and peace officers in this

The improper use of deadly weapons.

How punished.

Fines to be used for school purposes.

Officers in discharge of duty not liable.

Military and civil officers to give information.

Territory to be vigilant in carrying the provisions of this act into full force and effect, as will also all grand jurors to inquire into and make presentment of each and every offence under this act which shall come under or within their knowledge. It shall be and is hereby made the duty of all Judges in this Territory to give this act in charge to the grand juries at each term of their respective courts, and also to all trial juries empannelled for the trial of any of the offences hereinbefore mentioned in this act.

Judges to charge grand juries.

SEC. 2. That sections forty-five, forty-six and forty-seven of said act be so amended as to read as follows:

Assault defined.

SEC. 3. An assault is an unlawful attempt, coupled with a present ability to commit a violent injury on the person of another, and every person convicted thereof, shall be fined in a sum not less than five, nor more than fifty dollars.

Offences punished with imprisonment

SEC. 4. An assault with intent to commit murder, rape, the infamous crime against nature, mayhem, robbery, or grand larceny, shall subject the offender to imprisonment in the Territorial prison, for a term not less than one year nor more than fourteen years. 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 subject the offender to imprisonment in the Territorial prison, not less than one nor more than two years, or to a fine not less than five hundred, nor more than one thousand dollars, or to both such fine and imprisonment, at the discretion of the court.

Term of imprisonment, amount of fine.

Assault and battery defined.

SEC. 5. Assault and Battery is the unlawful beating of another, and a person convicted thereof, shall be fined in a sum not less than ten nor more than one hundred dollars and imprisonment in the county jail, not less than one, nor more than six months, or both such fine and imprisonment, at the discretion of the court.

SEC. 6. This act to be in force and take effect from and after its approval by the Governor.

[Approved December 7, 1867.]

AN ACT supplementary to an act entitled, "An Act amendatory of an act entitled, an act regulating the holding of Elections in Montana Territory," approved Nov. 22, 1867.

Dec. 10, 1867. *Be it enacted by the Legislative Assembly of the Territory of Montana:*

SEC. 1. That nothing in an act entitled, an act to amend an act