

THE
GENERAL STATUTES

OF THE
STATE OF NEBRASKA,

COMPRISING ALL LAWS OF A GENERAL NATURE IN FORCE,
SEPTEMBER 1, 1873.

COMPILED FROM THE REVISED STATUTES OF 1866, AND THE VARIOUS SESSION LAWS
SINCE ENACTED, INCLUDING THE ACTS PASSED AT THE NINTH AND
TENTH SESSIONS OF THE LEGISLATURE OF 1873.

BY,
GUY A. BROWN,
COMMISSIONER APPOINTED FOR THAT PURPOSE.

WITH HEAD NOTES, MARGINAL NOTES, AND GENERAL INDEX;

*INCLUDING ALSO, A LIST OF ACTS OF A GENERAL NATURE, PASSED IN 1873.
AND REFERENCES TO THE PAGES OF THIS VOLUME,
WHERE THEY MAY BE FOUND;*

TO WHICH ARE PREFIXED, THE DECLARATION OF INDEPENDENCE, THE ARTICLES OF CONFEDERATION, THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF NEBRASKA, THE TREATY IN RELATION TO THE LOUISIANA PURCHASE, THE ORGANIC ACT OF THE TERRITORY OF NEBRASKA, THE ENABLING ACT, AND PROCLAMATION OF THE PRESIDENT, ADMITTING NEBRASKA INTO THE UNION.

PUBLISHED BY AUTHORITY OF LAW.

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SECTIONS.

33. Exciting disturbance at tavern or meeting of citizens.
 34. Disturbing school, society, or meeting, etc.
 35. Molesting county surveyor.

SECTIONS.

36. Neglect by conservators of the peace.
 37. Influencing witness, juror, or officer by violence or threats; obstructing the administration of justice.

Treason.

SEC. 22. Any person or persons residing in this state, who shall levy war against this state, or the United States of America, or shall knowingly adhere to the enemies of this state, or the United States, giving them aid and comfort, shall be deemed guilty of treason against the state of Nebraska, and shall be imprisoned in the penitentiary during life.

Accessories.

SEC. 23. Any person or persons residing within this state, who shall surrender or betray, or be in any way concerned in surrendering or betraying any military post, fortification, arsenal, or military stores of this state or the United States, into the possession or power of any enemies of either, or shall supply arms or ammunition or military stores, to such enemies, or who shall unlawfully and without authority, usurp possession and control of any such military post, fortification, arsenal, or military stores, or having knowledge of any treason against this state or the United States, shall wilfully omit or refuse to give information thereof to the governor, or some judge of this state, or to the president of the United States, shall be imprisoned in the penitentiary not less than ten years nor more than twenty years.

Military expeditions against other states.

SEC. 24. If any person shall, within this state, begin or set on foot, or provide or prepare the means for any unauthorized military expedition or enterprise, to be carried on from thence against the territory or people of any of the United States, every person so offending shall be punished by imprisonment in the penitentiary not less than one nor more than ten years.

Carrying concealed weapons.

SEC. 25. Whoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie-knife, dirk, or any other dangerous weapon, on conviction of the first offense shall be fined not exceeding two hundred dollars, or imprisoned in the county jail not more than thirty days, and for the second offense, not exceeding five hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court. *Provided, however,* If it shall be proved from the testimony on the trial of any such case, that the accused was, at the time of carrying any weapon or weapons as aforesaid, engaged in the pursuit of any lawful business, calling, or employment, and that the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon

or weapons aforesaid for the defense of his person, property, or family, the jury shall acquit the accused.

SEC. 26. If three or more persons shall assemble together with intent to do any unlawful act, with force and violence, against the person or property of another, or to do any unlawful act against the peace; or, being lawfully assembled, shall agree with each other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor, the persons so offending, shall each be fined in any sum not exceeding two hundred dollars, and be imprisoned in the jail of the county not exceeding ten days. Unlawful assembly and rout.

SEC. 27. Whenever three or more persons shall be assembled as aforesaid, and proceed to commit any of the offenses aforesaid, it shall be the duty of all judges, justices of the peace, and sheriffs, and all ministerial officers, immediately, upon actual view, or as soon as may be, on information, to make proclamation in the hearing of such offenders, commanding them in the name of the state of Nebraska, to disperse and depart to their several homes or lawful employments; and if, upon such proclamation, such persons shall not disperse and depart as aforesaid, it shall be the duty of such judges, justices of the peace, and sheriffs, and all other ministerial officers, respectively, to call upon all persons near, and, if necessary, throughout the county, to aid and assist in dispersing and taking into custody all persons assembled as aforesaid; and military officers and others, called on as aforesaid, and refusing to render immediate assistance, shall each be fined in any sum not exceeding twenty-five dollars. Proclamation, dispersing rioters, disobedience to officers; power of the county to be called out against them; persons refusing assistance fined.

SEC. 28. If any person shall forcibly obstruct any of the authorities aforesaid, or if any three or more persons shall continue together after proclamation made as aforesaid, or attempted to be made, and prevented by such rioters; or, in case of no proclamation, any three or more persons, being assembled as aforesaid, shall commit any unlawful act as aforesaid, every such offender shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the jail of the county not exceeding thirty days; and shall, moreover, find security for good behavior and to keep the peace, for a time not exceeding one year. Riot; obstructing authorities, and refusing to disperse.

SEC. 29. If any of the persons so unlawfully assembled, shall be killed, maimed, or otherwise injured, in consequence of resisting the judges or others in dispersing and apprehending them, or in attempting to disperse and apprehend them, said judges, justices of the peace, sheriffs and other ministerial officers, and others acting by their authority, or the authority of either of them, shall be holden guiltless: *Provided*, Such killing, maiming, or injury shall take place in consequence of the use of necessary and proper If rioters be injured or killed in resisting peace officers, the slayer held guiltless.